

Other Viewpoints

Is special session really necessary?

Kansas Attorney General Derek Schmidt would rather keep Kansas safe from some of the state's most notorious murderers than be sorry that inaction by lawmakers might result in court rulings that cut years from killers' sentences.

He's concerned enough about the validity of the state's "Hard 50" law – under which judges can decide whether circumstances call for a mandatory 50-year sentence without parole – to ask Gov. Sam Brownback to call a special legislative session to revise the law.

Though we'd like to know more about how urgent the situation is, Schmidt has been guided more by issues of public safety and common sense than by ideological factors, and his view deserves the utmost consideration.

He contends that a U.S. Supreme Court's ruling in a Virginia case in June raises questions about the constitutionality of the Kansas law. Although the Kansas Supreme Court upheld the Hard 50 law, the U.S. Supreme Court said juries, not judges, should have the last word on factors that trigger mandatory minimum sentences.

In a letter to the governor, Schmidt identified two dozen murder cases that could be affected by the Supreme Court ruling and acknowledged that others probably exist.

He would like the special session to begin by mid-September, about four months before the 2014 Legislature would convene.

There's no certainty that Hard 50 sentences would be gutted – pertinent cases could well be referred back to the respective courts that issued them for resentencing – but that's a risk the attorney general doesn't want to take. In his letter to the governor, Schmidt wrote, "With each passing day, the loophole that has been created in Kansas law grows wider. Because these are the 'worst of the worst' homicides, I believe the interests of public safety require us to act swiftly."

Support for Schmidt's request appears to be bipartisan. Senate Judiciary Committee Chairman Jeff King wants the issue addressed "as promptly as possible," and House Minority Leader Paul Davis, a Lawrence attorney, said, "I don't know of any reason to believe we don't need to have a special session."

Costs needn't be excessive – about \$35,000 per day – and if lawmakers get down to business, there's little reason this issue couldn't be dealt with quickly.

Before any money is spent, however, all other possibilities ought to be explored. This special session should be held only if there is reason to believe that the will of Kansas will be set aside before lawmakers convene in January.

– *The Manhattan Mercury, via the Associated Press*

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Practice farm safety around power lines

In June, a 37-year-old Stanton County farmer died inside a grain cart while preparing for wheat harvest. A tarp, containing a metal rod, in the grain cart blew up and touched an overhead power line, electrocuting him.

Without a doubt this falls in the category of a freak accident. There's probably no way this young farmer would have thought a strong gust of wind would whip the tarp up into an overhead power line and kill him. Still, friends and neighbors say they are extremely aware of where they parked trucks, tractors and other farm machinery after this tragedy.

Since 1980, 26 Kansas farmers and stockmen have died by electrocution. Most of these deaths resulted in contact with overhead power lines on the farm.

No one likes to think or talk about the dangers of electricity and the consequences. Still, it's important to be aware of potential hazards – especially in agriculture.

"Many farms in Kansas have power lines strung on poles crossing farm land and in some cases buried under ground; it's important to be aware of electrical facts and principles and observe safety precautions," says Holly Higgins, Kansas Farm Bureau safety director.

Higgins suggests farmers, ranchers and anyone who works around electric power lines consider and always keep the following facts in the back of their mind.

Most overhead power lines have no protective insulation. Any physical or equipment contact with them could be lethal.

Non-metallic materials such as lumber, tree limbs, tires, ropes, straw and hay can conduct



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electricity depending on moisture content and surface contamination.

Electricity always seeks the easiest and shortest path to the ground.

Persons can be electrocuted by simply coming too close to a power line. Electricity can arc or jump between a wire and a conducting object such as a ladder or truck.

Always stay a safe distance away from power lines – 10 feet or more, especially for high-voltage lines.

When people or objects touch or come too close to a power line, there is an instant flow of electricity through them to the ground.

The flow of electricity through the human body can burn, severely injure or cause death. It takes less than one ampere of electricity to kill a person.

When electricity flows into the ground, it can electrocute anyone who comes close. Stay at least 30 feet or more away from fallen wires. Also, if you see equipment or a person in contact with a power line, be aware that the ground may be electrified and be dangerous to bystanders.

"It's important we learn from others' mistakes," Higgins says. "Always think before

you act and remain vigilant about your surroundings and possible safety hazards."

Think before you move farm machinery, hoppers, bins, sprayer booms, cultivator wings, grain augers, bale elevators, scaffolds and portable buildings around or under power lines.

