



Priceless  
Take One

# Manhattan Free Press

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An Award Winning Weekly Newspaper

Thursday, April 14, 2011



Local Attorney Joe Knopp served in the Kansas House of Representatives from 1980 to 1988. He has helped many get elected to local and state office.

## Joe Knopp's Election Thoughts

At the outset, I must complement any public official who serves the public and stands for election. I can't be critical of the past commission, because John Matta and Wynn Butler could not have been elected without the actions of Bruce Snead, Jim Sherow and Jayme Morris Hardeman over the past year. If we are not happy with the past commissioners, we can only blame ourselves because we elected them or we did not vote and allowed someone else elect them.

Actions taken at the last two city commission meetings are symbolic of the past 10 years of the current staff and commission's agenda. Last Tuesday night the commission agreed to refurbish a baseball field in City Park. A private citizen agreed to pay half of the cost, but the city did not have the money to pay for renovations without bonding the project for 10 years and pledging to repay the bonds with money from a fund that the state of Kansas controls. Manhattan now has bonded everything from the downtown and Discovery Center to pools and zoos and even the repair of a ballpark.

Our bonded indebtedness of the city has gone from \$50 million in 2000 to \$250 million in 2011. Give away, borrow, tax, and spend sums it up.

The second symbolic action took place at a special meeting called during Spring Break on March 22. At that meeting the Manhattan City commission had an item called, "Amend Minimum Assessment Agreement for Lot 10." The city commission gave Dial another \$50,000 gift. (Bob Strawn was the only one to vote no.)

To understand the absurdity of this action, we need some background. In 2006, the city made a prudent deal. The development contract between the city of Manhattan and Dial provided that the city would condemn private property (retailers, apartment complex owners) on the north end property for \$17 million and sell it to Dial for \$4 million so Dial could build

apartments and big box retail strip. (Did this amount to a \$13 million dollar "give away" to Dial?)

The development agreement provided that the city would be financially responsible if the project did not generate enough tax revenue to pay the bonds. As one small part of the development agreement, Dial promised to make payments in 2011 (and thereafter) if Lot 10 was not valued at \$8.4 Million. Dial signed the deal. The city commission approved it.

Now five years later, it appears that the Lot 10 project, as Dial had originally proposed is not financially feasible. This becomes a real problem for Dial. They must come up with \$50,000 a year until there is a development with a value of \$8.4 million or more.

McCullough Development comes to the rescue. McCullough agrees to build a large complex at the corner of 4th and Leavenworth with "one or two commercial leases and apartments with 125 to 127 bedrooms." Unfortunately for downtown parking, the new McCullough complex will be built with only 71 parking spaces. This complex will provide less than three parking spaces for every five residents/bedrooms, and no additional parking for married couples that have two cars and live in a one-bedroom apartment, guests and for the commercial leases. Other developers would be required to have at least a parking space for each bedroom, and some extra spaces for guests and additional parking space on top of that for the commercial leases.

So, the city made a giant concession to McCullough and Dial in order to get the project going. But Dial wanted more. It also wanted to be relieved of its 2011 and unknown future contractual obligations.

What was the quid pro quo for the city? The city could have asked for a lump sum payment. Pick a number. \$250,000? Maybe

\$100,000? \$75,000? Any money the city received from Dial could have bought other property around downtown for parking. No such luck.

At a minimum, the city could have just asked that the current contract be enforced. Tell Dial to pull up their big boy pants and do what they promised. Instead city staff recommended and the commission voted to forgive the contractual obligation that Dial owed to the people of Manhattan.

I can't recall any other contractual obligation just being written off. When Colbert Hills got undercharged for water as a result of the City's negligence, the City did not say, "We made the mistake. We forgive you. You don't have to pay the contractual obligation for water." Unfortunately for the K-State donors at Colbert Hills, the city forced them to pay. However, for the rich guys from Nebraska the city agreed to forgive them in excess of \$50,000 for 2011 and future obligations of unknown amounts.

There is no job creation in this tax break for Dial. It is a pure and simple gift for some guys who will soon sell their property interests in Manhattan. They will go back to Omaha laughing all of the way at what chumps we have been.

This vote to give Dial another \$50,000 is symbolic of the city's inability to protect the public throughout this entire North End development process.

We have elected new commissioners John Matta, Wynn Butler and Rich Jankovich to deal with these tough problems. It must reassure them to know that the people of Manhattan are behind them. Rich Jankovich has two years to show that his radio ad's are true when he said, "I get it."

Jim Sherow and Loren Pepperd have two years to show us that they have heard the message from the voters and that they also get it.

## Four Student Renters Sentenced To 15-Days

By Jon A. Brake

The City of Manhattan Codes Department, using the new Rental Inspection Program filed complaints in Manhattan Municipal Court against five student renters last month.

Tuesday, four of the five pled to the three charges each and were sentenced to 15 days in jail. They were also put on probation for 9 months and ordered to pay fines of \$50 court costs and restitution.

The final person has had his case set to go to trial on May 17th.

There were three complaints filed in Court.

**Count 1:** "That on or about March 22, 2011, the above named defendant within the corporate limits of the above named City and State, did then and there in violation of the ordinances of said City willfully, unlawfully, and intentionally 'cause the unit to fail the rental inspection due to tenant damage to the property'; said offense occurred on or about 4:00 pm at 1818 Fairchild Avenue.

**Count 2:** "That on or about March 22, 2011, the above named defendant within the corporate limits of the above named City and State, did then and there in violation of the ordinances of said City willfully, unlawfully, and intentionally 'fail to keep a clean, sanitary and safe condition for that part of the dwelling unit'.

**Count 3:** "That on or about March 22, 2011, the above named defendant within the corporate limits of the above named City and State, did then and there in violation of the ordinances of said City willfully, unlawfully, and intentionally 'fail to keep doors and hardware in good condition.'"

In a letter dated March 23, 2011 to the Owner and Agent of 1818 Fairchild Ave., Inspector Justin Befort listed 55-code violations. Most of the violations were against the five tenants.

The inspector also found (one of the violations) that five unrelated people were living at the residence. They have 30-days to have no more than four living in the house.

Some of the fifty-five

## Editorial

By Jon A. Brake

Tuesday, a Manhattan Municipal Court Judge sentenced four young renters to 15-days in jail for violating the new Rental Inspection Program. Another will stand trial on the charges.

But, Wait! This Ordinance was passed to rid the City of what some called "Slum Landlords" not to put students into jail with hardened criminals.

Again we will say you can not give City officials this kind of power. Fifteen days in jail is excessive.

Count 2 in part reads: "willfully, unlawfully, and intentionally 'fail to keep a clean, sanitary and safe condition for that part of the dwelling unit'". If a renter wants to live like a slob that is between him or her and the Landlord. It should not be part of a rental inspection program.

Count 3 in part reads: "willfully, unlawfully, and intentionally 'fail to keep doors and hardware in good condition.' What?

How can any Judge send someone to Jail for 15-days on these two Counts? The Ordinance is un-needed and so is any Judge that would consider these Counts.

Yes, Count 1 deals with damage to property. That is a problem for the Landlord. But the State of Kansas gives the Landlord the right to go into State Court to get restitution. Again the City Ordinance is not necessary.

code violations read like this:

- #11 - "Housekeeping Issue - The bathroom needs to be cleaned, sink, shower, floor, toilet. All surfaces."

- #12 - "Housekeeping Issue - The kitchen needs to be cleaned, walls, floor, counter tops. All surfaces."

- #15 - "The main floor bedroom door is detached from the bottom hinge."

- #16 - "Repair the door frame and door latching mechanism in the main floor bedroom."

- #17 - "Reattach the metal track strip used to secure the carpet in the entryway of the main floor bedroom."

- #19 - "Repair the hole in the east wall of the main floor bedroom."

- #21 - "Living Room - Repair the hole in the west wall."

- #22 - "Living Room - Repair the hole in the ceiling."

- #26 - "The upstairs SW bedroom door handle is broken."

- #27 - "Housekeeping Issue - Clean the upstairs bathtub and recaulk between the bathtub and the tub surround."

- #33 - "Repair the hole in the wall on the east wall of the NE upstairs bedroom."

- #34 - "Repair the door frame on the NE upstairs bedroom."

- #35 - "Repair old laun-

dry chute door on the upstairs landing."

- #37 - "repair the hole in the wall behind the door of the SE upstairs bedroom."

- #39 - "Repair the door frame of the SE upstairs bedroom."

- #40 - "Replace the missing cover on the doorbell located on the wall of the upstairs landing or remove it if it is inoperable."

- #41 - "The smoke alarm at the top of the basement stairs does not work when tested."

- #43 - "Repair or remove the loose tile on the floor of the basement toilet room."

- #48 - "The cover to the furnace needs to be put back on."

- #50 - "The washing machine is plugged into an extension cord. This will need to be unplugged, extension cords cannot be used in place of permanent wiring. There is an outlet that can be used to the right of the dryer."

The Rental Inspection Program was intended to get rid of all of what some called "Slum Landlord" in Manhattan.

