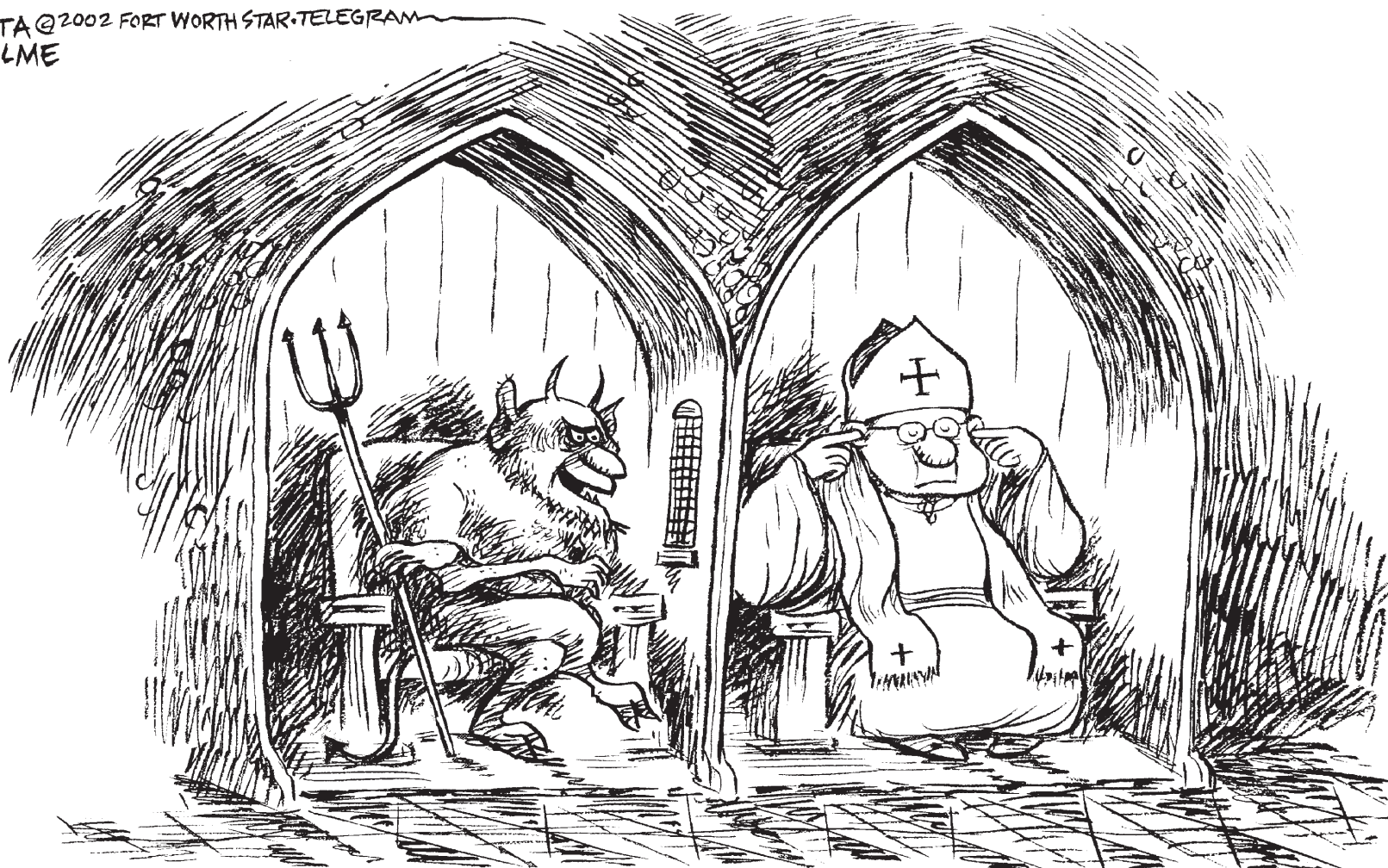


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HULME



commentary

from our viewpoint...

Raised court fees! Who wants to fight?

Can the Kansas courts raise their own fees and spend the money? And if they do, is that a good idea?

The first question seems now to be what the lawyers call mute: The Supreme Court has raised fees for most court filings, and it doesn't look like anyone in Topeka wants to pick a fight with the justices.

That's too bad, because in theory at least, having one of the three branches of government free itself from the shackles of restraint we call a Constitution is not such a great idea.

But these days, few people are willing to fight for a theory.

When Chief Justice Kay McFarland announced the fee increases, from \$5 up to 50 percent for a marriage license, \$50 to \$75, Topeka was abuzz. State Treasurer Tim Shallenburger did question her power to do it. He said he'd have his lawyers check into it.

There was grumbling in the Legislature, but the leadership wanted the courts to have the money and said nothing.