Look before you raise or carry ladders, poles, rods, irrigation pipes or eaves troughs near power lines.

Check clearance before you raise dump truck boxes or front-end loaders.

Never touch power lines with tools or lift power lines by hand or with lumber.

Never clear storm-damaged trees, limbs or other debris that are touching or are close to fallen power lines.

Avoid cutting trees or pruning limbs that may fall on power lines. Hire a specialist to take care of such hazardous projects.

Never try to move fallen electrical wires. Never leave a vehicle when you are within 30 feet of fallen wires.

Educate children, young and seasonal workers about power line hazards, Higgins advises. Point out where they're located and remind workers about the importance of keeping a safe distance especially if they will be operating equipment or handling long objects.

John Schlageck of the Kansas Farm Bureau is a leading commentator on agriculture and rural Kansas. He grew up on a diversified farm near Seguin, and his writing reflects a lifetime of experience, knowledge and passion.

Leaders have fewer tools to persuade

The leaders on Capitol Hill have fewer tools of persuasion than they once did, and rank-and-file members don't like to compromise. This gives us a Congress that's legislatively challenged.

If you want to know why passing congressional legislation has gotten so difficult, here are two numbers to remember: five and 532. They illustrate a great deal about Congress today.

When I served in the House decades ago and the "farm bill" came up, stitching a successful piece of legislation together depended on getting five organizations to find common ground. They included groups like the national Farm Bureau and the Farmers Union, and our task was clear: get them to agree on what the bill ought to look like, and we had a measure that could pass.

This year, Congress is struggling to get a farm bill through. After the House of Representatives sent the first version down to defeat, no fewer than 532 organizations signed a letter to Speaker John Boehner asking him to bring a bill back to the floor as soon as possible. The array of groups was striking. The Farm Bureau signed on, but so did avocado growers and peach canners, beekeepers and archers, conservationists of all sorts, and businesses like Agri-Mark.

In essence, the big umbrella groups have broken into different constituent interests, with peanut growers and sheep ranchers and specialty-crop growers all pursuing their particular goals. Sometimes it feels like there's a constituency for every commodity – and on such broader issues as biofuels, rural development and international trade. What used

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Center on Congress

to require bringing together a handful of constituencies now demands horse-trading among hundreds.

Not every major piece of legislation before Congress is so complicated, but the farm bill is a perfect example of how tough it has become to get a major bill through, with so many competing interests and so much money at stake. Everything on Capitol Hill's plate this year – from immigration reform to gun control to the upcoming debt ceiling fight – requires legislative language that a wide array of interest groups can agree to. This would be daunting but attainable if Congress operated the way it once did. But it doesn't.

For what the farm bill's travails also illustrate is that Congress is now a legislatively challenged institution. The leaders on the Hill have fewer tools of persuasion than they once did. They abolished "earmarks," so they can no longer promise a bridge or a road to secure a member's vote, and they carry less respect and political clout. The political parties that once helped enforce discipline can no longer do so, since politicians these days often identify themselves with outside groups like the Tea Party rather than with their political party. With the rise of Super PACs, neither congres-

sional leaders nor political parties have as much influence over fund raising – and hence the "loyalty" it once imposed – as they used to.

To make matters worse, many members – especially in the Republican Party, though not limited to the GOP's side of the aisle – do not like to compromise. As I suggested, compromise is at the heart of the farm bill. For the last 50 years, it's been put together by joining crop support and nutrition support – food stamps – in order to win the votes of both rural and urban lawmakers. And within the rural sections of the bill, wheeling and dealing on the specifics has been the only way to generate legislation that farm-state legislators could all agree upon. Now that formula is broken, though I believe an accommodation will be worked out.

But the problems go beyond that, and it's not bad that the usual inertia has found difficult going. The country needs to confront basic questions about the \$16 billion annual subsidy and heavy trade protection accorded to agriculture – when fewer than 1 percent of Americans are farmers and farming has become a hugely corporate industry. Likewise, with one in six Americans receiving food stamps, we need a real debate about the food stamp program, 80 percent of the cost of the bill.

In other words, we're not getting what we actually need, which is a real policy debate on the role of the government in agriculture. If Congress were working properly, this might have been possible. Increasingly, I fear it's beyond Capitol Hill's reach.

Lee Hamilton is Director of the Center on Congress at Indiana University. He was a member of the U.S. House of Representatives for 34 years.

Mallard Fillmore

• Bruce Tinsley

