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Manhattan Free Press

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Vol. 24 Number 22

An Award Winning Weekly Newspaper

Thursday, November 12, 2015

Mandatory Rental Inspections

Unconstitutional

(Editor's Note: The City of Manhattan wants a rental inspection program and they are willing to break the law to get it.

Tuesday, the Manhattan City Commission held a work session to discuss a new rental inspection plan (the City had one for 2 years - see page 3 of today Free Press for a blast from the past.)

The Commission room was filled with landlords and property owners and they came to stop the action.

In the end the City Commission wanted to continue with developing the unconstitutional program. Jon A. Brake)

There are 24 cases around the United States and they have all ruled that a rental inspection program is unconstitutional. Here are a few of the 24:

- In Ohio last month Mandatory rental inspections were found unconstitutional. The federal courts enjoined Ohio municipalities from enforcing rental inspection programs. A warrant with probable cause must be obtained or permission from the owner. The court stated that both the United States Supreme Court and the Ohio Supreme Court have invalidated warrantless inspections of rental property and repeatedly held that warrantless administrative inspection are invalid.

- In Brookhaven NY 2013 The Supreme Court found mandatory rental inspections to be unconstitutional.

Judge Howard Berler found that warrantless inspections of all residential rental properties constitutes a depriving of a citizen's rights to derive economic benefits from rental property.

The court stated that Warrant inspections backed by probable cause are the only thing legal by the 4th and 14th amendments and must apply to all properties. Judge Berler ordered the town to refund all charges made to landlords or workout a settlement with the coalition of landlords.

- In 2013 The village of Hempstead, PA had a rental permit and mandatory inspection of rental units.

The court found that the issuance of a rental permit was an effort to coheres

a property owner to submit to a warrantless inspection in violation of the rights guaranteed to him or her under the constitution. The village of Hempstead appealed to the state court stating that their codes were constitutional and were granted a dismissal of the action. The Plaintiffs appealed the case to the Federal Court of Appeals which reversed the action of the state court, declaring Hempstead's codes unconstitutional and order them dismantled. The court awarded damages to the plaintiffs and assessed lawyer fees and court fees to the village of Hempstead, PA. The court found "The village may not compel the owner's consent to warrantless inspection upon the theory that these searches (inspections) are a burden which property owners must bear in exchange for the right to open their property to the general public for rental. It is beyond the power of a city or state to condition an owner's ability to engage his property in the business of residential rental upon his forced consent to forego certain rights guaranteed to him under the constitution".

- In Red Wing, Minn., the Minnesota Supreme Court ruled in 2013 that the city's mandatory programs violated the 4th Amendment and the 14th Amendment. That the city must obtain a warrant to inspect units and have proof of probable cause. Under the 14th Amendment all citizens owning property must be treated equal whether they are owner occupied, investor rented; or commercial, etc.

- In Garland, Texas in 2008 the U.S. Court of Appeals struck down their registration and rental inspection program stating that city must have a warrant to inspect backed by probable cause or permission from the owner.

The court ordered that all property must be treated the same. It further ordered that fees charged to rental investment owners was nothing more than taxation on a select segment of property owners and warranted unfair and unequal treatment and ordered all fees and funds collected to be returned to individuals who had paid them.

- In 2012 in Elizabethville, Pa. The US Middle Court found rental inspec-



When Manhattan City Building Official Brad Claussen (right) started speaking to the Manhattan City Commission Tuesday night the room was 3/4 full. When he ended 10 minutes later City Staff were setting up more chairs to get all of the people into the room. Some ended up standing at the back of the room. (Photos by Linda Brake)

tions violate the 4th amendment and require permission from the property owner or a warrant with probable cause and must be applied equally across all property. The court also found that municipal courts do not meet the requirement of being unbiased.

- In Hampton, Virg. 2014 The courts found that mandatory inspections violated the 4th Amendment. That a city must have permission of the owner of property or obtain a warrant with probable cause. It ordered Hampton to dismantle its registration and inspection program. Further, it found that fees and charges placed upon one segment of property owners and not others was unfair and unequal taxation and order them to cease.

In the view of some, the debate became unchained from reality, an election-season wedge issue that forced Republicans and Democrats into their corners, each denouncing the other as extreme. Not so long ago legislation like the Endangered Species Act and the Clean Air Act won bipartisan support on Capitol Hill, but in today's atmosphere such cooperation looks almost unimaginable.

"The polarization is extreme. There was a time when there was a bipartisan consensus on the environment," said Democratic Sen. Brian Schatz of Hawaii. "Our voters want us to work together on these issues, but the political ecosystem surrounding the Congress benefits from these issues as litmus tests rather than as urgent problems that require our leadership."

Despite the corrosive politics,



Katie Jackson, Interim City Attorney told the Commission about the State Landlord Tenant Act but did not tell about the 24 cases judging Rental Inspections unconstitutional.

Analysis: Polarized politics dictated Obama Keystone call

WASHINGTON (AP) — President Barack Obama's decision to block the Keystone XL oil pipeline has exposed an endlessly polarized Washington, and likely hardened its divides.

Obama is now being praised to the skies by environmentalists and most Democrats, and denounced in apocalyptic terms by Republicans and the business community. And although environmental issues once produced bipartisan agreement in Congress, consensus on action to increase energy production or deal with climate change looks farther away than ever.

"This became a tribal issue of bizarre proportion," said Jason Grumet, president of the Bipartisan Policy Center.

Grumet said voters support Keystone and infrastructure projects, as well as action on climate change. "And unfortunately rather than recognizing the opportunity to do both, we now have a country that's essentially doing neither," he said.

Seven years in the making, Obama's decision to reject the Keystone pipeline to carry crude oil from Canada to the Texas Gulf Coast was not a foregone conclusion, at least not

initially. From one perspective the pipeline is merely an infrastructure project, unlikely to cause major lasting impacts on jobs or the environment, according to government analyses. In 2010, then-Secretary of State Hillary Rodham Clinton said her department was inclined to sign off on it.

But that same year Democrats lost control of the House after infuriating Republicans by forcing through a bill cutting greenhouse gas emissions.

Legislative efforts on climate change were declared dead, and environmentalists began shifting their focus onto the executive branch, seizing on Keystone as a place to make their stand.

As environmentalists staged protests and chained themselves to the White House gates, Keystone transformed into a litmus test for both sides. In the Republican view, opponents of the project were backing environmental extremism over jobs.

Ask Democrats, and the project meant environmental destruction and a giveaway to the fossil fuels industry in place of sensible action to curb climate change.

Clinton announced her opposition

to the project in September as she campaigned for president, and in the wake of that announcement Obama may have had little choice but to follow suit, given the intense pressures he faced. Those pressures would only have intensified heading into international climate talks that begin in Paris on Nov. 30.

In the view of some, the debate became unchained from reality, an election-season wedge issue that forced Republicans and Democrats into their corners, each denouncing the other as extreme. Not so long ago legislation like the Endangered Species Act and the Clean Air Act won bipartisan support on Capitol Hill, but in today's atmosphere such cooperation looks almost unimaginable.

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Despite the corrosive politics,

Keystone commanded the support of nine Senate Democrats when it came up for a vote at the beginning of this year. That includes some lawmakers in states on or close to the pipeline route and standing to benefit from construction jobs. Several of them, including Democratic Sen. Heidi Heitkamp of North Dakota, will face voters in 2018, when she will have to explain away her support for a president who rejected the project _ or use the issue to show her independence from national Democrats.

In an interview, Heitkamp complained about the ability of the environmental movement in successfully converting the issue into a political campaign, which they won.