The program was passed by Mayor Bruce Snead and Commissioners James E. Sherow, Loren J. Pepperd and Jayme Morris Hardeman over the objections of Loren Pepperd. Bob Strawn recused himself.

## Bioscience Hires Forensic Auditor

By Gene Meyer

KansasReporter

TOPEKA, Kan. - The Kansas Bioscience Authority, under fire from Kansas Senate committee members questioning its spending habits and Gov. Sam Brownback for secretiveness, said Monday it has hired a Wichita forensic auditing team "in response to ... concerns about public confidence."

Bioscience Authority chairman and former Kansas Gov. John Carlin, said in a letter to Brownback Monday that the firm, which uses tax dollars to underwrite investments in emerging biotech companies, had hired BKD LLP, to investigate claims of potential waste

or fraud that Carlin previously dismissed as politically motivated. Carlin reiterated in his letter Monday that no one at the Authority has approached directors or senior executives there with allegations of criminal or fraudulent activity.

Authority officers since have disclosed that their firm, based in Olathe, also is the subject of an investigation by the Johnson County district attorney's office.

The Wichita team is a unit of BKD LLP, the nation's 10th largest auditing services provider and, according to Carlin's letter, has previously worked on behalf of the U.S. Justice Department, the FBI, and the U.S. Environmental Protection Agency.

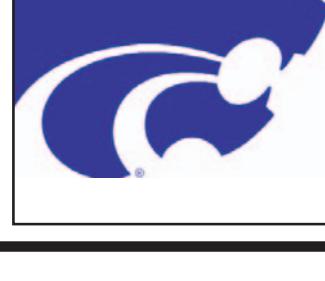
Brownback had requested audits done by state-chosen specialists, selected with help by Kansas Attorney General Derek Schmidt, and also that the Authority allow a cabinet-level observers' team headed by Agriculture Secretary Dale Rodman to monitor operations there.

Brought to you by....

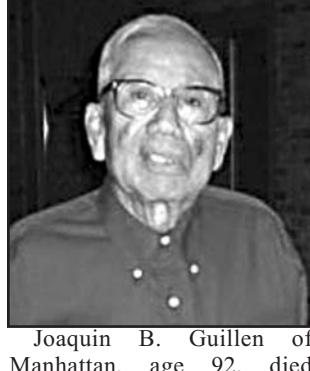
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## Obituaries

**Joaquin B. Guillen**

Joaquin B. Guillen of Manhattan, age 92, died Sunday April 10, 2011 at the Via Christi Village, Manhattan,

Kansas with his family by his side.

He was born on August 20, 1918 in Salina, Kansas the son of Jose and Catalina (Villalobos) Guillen. Joaquin worked as a union carpenter for Dunn Construction in Kansas City, MO for seven years, then from 1957 until his retirement in 1983, he was a civil service worker at Fort Riley for the Post Engineers Maintenance Carpenter Shop.

Joaquin served in the US Army from 1941 until 1945 in the Service Battery 383rd Field Artillery Battalion during WWII. He fought in battles in: Sicily, Naples, Foggia, Rome, Arno, Southern France,

Rhineland and Central Europe. He was awarded the European African Middle Eastern Campaign Medal; 1 Silver and 1 Bronze Service Star; American Defense Services Medal; Bronze Arrowhead; WWII Victory Medal and American Campaign Medal.

On November 17, 1945, he was united in marriage to Sara Silva. This union was blessed with 4 children: Luis J., Steven E., David A. and Teresa.

Joaquin was a devoted husband, father, grandfather, great-grandfather and friend. He loved visiting with his extended family members and was always happy to lend a hand to anyone who needed help. He

loved to travel and see the country by car and took the family on many road trips across the western United States. He was a very hard worker who could not sit still for long. He enjoyed being busy with projects around the house and yard.

He was a member of Seven Dolors Catholic Church, VFW and American Legion, all of Manhattan, Kansas.

He was preceded in death by his parents, 2 brothers: Joseph V. Guillen and Alfred Guillen and 2 sisters: Erlinda Silva and Josephine Garibay.

Survivors include his wife Sara of Manhattan; sons: Luis J. Guillen of Wamego, KS,

Steven E. Guillen of Topeka, KS and David A. Guillen of Kansas City, MO; a daughter: Teresa Guillen Carter of Mission Viejo, CA, 9 grandchildren: Shawnie Hays, Tyla Guillen, Esteban Guillen, Antonio Carter, Dianna Ginther, Michael Guillen, Daniel Guillen, Andrew Guillen and Christina Fernandez and 10 great-grandchildren. He is also survived by many nieces, nephews, cousins and friends.

Mass of Christian Burial will be at 10:30 a.m. on Friday April 15, 2011 at Seven Dolors Catholic Church with Father Joseph S. Popelka as Celebrant. Interment with full military

honors will follow in the Sunrise Cemetery, Manhattan. A Parish Vigil with rosary will be at 6:00 p.m. on Thursday April 14, 2011 at the Yorgensen-Meloan-Londeen Funeral Home with a visitation to follow until 7:30 p.m.

In lieu of flowers memorial contributions may be made to the Seven Dolors Catholic Church or to the Alzheimer's Disease Association and left in care of the Yorgensen-Meloan-Londeen Funeral Home 1616 Poyntz Avenue, Manhattan, Kansas 66502.

Online condolences may be left for the family by clicking "send condolences" on this page.

**Harold A. Westberg**

Harold Arnason "Wes" Westberg, age 87, of Manhattan, died April 7, 2011 at Meadowlark Hills Retirement Community, Manhattan, KS. He was born August 31, 1923, in Star City, Saskatchewan, Canada, the son of Jalmer Emil and Sigurlyn Gudrun (Arnason) Westberg.

Harold grew up on a farm

near Archerwill, Saskatchewan, far from conveniences such as paved roads and plumbing. He travelled by horse to attend a one room schoolhouse heated by a pot-bellied stove. He was a good student, finishing high school at the age of 16.

Harold received his Bachelor of Engineering at the University of Saskatchewan, in 1946. His university studies were interrupted during WWII while he served in the Royal Canadian Navy. When the war

ended, he returned to Saskatoon and the University of Saskatchewan where he met Margaret E. McLean. Margaret, at the time, was working for the Royal Canadian Mounted Police who always get their man. Harold and Margaret married in September of 1945.

In 1948, he attended Kansas State University to work on his Master's degree in Mechanical Engineering. While at KSU, he took a position with Wyatt Manufacturing, Salina, Kansas,

where he rose to company president. In Salina, Harold and Margaret raised their three sons, Robert Neil, Steven McLean and James Harold. In 1978, he took a similar position with Henson Manufacturing in Cedar Falls, Iowa. In 1980, he became the president of Arts Way Manufacturing, Armstrong, Iowa. He retired from Arts Way in 1991.

Harold and Margaret travelled extensively during retirement. After Margaret passed in

1998, Harold was joined by a former college friend Helen (Grace) Hardy Day in Armstrong, Iowa. They enjoyed a life together until Grace moved to Springfield, Missouri in 2009 for health reasons. Harold moved to Meadowlark Hills, Manhattan, Kansas in 2010.

Harold's passion throughout his life, besides his family, faith and work, was the game of golf. For Harold, golf was equal parts social interaction, competition, therapy and exercise. He continued his daily round of golf well into his 80's when he finally lost his drive.

He was preceded in death by his parents and two siblings, Vernon and Joyce Westberg. Survivors include three sons, Robert Neil Westberg and his wife Jan of Manhattan, KS, Steven McLean Westberg of Pullman, WA, and James

Harold Westberg and his wife Michele of Shawnee, KS, and five grandchildren, Lindsey, Megan, Brian, Gabe and Maggie.

Memorial services will be held at 11:00 A.M. Friday, April 15th, at the First Presbyterian Church in Armstrong, Iowa. Private family inurnment will be in Ellisboro, Canada, at a later date.

Online condolences may be left for the family by clicking on "Send Condolences" on this page.

Memorial contributions may be made to the First Presbyterian Church in Armstrong, Iowa, for the Harold Westberg Memorial Fund. Contributions may be left in care of the Yorgensen-Meloan-Londeen Funeral Home, 1616 Poyntz Avenue, Manhattan, KS 66502.

**Kathleen Payne**

Kathleen Payne, age 78, of Manhattan died Tuesday April 5, 2011 at the Mercy Regional Health Center in Manhattan following a short illness.

She was born on April 14, 1932 in Denver, Colorado the daughter of Edward and Mary Elizabeth (Dawson) Cawley. Kathleen graduated from Greeley High School in Greeley, Colorado in 1950. After high school she attended Kansas State University.

On September 5, 1953 she was united in marriage to Robert Eugene Payne in Marysville, Kansas. He preceded her in death on February 14, 2007.

Kathleen was an active member of the Seven Dolors Catholic Church in Manhattan. She was a long time volunteer at the Catholic Budget Shop and was a member of many different church organizations. Kathleen enjoyed playing bridge with her card group, traveling, and reading. Her family was very important to

her and she was always there for them.

