

Kansas ‘Sunshine Law’ just fine without change

Since it’s Sunshine Week, it’s a good time to talk about the Kansas Open Meetings Act, sometimes called the Sunshine Law, which requires public meetings in this state to be announced in advance and open to the public.

Maybe the most important section of this law is the first, which declares open meetings to be “the policy of the state.”

Oddly enough, this law is and has always been unpopular with some elected public officials.

You’d think as our representatives, they’d want the public to know what they are doing — and many do — but there’s a strong undercurrent among those few who’d just as soon we didn’t.

This is not a problem we’ve seen in Oberlin or Decatur County. Public meetings here have been conducted pretty much in compliance with the law over the years, because officials have cared enough to follow the law, and because they’ve had good legal advice.

Elsewhere, however, that’s not always the case. The law comes under attack from officials who chafe at its restrictions.

One that’s often cited is the basic rule that a “meeting” includes any gathering of a majority of a given commission, committee, council or board where public business is discussed.

Because a majority of a county commission is two, commissioners are particularly sensitive to this rule, which also includes telephone calls and e-mail discussions.

One claim, being repeated in the wake of Gov. Sam Brownback’s ill-starred meeting for legislators last year at the governor’s mansion, is that members at a “social gathering”

such as a party or wedding might be breaking the law if they talk. That’s just not true; they would have to be discussing public business with a majority capable of making a decision (together or in a “serial meeting”) to break the law.

Besides, the governor’s meetings, where he invited the members of whole committees, then talked about his policy goals, were hardly social events.

He’s not covered by the law, however; he’s not a member of a board or commission. And the legislators were OK as long as they did not discuss what he said during the sessions.

Still, it was one of those times where the appearance of impropriety could have been avoided by just inviting a few reporters — or some taxpayers.

This year, however, the Sunshine Law is under attack in both houses of the Legislature, with bills aimed at easing the definition of a “meeting.” One (SB200) would soften the definition to require “substantial discussion” of issues and even votes. HB2336 would change the definition to exclude “social gatherings,” even, apparently, if the purpose is public business.

Neither bill has moved so far, but there’s always the danger they might.

The law, as it stands now, works, and we see no reason to weaken it. It’s not about inconveniencing elected officials, but about allowing voters to see and hear what’s going on. So, for Sunshine Week, we say, just let the sun continue to shine on Kansas government.

— Steve Haynes

Green ‘rooster’ gets her up

“What is a chicken doing in my bedroom?”

No kidding, that was what I thought as I awakened one morning last week.

We have a bank of windows on the south wall of our bedroom, and as I woke up, there he was: a rooster standing on the back of a recliner in front of the windows.

As the fog of sleep lifted, I had to laugh at myself. My “rooster” turned out to be the upper leaves of a rubber tree I’ve had for years. In the early morning light, the silhouette of those leaves looked just like a rooster, tail feathers and all, about ready to crow, “Get up you sleepyhead.”

Now, about that rubber tree. I’ve known it longer than I’ve known my husband. It was given to me as a little six-inch start by my sister-in-law, Bert, the late wife of my brother Bob. I had admired one she had, so it wouldn’t do until I had one, too.

Over the years, as it grew, so did the pots I put it in. In fact, I can’t find a pot any bigger. It has grown so tall that we’ve cut it off, stuck the topped-off part in the soil and grown another one. I’ve cut off chunks and given friends starts.

It seems to thrive on neglect. It will go weeks without water. When it looks a little droopy, I give it a drink and it perks right back up. It seems to be indestructible. Its theme song could be one that was popular when I was a kid, “Oops, there goes



Out Back

By Carolyn Sue Kelley-Plotts
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another rubber tree plant.”

Before we leave for Guatemala, we had made a goal of finishing the remodel of the last apartment at the nonprofit we help operate. Jim was really pushing himself and I tried to help by cleaning up after him, painting and making curtains.

Wouldn’t you know, we both went down in the back almost simultaneously. His came on more slowly, from overworking and too much lifting; mine from a slight turn the wrong way. I “felt” it slip and by the end of the day was walking sideways, almost dragging my right leg.

A trip to our chiropractor and massage therapist had us both upright and tracking again. Think I’ll have her “tweak” it one more time before we leave.

Ah, yes! Leaving. We’ll embark, in less than 24 hours, on the biggest and longest trip we’ve ever taken, and do you think either one of us has packed a thing? The answer would be, “No.”