Besides, how do you sue the Supreme Court? Where would you file the case, and what fee would you pay.

Justice McFarland acted when she thought a bill to raise the fees was stalled in the Senate, leaving the court system facing a three-day unpaid "holiday," shutting down and letting workers off at the end of the fiscal year.

State colleges set their own fees, and many state agencies do likewise, but only when they are authorized by law. Until last month, the Legislature at least thought it had the power to set court fees.

The Senate, in its wisdom, has moved the bill to raise fees forward, hoping apparently to bury the court's increase and reassert legislative authority. However, the chief justice has established her beachhead. If her "emergency" increase is allowed to stand, then the power will be hers from now on.

In Topeka, only Mr. Shallenburger might have a lever over the courts. As state treasurer, he could refuse to establish an account for the money and refuse to issue checks on it. As a constitutional officer, he has the power to handle and direct state funds — as authorized by the laws.

Then, what would the courts do? Sue him? Some judge could find him in contempt, we suppose, but such a raw exercise of judicial power would be tasteless at best.

But in the midst of a primary race for governor, does even the conservative state treasurer have time for principle?

It's more likely that the "emergency" fees will be allowed to expire next June, after collecting enough to get the courts through their crisis. The Legislature will patch together an increase of its own and things will get back to normal.

The courts will have created for themselves a new power, forever to hold over the other two branches. Such is life among the checks and balances. — *Steve Haynes*

where to write

- U.S. Sen. Pat Roberts**, 302 Hart Senate Office Building, Washington D.C. 20510. (202) 224-4774
- U.S. Sen. Sam Brownback**, 303 Hart Senate Office Building, Washington D.C. 20510. (202) 224-6521
- U.S. Rep. Jerry Moran**, 1217 Longworth House Office Building, Washington, D.C. 20510. (202) 225-2715
- State Rep. Jim Morrison**, State Capitol Building Rm. 174-W, Topeka, KS 66612. (785) 296-7676
- State Sen. Stan Clark**, State Capitol Building Rm. 128-S, Topeka, KS 66612. (785) 296-7399
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Cat leads in mysterious game of marbles



cynthia haynes

• open season

I'm losing my marbles.

Miss Molly, the cat, and I have had a game of marbles going for more than a year.

It all started when I filled a glass bowl, shaped like a turtle, with clear blue and transparent marbles. Molly would get up on the table and steal marbles from the turtle. She's just pick up one in her mouth, jump back down and have a ball rolling the marble all over the kitchen floor.

It drove us nuts, which she loved.

Then one day she got carried away and the turtle hit the floor with a crash — glass and marbles went everywhere. I was displeased. She was fascinated. There were marbles all over the place.

I picked up the dead turtle and tossed it and all the marbles I could find.

Over the next week, I found marbles under the

refrigerator, behind the stove and in odd corners all over the kitchen. I ended up with about a dozen of them.

I tossed the first few away and then I got mean. I threw them in her water bowl.

There they were. She could see them, but she couldn't get to them.

As long as I kept the bowl full, the marbles were safe. The one time it got too low, I had to check those

odd corners again. She had gotten them all out.

Last week, I filled the bowl with fresh water.

That night the sound of moving marbles filled the house.

The next day I looked in the bowl. They were all gone — every marble was missing, but there was still water in the bowl.

How had she done it? Did she fish them out with a paw? Or did she just dip her nose into the water and grab ahold?

I picked the marbles up and tossed them back in hoping to see how she did her magic. So far, nothing has happened. The marbles are still in the bowl and the cat refuses to take a drink while I'm in the room.

The game continues but I'm afraid I may be losing.

Farmers get some help with bankrupt elevators



stan clark

• newsletter

Under current law if a grain elevator goes into bankruptcy, all grain:

- That is in open storage.
- That has been sold, delivered but the farmer has not been paid.
- Where the farmer has been paid but the check has not cleared the bank.
- Under deferred pricing contracts, become assets of the elevator under bankruptcy and the farmer is an unsecured creditor.

Historically, the theory was the farmer and country elevator were the same as any other business negotiation and all parties plus the local community had a stake in the long-term business relationship.

A year and a half ago, a farmers cooperative with numerous locations in northeast Kansas filed for bankruptcy and about the same time a bean facility in my district went into receivership. Farmers who had delivered their grain to these facilities were at risk as well as the local community banks that loaned money to the local farmers.

Why should the creditor of the grain elevator be able to take either the farmer's grain or the money due the farmer to satisfy a secured note? Why should a creditor that has loaned money to both the farmer and

the elevator be able to sell the assets in the elevator, apply the receipts against the elevator note and then go after the farmer for payment on his note?

