

## Other Viewpoints

# Arts bill offers good compromise

After a year of turmoil and anxiety about Gov. Sam Brownback's decision last year to eliminate public funding for the arts in Kansas, a solution is at hand that appears to be acceptable to the governor, members of the arts community and an overwhelming majority of the state's legislators.

We say at hand because the solution is on the way to Brownback's desk and indications are he will sign the legislation, although it includes more money than he initially recommended. The figure, however, doesn't appear to be overly burdensome. The governor should sign the bill and put the issue to rest.

Brownback's signature would complete a reversal, or at least a partial reversal, of his stance on the issue of public funding for the arts and restore some color to the cheeks of those who paled last year when the arts community lost not only the state money it had received for years but also the matching money those funds generated from the National Endowment for the Arts and a regional arts alliance.

The bill combines arts and film interests in one agency, the Kansas Creative Arts Industries Commission, with authorization for three full-time positions and a budget of \$700,000. The governor had recommended a \$200,000 budget, but lawmakers raised the ante.

As a solution – or compromise if you will – it appears to be a reasonable one that could serve the state and its arts and film industries well for years. It also was probably the best deal the arts community was going to get.

Sarah Frizzell, spokeswoman for the Kansas Citizens for the Arts, said provisions of the bill should be sufficient to allow the state to again receive matching funds from the National Endowment for the Arts. Before Brownback vetoed a \$689,000 appropriation for the Kansas Arts Commission last year – following the Legislature's rejection of his attempt to eliminate the organization – the state had been receiving additional funding from the NEA and the Mid-America Arts Alliance.

Those sources would have provided about \$1.3 million last year had the state not ended its funding.

Brownback had insisted the arts shouldn't require public funding and could thrive in Kansas with support from private donors. But donors didn't step forward in sufficient numbers to cover his back, and NEA and the Mid-America Arts Alliance said they wouldn't provide money in the absence of public funding.

After a bleak year for the arts and arts supporters – Kansas last year became the first state to eliminate public funding for the arts – it is time to heal, move on and make the Kansas Creative Arts Industries Commission work for Kansans.

One off-key note regarding the legislation awaiting the governor's signature was some opposition to a clause that establishes an arts checkoff on Kansas income tax forms.

A local legislator said he opposed the checkoff because arts supporters didn't ask for it and additional checkoffs reduce contributions to existing checkoffs.

State income tax forms now contain checkoff options for Meals on Wheels, the Chickadee Checkoff, military emergency relief and breast cancer research. All are very worthy causes, but that's no reason to deny the option to taxpayers who may want to donate to the arts.

Reinstatement of public funding is a significant step for the arts in Kansas, but advocates shouldn't shy away from supplementing it with private money.

– *The Topeka Capital-Journal, via the Associated Press*



# First theater opened in 1917

Something people may not know about Jeanie Herbel is that she is the only relative of J.P. Phillips still in Colby.

Phillips was her grandfather and someone to be proud of as an early developer of our town. He had a lot to do with the schools, the newspaper, the movie theaters and probably a lot more. He was also a state senator.

Phillips moved his family to Colby from Goodland to take the job of Superintendent of Schools. Because of his position, many people called him Professor Phillips. He and his wife Pearl had three children, Kim, Don and Jeanie's mother, Dorothy.

Actually, my first job when I moved to Colby in 1947 at the age of 12, other than baby sitting, was selling popcorn at the Colby Theater. My boss was Glenn Crabb, Jeanie's dad, who managed the theater's concessions for Don Phillips, who was a busy lawyer and out of town a lot. Crabb was also manager of the Colby Chamber of Commerce.

J.P. had died in April 1945, but Pearl was still doing her part to help with the family businesses. She would limp up and down the aisles of the theater with her cane, making sure there was no hanky-panky, as she called it, going on. The younger generation called her Pearly.