"If in fact the model now is that you exert a tremendous amount of pressure in ways that are factually incorrect to stop any development of critical infrastructure for energy in this country, this is a bad, bad, bad decision," Heitkamp said. "I don't think this is a decision based on facts. I think it's a decision based on politics."

On the other side, Republicans who might be inclined to cross the aisle and support Democrats on environmental

issues risk accusations they are throwing their lot in with extremists. GOP Sen. Kelly Ayotte of New Hampshire, up for re-election in a swing state next year, has drawn criticism and talk of a primary challenge since breaking ranks last month to back the Obama administration's plans to reduce emissions from power plants, although her positioning could help her in the general election.

Other vulnerable GOP senators from states including Illinois and Wisconsin will face similar considerations when Senate Majority Leader Mitch McConnell brings up legislation aimed at blocking the power plant plan, as he's promised to do. There may also be renewed legislative attempts to undermine Obama's action on Keystone. Democrats insist most such votes will only help them, given polling data showing the majority of voters wants to see action to reduce greenhouse gases. But Republicans led by McConnell from coal-dependent Kentucky intend to press their attacks on administration environmental regulations _ in the absence of any agreement on positive steps to take on energy and the environment.

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Riley County Commission Minutes

Cost Taxpayers \$700 Per Month

Editor's Note: (What the Riley County Clerk and the Riley County Commissioners are doing with the Commission Minutes is Deceiving.

Look at the Minutes taken by County Clerk Rich Vargo, the County is paying \$700 per month to produce nothing but filler and last year it did not cost extra to write a complete history of the meeting.)

Board of Riley County Commissioners Regular Meeting Minutes
November 02, 2015
115 North 4th Street
Manhattan, KS 66502

Commission Chambers
8:30 AM

Pledge of Allegiance

Public Comments

Vargo introduced Anita Cook and Whitney Glenn two new employees in the Riley County Clerk's Office.

Hobson stated a Riley County Public Works employee's father passed away. Hobson stated some employees would like to attend and it is out of town. Hobson stated the policy is to allow up to 2 hours leave for employees. Hobson stated he would like to request an additional hour for the employees to attend the funeral.

The Board agreed by con-

sensus to grant the Public Works employees 3 hours of Administrative Leave to attend the employee's father's funeral.

Shepek presented the Commerce Bank purchase card revenue share report.

Business Meeting

CIP Funding Forms for the Community Park funding for the Randolph Park Restroom and Public Works Pre-Cast Box Culverts. Commission approved transfer from PW to CIP for funding of both projects.

Move to approve CIP Funding Forms for the Community Park funding for the Randolph Park Restrooms and six Public Works pre-cast box culverts and the transfer from Public Works to CIP for funding of both projects.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robert Boyd, County Commissioner
SECONDER: Ben Wilson, County Commissioner
AYES: Boyd, Wells, Wilson

Sign Riley County Personnel Action Form(s)

The Board of County Commissioners signed Riley County Personnel Action Forms for the following:

Andrew Pellatt, an On Call Juvenile Intake Officer, in the Community Corrections Department, for Separation from County Service, effective October 23, 2015.

Jane Backman, a new hire, as a Legal Secretary, in the County Attorney's Office, at a grade I step 1, at \$16.11 per hour.

Curtis Mader, an Engineering Tech Intern, in the Public Works Department, for Separation from County Service, effective December 11, 2015.

The Board of County Commissioners signed a Riley County Position Action Form for an Engineering Tech Intern, in the Public Works Department, at a grade B-3.

Review Minutes

5. Board of Riley County Commissioners - Regular Meeting - Oct 29, 2015 8:30 AM

Move to approve the minutes.

RESULT: ACCEPTED AS AMENDED [UNANIMOUS]

MOVER: Robert Boyd, County Commissioner
SECONDER: Ben Wilson, County Commissioner
AYES: Boyd, Wells, Wilson

9:10 AM

Move to go out of the executive session.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Robert Boyd, County Commissioner
SECONDER: Ben Wilson, County Commissioner
AYES: Boyd, Wells, Wilson

9:10 AM

Move for staff to take action as discussed.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Robert Boyd, County Commissioner
SECONDER: Ben Wilson, County Commissioner
AYES: Boyd, Wells, Wilson

9:00 AM

6. Tentative Agenda

Press Conference Topics

Discuss Press Conference

Veterans Day

KAC Annual Meeting

County Offices closed

Veterans Day

9:00 AM

9. Pending County Projects

County Counselor

Clancy Holeman, Counselor/Director of Administrative Services

8. Administrative Work Session

Move that the County Commission recess into executive session on pending litigation for the purpose of consultation with an attorney for the County Commission, Clancy Holeman, Riley County Counselor, which would be deemed privileged in the attorney-client relationship, an exception to the Kansas Open Meetings Act, the open meeting to resume in the County Commission Chambers at 9:10 a.m.

RESULT: ADOPTED [UNANIMOUS]

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AYES: Boyd, Wells, Wilson

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RESULT: ADOPTED [UNANIMOUS]

Four Student Renters Sentenced To 15-Days In Jail

(Editor's Note: This is the event, Free Press story and Editorial that was the start of the 2007 City of Manhattan Rental Inspection Program demise.)

The Inspection Program was not meant to intrude on the "Rights" of the Renters. It was to get rid of those money hungry "Slum" Landlords.)

Reprint from the April 14, 2011 issue of the Manhattan Free Press page one. You can see the complete paper at: manhattanfreepress.com

By Jon A. Brake

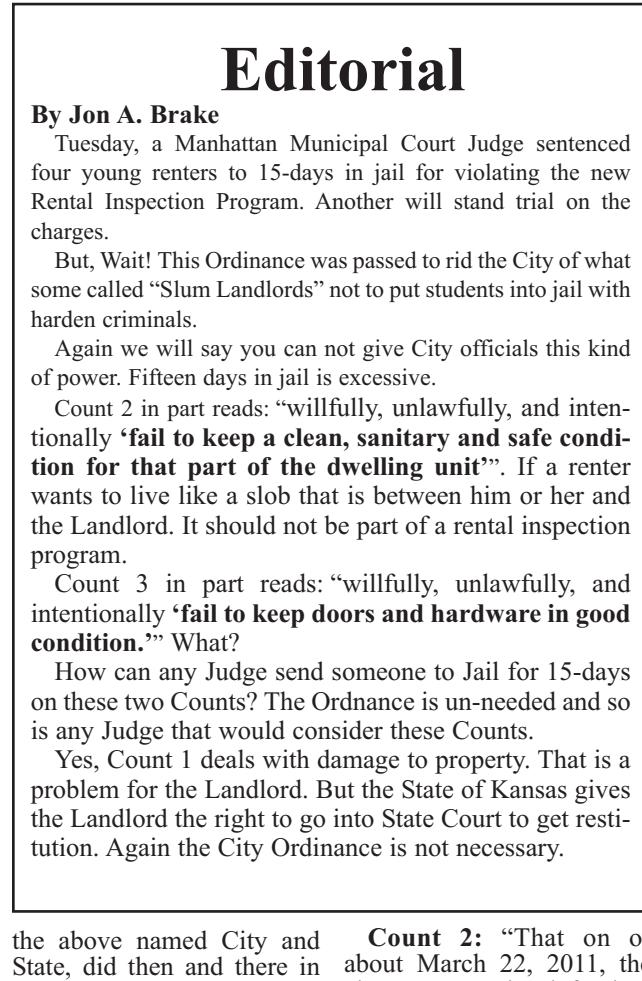
The City of Manhattan Codes Department, using the new Rental Inspection Program filed complaints in Manhattan Municipal Court against five student renters last month.

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



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.

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, rooming unit, housekeeping unit or premises which they occupy or control."