There seems to be an uneven and an unfair playing field against the farmer. The Senate Judiciary Committee would not agree to allow the farmer to have a priority lien in his interest to the grain deposited in the local elevator but I carried an amendment on the floor of the Senate and was successful in seeing it adopted. This lien will work like a mechanic's lien or a harvester's lien. It does not have to be filed to be perfected and the legislation places the farmer in the same protected status that a consumer receives under the Kansas Consumer Protection Act.

Lenders to farmers will be in a more secure position and thus are better protected, while lenders to grain elevators will be more at risk. Also, as more and more specialty crops are raised and delivered to

local processors, payments many times are made based on sales at some future date. I truly hope that this benefits our farmers, community bankers and local communities. As ownership of grain elevators continue to become more concentrated in the hands of fewer and fewer corporations, I think this is the correct public policy.

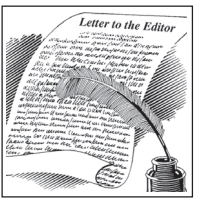
A resolution which I introduced through the Agriculture Committee urged Congress to require labeling of beef, pork and lamb from an animal that is born, raised and slaughtered in the United States.

I believe the American public is interested in and has the right to know where their food is produced, and if foreign meat products are combined with American meat, that the American consumer should know that they have a choice. I believe that choice will be to select, prepare and eat United States meat.

This resolution passed the Kansas Senate and hopefully Congress will keep this provision that is in the U.S. Senate's version of the farm bill they are currently confereing.

I am always open to your ideas and can be reached by email at sclark@ink.org, calling 785-296-7399 or by writing me at: Stan Clark, State Capitol — Room 449-N, Topeka, KS 66612

Trash costs seem to be getting out of hand



from our readers

• to the editor

To the Editor:

As a citizen of Goodland, I have some concerns as to what is going on in the city of Goodland. The biggest concern is our trash problem.

I have done some checking and have made some observations about recycling and the cost of my trash.

First I figured it is going to cost me \$420 a year for getting my trash taken care of and I am including \$4 a month for yard waste for nine months. We are penalized for trying to keep our city clean. My property taxes first half is around \$380. I still have to pay for house insurance and auto insurance.

I have saved aluminum cans and put them in the recycling bins. I save my newspapers and old printed paper from my computer, plus magazines, and take them to the paper containers. Sunday all three were full. I understand that is to be resolved.

Harold VanVleet wrote a letter to the editor about each household having a container and it would solve as to who was dumping the forbidden trash. I wonder if some neighbor could put their forbidden trash in my container and I would be in trouble.

According to the information sheet delivered to each resident, we have to pay extra for used lumber and other items a person needs to dispose of. It is starting to get confusing and expensive to take care of the trash which we get every day in the mail and items that we buy. Disposing of my trash is going to be more than my property tax one of these days.

I got an e-mail or heard that the paper we get in the mail, where they are trying to sell items, with your regular billing statement, a person should send that back to them when you send in your bill and let them sort it out to get to your payment.

Some time ago the government was going to cut down on paper use and save our trees. I see that has not happened. The bureaucracy gets bigger and bigger from Washington down to our city.

At times I am busy with my own situation, I do not have time with the other problems.

It is no wonder some people smoke, drink or eat

too much to try and forget about the situation.

No wonder some families want to sell and move somewhere else, as it just might be better in the long run.

I saw an advertisement on Channel 9 on the cable about a recall of some elected officials?

Oh! for the times when things were simple. Man seems to complicate things.

J. Darel Graves
Goodland

To the Editor:

I have read with interest your many recent stories about this community. I would call the articles irresponsible, poorly written and "yellow journalism." You have stated that you are "the voice of the community." Please do not assume that you speak for me, nor do you speak for a majority of Goodland citizens. Why am I upset, you ask? Let me tell you the why and my reasoning.

The trash problem of Goodland and Sherman County is ours and ours alone. No other community has this problem because they approach it with a businesslike attitude. They do not send out tons of paperwork to their citizens to explain how to dispose of refuse. They analyze the problem, determine a workable solution and implement that solution. Is ours a trash problem or a local control political problem that has the wrong people in charge?

We have a lifestyle in Goodland the rest of the world should crave. All of us see and hear what happens in the metropolitan areas and are thankful we are not so exposed. Businesses should be pounding on our door to have their employees en-

joy this lifestyle. We do not sell our product to the world, we re-act rather than act. How do you solve this? The so called "leaders" you often quote have no plan in mind, have spent no effort to promote growth. They have lined their own pockets with our dreams and money.

The City, County and Chamber of Commerce are crying for more effective leadership. How long can we sit idly by and complain rather than develop and implement an effective and workable plan.

Roger Collins.
Goodland

berry's world