She had many loving and supportive friends and she will be greatly missed by all.

Kathleen is survived by her 6 children: Robert Payne and his wife Amy of Corpus Christi, Texas, Lisa Frey and her husband Russell of Garden City, Kansas, Janet Payne-Brown and her husband Donald of Bethlehem, Pennsylvania, Kevin Payne and his wife Shelia of Cheney, Washington, Valerie Wickstrom and her husband Garen of Harrisonville, Missouri, and Mary Womiche of Kansas City, Missouri. Additional survivors include her sister Mary Ann Rossi of Greeley, Colorado, and 18 grandchildren and 6 great-grandchildren.

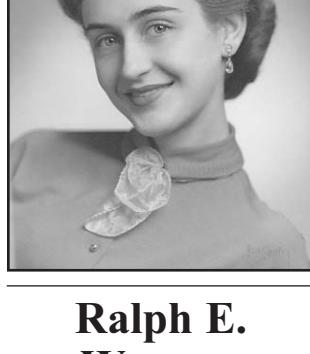
A Memorial Mass was held on Monday April 11, 2011 at

10:30 a.m. at the Seven Dolors Catholic Church, with Father Joseph S. Popelka as celebrant. Private inurnment will be held in the Sunrise Cemetery in Manhattan.

There will be a Christian Wake Service held on Sunday April 12, 2011 at 5:00 p.m. at the Yorgensen-Meloan-Londeen Funeral Home.

Online condolences maybe left for the family by clicking on "Send Condolences" on this page.

Memorial contributions are suggested to the Seven Dolors Catholic Church, the Manhattan Public Library, or to the American Lung Association. Contributions maybe left in care of the Yorgensen-Meloan-Londeen Funeral Home, 1616 Poyntz Avenue, Manhattan, Kansas 66502.

**Barbara A. Hedgcoth**

Barbara A. Hedgcoth, age 73, of Manhattan, Kansas, died Sunday morning, April 10, 2011, at the Mercy Regional Health Center in Manhattan.

She was born on December 17, 1937, in Dallas, Texas the daughter of Billy and Pauline (Branom) Graham. She grew up in the Dallas area but lived most of her life in Manhattan.

Barbara was a homemaker. She lived her life with a special zest and a profound love of family. Barbara was a wonderful mother who loved her children, grandchildren and great grandchildren.

On June 20, 1956, in Dallas,

Texas she was united in marriage to her soul mate, Charlie Hedgcoth, Jr. He preceded her in death in October of 2002.

She is survived by a family who loves her very much: daughter: Kelli Anderson and her husband Bill of Umatilla, Florida; daughter: Kim Mallon of Douglass, Kansas; and son: Michael Hedgcoth and his wife Rachael of Overland Park, Kansas. Also surviving are ten grandchildren: Bridget McClelland, Amber Shelton, Samantha and Brooke Goodson, Kacie, Kristin, Kiley and Shane Mallon and Austin and Evan Hedgcoth. Four great

grandchildren: Olivia and Alyssa Carson, Marley McClelland and Karissa Russell.

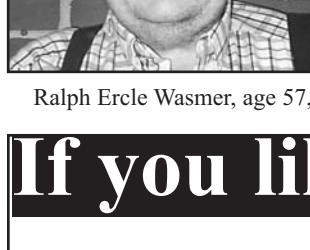
At her request, no funeral or memorial services will be held.

On-line condolences may be left for the family at this website by clicking on "Send Condolences."

In lieu of flowers memorial contributions may be made to the Hedgcoth Biochemistry Graduate Scholarship Account. Contributions may be left in care of the Yorgensen-Meloan-Londeen Funeral Home, 1616 Poyntz Avenue, Manhattan, Kansas 66502.

Online condolences may be left for the family by clicking on "Send Condolences" on this page.

Memorial contributions may be made to the American Diabetes Association. Contributions may be left in care of the Yorgensen-Meloan-Londeen Funeral Home, 1616 Poyntz Avenue, Manhattan, KS 66502.

**Ralph E. Wasmer**

Ralph Erle Wasmer, age 57,

of Manhattan, died April 10, 2011, at Mercy Regional Health Center in Manhattan.

He was born December 15, 1953, in Albuquerque, New Mexico, the son of Ralph Eugene and Betty Jean (Dye) Wasmer.

Ralph graduated from high school in Lansing, Kansas, and with his Associates degree from Wichita State University.

He served in the United States Army and then worked

for several years for Ford Aerospace and then for Kansas State University as a computer specialist.

Ralph loved spending time on his computer.

Survivors include one son, Randolph E. Wasmer of Bedford, Texas.

Cremation is planned with graveside services to be held at a later date at the Kansas Veterans' Cemetery at Fort Riley.

Online condolences may be left for the family by clicking on "Send Condolences" on this page.

Memorial contributions may be made to the American Diabetes Association. Contributions may be left in care of the Yorgensen-Meloan-Londeen Funeral Home, 1616 Poyntz Avenue, Manhattan, KS 66502.

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# Labor Department Boasts Call Center Improvements

By Rachel Whitten  
KansasReporter

TOPEKA, Kan. — Cleaning house at the Kansas Department of Labor will save \$10.4 million and bump up the completion date for a new computer system to manage unemployment taxes by five months, officials reported Friday.

The ongoing improvements to the department's computer systems also is freeing resources to help streamline phone systems that unemployed Kansans use to apply for jobless benefits, department officials said.

When new leadership took over the Labor Department in January, state Labor Secretary Karin Brownlee said she wasn't sure how much work from a seven year, \$51 million project to upgrade the computer system could be salvaged. The work already completed was

filled with 238 known bugs and errors. Redoing much of the computer coding for the new program seemed like a possibility.

But an outside technology support contractor hired by Brownlee, Olathe based IT21, came in and said they have corrected 64 errors so far, with another 35 corrections ready to roll out. The final completion for the whole system is scheduled for June, and the project will need about \$600,000 in additional funds, according to Bob Hasslinger, with IT21.

That's different from the situation in the Labor Department that IT21 and Brownlee said they encountered. The new computer system upgrade, which is designed to automate all the unemployment tax reporting for Kansas employers, was scheduled to finish in November and cost an addi-

tional \$11 million on top previous expenditures of \$51 million.

But Brownlee said because of poor management and lack of accountability, it would have been hard to even meet those goals under the old way of doing things.

"They were communicating they would finish by November but there was no way they could have, it just was not truthful or factual," Brownlee said.

Former Labor Secretary Jim Garner said previously that the project was moving along with good work from the contractors.

"The companies were delivering, they were actually getting stuff done and making the project happen, I didn't see any problem," Garner said in an interview on March 25.

But according to Bob

Hasslinger with IT21, the project has returned to common IT fundamentals through analysis, stabilization of the new system platforms and design of the program. Additionally, refusing to roll out a new system component until its run the gamut of tests has resulted in no errors in the new code work.

"We got all the baloney out of the way," Hasslinger said. "We applied normal IT development practices and we're a stickler for the rules—it doesn't go out until it is done testing."

In part, correcting errors in the system also has lessened the burden on the call center that helps out of work Kansans file unemployment claims. Brownlee said in a news conference at the Department of Labor headquarters Friday afternoon that as of last week, the agency is taking slightly fewer than 3,000 calls per day.

That's in contrast to the roughly 500 calls that came through during the middle of January.

Much of the call center improvement, according to Brownlee, came simply because there are more people on the phones, and they are better trained to resolve issues in the first call. Now, as many as 70

Labor Department representatives are available to help file unemployment claims by phone. Fewer than 20 were sometimes available to take calls before.

The old management at the call center is gone, with fresh leadership brought up from the ranks of the people working the phones, who say the job is easier now for them and their co-workers.

"Before when they came in, it was hard to do their job, they were getting yelled at by angry claimants who couldn't get through for weeks, or the hold times were excessively long," said Lindsay Olson, a manager at the call center. "But now they're excited to come to work, they're happy to come to work, they're smiling and they're here to help the claimants."

More people available to take calls eased the stress on the phone system, resulting in

# Most hurdles Now Behind Legislative Website Update

By Rachel Whitten  
KansasReporter

TOPEKA, Kan. — Frustration marked the beginning weeks of the 2011 legislative session as lawmakers, lobbyists, staff, media and constituents logged on to a new \$11 million central computer system that was practically unusable.

The massive upgrade impaired many parts of the lawmaking process. Legislative revisors ran into problems using the system to draft bills into formal language. Lawmakers had a hard time amending the bills or seeing how they were changing as debate progressed. Lobbyists couldn't watch them to see changes being made that were important to their clients.

Troubles started on January 11, as the new Kansas Legislature website launched simultaneously with the start of the session. Users found many services they'd employed before on the old website missing or incomplete—session calendars, copies of bills, legislative rosters and more.

Those issues continued until February 20, when the website received a new "skin," or new look and feel, which made navigation to those missing components easier through drop down menus on the top of the

page.