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 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 tack 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 laundry 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 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 Sneed and Commissioners James E. Sherow, and Jayme Morris-Hardeman over the objections of Loren Pepperd. Bob Strawn recused himself.

Rental Inspection Program Killed

The Butler Did It!

Reprint from the July 21, 2011 issue of the Manhattan Free Press page one. You can see the complete paper at: manhattanfreepress.com

Editorial

By Jon A. Brake

The monster is dead. Long live the Manhattan City Commission. Or at least three of them.

Tuesday night the Commission took up the City's Rental Inspection Program again and put an end to the nightmare.

The program started out at

the beginning of this year to get rid of the "slum landlord" in Manhattan.

Like any program developed by the City it went from an idea directly into a money eating, citizen bashing, nightmare.

The last straw and the undoing of the program was when the City Staff took four College Students to Court and they received a 15-day jail term. At a work session meeting members of the Commission told the City Staff that they were never told that people could go to jail.

Staff responded by saying that is what happens when you pass an Ordinance.

When the Commission voted to make changes last month it

room was packed with landlords who were made victims by the program.

One person said he sent in his fee for the program on the last day, did not receive a receipt, did not get his money back.

Another person told of having his rental apartment failed the rental inspection because of one electrical outlet cover was missing.

In the end it was like the ninth inning of a baseball game, score tied and two out.

No one knew how the vote would come out.

When the Commission voted to make changes last month it

was Wynn Butler who voted to continue the program but on a smaller scale. This was against what many people thought he had said during the election in April.

Tuesday night the final vote came down to Butler again. Mayor Schroew and Commissioner Jankovich voted to keep the program. Commissioners Peppard and Matta voted to kill the program.

After what to many was a long time, Butler took a swing at the ball and hit a home run. His vote killed the monster. Long live the Manhattan City Commission.

Property taxes on the rise in Ks

TOPEKA, Kan. (AP)
Patrons of most Kansas school districts will see property taxes rise this year amid an ongoing legal battle over whether public schools are underfunded, preliminary state data shows.

The increases, which are expected to average 1.8 mills, come one year after an influx of court-ordered school aid led to a reduction for most homeowners. The Topeka Capital-Journal reports. Late year, the average drop in property taxes among 286 school districts was 2 mills.

Some superintendents say a controversial change in the state's financing of K-12 education is the reason for the hike. For school leaders in western Kansas, the oil and gas industry gets part of the blame.

"The state giveth and the state taketh away," said Steve Pegram, superintendent of the Santa Fe Trail school district, where patrons are expected to see property taxes climb 3.2 mills this year.

Santa Fe Trail, in Osage County, lost more than \$60,000 in state aid from its annual budget when the Legislature rolled back this amount late in the fiscal year, Pegram said. The district's reserves and local property taxes made up for the change, he said.

Adrian Howie, superintendent of the Hugoton school district in southwest Kansas, said his district is suffering from a sustained drop in the value of oil and gas properties. Hugoton's property tax rate has increased nearly 24 mills in seven years, he said, primarily because oil and gas properties make up 80 percent of the district's local tax base.

"That becomes the hard part, as a superintendent, to budget," Howie said.

On Monday, a panel of state leaders will consider requests from Hugoton and two dozen other districts that argue they are facing extraordinary situations that warrant a boost in dollars. The request comes

even as the state faces a budget deficit of more than \$100 million and an ongoing court battle over school funding. The Kansas Supreme Court heard oral arguments Friday in the case.

Steve Karlin, superintendent of the Garden City school district, where property taxes are poised to increase nearly 4 mills this year, blamed lawmakers scrapping the two-decades-old funding system last spring. The plan is to design a new funding system.

Karlin, superintendent of the Garden City school district, where property taxes are poised to increase nearly 4 mills this year, blamed lawmakers scrapping the two-decades-old funding system last spring. The plan is to design a new funding system.

Had the Legislature retained Kansas' previous school finance system, he said, "we would have more dollars available to educate our kids, and we would not have had a mill levy increase at all."

Rep. Ron Ryckman Jr., head of the House's budget panel, said Kansans should ask questions of their local school boards to understand whether tax increases are justified.

Classifieds...

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Help Wanted

ACCOUNTANT - We're looking for a detail-oriented team player to serve as staff accountant for the Kansas Press Association in Topeka. Five years' accounting experience preferred. Full-time. Includes accounts payable, accounts receivable, payroll coordination, P&L and quarterly and year-end reporting.

Competitive wage and benefits package. Email a cover letter and resume to danstaett@kspress.com. No phone calls, please.

Help Wanted

Afinity Incorporated at Eaton, CO, is seeking a qualified CEO/General Manager. This is a multi-location energy, feed, grain, agronomy, and TBA cooperative with sales of \$300 million. Business degree and/or successful agricultural business management experience desired. To Apply: http://tinyurl.com/nkz4c48/ For more info contact Larry Fuller, 701-220-9775 or Email larry.fuller@chsinc.com

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Partner In Excellence. CDL Class A Drivers Needed. Sign on Bonus. All miles paid. 1-800-528-7825 or www.butlertransport.com

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Convoy Systems is hiring Class A drivers to run from Kansas City to the west coast. Home Weekly! Great Benefits! www.convoysystems.com Call Lori 1-800-926-6869 ext. 303.

Sporting Goods

WORLD'S LARGEST GUN SHOW - November 14 & 15 - Tulsa, OK Fairgrounds. Saturday 8-6, Sunday 8-4. WANENMACHER'S TULSA ARMS SHOW. Free appraisals. Bring your guns! www.TulsaArmsShow.com

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Manhattan Free Press

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Schram Dodge

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Opinion Page

Manhattan Free Press

Thursday, November 12, 2015

4A

Nanny State of the Week:

Bay Area bureaucrats ban fireplaces, wood stoves

By Eric Boehm

Watchdog

The days are getting shorter, and nothing cuts through the chill of the coming winter like cozying up to a fireplace.

Unless you're in San Francisco, where residents are being told they'll have to shiver in the dark or — perhaps worse for the progressive elite of the Bay Area — rely on fossil fuels to generate warmth.

The new rules are the product of the Bay Area Air Quality Management District, which, besides having a name that is one of the most delightfully overwrought examples of bureaucratese ever, is charged with a slew of nanny state objectives.

Wood-burning heaters, stoves and fireplaces will no longer be permitted in any new home built within the nine counties subject to the district's edicts. It's the first such ban in the country, according to the Contra Costa Times.

The new regulations require that sellers of homes with wood-burning fireplaces give buyers a statement about the health risks of wood smoke.

Even low-emission fireplaces approved by the Environmental Protection Agency won't be allowed. Yes, the EPA doesn't have a thing on the district when it comes to playing the nanny state, although the federal agency at least has an easier-to-pronounce acronym — seriously, someone in San Francisco should email us to explain the pronunciation of BAAQMD.

In announcing the new rules last week, the air quality district said it "adopted strong new provisions that will significantly improve the agency's wood burning regulation."

It's worth reading that sentence again to really understand what they are saying there.

Those "strong new provisions" aren't improving public health or making the world a cleaner place or striking a blow against the corporate reign of Big Fireplace.

The new provisions, instead, will improve on the old provisions. New rules piled on top of old rules for the sake of making them "stronger," a true hallmark of the overly bureaucratized nanny state, which sees its own growth as a sign of its own strength.

But what of the people who have to live with these new rules?

"I think this is an overreaction," John Crouch, spokesman for the Hearth, Patio and Barbecue Association, told the Times. "I don't think other pollution boards will take this approach."

Crouch is obviously worried about the effects such bans could have on his industry, but there are other negative consequences, too.

For starters, low-income or rural homeowners, who are more likely to rely on wood stoves or other combustion-based heat sources, will no longer be able to buy new homes that provide heat in that manner.

