

# Legislators talk liquor, tax laws

**LAWs, from Page 1**

Under that proposal, he would pick up Phillips County to make up for the population loss in his 18 other counties.

"It's a good map, it makes sense," he said, "but it's not going anywhere."

Ostmeyer said he is disappointed with the Senate, which has split into three camps, liberals, moderates and conservatives.

"Two of those groups ought to be able to sit down and come to an agreement," he said.

One of the stumbling blocks has been the delegation from Johnson County, he said. Johnson County has as many senators as western Kansas, he said, and can block anything they try to do.

Ostmeyer said the House has a good map in the works now. Billinger may pick up Wallace, Logan and Gove. Ward Cassidy's 120th District will take Graham County, and Dine Hineman's 118th district will pick up territory to the south. Western Kansas is losing a district to the south of Hineman, where the current representative plans to run for Senate.

One bill that would heavily affect western Kansas is attempt to remove exemptions for home-owned carnivals. The bill, introduced by the Kansas Department of Labor, would remove the exemption for home owned carnivals. They would be required to submit to inspections, testing and operator training, which opponents say would put a heavy cost on carnival associations. The bill was in response to an accident at the Norton carnival last year where two girls were nearly injured.

Ostmeyer said he's been having meetings and conference calls on the issue and feels the Secretary of Labor may back down.

"We know there's a risk," he said, "but I hope we can keep that part of western Kansas."

Billinger said he is proposing that instead of ending the exemption, carnivals submit their insurance information to the state. Billinger said what since

local people operate the rides and their children are the ones on the rides, we have a vested interest already in keeping them safe.

Other issues discussed included:

## Magistrate Judges

A Blue Ribbon Commission been conducting a statewide review of the Kansas court system and has submitted recommendations to the Supreme Court. Ostmeyer said he wants to make sure western Kansas keeps its magistrate judges, and he feels there is support for that in the Legislature.

"If you want to make cuts, you have to go where you're spending the money," he said. "Western Kansas isn't costing you very much."

Ostmeyer said it is a better idea to have our judges cover some of the caseload from eastern Kansas.

## Water Policy

Gov. Brownback signed two of the four water policy proposals on Monday, specifically the elimination of the "use it or lose it" doctrine and the expansion of the flex account program. That program lets farmers determine how much water they would use over multiple years, but allow them to use that amount as they see fit within those years.

Ostmeyer said he has been pushing the governor to come out to western Kansas to sign the Local Enhancement Management Plans, which allows users and local groundwater districts to come up with conservation measures, which are then approved by the state's chief engineer. That policy was proposed by Groundwater Management District 4, which includes Sherman County.

## Rural Opportunity Zones

The college loan assistance part of the program has had plenty of interest, he said, with more than 100 applicants and more than 80 accepted. The tax relief part of the program, however, hasn't gotten off the ground, mainly because the state hasn't approved an application form yet.

## Taxes

Billinger said the surrounding states all have lower income taxes and Kansas

needs to be competitive. The House plan lets the sales tax voted in two years sunset.

The Senate is also considering doing away with deductions, he said, but the House is not likely to pass that proposal. Most people do not itemize anyway, he said.

Former state legislator John Golden told Ostmeyer the legislature should pass an income tax increase and use the money to bring base state aid for school districts back to \$4,500 per student. Base state aid is currently below \$4,000.

Ostmeyer said he agrees to a point. The sales tax increase was "a shot in the arm," he said, however he state shouldn't try to tax its way out of a budget crisis.

"We should try to grow our way out," he said. "As long as we have Gov. Brownback, I don't think you'll see a raise in income tax."

City Manager Doug Gerber asked Billinger about H.B. 2212. The bill, which passed the House 122-2, would have required the city to lower its mill levy any time valuation went up so that it would take in the same amount of money. Billinger said he voted for the bill because of an amendment added that would have reduced property taxes by about \$90 million statewide.

"I wouldn't have voted for it by itself without that amendment," he said.