Users were also frustrated because fiscal notes, the legislative footnotes explaining what a bill might cost taxpayers, were not available either. After receiving word of the problem, Legislative Computer Services identified and fixed an error in the computer code which automatically puts up fiscal notes with the bills.

Many times, a bill that could be read on a computer wouldn't open up on a smart phone or other mobile device. So a new converter that could make bills and other documents readable on those devices had to be developed.

Although tests on the new system were conducted before the launch, it's very hard to replicate the demands of a real legislative session said legislative chief information technology officer Don Heiman.

"Once you get live you can see all the different subtleties and movement of what happens in a session and can see where functionality needs to be adjusted," Heiman said.

Those problems, apparent to casual users of the system and dependent staff alike, were just the surface.

**Leaving the 60s behind**

The system upgrade also changed the way revisors wrote

bills. From the late 1960s until the 2010 session, bill writers used scissors, glue sticks, printing presses and lots of paper to manually draft legislation and add in the amendments that followed. The bills were added to the old website separately.

But this session, those antiquated methods were abandoned. Instead, the revisors, who provide legal consultation, bill drafting services and assistance in legislative procedural matters, started using a new internal system to electronically write, track and update each of the hundreds of pieces of legislation dealt with by both chambers each session. A similar system for use by the Legislative Research Department, the Capitol's fiscal analysis arm, has not been rolled out yet.

Hitches in the new system quickly became apparent, in part because too few people were trained to run it properly. Heiman said. Revisors used to the old way of writing bills in text editors, such as Word Perfect or Microsoft Word would then try to copy and paste the contents into the new online system editor, which often proved incompatible.

"The system was behaving the way it was supposed to behave; we did not have people

prepared as much as they should have been in training and understanding," Heiman said. "As they were drafting, if they were doing things outside the design of the system, it would not function the way it was supposed to and caused frustration."

To work around that problem, an outside group of trained specialists was assigned to load bills onto the new system for the duration of the session, until the rest of the staff can receive the same training.

**Trouble in the chambers**

Meanwhile, another zone within the new system designed for use by legislators caused irritation because amendments sometimes took a long time to come up. That meant waiting for them from the Revisor's office, causing delays in both chambers. Additionally, the slow addition of bills and amendments to the website impeded some lawmakers trying to keep up with what was up for debate on the floor.

"When we're sitting on the House floor, we want to be able to pull up an amendment and a copy of the bill," said Rep. Joe McLeland, a Republican from Wichita and chair of the Joint Committee on Information Technology.

Often, user mistakes from a lack of training within the new system caused those delays. Other issues stemmed from too much automation within the system.

"You have to find the balance where the computer helps you but doesn't get in your way," Heiman said. "If the computer is getting in your way then it becomes a problem with the design itself."

He added that he feels the system is just now arriving at the perfect mix of automation and manual input.

"Now we are much better off, so we go into 2012 session and I'm in much better shape than I would be if I had to do it in 2012," he said.

**Time, money, effort**

The upgrade to the website and the internal system has been in the works for about eight years, McLeland said. The improvements were projected to cost more than \$13 million, but budget cuts in the last few years have trimmed that number by \$2 million.

Heiman said he has a staff of nine, plus contractors. After the 2012 session, the contractors will be released, and his team will be in charge of maintaining the system.

"We'll bring new staff through the session to have

experience, pull the vendor off and rely on staff," he said.

Right now, Heiman said he's preparing the system to ensure it can handle tracking every aspect of the omnibus bill the legislature will produce in the veto session starting April 27.

"It's going to take a lot of computing power to capture it and keep it synced in the right order," he said.

Despite the problems, Rep. McLeland, who retired from the IT industry, said he thinks the system will be an asset in the future.

"We are going to have one of the best systems in the nation and in another year when we get it fully implemented it's going to be great," McLeland said. "The big disappointment was user interfaces and the pieces that should have been there were missing."

In designing the new system, IT specialists wrote more than 875,000 lines of custom code to fulfill roughly 7,000 requirements and detailed design specifications placed on the upgrade. To put that in perspective, electronics industry magazine EE Times reports that a million lines of code would fill up 18,000 pieces of paper.

# Kansas Board of Ed Member May Seek Prosecutor

By Gene Meyer

KansasReporter

TOPEKA, Kan. — An outspoken Kansas State Board of Education member who contends other board members are trying to improperly stifle his dissenting views said Tuesday he may ask Kansas prosecutors to investigate his complaint.

Walt Chappell, who has represented urban Wichita on the board since 2008, said he planned to file a complaint with either the Shawnee County district attorney in Topeka or the

state Attorney General's office alleging that other board members violated Kansas open meeting laws during meetings with a board attorney regarding Chappell's often outspoken criticism of school spending.

"They've done this three times in the last three years, and I won't be bullied," Chappell said Tuesday after board members voted 7-2 to reject his proposal to amend previous meeting minutes to more fully reflect minority arguments offered in debates

Those members' and Chappell's philosophical differences frequently have been debated in open forums at the board including most recently during last month's meeting, when the latest closed door executive session they called appeared to trigger Chappell's complaint Ferguson said.

over board decisions.

Mark Ferguson, the board attorney with whom those members met, said he believed the meetings complied with open meetings rules that are formally spelled out in the Kansas Open Meetings Act because, in effect, the other board members were asking their attorney for guidance on procedures and processes to follow.

Those members' and Chappell's philosophical differences frequently have been debated in open forums at the board including most recently during last month's meeting, when the latest closed door executive session they called appeared to trigger Chappell's complaint Ferguson said.

"If he (Chappell) believes we

violated the act, I would encourage him to file an allegation with the Shawnee County attorney or the attorney general, so that we can get an interpretation on this," Ferguson said.

The disagreement stems from criticism that a majority of the board members voiced March 8 leveled at Chappell for, they contend, implying he was speaking for the board in testimony before state legislators and other forums. Chappell frequently has said that he believes financial records compiled by the Kansas State Department of Education show that Kansas schools - which claim they'll suffer badly in proposed state funding cuts - are holding as much as \$776 million in unspent reserves that

could help support threatened programs.

Chappell said again Tuesday and board members disputed that he always identifies those stated opinions as his own.

Also, "these are real numbers. Let's not hide them from the public," he said.

Chappell also asked the board to consider why, during the current stretch of lean education budgets in Kansas, the state Department of Education was continuing to spend almost \$416,000 a year for membership dues to professional organizations, and more than \$889,000 for travel expenses, all with very little readily apparent explanation of what precisely the money was spent for.

Kansas Education

Commissioner Dianne DeBacker said she'd only seen the numbers Chappell questioned less than 24 hours before the board's April meeting started Tuesday and needed more time to look into the situation.

Some of the subscription money includes funds spent on continuing education required to keep department staff members' professional certifications current, and some of the travel money pays for on site visits to Kansas schools staff members must make to do their jobs, department officials say.

"But Walt raises some very legitimate questions," DeBacker said. "The larger issue is that we are looking at everything we do here, as are our school districts, to cut costs as much as we can."

# Kansas Judges Seek Public's Help

By Rachel Whitten

KansasReporter

TOPEKA, Kan. — A task force assigned to examine the state's judicial system and come up with improvements announced Monday it will hold 19 public meetings to gather public input.

The Blue Ribbon Commission wants ideas from Kansans about how the courts can better serve the state's needs. The meetings will take place at various community locations throughout Kansas between April 18 and May 26.

According to Court of Appeals Judge Patrick McAnany, who chairs the commission, the commission will consider issues such as the number of court locations needed to provide access to justice, the services to be provided in each court location, hours of operation, appropriate use of technology, cost containment or reductions, and flexibility in the use of human resources.

However, the Commission also wants to hear opinions on other topics too, McAnany said.

"The Commission is not limited to those subjects and has the authority to review other operational efficiencies associated with the court system," he said.

The Blue Ribbon Commission consists of 25 lawyers, legislators and community members from around Kansas. They will examine the state's judicial system and present their findings and suggestions to the Supreme Court later this year. In conjunction with a weighted caseload study commissioned by the Supreme Court, the findings of the Commission could prompt the state's top court to facilitate changes within the Kansas judicial system.

The weighted caseload study is the first review in Kansas history to measure the time and personnel required to process cases by considering such influences as case complexity, the driving time for some judges in less populated areas to travel from court to court within their district, as well as the administrative burdens. The Supreme Court contracted with the National Center for State Courts to conduct the study.

The study was prompted in part because of budget cuts the court has faced over the last two years. Because most of the court's budget goes to salaries, judicial workers were furloughed four days without pay last spring because of a budget crunch.

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## Editorial

I feel two percent happier today, as that is the amount of the 2011 federal budget that has been trimmed by the recent political negotiations that averted a government shutdown. Here are the numbers: the CBO estimates that our spending for 2011 will be \$3.7 trillion. Congressional leaders have just taken the nation through a gut-wrenching, televised mini-drama over the last few weeks and after all the wrangling and tough talk, \$38.5 billion in spending cuts, a meager two percent reduction of the projected budget, were agreed upon. Really? That's the best they could do? Let's get real about our country's spending situation.