On STOP The Fireplace Ban, a Facebook group formed by opponents of the new rules, much of the discussion has focused on how a proposal, which looks environmentally



beneficial, will backfire.

Sure, fires emit pollutants, but they pale in comparison to how much air pollution is emitted by power plants. Fewer fire places and wood stoves means more demand for electric heat and more demand for fossil fuel-powered electric plants,

some members of the group worry.

And then there are the health benefits of sitting in front of a roaring fire, which include lower blood pressure and less stress, scientists have found.

We should have seen this coming, though, after the dis-

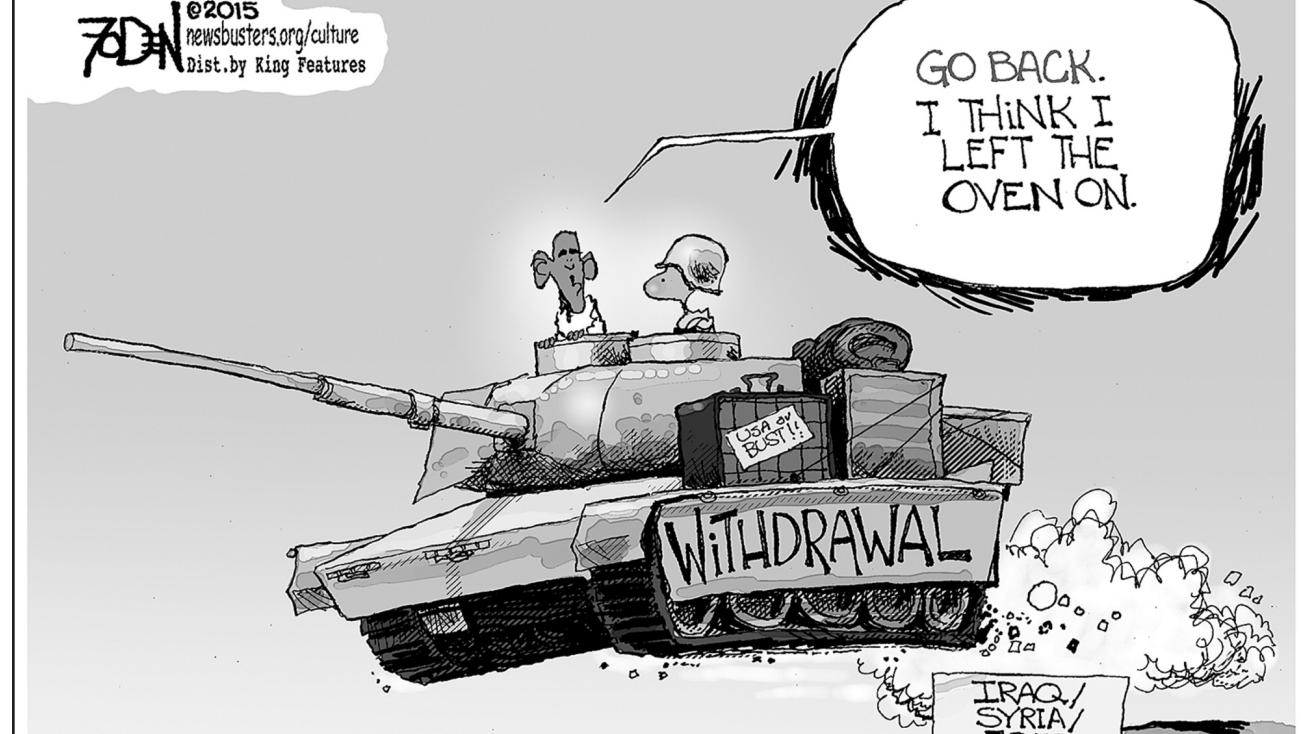
trict instituted a blanket ban on all fireplaces during the holiday season in 2013.

Residents who have homes with fireplaces or wood stoves are not affected by the new ban, which applies only to new homes.

Of course, it's probably just a matter of time until the nannies at the BAAQMD decide that they need to strengthen their rules again and start eyeing those pre-existing fireplaces.

nies at the BAAQMD decide that they need to strengthen their rules again and start eyeing those pre-existing fireplaces.

Until then, here's a copy of the new rules. If you print them out and crumple them up, they'd probably make fantastic kindling.



King Crossword — Answers

Solution time: 27 mins.

AS PEN RAM CPA
LLAMA ALI HAF
LYRIC PARQUET
STRAPS URAL
ZEN EWE PENNY
AMIS ARROZ
GOPHER ELOPED
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TIARA RUS RUB
ANTI MANTRA
PARFAIT RIDES
ANI PRO AGORA
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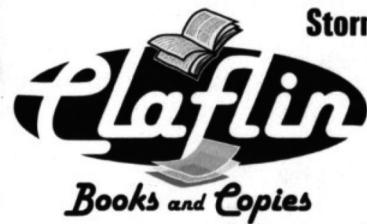
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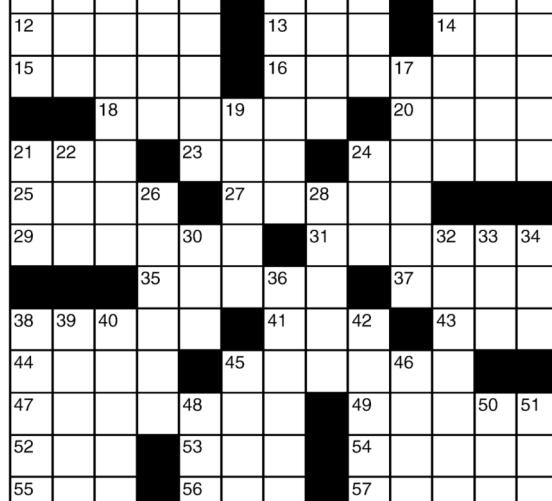
King Crossword

ACROSS

- 1 Colorado 43 Abrade
- ski mecca 44 Con 19 Trophy, for capital)
- 6 Aries 45 Oft-repeated one
- 9 Bookkeeper 47 Layered 21 Sharp turn
- (Abbr.) dessert 22 Comedian
- 12 Camel's 49 Carnival Philips
- cousin attractions 24 D.C. type
- 13 "The 52 Blackbird 26 "Doctor Zhivago"
- Greatest" 53 Paid player star
- 14 Chance 54 Old market- 28 Same old place?
- 15 Hammer- 55 Vast 30 Detergent brand
- stein's 56 Listener 32 Baffling contradiction
- contribution 57 Grew 33 Flightless bird
- 16 Decorative floor
- 18 Knapsack parts
- 20 Kazakhstan river
- 21 Buddhist sect
- 23 Lamb's dam
- 24 Minimal change
- 25 Writer Kingsley
- 27 Rice, on a Mexican menu
- 29 Minnesotan
- 31 Fled to wed
- 35 Heat
- 37 Appellation
- 38 Miss USA
- adornment
- 41 Neighbor of Ukr.

DOWN

- 1 Every iota 34 Society newcomer
- 2 Crafty 36 Demos-themes, for one
- 3 Carrot's cousin 38 Spanish appetizers
- 4 Send forth 40 Places in the heart
- 5 Mother-of-pearl 42 Malt shop item
- 6 50 Cent, e.g. 45 Actress
- 7 "Sad to say..." 46 Latvia's capital
- 8 Bygone 48 Gorilla
- space station 50 Prior to
- 9 Make butter 51 Blue
- 10 Song of joy
- 11 As deemed fit
- 17 — City (former Philippine)



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Answers on page 4

HOCUS-FOCUS

BY HENRY BOLTOFF



Find at least six differences in details between panels.