When she appeared at the back of the theater, the whispers began and rolled down to the front like a giant ocean wave, "Here comes Pearly. Here comes Pearly." If she saw a boy and girl with their heads too close, she would gently tap on the boy's head with the tip of her cane and shake her head at him. She did the same thing for unruly children during Saturday matinees. She ran a tight ship.

Jeanie said the whole business of the movie theaters in Colby started in 1917 when J.P. borrowed \$90 from a local banker, who also happened to be chairman of the school board. With that, he started a silent movie theater in rented space in the south half of the Farmers and Merchants Bank. The theater had regular wooden chairs and a hand-cranked film reel. They hung a sheet for a screen and put a curtain over the door to keep out the light.



**Marj Brown**

## • Marj's Snippets

That building is now the Law Enforcement Training Center on Franklin Avenue.

J.P.'s theater opened March 19, 1917, and was called the Lyric. Pearl played the piano to accompany the movies – a job she hated.

"Grandma was a Methodist," Jeanie said, "and she thought those movies were sinful."

My father-in-law Ralph Brown loved to tell about how he and his brothers, Floyd and Carl, would run to the movie theater every Saturday when they came to town from Levant. They would lie on the floor and look under the curtain over the door to watch the movie, since they couldn't afford to buy tickets. When Professor Phillips found them, he would always say, "You boys just go on in and find a seat." Ralph always respected him for that.

An article in the *Colby Free Press* on Sept. 1, 2005, said Phillips built a new theater in the early 1920s across the street to the east where Ntronics is now, and called it the Lyric also. The *Free Press* said that later that year he added a balcony and seating for 500 people. In 1929, bathrooms were added and they began showing talking movies.

The article went on to say that J.P. began converting an old Chevrolet garage into a new theater beside the Lyric in 1941. Named the Colby Theater, the *Free Press* says J.P. closed the Lyric when it opened March 19, 1941.

"When J.P. died," Jeanie said, "he left the theaters to Don, the *Colby Free Press*, which he had purchased in 1918, to Kim, and his farmland to Dorothy."

Arlliss, Don's wife, who now lives in Dallas, said while Don was in the Navy during World

War II she ordered all of the movies and kept the theater going. She said Don reopened the Lyric in 1948, but closed it again in 1950.

He opened a new drive-in theater in the 1970s on West Fourth Street, where the Heartland Christian School is now. It closed in 1980, a casualty of television.

In 1985, the Colby Theater and Lyric buildings were combined to make a twin theater, showing two movies at the same time.

The *Free Press* story says Jay Hawk built Colby Cinema at 1935 Range in 1985 and bought the Colby Theater in 1997. Justin and Mary Comer purchased both theaters from Hawk in 2006, but closed the Colby Theater because of equipment breakdown that year.

Now the Phillips family is scattered all over the country and Pearl, Kim and wife Elanore, Don and Dorothy and Glenn have all passed away. Jeanie's brother, Jay Phillip Crabb, died in a car accident in 1965. In 1960, Jay went to school in Germany. Following school, he hitchhiked all over Europe and sent back articles to the *Free Press* about his travels. Later, he moved to Topeka, where he was a reporter for the *Daily Capital*.

Kim's daughter, JacKay O'Neill, lives in Austin. Her brother, Jimmy Kim, a past editor of the *Free Press*, was editor of the newspaper in Pratt before he retired. Arlliss said her boys, Richard and David, both retired lawyers, live in Kansas City. Her daughter Pam is director of sales for Gaylord Resorts there in Dallas.

Of Dorothy's family, Jeanie lives with her husband Harold on their farm south of Colby. They have a son, Harold George, and a daughter, Tammie Chavez. Jeanie's sister, Janice Hanna, lives with her husband John in Prescott, Ariz. Before they moved, John was a golf coach in Colby. They have a son Jay, who is a photographer in North Hollywood, Calif.

*Marj Brown has lived in Colby for 62 years and has spent a good deal of that time writing about people and places here. She says it's one of her favorite things to do.*

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# Carnival bill passes as session nears end

The carnival bill passed the House floor Friday and final action Monday to be sent to Gov. Brownback for his signature.