Washington has an addiction to spending today that is not unlike an alcohol or crack addiction. The failure to reduce spending by any noticeable amount simply places a magnifying glass on a problem that Americans have been opposing for some time. The most unfortunate part of this destructive government spiral is that you and I, the American people, are having the flip the bill for the spending "monkey" that resides on the backs of our politicians in Washington. Both parties are



Paul A. Ibbetson

to blame here but the parts they played in this recent budget cutting debacle are different. Let's call them out.

The Barack Obama-backed Democratic Party is on a terminal spending bender. There is no desire to cut spending; there is no acknowledgment that the country is drowning in debt, nothing. Like the addict, liberals are in full denial of their addiction and unless stopped, they are going to ride the "American Money Train" until the wheels fall off. And yes, the wheels will eventually fall off. The Republican Party is in a different position. Their recent ascent back to political relevance following the 2010 midterm was on a pledge to the American people to reduce government spending.

The recent budget deadline was the golden opportunity for Republicans to take a stand for the American people and truly reduce government spending. If it were to be done, it would have to be accomplished against the vehement opposition of the Democratic Party. This was truly an intervention moment. Republicans had the opportunity to corner Democrats and pull the government spending "bottle" from their lips. It wasn't going to be pretty; interventions never are. Like the addict, Democrats in Washington don't want to give up their addiction and it was not a surprise to see them lashing out verbally at the sight of a potential intervention. Terrible statements such as Democrat Harry Reid's rant that "Republicans want to shut down the government because they think there's nothing more important than keeping women from getting cancer screenings," or the words of Democrat Eleanor Holmes Norton who said that a government shutdown was the "functional equivalent of bombing innocent civilians," or Democrat Louise Slaughter who said that the GOP was here to "kill women," and that

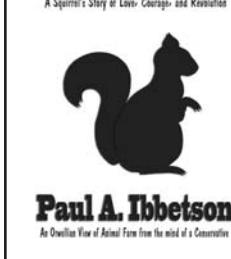
Republicans were like "Nazis," were common rebukes from the money-addicted left. These statements were vile and untrue but they were to be expected. You might say it was the "drugs" (money) talking. The idea of cutting spending to any degree literally gives liberals the shakes but that is standard fare for interventions.

No one wanted to see a government shutdown but it was exactly what should have happened when Democrats refused to make meaningful cuts to the budget. The GOP would have been respected by the American people for taking a hard stand for the country's future. Again, reducing government spending is one of the fundamental reasons voters placed Republicans into control of the House of Representatives. Now the GOP looks more like an enabler that buckled under the pressure and handed the bottle back to the addict. We are told that this minuscule budget reduction will be followed by more substantial cuts in the near future. It's hard to feel optimistic about these promises when a golden opportunity for Republicans to take a promised stand for the American people netted only a two percent reduction of an out-

of-control budget. Republicans are going to have to step up their game. They made a promise to the American people, and voters are watching closely and taking names for the elections in 2012. It's time for Washington to "dry out" and start spending responsibly.

*Paul A. Ibbetson is a former Chief of Police of Cherryvale, Kansas, and member of the Montgomery County Drug Task Force. Paul received his Bachelor's and Master's degrees in Criminal Justice at Wichita State University, and is currently completing his Ph.D. in Sociology at Kansas State University. Paul is the author of several books including the 2010 release "Oliver's Tale: A Squirrel's Story of Love, Courage, and Revolution." Paul is also the radio host of the*

Kansas Broadcasting Association's 2008, 2009, 2010 and 2011 award-winning radio program, *Conscience of Kansas* airing on KSDB Manhattan 91.9 FM, www.ibbetsonusa.com. For interviews or questions, please contact him at ibbetson91.9@gmail.com.



Paul A. Ibbetson

*Paul Ibbetson's new book is "Available at Amazon and the Manhattan Hastings Store."*

## Editorial

## Letters to Tom



Mike Kryszta

based on a comparison of cost for Missouri which has a similar law. Senator Reitz feels that the Safe and Fair Elections Act is going to depress voter turnout, is unaffordable, and is an effort by its proponents to gain notoriety.

That afternoon at the Tea Party Rally in Riley II, I had the opportunity to relay Senator Reitz's criticisms to Secretary of State Kris Kobach. I asked him if registered voters would have to acquire new voter ID cards and asked him to explain the estimated cost of 3.5 million dollars required to implement the law. Secretary of State Kobach addressed the issue of voter ID. Registered voters DO NOT have to have a unique voter ID. A Kansas Driver's License, passport, military ID, federal ID, university ID (Kansas) or any other form of photographic identification issued by any government entity is sufficient. He

had not heard of a 3.5 million dollar estimated cost. The estimated cost for the Kansas SAFE Act was provided by the Kansas Department of Motor Vehicles (DMV) which issues Driver's Licenses and Non-Drivers ID (both with photographs) at a cost of 8 dollars per identification card. The DMV reported 2.2 million drivers and non-drivers identification cards currently issued, or 30 thousand more than the population that might require photographic identification.

Based on this figure the initial cost for implementing this part of the SAFE Act will be zero, with minimal future cost. I did some additional research and the estimate of 3.5 million dollars may be based on a news story estimate of how many Missouri voters may lack the photographic identification required to vote; this is an estimate since the Missouri Bill is yet to be implemented.

Regarding the accusation of "voter fraud being a fraud," Secretary of State Kobach pointed out that since 1997 there have been 221 cases of proven election fraud in our state. Not included in this statistic are cases like this: In the hearings running up to the passage of the SAFE Act, an election supervisor from Seward County testified to having registered a busload of non-English speakers who she suspected were not citizens. By

law she was not allowed to investigate. These 'voters' went on to vote in an election that authorized hog processing operations in Seward County. Obviously 221 instances of election fraud is just the tip of the iceberg.

I believe that honest elections are critically important in our system of representative government. Over the last fifty years increasing turn out has been the priority of election laws, often at the expense of integrity. Requiring a voter to certify citizenship when registering to vote and to provide photographic identification at the polls is reasonable. As an election worker I can attest that our system is generally honest but hardly secure. Prospective voters only have to provide their name and address. Voter Rolls have a significant number of voters who are no longer eligible to vote due to change of address, etc. The system of registration is even less secure. Senator Reitz believes that adding any requirement will cause apathetic voters to stay home. That is their choice. High voter turn out is great, but not at the cost of an honest and fair election. Secretary of State Kobach is right -- "It should be easy to vote in Kansas, but hard to cheat."

Regarding the accusation of "voter fraud being a fraud," Senator Reitz pointed out that since 1997 there have been 221 cases of proven election fraud in our state. Not included in this statistic are cases like this: In the hearings running up to the passage of the SAFE Act, an election supervisor from Seward County testified to having registered a busload of non-English speakers who she suspected were not citizens. By

## Brownback Ushers in Anti-Abortion Laws

By Rachel Whitten  
KansasReporter

TOPEKA, Kan. – Supporters of the pro-life movement crowded the statehouse Tuesday to watch Gov. Sam Brownback sign the first law limiting abortion in over 13 years.

Kansas will now restrict abortions after 22 weeks gestation because of an unborn child's ability to feel pain, and also require two parents to give consent if their underage daughter has an abortion.

The signed bills also contain provisions that ensure stricter reporting of late-term abortions. Additionally, 24 hours before the procedure, women will receive information saying the abortion will "terminate the life of a whole, separate, unique, living human being." The legislation also replaces all references to "fetus," in state statute, changing it to "unborn child."

In the last decade, anti-abortion legislators voted to approve measures restricting the termination of pregnancies, only to have them vetoed once they arrived at the governor's desk. Subsequent veto override attempts often fell short by one vote.

But Brownback, a Republican, encouraged legis-

lators to try again during his state of the state address in January.

Lawmakers then introduced and approved House Bill 2218, the fetal pain bill, on a 91-25 vote in the House and a 24-15 vote in the Senate. The parental consent legislation, House Bill 2035 gained approval on a 96-25 vote in the House and a 24-15 vote in the Senate.

"Both these bills reflect the culture of life that is being embraced all across Kansas," Brownback said in a news conference Tuesday afternoon. "They represent a mainstream, bi-partisan and common sense approach to a divisive issue."

But the legislation did not pass without debate and concerns brought by lawmakers who support abortion rights.

Minority Leader Anthony Hensley, a Democrat from Topeka, took issue during floor debate last month with the requirement that for a minor to have an abortion, she has to have notarized consent from both parents, or consent from the custodial parent in the case of divorce or separation. Hensley said that constitutes an invasion of privacy by bringing in one more person – a notary public – into the situation.

His Democratic colleagues, such as Sen. David Haley from

Kansas City also disputed the restriction of abortion based on an unborn child's ability to feel pain.

"Changing it in statute doesn't make it science," Haley said in floor debate last month.

But anti-abortion activists point to the medical practice of giving anesthesia to a fetus if it has surgery while still in its mother's womb.