Gerber said after the meeting that the city wouldn't have had a problem following that rule, but he favors local control of taxes over state mandates.

"You were one of the best mayors I've ever worked with," he told Billinger. "I just think you're wrong on this one."

That amendment generated some controversy. House Republicans have moved to censure the amendment's author, Wichita Democrat Jim Ward, claiming he didn't fully explain that it dropped the requirement to match mill levy and valuation adjustments. The House voted again, this time rejecting the bill 84-34.

# City commission votes in favor of fire chief contract

**FIRE, from Page 1**

to provide fire protection. Fire board member Kevin Zimmerman thanked the commissioners for their work on the issue and said it could be revisited next year.

In other business:

- The commissioners discussed reforming the Chamber of Commerce through the city. Gerber said Goodland had the Chamber, Economic Development and the Convention and Visitors Bureau as one entity until 2002. Recently the city took over Economic Development, but the Chamber of Commerce has all but dissolved.

Gerber said he is envisioning leasing a city employee's time - specifically that of Economic Development Director Michael Solomon - to get the chamber board up and running again.

Last year the Chamber board stopped meeting, Gerber said, and while he didn't know if there was a formal vote to dissolve it, nothing is being done. City staff has taken on some of its duties, such as answering phone lines and distributing welcome packets.

Gerber had a list of pros and cons of re-establishing the Chamber through the city. The Chamber and Economic Development have similar, though not identical, functions. Many cities have successfully joined the two, he said.

However, the past volatility of the Chamber and difficulty pleasing the many different members are firmly in the con column. Gerber said that while the business community has shown interest in a new Chamber, they have not yet pushed very hard for it.

Another con, he said, is that some Chambers, like the state and national chambers of commerce, have taken political positions that could be a conflict of interest for city employees. Jerry Fairbanks, a past chairperson of the Chamber board, said it has always tried to be apolitical.

Fairbanks said one of the problems with the Chamber was collecting dues. Many had to be collected in person, he said, from Chamber

members who wanted to express an opinion on one subject or another. This practice wasn't necessarily bad, he said, since it let members feel like they had a voice in decisions, and membership went downhill when it was no longer done.

Mayor John Garcia said the new Chamber should establish some reasonable rates to get things going.

Commissioner Bill Finley said he was concerned that people might think the Chamber would be replacing Economic Development, and the city would have to make sure it got the right information out to combat that impression.

Commissioner Chris Zimmerman said he felt like re-establishing the Chamber is a good way to go.

Finley said the commission should give Solomon the latitude to see if he can get enough interest to resurrect the Chamber board and then go on from there.

- The commission voted to accept applications and conduct interviews to replace Zimmerman, who is moving out of town. Zimmerman's last meeting will be April 2, and the commission has 10 days to select a new member to fill out his term.

Gerber told the commissioners they had several options, such as select the next top vote-getter from the last election, appoint a former commissioner or take applications. When appointing Farris last year, the commission accepted applications and conducted interviews and eventually appointed Farris. Farris also happened to be the next top vote-getter.

Finley said he liked how it was done last time. Garcia agreed, but Commissioner Annette Fairbanks said she would like to check with the next top vote-getter, Jeff Deeds, to see if he's interested first.

"I'd hate to see us get stuck doing it one way because that's the way we've always done it," she said.

Zimmerman said taking applications would be fair to everyone interested in the position. Finley said the voting might turn up a different response today.

# Fiction author to speak in lecture series

**LECTURE, from Page 1**

for cognitively disabled adults who lived with them in their home.

His first novel published by Steerforth Press in 1996 was lauded by reviewers as a moving book written by an original voice. His recent work, "SEEDS: One Man's Serendipitous Journey to Find the Trees that Inspired Famous American Writers from Faulkner to Kerouac,

Welty to Wharton," was published by Harper Collins.

Horan is currently completing his latest book "Harvest: One Man's Journey to Discover America's Great Farms."