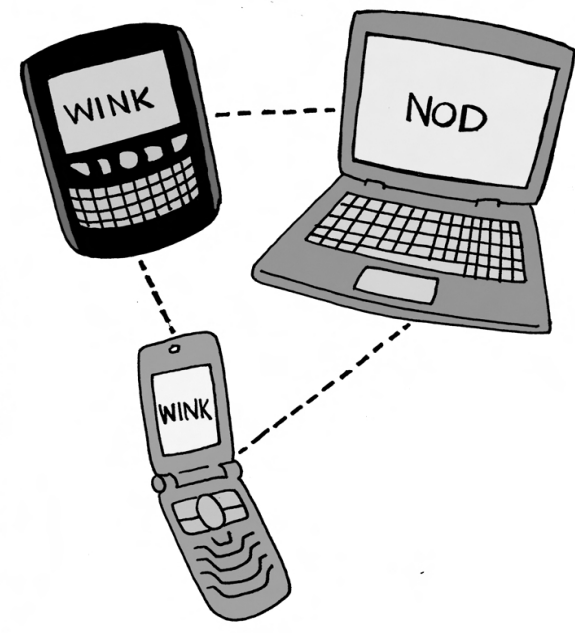
Jim at least has his suitcase sitting in the living room. Mine is still on the shelf. Laundry has to be done, refrigerator cleaned out, mail stopped, the cat and chicken “sitters” briefed, bird feeders filled, extra medications ordered, recipes left for the breakfast casseroles to be served after Easter sunrise services, and on and on. What doesn’t get done, just won’t.

Since we can’t carry the tools we normally take with us on the plane, it seems like we’re not really taking that much: just a hammer, tool belt, tape measure and carpenter’s pencil. Oh, yes. Jim has to remember the blueprints, although he probably doesn’t need them. He studied them and has already built the house in his mind.

I’ve been told there will be a laptop computer available to me at the school where we will be staying, so I’ll be able to dispatch my next column from a remote village in Guatemala. Isn’t technology amazing?

My mother would have never believed it.

PUBLIC MEETINGS (BEHIND CLOSED DOORS)



Let’s all celebrate openness

Most of us are fed up with the doldrums of winter, so why not celebrate the sunshine that comes with the advent of spring by also celebrating Sunshine Week.

What is Sunshine Week, you ask?

It’s an annual observance — this year it’s March 10 to 16 — that seeks to promote a dialogue about the importance of open government and freedom of information in our democracy.

Is the fact that Sunshine Week is set smack dab in the middle of the Kansas legislative session happenstance — or providence? Anyone who has observed the recent behavior of some public officials in our state could be excused for leaning toward the latter.

After all, we’ve had more than our share this session of blatant attempts to close the curtains at the Statehouse.

Legislators, who have more freedom than other elected officials in Kansas, want even more.

It’s not enough that they can “legally” caucus their entire party delegation behind closed doors.

It’s not enough that they can meet in small groups out of the public’s view and discuss the public’s business — just so long as they assemble just one less than a majority of a committee’s membership in the



Opinion

By Doug Anstaett
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same room.

It’s not enough that they can be wined and dined by lobbyists, who can bend their ears for hours, most of the time without any public scrutiny.

No, they want more.

They’ve floated bills that would allow them to get together during “chance” meetings at social events and discuss the public’s business.

Under one bill, if they were invited to a wedding and took advantage of the situation to discuss business, they wouldn’t be breaking the Kansas Open Meetings Act. After all, the “central purpose” of the get-together is to celebrate with the bride and groom.

Under another, the act would not be broken even if a majority of a public body discussed pending legislation behind closed doors, as long as their conversations didn’t rise to the level of “deliberation.”

That’s a far cry from what the law

requires today.

In other words, they already have the gold mine, but they want to give the public the shaft.

If they just applied to the Legislature, these bills would be bad enough. The problem is, they would free up all public bodies to do the same — city commissions and councils, county commissions, school boards and all the rest covered by this law.

Is this any way to run a government?

Not if you’re interested in the sunshine illuminating your public officials.

If, however, you prefer they operate in the dark, it’s the perfect prescription ... for disaster.

Doug Anstaett, executive director of the Kansas Press Association in Topeka, is a former Kansas publisher and an award-winning editorialist.

Accountant ponders tax code

Accountant Warren Bainter asks a timely question, with farm tax returns due soon and the April 15 deadline for most of us right around the corner.