"It's a pain issue, it's a control issue, as far as being able to hold the child steady, I think that's well established in scientific fact," Brownback said.

The last major anti-abortion legislation to come out of the statehouse was during the 1998 session in which former Rep. Phill Kline spearheaded a bill to place restrictions on late-term abortions.

In 2009, former Gov. Kathleen Sebelius signed a law which requires that women receive information such as adoption alternatives and the availability of ultrasound before undergoing the abortion. However that law, called A Women's Right to Know Act, does not restrict abortions.

Anti-abortion advocates are still hoping to get two other measures restricting abortion up for a vote before the legislative session ends in May. One would require that abortion

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## 2011 Mid-East League High School Art Competition

The Columbian Theatre, Museum and Art Center's next exhibit is 2011 MidEast League High School Art Competition. This will be in the Swogger Gallery at The Columbian Theatre from April 8th to May 27. Artists whose work will be included in the exhibit are high school students who attend one of the following schools in the Mid-East League:

- |  |                         |  |
|--|-------------------------|--|
| Riley County High School   | 4. Oil Painting         | 14. Photography                          |
| Rock Creek High School   | 5. Pencil: Novice       | 15. Digital Photography                  |
| Rossville High School  | 6. Pencil: Advanced     | 16. Graphic Art (advertising, air brush) |
| Silver Lake High School  | 7. Colored Pencil       | 17. Computer Art                         |
| St Marys High School   | 8. Pastel (chalk/oil)   | 18. Ceramics Hand-built                  |
| Wabaunsee High School  | 9. Charcoal             | 19. Ceramics Wheel                       |
| Art students from the Mid-East League have submitted artwork into the 23 categories: | 10. Ink                 | 20. Sculpture                            |
| 1. Tempera Painting  | 11. Mixed Media         | 21. Jewelry                              |
| 2. Acrylic Painting  | Media/Miscellaneous 2-D | 22. Miscellaneous 3-D                    |
| 3. Watercolor Painting   | 12. Printmaking         | 23. Modified Curriculum                  |

The 1st, 2nd, and 3rd place award recipients' artwork is on display for the community to view and to celebrate these local talents!

The Columbian is open Tuesday through Friday from 10:00 AM to 5:00 PM and on Saturday 10:00 AM to 3:00PM. There is no charge for visiting the gallery. Many of the works displayed are for sale. For fur-

## Oz Winery Beer Garden to Feature Tallgrass Beer, Barbecue

Take some time to stop and smell the tulips, and then take a little more to enjoy a cold beer and some barbecue at the Oz Winery.

Wamego's annual Tulip Festival will take place April 16 and 17, and the Oz Winery will host its traditional beer garden featuring Tallgrass Brewery beer. A portion of the proceeds will benefit the Pottawatomie County Caring Hearts Humane Society. Food will also be available from Cox Bros. BBQ.

The latest Tallgrass brew, Halcyon Unfiltered Wheat, will

be on tap, along with its Buffalo Sweat, IPA and Ale. Oz Winery Pub Glasses are \$15 with penny refills, or you can buy just one pint for \$5. Cox Bros. will offer Pulled Pork Sandwiches for \$5, Sausage on a Stick for \$4 and Smoked Chicken Legs for \$2, along with sides of Red-Skin Potato Salad or Smokehouse Beans for \$2 each. Finish it all off with Walnut Fudge Brownie, also available for \$2.

Of course, visitors can also try free wine samples and shop at the store. The Oz Winery has a fully stocked inventory of red

and white wines ranging from dry to sweet, and a friendly and knowledgeable staff to help you choose a bottle. Also, recently unavailable white wines are now restocked and on the shelves.

### Beer garden

This will be the fourth time for the Oz Winery and Tallgrass Brewery to team up for fun festival beer garden. They have done it twice during OztoberFest and this will be the second time during the Tulip Festival.

The relationship between the two companies' owners began

years ago when both businesses were just starting out.

"They're great people and fun to be around, so we've kept in touch and like working with them," said Brooke Balderson, co-owner of the Oz Winery. "It just seemed like a no-brainer to partner with them on local events... two local places that make everything right here - brew locally, ferment locally."

### Humane society donation

In the same spirit of community support, the Oz Winery has decided to donate part of the proceeds from the day to the local animal shelter.

"There are lots of people and

places and animals out there that need help, and it can be overwhelming trying to think about it," Balderson said. "It is one small step toward helping, and it feels great knowing that we can feed animals or pay for vet expenses for unwanted animals."

The Oz Winery, a dog-friendly store, also likes that the Pottawatomie County Caring Hearts Humane Society (PCCHHS) has a no-kill policy.

"Pets are so forgiving and loving and always there for you," Balderson said. "It's nice

to be there for the ones who have been 'forgotten.' There are so many unwanted animals out there, and a number of them in shelters that euthanize for space. I think it is super important to help the shelters that are no-kill."

The OztoberFest beer garden also benefited the shelter, allowing the Oz Winery to make a recent donation of several hundred dollars.

## Lt. Gov. Releases Medicaid Overhaul Ideas

By Rachel Whitten  
KansasReporter

TOPEKA, Kan. - A collection of 120 ideas to overhaul the Kansas Medicaid program will become the groundwork for the state's effort to transform its health program for the poor.

Now, a group of health philanthropies is contributing \$125,000 to help put some of them into practice.

A team led by Lt. Gov. Jeff Colyer will meet with Kansans and various health community stakeholders in the coming months to expand on each of 120 ideas, test their workability, and gather new input.

Colyer, a physician, was named by Gov. Sam Brownback in January to lead efforts to reform the state's Medicaid plan. Colyer then

solicited ideas from healthcare and community organizations about how to make the program more effective and cost-efficient. In response, 42 groups submitted over 120 ideas, which were released last week.

"The suggestions come from a whole variety of ranges--some very finely detailed, others more general," Colyer said in an interview Monday. "There's a wide variety of the suggestions and that's fine-- we were asking for that. I'm pretty pleased overall with the quality."

Going forward, Colyer and his team will have the benefit of a \$125,000 grant from an informal consortium of private health foundations called Kansas Grantmakers in Health. The five foundations that make up the group each donated

\$25,000 so the state could hire an outside contractor to assist with collecting data, organizing public meetings, and researching and analyzing the ideas generated to improve the Medicaid program.

Billie Hall is President and CEO of the Sunflower Foundation, which donated part of the money to hire the contractor.

"We thought it was important to support the public input process and a lot of tough decisions that will be made," Hall said. "We wanted to help the administration to make sure the voices of all the stakeholders and consumers could be heard."

With legislators already battling an estimated \$500 million budget shortfall projected for next year, Colyer said the state

could not afford to hire a contractor without the grant from the private health foundations. The Kansas Department of Health and Environment will be putting out a request for proposal very soon, directed towards private firms interested in the contract, Colyer said. After that, the dates for the public meetings will be announced.

Colyer said he hopes to have Medicaid reform proposals ready for the 2012 legislative session and the 2013 budget that lawmakers will put together then.

"The overall message is we need to transform Medicaid; it's got to allow better quality of care and make it more affordable for taxpayers," Colyer said. "Instead of looking at this in piecemeal fashion

here and there, we're trying to take a serious look at the overall program."

Kansas Grantmakers in Health has awarded money to the state in the past. Last fall, the group gave \$250,000 to the Kansas Health Policy Authority to study how the state should

plan for implementation of the Patient Protection and Affordable Care Act in Kansas. The study is due to come out this summer.

Brownback and many Kansas legislators oppose the federal healthcare plan and attorney general Derek

Schmidt is joining suit to overturn it. Meanwhile, insurance commissioner Sandy Praeger is working to prepare ground work for its introduction to Kansas.

The consortium is made up of Health Care Foundation of Greater Kansas City, the Kansas Health Foundation, the REACH Healthcare Foundation, the Sunflower Foundation, and United Methodist Health Ministry Fund.

## Kansas Supreme Court Strikes Down a Gambling Law

By Gene Meyer  
KansasReporter

TOPEKA, Kan. - The Kansas Supreme Court Friday unanimously struck down a state statute outlawing potential non-regulated gambling devices saying the ban was unconstitutional broad.

The original statute, created by the Kansas Expanded Lottery Act in 2007, made it a felony to own or operate so-called gray machines outside a state-sanctioned lottery. Gray machines were defined as any mechanical, electro-mechanical or electronic device that could be used for gambling and was not authorized by the

Kansas Lottery Commission or linked to the state lottery's central computer system.

Three Wyandotte County business owners - David Dismeyer, Lester Lawson and Terry Mitchell - challenged the statute claiming it was too broad and vague. On Friday, the state Supreme Court justices agreed. As written, the definition could include everything from spinners in children's games such as Chutes and Ladders or Twister to personal computers and telephones on which it would be theoretically possible to make or place bets, the justices ruled.

Justice Eric S. Rosen, writing

for a unanimous Court, said under the statute in question, "Computers with Internet connections are electronic devices that can be used for online gambling. Computers without Internet connections are electronic devices that can be used to play games on which bets can be placed. The computer on which this opinion was drafted is a gray machine because it is electronic, it is capable of being used for gambling, and it is not linked to a lottery central computer system," Justice Rosen wrote.