He will be available to sign copies of his books following the lecture series. There is no charge to attend. The Max Pickerill Lecture Series is funded annually by anonymous donors. For more information contact Dr. Linda Davis-Stephens at (785) 460-5528.

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LEGAL NOTICE

**IF YOU ARE A KANSAS RESIDENT AND YOU PURCHASED GASOLINE OR DIESEL FUEL IN KANSAS ON OR AFTER DECEMBER 31, 2003, THIS CLASS ACTION LAWSUIT MAY AFFECT YOUR RIGHTS.**

A federal court has authorized this notice. This is not a solicitation from a lawyer.

Residents of Kansas have sued BP PRODUCTS NORTH AMERICA INC., CASEY'S GENERAL STORES, INC., CIRCLE K STORES, INC., CONOCOPHILLIPS COMPANY, KUM & GO, LC, QUIKTRIP CORPORATION, SAM'S WEST, INC., EQUILON ENTERPRISES, LLC dba SHELL OIL PRODUCTS US, VALERO MARKETING AND SUPPLY COMPANY AND 7-ELEVEN, INC. ("Companies"), arguing that the Companies omitted facts and overcharged consumers when they sold motor fuel for a specified price per gallon without disclosing or adjusting for the expansion and contraction of motor fuel due to temperature. The Court has decided the cases may proceed as a class action for the purpose of deciding whether the Companies are liable on plaintiffs' claims and whether to issue an injunction against the Companies. The Court has not yet decided if the Companies did anything wrong. This notice summarizes your rights and options. More information is in a detailed notice available at [www.KansasHotFuelLitigation.com](http://www.KansasHotFuelLitigation.com). If you are included in the class, you must decide whether to stay in the class and be bound by the outcome, or ask to be excluded and keep your rights to sue for any claims you might have. **There is no money now and no guarantee that there will be.**

**WHAT IS THIS CASE ABOUT?**

Plaintiffs allege that because the Companies sell motor fuel to retail consumers for a specified price per gallon without disclosing or adjusting for temperature expansion, they are liable for unconscionable acts and willful omission under the Kansas Consumer Protection Act (KCPA) and civil conspiracy. On March 1, 2012, the Court granted plaintiffs' motion to dismiss without prejudice class claims for affirmative misrepresentation under the KCPA and unjust enrichment. The cases are called *Wilson v. Ampride, Inc.*, No. 06-2582, and *American Fiber & Cabling, LLC v. BP Corp.*, No. 07-2053, and are in the United States District Court of Kansas.

For purposes of determining liability and injunctive relief, the Court has allowed the lawsuit to proceed as a class action. In May, 2012, the Court will conduct a trial at which time it will be determined whether the Companies are liable on plaintiffs' claims. If the plaintiffs succeed in proving liability, the Court will then decide whether injunctive and/or declaratory relief is appropriate. Also, if the plaintiffs succeed in proving liability, plaintiffs may ask the Court to allow the lawsuit to proceed as a class action to determine money damages. If the Court declines to certify a class for money damages, class members would need to proceed individually to prove any claims for money damages.

The Companies have denied all allegations. They have filed motions asking the Court to dismiss this case on the merits. If those motions are granted, it may extinguish any claims you have related to this matter. Copies of the motions are available at [www.KansasHotFuelLitigation.com](http://www.KansasHotFuelLitigation.com). When the Court enters orders ruling on the Companies' motions, copies of the orders will also be available on the website.

You should continue to visit the Kansas class website ([www.KansasHotFuelLitigation.com](http://www.KansasHotFuelLitigation.com)) to obtain important updates related to this case.