Diff'rences: 1. Hair is missing. 2. Block is different. 3. Team name is missing.

4. Arm is moved. 5. Stripe is missing. 6. Window is different.

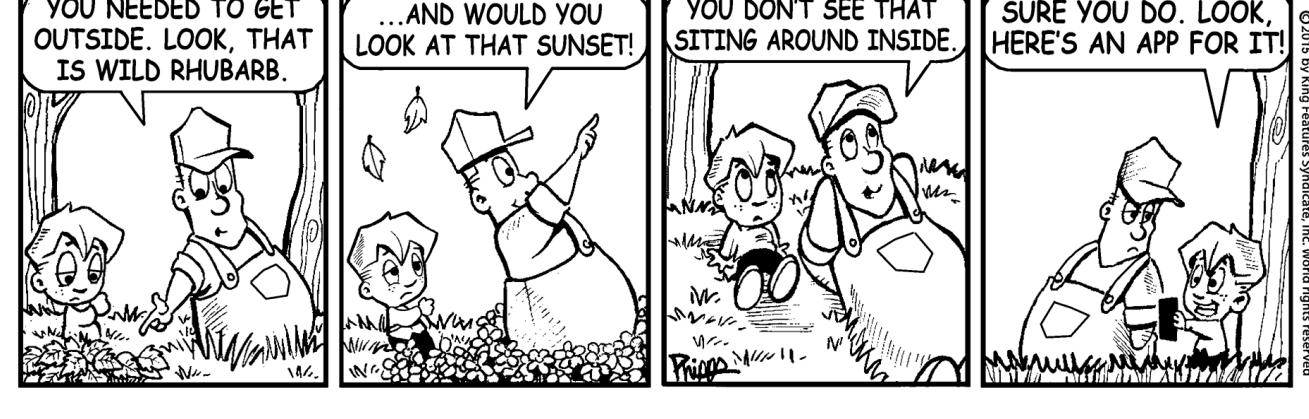
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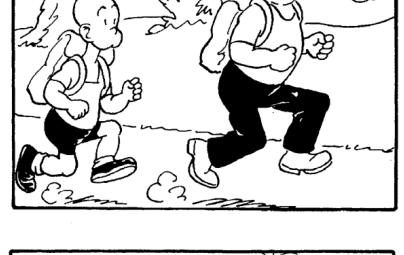
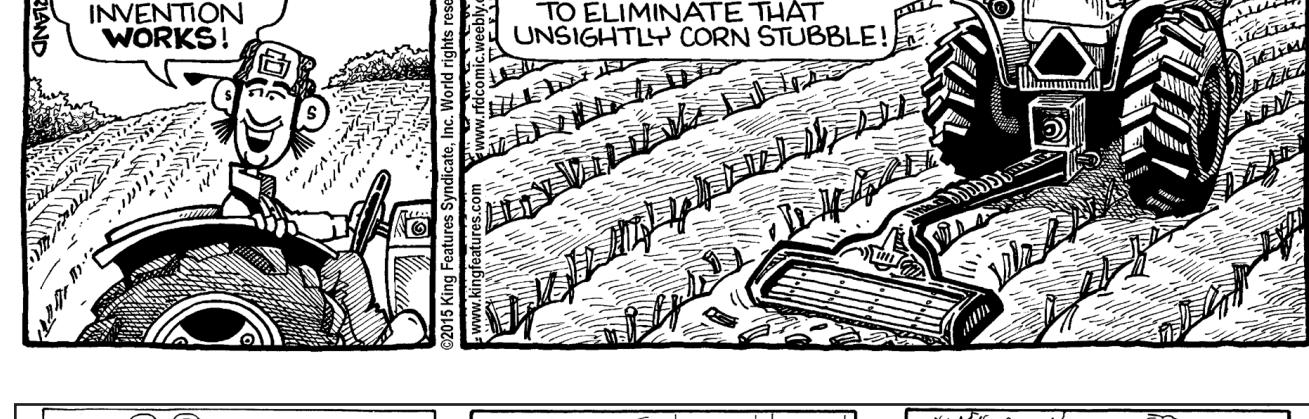
by Dave T. Phipps



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BY AL SCADUTO



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Free Press Big 12 Sports

Manhattan Free Press

Thursday, November 12, 2015

6A

Kansas State Football Schedule

Date	Opponent	Time/Result	Record
Sat. Sep 5	South Dakota	KSU 35-0	0-0 1-0
Sat. Sep 12, 2015	Texas San Antonio	KSU 30-3	0-0 2-0
Sat. Sep 19, 2015	Louisiana Tech	KSU 39-33	0-0 3-0
Sat. Oct 3, 2015	Oklahoma State	KSU 34-36	0-1 3-1
Sat. Oct 10, 2015	TCU Horned Frogs	KSU 52 - 55	0-2 3-2
Sat. Oct 17, 2015	Oklahoma Sooners	KSU 0 - 55	0-2 3-3
Sat. Oct 24, 2015	Texas Longhorns	KSU 9 - 23	0-3 3-4
Thur. Nov 5, 2015	Baylor Bears	KSU 24 - 31	0-4 3-5
Sat. Nov 14, 2015	Texas Tech	Lubbock, TX	
Sat. Nov 21, 2015	Iowa State Cyclones	Manhattan	
Sat. Nov 28, 2015	Kansas Jayhawks	Lawrence, KS	
Sat. Dec 5, 2015	West Virginia	Manhattan	

Kansas Football Schedule

Date	Opponent	Location	Time/Result	Record
9/5/2015	South Dakota State	Lawrence, Kan.	KU 38-41	0-0 0-1
9/12/2015	Memphis (Band Day)	Lawrence, Kan.	KU 23-55	0-0 0-2
9/26/2015	Rutgers	Piscataway, NJ	KU 14 - 27	0-0 0-3
10/3/2015	Iowa State	Ames, Iowa	KU 13 - 38	0-1 0-4
10/10/2015	Baylor	Lawrence, Kan.	KU 7 - 66	0-2 0-5
10/17/2015	Texas Tech	Lawrence, Kan.	KU 20 - 30	0-3 0-6
10/24/2015	Oklahoma State	Stillwater, Okla.	KU 10 - 58	0-4 0-7
10/31/2015	Oklahoma (Homecoming)	Lawrence, Kan.	KU 7 - 62	0-5 0-8
11/7/2015	Texas	Austin, Texas	KU 20 - 59	0-6 9-0
11/14/2015	TCU	Fort Worth, Texas	TBA	
11/21/2015	West Virginia	Lawrence, Kan.	TBA	
11/28/2015	Kansas State	Lawrence, Kan.	TBA	

Baylor Football Schedule

Date	Opponent / Event	Location	Time /	Result	Record
09/04/15 at	SMU	Dallas, Texas	6:00	BU 56-21 0-0	1-0
09/12/15 vs.	Lamar	Waco, Texas	6:30 p.m.	BU 66-31 0-0	2-0
09/26/15 vs.	Rice	Waco, Texas	2:00 p.m.	BU 70-17 0-0	3-0
10/03/15 vs.	Texas Tech *	Arlington, Texas	TBA	BU 63-35 1-0	4-0
10/10/15 at	Kansas *	Lawrence, Kan.	TBA	BU 66-7 2-0	5-0
10/17/15 vs.	West Virginia *	Waco, Texas	TBA	BU 62-38 3-0	6-0
10/24/15 vs.	Iowa State *	Waco, Texas	TBA	BU 45-27 4-0	7-0
11/05/15 at	Kansas State *	Manhattan, Kan.	6:30	BU 31-24 5-0	8-0
11/14/15 vs.	Oklahoma *	Waco, Texas	TBA		
11/21/15 at	Oklahoma State *	Stillwater, Okla.	TBA		
11/27/15 at	TCU *	Fort Worth, Texas	6:30 p.m. CT		
12/05/15 vs.	Texas *	Waco, Texas	TBA		