Rosen wrote that because the statute allows state lottery officials to confiscate these

devices, "this statute, as it is currently drafted, essentially deprives citizens and businesses in Kansas of their fundamental rights to own property."

The ruling is expected to have little effect on a handful of alleged gaming violations being prosecuted under the overturned statute, because defendants those cases are also facing criminal charges under other statutes not affected by the court's decision, said Patrick Martin, a Kansas Racing and Gaming Commission spokesman.

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The ruling is expected to have little effect on a handful of alleged gaming violations being prosecuted under the overturned statute, because defendants those cases are also facing criminal charges under other statutes not affected by the court's decision, said Patrick Martin, a Kansas Racing and Gaming Commission spokesman.

"We would like to accomodate your request to have representatives of your administration observe the activities of the KBA," Carlin continued.

However, many of the the business negotiations in which the authority is engaged also involve highly confidential trade secrets and proprietary information that need to be protected, he said. Appropriate security for that information would be required before that access could be allowed, he said.

That is not sufficient, Brownback said Friday. "This does nothing to satisfy the public or the administration's legitimate concerns."

Administration officials declined to speculate Friday what they might do if sufficient independent access to KBA's

here and there, we're trying to take a serious look at the overall program."

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## Bioscience Answer To Allegations Is Too Little, Gov Says

By Gene Meyer  
KansasReporter

TOPEKA, Kan. - Directors of the Kansas Bioscience Authority, state-funded promoter of emerging biotech business that also is the focus of a Johnson County district attorney's investigation, pledged Friday to hire outside auditors to look at its financial practices.

Not good enough, said Kansas Gov. Sam Brownback, who has expressed concern that authority directors, headed by former Kansas Gov. John Carlin, appear to want too much control over proposed audit.

Brownback, a Republican, has been quietly pressing the authority since early last month to allow independently chosen forensic auditors probe KBA paper trails and a team of state observers led by Kansas Agriculture Secretary Dale Rodman to sit in on meetings and discussions, all in an effort to resolve allegations of financial mismanagement and abuse that recently surfaced in Kansas Senate Commerce Committee hearings.

"For more than a month, the Kansas Bioscience Authority has refused an independent forensic audit, stating publicly they had 'no concerns' about an

ongoing criminal investigation," Brownback said in a statement released late Friday.

"Now they say observers may only see what the KBA wants them to see and auditors can only look at what KBA wants them to look at," Brownback said. "That is not effective oversight."

Carlin, a Democrat, and other authority officials have insisted that the allegations, raised in large part by state Sen. Susan Wagle, a Wichita Republican and the Commerce committee chair, are "unsubstantiated and completely false accusations, rumor generation and character assassination that they aren't receiving full funding of a promised five-year \$20 million research grant to help develop new medical devices."

Investments by Olathe-based KBA in small biotech businesses the last six years created 1,195 jobs, \$212.6 million in new capital investment, \$86.6 million in new research funding and \$48.3 million in new equity investments, he said. KBA is credited by state Sen.

President Steve Morris, a Hugoton Republican, and others with also helping draw an expected \$650 million federal dollars to the establishment of a

National Bio and Agro-Defense Facility in Manhattan

Wagle, who could not be reached Friday, contends that testimony elicited in Commerce committee hearings also shows such gains came at a cost: poor management by Tom Thornton, the authority's chief executive, lavish spending on salaries and bonuses for employees - 12 among the 21 of them earn more than \$100,000 a year - and on its headquarters building in Olathe.

Wagle and the committee members also heard complaints from scientists at Wichita State University's Center of Innovation for Biomaterials in Orthopaedic Research that they aren't receiving full funding of a promised five-year \$20 million research grant to help develop new medical devices.

Carlin, Thornton and KBA say the allegations are unfounded.

Until Friday, Carlin and the KBA proposed that Brownback and the investigators review more than a half dozen annual KBA audits and investigations undertaken by independent specialists looking at the authority's financial practices. These were traditional audits, performed to determine that the subject of the audit is comply-

ing with proper procedures, not a narrower audit identifying suspected fraud, Janice Katterhenry, the authority's chief financial officer, said in one letter demurring a suggested forensic audit.

But Carlin, in a letter to Brownback Friday that outlined the authority's proposal for its own further investigation, said "that at no point has the (KBA board of directors) refused to conduct or cooperate with a forensic audit."

"We would like to accomodate your request to have representatives of your administration observe the activities of the KBA," Carlin continued.

However, many of the the business negotiations in which the authority is engaged also involve highly confidential trade secrets and proprietary information that need to be protected, he said. Appropriate security for that information would be required before that access could be allowed, he said.

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The time of the feed is from 7 AM - 7 PM, tickets may be purchased in advance or at the door.

Tickets are \$4 each, and Children age 6 and under are \$2 each.

Pancake Feed includes: Pancakes (all you can eat), Sausage, Coffee/Orange Drink.

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• Joe Miller, Republican nominee for U.S. Senate for Alaska.

A graduate of West Point and Yale Law School, Joe is a decorated combat veteran from the First Gulf War, a former state

magistrate and federal magistrate judge. He and his wife Kathleen are the proud parents of eight children and live in Fairbanks where he is a practicing attorney.

• Jud Jones, Wamego Tea Party



## Minutes

Vargo said advance voting closes at 12:00 (noon) today.

Vargo said the City/School General Election will be held April 5th.

Vargo reported 1,187 residents have participated in advance voting.

McCulloh reported the HHW trailer will be at Howie's this Saturday 8:00 a.m. – noon.

**9:55 Leon Hobson, Public Works Director/County Engineer**

Clancy Holeman, Counselor/Director of Administrative Services; Dick Hayter; Rod Meredith, Assistant Public Works Director/Parks Director; Brad Dornes, Manhattan Mercury; Peter Van Kuren, Manhattan City Airport Director; Fred Willich; Cindy Volanti, Human Resource Manager; Johnette Shepek, Budget and Finance Officer; Gary Rosewicz, Assistant County Engineer; Rich Jankovich; Lyle Butler, Manhattan Area Chamber of Commerce; and Robert Nall, Information Technology Director, attended.

Hobson said the K-18 project is estimated to cost \$96 million to construct. There has always been an expectation by KDOT the local units of government would provide some financial participation in the T-Works projects. They recently held meetings in Johnson County and Sedgwick County to discuss the same. At these locations, it is anticipated the local governments will participate in 10% to 15% of the total construction costs.

Hobson said in August, 2008, when the project was being designed, local officials approached KDOT to express their desire to have an interchange at the airport. Although it had been discussed previously as a possibility, KDOT did not have plans to include it in the project. Local officials pointed out KDOT did plan to construct a grade-separated highway overpass at the Airport to span the new K-18 and relocated railroad. Local officials pledged to KDOT to provide local funds to the project if the overpass could be converted to an interchange.

Hobson said a letter, signed by then Riley County Commission Chairman Bob Newsome, Manhattan Mayor Mark Hatesohl, and Manhattan Area Chamber of Commerce Transportation Committee Chair Richard Hayter, was sent

to KDOT to ensure the project was designed with an interchange to serve the area surrounding the Airport.

Hobson said on Monday, March 28, 2011, representatives of Riley County Public Works, the City of Manhattan, and the Manhattan Area Chamber of Commerce met with Jerry Younger, KDOT

Assistant Secretary of Transportation to discuss the above referenced. KDOT plans to bid the K-18 project on April 20, 2011. The cost estimate prepared for KDOT to create the interchange is \$4,785,521.

Hobson said as KDOT had planned to construct an overpass there from the beginning, the group agreed the extra cost was between \$3 million and \$4 million. The group subsequently agreed to a \$3 million local cash contribution, to be split 50/50 between the City of Manhattan and Riley County, subject to the approval of the respective governing bodies. Each local unit would provide \$150,000 per year for 10 years directly to KDOT at 0% interest. This is similar to the method utilized by Riley County for funding the participation in the reconstruction of K-177.

Hobson said in addition, local entities would also provide in-kind contributions such as fill-dirt for the ramps, utility relocations, and assuming ownership of new local roads created by the project to help realize additional local match.

Hobson said the State of Kansas has invested and will continue to invest a great deal of capital into the reconstruction of K-18. Riley County recognizes the significant investment in the region and supports the upgrade to K-18. When completed, this highway will streamline travel between Manhattan/K-State and I-70/Junction City/Fort Riley. Additionally, it will facilitate commercial development in areas adjacent to the highway which, to date, have not been utilized.

Hobson said Public Works staff recommends the County Commission commit to the funding of this project and authorize Riley County staff to work with KDOT to amend our recent agreement to include Riley County's participating in the amount of \$1.5 million over 10 years.

Lewis asked what six miles of road will Riley County be

required to take over the maintenance?

Hobson reported the sections Riley County would maintain.

Johnson asked, what year will Riley County be required to begin payments of the \$150,000 per year?