Friday, the Legislature will have hit the 90-day mark for legislative session. This week, the House and Senate must work diligently to wrap up the major issues discussed this legislative session. Redistricting, education funding, income tax, reforming the Kansas Public Employees' Retirement System and passing a budget with a healthy ending balance are all on the table.

### Redistricting

After waiting for four months, the Senate finally passed a Senate district map, Ad Astra. This map dissolves a Senate district in western Kansas and relocates it to Johnson County.

This would be the first time in the history of Kansas that a Senate district with the majority being a minority will be dissolved. This district is held by Sen. Garrett Love from Montezuma. The map would split Liberal in half along with Dodge City, and the district would run from Liberal to Hays. The Ad Astra map narrowly passed out of the Senate by a vote of 21 to 19.

When it came to the House floor it was unacceptable to many western Kansas legislators, including myself. The House quickly killed this map 43 to 72. This was the second time this session for one chamber to vote down the map of the other. The Senate voted down the House map before the spring break.

Another key element in satisfactory district maps is the population deviation. Going back to the one person, one vote philosophy, courts desire the deviation to be as close to zero as possible when reviewing and approving maps. In the proposed Senate map, 34 of the 40 senate districts had a population deviation of over 2.5 percent and 22 had population deviations of over 4 percent. The deviations are so drastic it would result in the 10 most populated



**Rick Billinger**

## • This week in Topeka

districts representing an entire Senate district more than the 10 least populated districts. It is difficult, if not impossible, to achieve a zero percent deviation, but it is possible to achieve a deviation near or below 2 percent.

This week the House proposed three new maps: Cottonwood 2 (State House) and We the People II (State Senate) maps and a State Board of Education map.

The Senate map was offered as an amendment during floor debate by Sen. Steve Abrams. This map does not dissolve any Senate seats or dilute a majority-minority district to draw out challengers. We the People II also cuts deviations almost in half compared to Ad Astra.

### Public Employees' Retirement Plan

This week the Senate started taking steps to reforming the state's retirement system. Like the House plan, the Senate proposal creates a Tier 3 for new employees and puts them into a cash balance plan.

The difference between the bills is the guarantee rate for employees. The House rate is set at 5 percent and the Senate rate is set at 6 percent, making the cash balance plan more expensive than the House. The House plan also allows for employees to elect between a defined contribution plan, 401K style, or a cash balance plan. In an outlook until 2060, the House plan will result in a \$3 billion reduction to the overall cost where the Senate's plan will add \$8 billion in cost to the state.

By the Senate passing Senate Substitute for HB 2333, the two chambers can now begin ne-

gotiations to finalize a plan.

### No Taxpayer Dollars For Abortion

The No Taxpayer Funding of Abortion Act contained in H. Sub. SB 313 prevents state dollars from being expended for an abortion, prevents tax credits and exemptions for abortion-related expenses, stops insurance rider coverage for abortions and prohibits the state health plan from including abortion coverage.

### Creative Arts Industries Commission

During the 2011 session, much debate ensued regarding the future of the Kansas Arts Commission. As a result, legislation was introduced to create the Creative Arts Industries Commission in the Department of Commerce and dissolve the Kansas Arts Commission and the Kansas Film Commission. The new commission would be the official state program for the arts and tasked with promoting, supporting, coordinating, fostering, developing and measuring the outcomes of the arts in Kansas.

In addition, this legislation creates an individual income tax check-off on state tax forms for donations. Taxpayers have the option of adding a contribution beginning in 2013.

If you have any questions or concerns feel free to contact me at (785) 899-4700 or e-mail me at [rick.billinger@house.ks.gov](mailto:rick.billinger@house.ks.gov).

*Rick Billinger is the state representative from the 121st District. He currently serves on the Commerce and Economic Development, Education Funding, Insurance and Local Government committees.*

## Write us

The *Colby Free Press* encourages Letters to the Editor on any topic of general interest. Letters should be brief, clear and to the point. They must be signed and carry the address and phone number of the author.