Iowa State Football Schedule

Date	Opponent / Event	Location	Time / Result	Record
Sat, Sep 05	Northern Iowa	Ames, Iowa	ISU 31-7	0-0 1-0
Sat, Sep 12	Iowa	Ames, Iowa	ISU 17-31	0-0 1-1
Sat, Sep 19	Toledo	Toledo, Ohio	ISU 3-30 2OT	0-0 1-2
Sat, Oct 03	Kansas *	Ames, Iowa	ISU 38-13	1-0 2-2
Sat, Oct 10	Texas Tech *	Lubbock, Texas	ISU 31 - 66	1-1 2-3
Sat, Oct 17	TCU *	Ames, Iowa	ISU 21-45	1-2 2-4
Sat, Oct 24	Baylor *	Waco, Texas	ISU 27-45	1-3 2-5
Sat, Oct 31	Texas *	Ames, Iowa	ISU 24-0	2-3 3-6
Sat, Nov 07	Oklahoma *	Norman, Oklahoma	ISU 16-52	2-4 3-7
Sat, Nov 14	Oklahoma State *	Ames, Iowa	TBA	
Sat, Nov 21	Kansas State *	Manhattan, Kansas	TBA	
Sat, Nov 28	West Virginia *	Morgantown, W.V.	TBA	

* Conference Games

Oklahoma Football Schedule

Date	Opponent	Location	Time (CT)	Results	Record
Sat, Sep 05	Akron	Norman	6:00 p.m.	OU 41-3 0-0	1-0
Sat, Sep 12	Tennessee	at Knoxville, Tenn.	5:00 p.m.	OU 31-24 0-0	2-0
Sat, Sep 19	Tulsa	Norman	11:00 a.m.	OU 52-38 0-0	3-0
Sat, Oct 03	West Virginia *	Norman	TBA	OU 44-24 1-0	4-0
Sat, Oct 10	Texas *	at Dallas, Texas	TBA	TX 24-17 1-1	4-1
Sat, Oct 17	Kansas State *	at Manhattan, Kan.	TBA	OU 55-0 2-1	5-1
Sat, Oct 24	Texas Tech *	Norman	TBA	OU 63-27 3-1	6-1
Sat, Oct 31	Kansas *	at Lawrence, Kan.	TBA	OU 62-7 4-1	7-1
Sat, Nov 07	Iowa State *	Norman	TBA	OU 52-16 5-1	8-1
Sat, Nov 14	Baylor *	at Waco, Texas	TBA		
Sat, Nov 21	TCU *	Norman	TBA		
Sat, Nov 28	Oklahoma State *	at Stillwater, Okla.	TBA		

Oklahoma State Football Schedule

DATE	OPPONENT	RESULT/TIME	RECORD
Thu, Sept 3	@ Cent Michigan	OSU 24-13	0-0 1-0
Sat, Sept 12	vs. Cent Arkansas	OSU 32-8	0-0 2-0
Sat, Sept 19	vs. UTSA	OSU 69-14	0-0 3-0
Sat, Sept 26	@ Texas	OSU 30-27	1-0 4-0
Sat, Oct 3	vs. Kansas State	OSU 36-34	2-0 5-0
Sat, Oct 10	@ West Virginia	OSU 33-26	3-0 6-0
Sat, Oct 24	vs. Kansas	OSU 58-10	4-0 7-0
Sat, Oct 31	@ Texas Tech	OSU 70-53	5-0 8-0
Sat, Nov 7	vs. TCU	OSU 49-29	6-0 9-0
Sat, Nov 14	@ Iowa State	TBD	
Sat, Nov 21	vs. Baylor	TBD	
Sat, Nov 28	vs. Oklahoma	TBD	

TCU Football Schedule

Date	Opponent / Event	Location	Time /	Record
09/03/15	at Minnesota	Minneapolis, Minn.	TCU 21-17	0-0 1-0
09/12/15	vs. Stephen F. Austin	Fort Worth, Texas	TCU 70-7	0-0 2-0
09/19/15	vs. SMU	Fort Worth, Texas	TCU 56-37	0-0 3-0
09/26/15	at Texas Tech *	Lubbock, Texas	TCU 55-52	1-0 4-0
10/03/15	vs. Texas (Homecoming) *	Fort Worth, Texas	TCU 50-7	2-0 5-0
10/10/15	vs. Kansas State *	Manhattan, Kan.	TCU 55-52	3-0 6-0
10/17/15	at Iowa State *	Ames, Iowa	TCU 45-21	4-0 7-0
10/29/15	vs. West Virginia *	Fort Worth, Texas	TCU 40-10	5-0 8-0
11/07/15	at Oklahoma State *	Stillwater, Okla.	TCU 29-49	5-1 8-1
11/14/15	vs. Kansas *	Fort Worth, Texas	TBA	
11/21/15	at Oklahoma *	Norman, Okla.	TBA	
11/27/15	vs. Baylor *	Fort Worth, Texas	6:30 p.m. CT	

Texas Tech Football Schedule

Date	Opponent / Event	Location	Time /	Record
09/05/15	vs. Sam Houston State	Lubbock, Texas	TT 59-45	0-0 1-0
09/12/15	vs. UTEP	Lubbock, Texas	TT 69-20	0-0 2-0
09/19/15	at Arkansas	Fayetteville, Ark.	TT 35-24	0-0 3-0
09/26/15	vs. TCU *	Lubbock, Texas	TT 25-55	0-1 3-1
10/03/15	vs. Baylor *	Arlington, Texas	TT 35-63	0-2 3-2
10/10/15	vs. Iowa State *	Lubbock, Texas		

Cats Head to Lubbock for Big 12 Tilt with Red Raiders

KSU Sports Information

Following a tough 31-24 loss to No. 2 Baylor last Thursday, K-State will look to snap its current five-game skid as it travels to Lubbock, Texas, to face the Texas Tech Red Raiders at Jones AT&T Stadium. The game will kick at 2:30 p.m., and be broadcast nationally on FS1 with Tim Brando (play-by-play) and Spencer Tillman (analyst) on the call. The contest can also be heard across the K-State Sports Network with Wyatt Thompson (play-by-play), Stan Weber (analyst) and Matt Walters (sideline) calling the action.

A LOOK AT K-STATE

- Kansas State heads back out on the road after facing its fourth ranked opponent in five weeks last Thursday.
- The Cats, guided by 2015 College Football Hall of Fame inductee Bill Snyder, are 3-5 this year, which includes close losses to No. 19 OSU, No. 2 TCU and No. 2 Baylor.

- K-State took the Horned Frogs down to the wire behind four rushing touchdowns by Joe Hubener and two more from running back Charles Jones. The Cats tied the game at 45 with 1:47 left, but TCU scored a late TD for the win.

- That came a week after K-State took a 34-33 lead over OSU in Stillwater with 3:01 left, but the Cowboys kicked a field goal with less than a minute left for a two-point win.

- Hubener then ran for a career-best 153 yards against the second-ranked Bears as the Cats had the ball with less than a minute to play in the game with a chance to tie the game.