Hobson said he anticipates 2012 budget year.

Lewis asked, when will maintenance for Riley County begin on roads Riley County accepts?

Hobson reported the State will bring all the roads up to standard prior to Riley County receiving the roads.

The Board discussed the increased maintenance for the roads Riley County will receive from the State.

Hayter reported the Chamber supports Riley County's support of the K-18 enhancement project. Hayter stated the Chamber supports the project due to the potential economic impact on Riley County.

Hayter reported in 2003, airport enplanements were 6,000 and in 2010 they were 39,126.

Willich stated on behalf of the Chamber he is in support of the interchange.

Jankovich, on behalf of the airport board, stated he supports the interchange due to the increased traffic at the airport.

Johnson moved to allocate \$150,000 per year for 10 years to KDOT for highway improvements to K-18 from Manhattan to Ogden and authorize staff to amend our agreement with KDOT. Lewis seconded. Carried 3-0.

Hobson said the change from the current on-call position with a maximum of 1000 hours annually to a permanent part time employee (Grade I, Step 1) with a minimum of 1040 hours would increase the Solid Waste personnel budget by \$5,063.46. This will be paid by the Solid Waste budget.

Hobson said by implementing this proposed upgrade, we expect to find applicants who are interested in the position on a long term basis, to be more productive by maintaining a fully staffed facility, to provide time to perform special projects and to be pro-active rather than reactionary. The additional staff also allows for better flexibility to adequately operate the facility when other employees are gone due to vacation or illness.

Johnson moved to authorize the upgrade of the on-call solid waste position to a regular part

time operator position at Grade I. Lewis seconded. Carried 3-0.

Hobson asked, what improvements the Board would like on the Chambers sound system?

The Board suggested more sensitive microphones and improvements in speaker locations.

Nall discussed the sound system project.

Nall stated the IT budget does have funding for the sound system project.

**10:28 Eileen King, Treasurer**

Johnette Shepek, Budget and Finance Officer; Clancy Holeman, Counselor/Director of Administrative Services; and Brad Dornes, Manhattan Mercury, attended.

King reported the following:

**Summary:** Retailers have option of whether to use the current destination sourcing or origin sourcing when determining the sales tax. Origin sourcing was used prior to 2004.

• By 2004, 39 states had implemented Streamlined Sales Tax legislation.

**Requirements for SST:**

1. Minimum 20 states representing at least 10% of population

2. Destination based sourcing

3. Uniform tax base

4. State level administration

5. Single local rate

**History:**

Streamlined Sales and Use Tax legislation was enacted in Kansas in 2003. A coalition of states and retail companies came together and worked out an agreement on the collection of state sales tax by merchants.

These states have agreed to requirements above to make it less cumbersome for retailers to collect the sales tax. This agreement makes sales tax laws simpler and more uniform to ease the collection process. If a company doesn't have nexus in the state, the state can't require them to collect sales tax for them.

Target, Wal-Mart, ToysRUs, Home Depot, K-Mart, Lowe's, Radio Shack and Staples are some of the retailers in the agreement.

Kansas Local Use Tax Locator can be found at www.ksrevenue.org Under "Your Business" there is a Kansas Sales & Use Tax Locator for all merchants to utilize.

**2010 County Sales Tax**

Received from 1% tax

Regular Sales Tax

\$2,884,104.52 92.3%

Compensating Use

\$239,580.23 7.7%

Total \$3,123,684.75

The Board of County

Commissioners, by consensus,

agreed to oppose HB 2161 on amending the sales tax.

**10:55** Johnson moved to adjourn. Lewis seconded. Carried 3-0.

from page six

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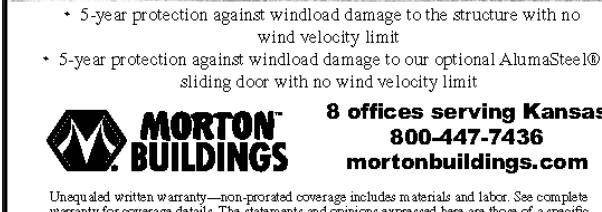
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**Loaders:** '92 CAT 953 track id, '73 CAT 930 Backhoes: '99 Case 580 Super L Series 2 Paving:

Gomaco GT3600 curb machine Roller/packers: Bomag 142 PDB-Z sheepfoot roller, Pettibone C-200 flat wheel combo roller vibratory compactor Heavy

trucks: '78 KW W900A semi truck Trailers: '78 Hyster 50 ton low-boy, '98 Travis 26' end dump Skid steers: (3) Case 1845C vehicles, excavator buckets, fuel tanks, skid steer attachments, tools, water tanks and more.

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# Free Press Sports

MANHATTAN FREE PRESS - Thursday, April 14, 2011

## K-State Earns Series Win Over Seventh-Ranked Sooners

### KSU Sports Information

MANHATTAN, Kan. - Evan Marshall pitched 3.2 shutout innings and Jared King capped a five-run outburst with a two-RBI single in the fifth inning as Kansas State took a weekend series from No. 7 Oklahoma with a 6-2 victory Sunday afternoon at Tointon Family Stadium.

The rubber game win earned K-State its first series win over the Sooners since 2001 as the Cats improved to 18-12 on the season and 4-8 in Big 12 play. It was also the first series victory for the Wildcats over a top-10 team since winning two games at No. 2 Texas in 2009.

Oklahoma fell to 24-8 on the year and 6-5 in conference action with the loss.

The Wildcats trailed 2-0 after the Sooners plated single runs in each of the second and third innings. K-State began its comeback in the fifth with Mike Kindel reaching on a walk before Ross Kivett pushed a bunt past the mound for a base hit. Chase Graskewicz's attempted sacrifice bunt bounced directly to Sooner pitcher Dillon Overton (5-3), who threw wildly by third baseman Garrett Buechele, allowing Kindel to score.

Overton's error proved costly as the Wildcats took advantage of the extra out. Tanner Witt executed a squeeze play to tie the game at 2-2. Then, Jake Brown and Nick Martini followed with a pair of walks to load the bases with two outs, which ended Overton's afternoon. Reliever Tyson Seng, who came on to face Jason King, balked on a 1-0 count to bring in Graskewicz with the

go-ahead run.

Seng walked Jason King to reload the bases and set the stage for Jared King, who smacked his single up the middle to give the Cats a 5-2 advantage.

"It's all about executing and putting the ball into their hands," head coach Brad Hill said. "They didn't make the play, and that's part of it. They created an opportunity for us and Jared King gave us a great at-bat. He fouled off some pitches and got the big base hit."

Marshall's stellar relief effort was key in the victory. The right-hander (3-3) entered the contest with one out in the third inning and gave up a sacrifice fly for the second Sooner run.

Marshall struck out Casey Johnson, who hit a solo homer in the second for the Sooners' first run, to end the third inning. He went on to retire eight of the next 10 batters, including a double play in the sixth. The Sunnyvale, Calif., product surrendered just one hit and struck out three batters to earn his first victory since February 24 at No. 17 Coastal Carolina.

"That's the Evan Marshall we need out there," Hill said. "He did what he needed to do and produced a lot of ground balls. That was big for Evan and our ballclub."

Shawn Lewick, Gerardo Esquivel and James Allen combined to shut down Oklahoma over the final three innings. Lewick struck out the only batter he faced in the seventh before giving way to Esquivel, who worked the rest of the seventh and the eighth. Allen was perfect in the ninth as he struck

out two of the three batters he faced.

Overton took the loss despite not allowing a hit for the first 3.2 innings. All five of the runs he gave up were unearned, while he walked four and struck out five in 4.2 innings.

Jared King and Ross Kivett paced the Wildcats with two hits apiece. Wade Hinkle produced an insurance run in the eighth when he beat out a potential inning-ending double play to push the lead to four.

Martini went 0-for-2 but drew a walk in both the first and fifth innings to extend his NCAA record streak of consecutive games reaching base to 90 contests.

Next action for Kansas State is on Tuesday when the Cats travel to Omaha, Neb., to take on Creighton at the CU Sports Complex. First pitch is set for 3 p.m., and the game can be heard in the Manhattan area on SportsRadio 1350 KMAN or online at [www.k-statesports.com](http://www.k-statesports.com).

The Wildcats return to Tointon Family Stadium on Wednesday to face in-state rival Wichita State. The game, which will be televised on Kansas 22 and Metro Sports, begins at 6:30 p.m. A pregame tailgate begins 90 minutes prior to first pitch in the picnic area behind the left-field wall.

Fans can purchase tickets for the Wichita State game, or any other remaining home contest this season, by logging on to [www.k-statesports.com/tickets](http://www.k-statesports.com/tickets), calling 1-800-221-CATS or visiting the K-State Athletic Ticket office inside Bramlage Coliseum.



K-State's Mike Kindel (18) goes down as he slides into 3rd.



K-State's Jason King (28) reaches out as he slides into 3rd.



Nick Martini (26) rounds 3rd heading for home to score for the Wildcats.

**Photos by Tonya Ricklefs**

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