**ARE YOU AFFECTED?**

Your rights will be affected if you are a member of the class and you do not opt out of the class. The class includes all current Kansas residents and entities that at any time since December 31, 2003, purchased motor fuel at retail in the state of Kansas, from a gas station owned, operated or controlled by one or more of the Companies, without the temperature of the motor fuel having been disclosed by the Companies. Excluded from the class are federal judges who have presided over the case, persons employed by the Companies, affiliates of the Companies, any juror or alternate assigned to the trial of this case, and individuals and entities who timely and validly request exclusion from the class. If you are not sure whether you are included in the class, you can get more information, including a detailed notice that has more information at [www.KansasHotFuelLitigation.com](http://www.KansasHotFuelLitigation.com). More information

about this case is also available at the Court's website: <http://www.ksd.uscourts.gov/motor-fuel-temperature-sales-practices-litigation/>.

**WHO REPRESENTS YOU?**

The Court appointed Robert Horn, Thomas Bender and George Barton to represent you as "Class Counsel." You do not have to pay Class Counsel, or anyone else, to participate. Instead, if they get money or benefits for the class, they may ask the Court to award attorneys' fees and costs, which would be paid by the Companies or out of any money recovered under a settlement, before giving the rest to class members. You may hire your own attorney to appear in Court for you; if you do, you have to pay that lawyer. Zach Wilson and Matthew Cook are class members, and the Court has appointed them to represent the class.

**WHAT ARE YOUR OPTIONS?**

If you are a member of the class, you have a choice of whether to stay in the class or not, and you **must decide this now**. You can do nothing and remain in the class, or you can ask to be excluded from the class.

**Do Nothing: Stay In This Lawsuit; Await The Outcome; Give Up The Right To Sue For Claims You May Have.** If you want to remain a class member, you do not need to do anything at this time. You automatically will be included in the class. If you choose to remain in the certified class, you will be bound by the judgment obtained on the liability and injunctive relief aspects of the claims. If plaintiffs prove that the Companies are liable, you may use that judgment either as a member of the class (if the Court decides to certify a class on money damages) or individually to prove certain elements of a claim for money damages. In addition, if you choose to remain in the certified class, you will be entitled to your share of any benefits awarded to the class through any settlement approved by the Court (net of attorneys' fees and expenses which may be determined by the Court to be payable from any recovery or paid directly by one or more of the Companies). You will not be personally responsible for attorneys' fees or costs unless you hire your own individual attorney. If you do nothing and the Companies win or settle the lawsuit, you will lose your or claims covered by this lawsuit. In short, you give up the right to sue the Companies on your own for the same legal claims in this lawsuit. If you want to independently pursue any claim related to the issues in this lawsuit, you may need to opt out of the class action.

**Ask To Be Excluded; Get Out Of This Lawsuit; Keep Your Right To Sue For Claims You May Have.** If you ask to be excluded and plaintiffs prove that the Companies are liable, you will not be able to use the judgment to obtain money damages through a class action lawsuit or individually. Also, if you ask to be excluded and plaintiffs obtain a favorable settlement which the Court approves, you will not be able to ask for a share of the settlement. Similarly, if you ask to be excluded and the Companies win or settle the lawsuit, your claims will not be lost as a result of this lawsuit and you will not be bound by any judgments or orders of the Court. You will be able to sue the Companies for the same legal claims that are involved in this lawsuit. It is possible that if you ask to be excluded and do not sue the Companies on your own within the required legal time period you will lose your right to bring those claims.

**To exclude yourself,** you must submit a Request for Exclusion which includes your full name (and business name, if applicable), mailing address, email address, your signature (or an electronic signature consisting of "s" plus your typed name), and the following statement: "I request that I be excluded from the Kansas Class *In re Motor Fuel Temperature Sales Practices Litigation*, MDL Docket No. 1840." You must email or mail your exclusion request to Class Counsel no later than April 30, 2012, at: Kansas Class Opt Out, c/o Robert A. Horn, 2600 Grand, Ste. 1100, Kansas City, Missouri 64108 or: [KansasHotFuelLitigation@hab-law.com](mailto:KansasHotFuelLitigation@hab-law.com).

**HOW CAN YOU GET MORE INFORMATION?**

If you have questions or want a detailed notice or other documents about this lawsuit and your rights, visit [www.KansasHotFuelLitigation.com](http://www.KansasHotFuelLitigation.com).