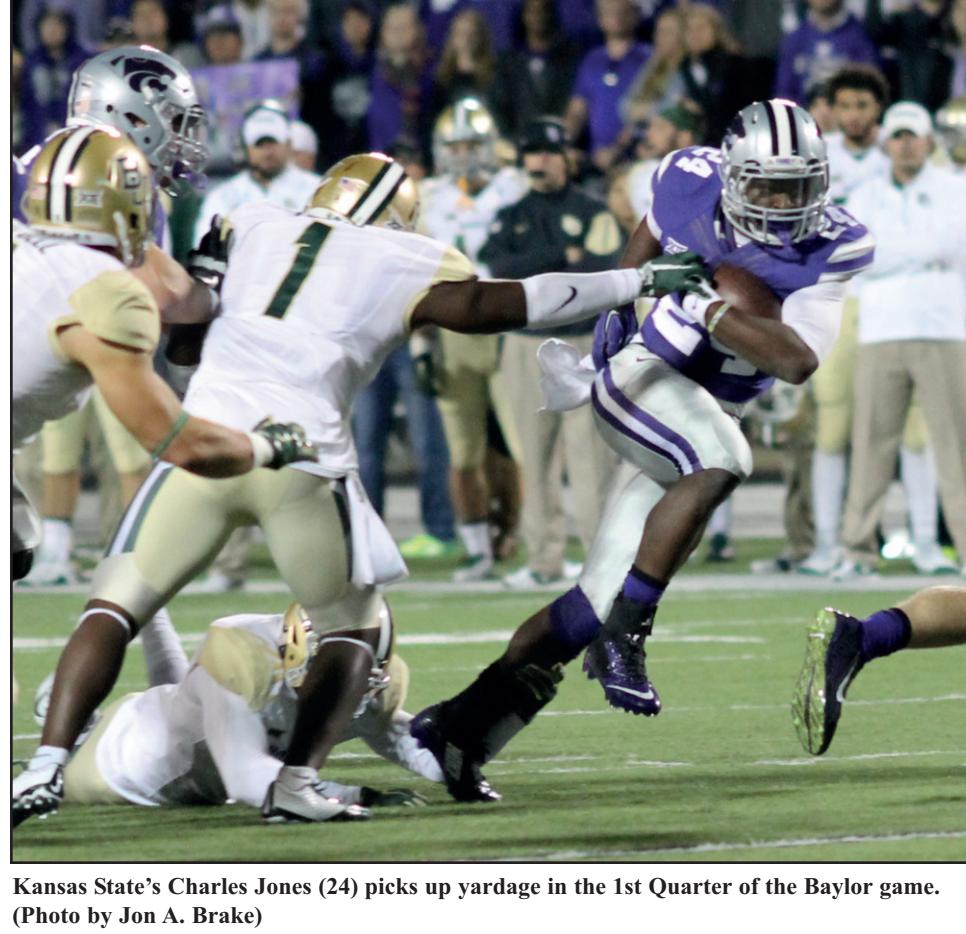
- Jones has been fantastic of late, rushing for 291 yards in the last four games. The junior had a career-best 122-yard effort at Texas, the most by a K-State running back since the final regular-season game of 2013.

- Defensively, the Cats are paced by linebackers Elijah Lee and Will Davis with 47 and 43 tackles, respectively. The two have also combined for all three Wildcat interceptions this year, including two by Lee against TCU.

- Defensive tackles Travis Britz and Will Geary have also been a force, combining for 60 tackles (7.5 per game), 14.5 tackles for loss and 6.5 sacks.

A LOOK AT TEXAS TECH

- Texas Tech enters Saturday's game at 5-5 and 2-5 in the Big 12 after a 31-26 loss



Kansas State's Charles Jones (24) picks up yardage in the 1st Quarter of the Baylor game.
(Photo by Jon A. Brake)

at West Virginia.

- The Red Raiders rank in the top-five nationally in several offensive statistical categories, including passing offense (4th), scoring offense (5th) and total offense (4th).

- Quarterback Patrick Mahomes has thrown for 3,527 yards and 28 touchdowns this season, while DeAndre Washington averages 103.4 rushing yards per game.

- Jakeem Grant is one of the top all-purpose players in the nation, averaging 184.5 yards per game. He is the team's leading receiver with 74 catches and nine total touchdowns.

A LOOK AT THE SERIES

- Texas Tech leads the all-time series, 8-7, and is 6-3 all-time in games played in Lubbock.

- Kansas State has won four straight in the series, including the last two meetings in Lubbock.

- The series has been one of runs as Tech opened with three straight wins before the Cats answered with three in a row. Following five straight Tech wins from 2001-2009, K-State has won the past four from 2011-2014.

YOUTH MOVEMENT

- A total of 12 players have made their first-career starts in

2015, including a combined 10 freshmen or sophomores.

- Of the 10 underclassmen to make starts this season, six have been freshmen as fullback Winston Dimel and center Dalton Risner have started all seven games in addition to starts by Dayton Valentine and Dominique Heath on offense.

- Defensively, redshirt freshman safety Kendall Adams made his first-career start at Texas, while true freshman cornerback Duke Shelley has started the last four games.

- Redshirt or true freshmen have combined to make 25 total starts this season, which is the fourth most under head coach Bill Snyder. The most came in Snyder's first year (1989) when freshmen combined for 43 starts.

- Additionally, a total of 26 freshmen or sophomores have seen playing time in the first eight weeks.

IN-SEASON TURNAROUNDS

- Although K-State is 3-5 in the first eight games this year, the Cats can look at recent in-season turnarounds.

- Just two seasons ago, Kansas State began the 2013 season 2-4 but was able to win six of its last seven games, including a Buffalo Wild Wings Bowl victory over Michigan, to

finish 8-5.

- In 2001, the Wildcats were 2-4 – including losses in their first four conference games – but won four of their last five regular-season contests to make a bowl.

NARROW MISSES

- Four of K-State's five conference losses were games that either ended in one-score losses or were one-score games heading into the final minutes of the contest.

- The Wildcats held fourth-quarter leads against both Oklahoma State and TCU, while they had the ball with a chance to tie the game late against Texas and Baylor.

TOP-RANKED OPPONENTS

- Last week's matchup with No. 2 Baylor was the second time this season a No. 2-ranked team visited Manhattan as both TCU and Baylor escaped Bill Snyder Family Stadium with narrow seven-point wins.

- It also tied for the highest-ranked opponent the Cats ever have faced at home (TCU and No. 2 OU back in 2004).

DRAWING FIRST BLOOD

- Since 1990, K-State is 155-28 (.847) when scoring first.

- Last year, the Cats held a perfect 7-0 record when scoring first, while K-State had won 14-straight games when

scoring first until the game at Oklahoma State.

- Dating back to the beginning of 2011, the Wildcats have gone 27-2 when scoring first with their lone blemishes being losses at Oklahoma State in 2013 and 2015.

- The 27-2 mark since 2011 is the sixth-best record among all FBS schools when scoring first and tops among all Big 12 schools.

rently riding an 87-game scoring streak in road games.

SCORING STREAK, PART II

- Kansas State had also scored two or more touchdowns in 56 straight games, which was the third-longest streak in Big 12 history and third among FBS schools.

RED ZONE ALERT

- Kansas State has been one of the best red zone teams over the past few years.

- So far this season, the Cats are 32-of-35 in red zone scores with 21 touchdowns, including a 10-for-11 mark on touchdowns in the Oklahoma State and TCU games. Prior to the OSU game, the Cats only scored six touchdowns in 18 red zone chances.

- Since the 2011 season, the Wildcats have scored 245 times in 277 trips (.885) to the red zone. Of those 245 scores, 179 have been touchdowns.

- In their 41 wins over the last four-plus seasons, the Cats are 189-for-208 (.909) in red zone chances with 134 touchdowns, while four of their non-scoring trips have come via kneel downs to close out victories.

EXPERIENCED OFFENSIVE LINE

- Kansas State returned a large majority of its offensive line from last season as returning players accounted for 78.5 percent of the total starts in 2014.