“Why does the U.S. government hate rich people?”

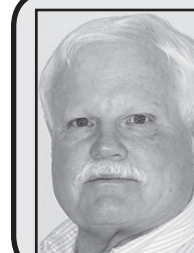
Mr. Bainter, a certified public accountant with a long-time practice in Oberlin, notes President Obama’s claim that the top 1 percent of taxpayers are not paying their “fair share” and benefit from many tax “loopholes.”

“In reality,” he said in a recent Rotary Club program, “the top 1 percent of taxpayers by income pay 35.4 percent of all income tax. The top 10 percent pay almost 70 percent of the tax, while the bottom 50 percent pay only 2.4 percent.”

“Apparently,” he adds, “people believe what they want to believe and do not check the facts.”

While the year-end tax bill added a new 39.6 percent rate (up from 35 percent) for people with incomes over \$450,000, he said, higher-income taxpayers also lose many of the tax breaks afforded to others, including itemized deductions and personal exemptions, the child-care tax credit, deductions on interest for student loans, IRA contributions and education savings accounts. The list is much longer.

These taxpayers also pay a new



Along the Sappa

By Steve Haynes
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3.8 percent “Obamacare” tax and a higher 20 percent rate on capital gains, the profit (if any) made on the sale of property and investments. They are hit by the Alternate Minimum Tax, designed to tax those who avoid income taxes by, say, investing in tax-exempt bonds or having big losses to deduct.

Well, it’s just a few rich people, and they can afford it, right?

“It’s a good way to get votes,” Mr. Bainter said, “because most people aren’t in the ‘1 percent.’ It’s a bit of class warfare: ‘Maybe we can climb higher on the backs of the rich.’”

“But we do need the rich. When we sell the bonds to build a swimming pool, I’m pretty sure it won’t be poor people buying them. And I don’t remember working for anyone I thought was poor.”

So what does an accountant, who makes a lot of money off of preparing tax returns, recommend?

“A fair tax is one I don’t have to

pay, but you do,” he says, tongue in cheek. “Personally, I’d like to see a flat (single-rate) tax. People could understand it.

“If it was simple enough that I’d lose my job, that’d be fine.”

How complicated is the federal tax code?

One source says tax law takes up 3,400 pages in the U.S. Code, with another 13,500 pages of published IRS regulations. The Cato Institute, a conservative think tank, says with court and administrative interpretations, the pile has grown from 400 pages in 1913 to 72,500 today.

No one I know has counted them.

But we all know tax law is impossible for most of us to understand.

“It’s a kind of a game that’s pointless, I guess,” Mr. Bainter says. “It’d be better to have a simple tax system.”

Or is that what they call an oxymoron?

Reader questions flight estimates

To the Editor:

I attended the Oberlin City Council meeting on March 7 and again heard that the Airport Committee is saying 14 or more planes a day land at the city airport. I live at the end of the north-south runway and can hear the planes that come and go.

On that very day, we had been at our property all the day — and we heard only one come in around 5 p.m. Many days we might hear 10, but that is usually “touch ‘n go” trips, as someone is practicing.

After the committee had its say at the council meeting, they all left, so I was not able to ask anyone about this. They held up a lot of paper work and said they had letters to verify their “info” they were taking to the Federal Aviation Administration to ask for final approval on a new addition to the runway. Of course, this is only going to cost the City of Oberlin taxpayers around \$95,000 for our initial share — but you know

there will be many costs that come up.

That same evening, approval was also given for the Public Building Commission to move forward on bonds to begin building the swimming pool. And again, this will cost the taxpayers the interest to secure the bonds, about \$900,000 over 20 years of payback or more than \$1 million for 25 years, plus the increase in our local sales tax.

I am all for letting the voters know

just what is going to happen in the coming years. And there are still the water and street issues, as well as electrical issues that seem to be coming up that the City of Oberlin just cannot ignore.

Please ask questions about what this all will do to our financial economy for the City of Oberlin.

Marilyn Horn, Oberlin
EDITOR’S NOTE: Mrs. Horn is a candidate for the City Council in the April 2 elections.

California trip took two days

To the Editor:

I usually receive my copy of *The Oberlin Herald* on the second Friday after its publication. This Friday, March 8, as usual it arrived, but not the edition printed Feb. 27.

The one for March 6!

That’s just two days longer than it takes the local daily to be delivered. I thought you might be interested in this.

John E. Love, La Verne, Calif.

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