- Three 13-game starters returned in left tackle Cody Whitehair, left guard Boston Stiverne and right tackle Matt Kleinsorge in addition to a 12-game starter at right guard in Luke Hayes.

- Although experience litters the line, K-State was in need of replacing a four-year all-conference center in B.J. Finney and has done so with redshirt freshman Dalton Risner.

HUBENER DEVELOPS IN RUNNING GAME

- Although junior Joe Hubener has shown the ability to throw the deep ball as he ranks 13th nationally in yards per completion, his running game has taken over recently.

- The Cheney, Kansas, product has a pair of 100-yard games this year as he leads the team with 411 yards and eight touchdowns. His total yardage includes a pair of 100-yard games, rushing for 111 yards and four touchdowns against TCU and 153 yards and two scores against Baylor.

Longhorns Surge in Second Half, Route Kansas, 59-20

AUSTIN, Texas – Behind a 408-yard offensive explosion in the second half, the Texas Longhorns bested Kansas, 59-20, Saturday night at Darrell K Royal-Texas Memorial Stadium.

Ball security plagued Kansas (0-9, 0-5 Big 12) as the Jayhawks fumbled the ball five times and turned it over a total of four times. Texas (4-5, 3-3 Big 12) took advantage and scored 21 points off those KU miscues aiding in the 35-6 effort the Longhorns mounted in the second half.

Freshman quarterback Ryan Willis completed 17-of-34 passes for 214 yards and one touchdown to go along with his two interceptions. Ten different receivers hauled in at least one of those passes including three by senior Shakiem Barbel, who scored the first touchdown of his career in the first quarter.

Junior safety Fish Smithson led the Jayhawks with 13 tackles, tying his career best, while posting 10 or more stops in four consecutive games. He is the first KU defender to do so in over 10 years.

Texas jumped out to an early 17-0 lead in the first quarter thanks in large part to an 84-yard touchdown strike from Jerrod Heard to John Burt to open the Longhorns' offensive attack.

The Jayhawks clawed their way back, but not without some help from the football Gods. Kansas fumbled the ball four times in the first half – twice into the UT end zone and twice trying to field a punt.

The first came late in the first quarter when Willis and senior running back De'Andre Mann marched KU 87 yards down the field on nine plays. Willis connected with receivers for 51 of those yards, including 13 yards with

Mann to cap off the scoring drive. However, Mann fumbled the ball at the UT one-yard line into the end zone where Barbel jumped on the loose ball for the Kansas score, 17-7.

KU turned around and held Texas to a three-and-out and forced a punt early in the second quarter. Another controversial call claimed punt returner sophomore Derrick Neal touched the ball prior to UT's Kirk Johnson recovering it at the KU 17-yard line. Five plays later, the Longhorns found the end zone for their third touchdown of the day, pulling ahead, 24-7.

That didn't faze the Jayhawks on the ensuing drive as they strung out their second scoring drive of the day. Willis hit receivers for 35 yards including an 18-yard and a 12-yard strike to junior tight end Kent Taylor and sophomore wide receiver Darius Crawley, respectively, to lay the foun-

dation for KU's ground game. Mann got the nod from the UT one-yard line and took it in for the first touchdown of his career, cutting the Longhorn lead to 10 points, 24-14.

Kansas found the Texas end zone once more, however, it came on another fumble, this time on fourth and goal from the UT one-yard line. Mann rushed up the middle when he lost the ball for the second time in the half, but sophomore tight end Ben Johnson recovered the ball. It looked like KU closed the gap once more, but by rule, a fumble on fourth down can only be recovered by the player who fumbled the ball, thus the Jayhawks turned the ball over on downs with 6:05 to play in the second quarter.

The Kansas defense stopped the Longhorns once more and Kansas resumed its offensive approach from the UT 42-yard line with 3:57 left in

the half. The Jayhawks drove 35 yards to set up a 26-yard field goal attempt with three seconds left on the clock. Sophomore kicker Nick Bartolotta drilled it right off the upright and Kansas headed to the locker room with a 10-point deficit, 24-14.

The second half sang a different tune with Texas outscoring KU, 35-6. The Longhorns posted 408 yards of offense in the second half to go along with five touchdowns. Kansas turned the ball over three times in the second half, scoring its lone touchdown of the half late in the fourth quarter.

Kansas closes out its two-game road swing in the Lone Star state Saturday, Nov. 14, as the Jayhawks take on No. 8 TCU. Kickoff is slated for 11 a.m., and can be seen on Fox Sports 1.

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Baylor holds off pesky K-State 31-24 to stay perfect

MANHATTAN, Kan. (AP) — If only Kansas State had played a clean game, the College Football Playoff picture might have looked a whole lot different after Thursday night.

Joe Hubener had 153 yards and two touchdowns on the ground, and threw for 151 yards and another score. But two costly turnovers by the quarterback, and another interception thrown by wide receiver Cody Cook in the final minute, allowed No. 2 Baylor to escape with a 31-24 victory.

"It isn't anything that resembles rocket science. In order to execute-slash-eliminate mistakes that cost you ballgames, you have to practice better," Wildcats coach Bill Snyder said. "We've made headway with practicing, but as I told them, it's not all going to come just like that."

Jarrett Stidham threw for 419 yards and three touchdowns in his first start in place of the injured Seth Russell, and Corey Coleman had 11 catches for 216 yards and two touchdowns to help the Bears (5-0 Big 12, No. 6 CFP) improve to 8-0 for the second time in school history.

"We feel like our team is a team of survivors," Baylor coach Art Briles said. "We've got a lot of guys who have been through a lot. A lot of coaches who have been through a lot."

They went through a lot on Thursday night, too.



Charles Jones (24) is photographed making a play with the greatest of ease. Kansas State scored on the next play. (Photos by Jon A. Brake)

his first three passes to lead Baylor on an 81-yard scoring drive to open the game. And after the Wildcats answered with a methodical, 88-yard march that took up 10 minutes, Stidham hit KD Cannon with another 55-yard touchdown strike.

Meanwhile, the beat-up Wildcats kept making too many mistakes.

Hubener fumbled the ball away deep in Baylor territory early in the second quarter, then threw an interception into double coverage on the next possession. Penalties, blown blocking assignments and dropped passes kept scuttling otherwise promising drives.

The Bears seemed to put the game out of reach when Stidham threw a short TD pass to Coleman in the third quarter, and Callahan hit a 39-yard field goal in the fourth. But Kansas State kept right on fighting, getting a 34-yard TD run from Hubener before his touchdown toss to Burton.

It wasn't until one last mistake on a trick play that the Wildcats' fate was sealed.

"Sometimes we're hit and miss, and I think everyone has their hand in that," Burton said. "Nothing is going to be perfect, but anything we can do as an offense and specifically a passing game to turn this ship

around is something that needs to be done."

While the victory lacked the pizzazz of the Bears' nearly 60-point shellacking of Kansas, or similar blowouts of Texas Tech and West Virginia, it was a

solid start to Stidham's tenure.

Baylor was ranked sixth in this week's initial playoff ranking, due partly to a soft early scheduled but also the uncertainty at quarterback. And while Stidham was far from

perfect — he did have a delay of game penalty — he proved to be capably in control most of the game.

That bodes well for a season-defining stretch beginning Nov. 14 against 14th-ranked

Oklahoma, and continuing with back-to-back games at No. 12 Oklahoma State and No. 5 TCU.

"People," Stidham said, "don't need to be counting us out."



Terrale Johnson (56) gives the Referees a little help on calling K-State's first touchdown by Hubener.



Joe Hubener (8) had 153 yards and two touchdowns on the ground, and threw for 151 yards and another score.



Jarrett Stidham (3) threw for 419 yards and three touchdowns in his first start.

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