

THE NORTON TELEGRAM

WEBSITE: nwkansas.com

10 PAGES

Tuesday

November 13, 2012

*Veterans Day Tribute
in Friday's issue*



Briefly

School dismissed early Wednesday

Norton USD 211 schools will dismiss at 1 p.m. Wednesday for teacher training.

ACT Test date set for this Thursday

Due to the "Get a Grip" program on November 14, the Norton Community High School ACT PLAN Test for sophomores has been changed to November 15.

Pajama night at the Public Library

Norton Library Pajama Night will be Thursday from 6:30-7:30 p.m. at the Norton Public Library. The book "Lola Loves Stories" will be featured. Mary Boller, NWKLS Children's Consultant, will explain the '6 by 6 Ready to Read' program for preschoolers. Jane Burton, USD 211 librarian, will be reading the stories. Rosalie McMullen will lead a dance and Terry Hillman will share a craft. A bedtime snack of cookies and milk will be served.

Markets

Tuesday, February XX, 2012

Wheat.....	\$8.33
Milo.....	\$6.91
Soybeans.....	\$13.39
Corn.....	\$7.19

Markets Courtesy of Norton Ag Valley Co-Op

Weather

Wednesday - Partly cloudy with a high of 57. Wednesday Night - Partly cloudy with a low of 28. Thursday - Partly cloudy with a high of 55. Thursday Night - Partly cloudy with fog overnight. Low of 12. Friday - Partly cloudy with fog early. High of 55. Friday Night - Overcast with fog.

Kingham Report

Friday, Nov. 9	Low 28, High 52
Saturday, Nov. 10	Low 25, High 78
Sunday, Nov. 11	Low 16, High 38
Monday, Nov. 12	Low 12, High 47

(Readings taken at the Kingham farm 9 miles northwest of Norton)

Prayer

Gracious Lord, forgive us when we speed ahead, forgetting to listen to the wisdom you offer us in the Bible. Remind us to rely on the truth of your word and not simply on our own view. Amen.

All gave some, some gave all, thank you!



Despite the cooler windy fall weather, the Norton Veterans Day parade was well attended. There were over 120 entries in this year's parade and a large crowd looking on to hon-

or those who gave so much. Seen here are local veterans from Norton County who marched proudly as they led the parade.

— Telegram photo by Vicki Henderson

Court of Appeals to hear cases in Norton

A three-judge panel of the state Court of Appeals who convened at the Norton County Courthouse today to hear arguments in three appeals.

The hearing panel included Judges Stephen D. Hill, Michael Buser and David Knudsen. In addition to the cases argued in Norton, the panel also decided the outcome of 14 other appeals that have been submitted for decision without oral argument.

The 13-member Court sits throughout the state in panels of three, and last year resolved 1,700 appeals. Following are digests of the appeals that were argued.

Rafael Garcia v. Kansas Dept. of Revenue, Case No. 106,978

The Kansas Department of Revenue suspended Rafael Garcia's driving privileges for failing an evidentiary breath test under the Kansas Implied Consent Law, K.S.A. 8-1001 et seq. Garcia filed a petition for review of the administrative hearing order. The district court affirmed the administrative suspension of Garcia's driving license. The district court ruled that the arresting officer had reasonable grounds to request an evidentiary breath test and that the preliminary

breath test was constitutional under the Fourth Amendment to the United States Constitution. Garcia appeals.

ISSUES:

Did the district court err in determining the arresting officer had reasonable grounds to request testing under K.S.A. 8-1001 et seq.?

Is the preliminary breath test statute K.S.A. 2010 Supp. 8-1012 unconstitutional?

Christopher Kuhn v. Kansas Dept. of Revenue, Case No. 107,154

The Kansas Department of Revenue suspended Christopher Kuhn's driving privileges for failing an evidentiary breath test under the Kansas Implied Consent Law, K.S.A. 8-1001 et seq. Kuhn filed a petition for judicial review of the administrative hearing order. The district court affirmed the administrative suspension of Kuhn's driving license. The district court ruled that the stipulated facts showed that the arresting officer had sufficient reasonable grounds to request testing under K.S.A. 8-1001 et seq., but only with the preliminary breath test results. The district court also found the PBT statute K.S.A. 2010 Supp. 8-1012 constitutional. Kuhn appeals.

The KDOR cross-appeals the district court's finding that the PBT results were necessary for the arresting officer to have reasonable grounds to request testing of Kuhn under K.S.A. 8-1001 et seq.

ISSUES:

Did the district court err in determining the arresting officer did not have reasonable grounds to request testing under K.S.A. 8-1001 et seq. without the PBT results?

Is the preliminary breath test statute K.S.A. 2010 Supp. 8-1012 unconstitutional?

Duskin L. Siruta, By and On Behalf of the Heirs at Law of Tate Dillon Siruta, Deceased v. Melissa Siruta, Case No. 105,698

Tate Siruta was the son of Duskin and Melissa Siruta. Tate died as the result of a one-vehicle accident while Melissa was driving and Duskin was a sleeping passenger in the vehicle.

Duskin filed this wrongful death action against his wife, Melissa, alleging that her negligence caused Tate's death. A jury found both Melissa and Duskin 50 percent at fault.

Duskin appeals, alleging that the district court erred in instructing the

jury to compare the fault of Duskin and Melissa, considering the fact that Melissa was driving and Duskin was a sleeping passenger in the car.

Melissa cross-appeals, arguing: (1) the district court should have granted her motion for summary judgment because there was insufficient evidence presented to support a claim of negligence; (2) the district court should have granted her motion for summary judgment because Duskin was precluded from bringing an action under the wrongful death statutes; (3) the district court abused its discretion in allowing unsigned interrogatory answers into evidence; (4) the district court erred by failing to instruct the jury on the theory of joint enterprise; (5) K.S.A. 8-1345(d), which prohibits evidence of failure to secure a child in a child passenger safety restraining system or a safety belt for the purpose of determining any aspect of comparative negligence or mitigation of damages, is unconstitutional; and (6) Melissa should have been allowed to present the defense of common law parental and inter-spousal immunity.

A collaboration of two agencies

By Dana Paxton

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Last week's Norton County Commissioners meeting started with a visit from Gina Frack of the Norton County Health Department and Scott Sproul, director of the Norton City and County Economic Development. The purpose of their visit was to inform the commissioners of a joint effort between the two agencies.

Mrs. Frack informed the group of a planning grant they were working on through the Kansas Health Foundation. Economic Development's role in the process would be to assist in the grant writing process. It would help with the application process and create a conduit to find funding for future things.

This collaborative effort between the two departments would be for a four year period of time. The application is due December 5 of this year with an announcement in March of 2013. The funds would be available from April 1, 2013 and run for a year.

A county wide health assessment is being planned and the hope is to get the public involved in the process. The assessment would identify the strengths and weaknesses in the local health care system and other elements of the county. By identifying these things when looking for future grant money the facts would already be there. This would make it easier to qualify for future grants of many types.

"Doing an assessment would build

an experience base here. It would show the benefits and efficiency of the current programs offered and provide validity to the need." Mrs. Frack stated. "We need to create our own sustainable means to fund these things in our own county," she continued.

"The value of doing this is that it brings a broad spectrum of people together to come up with our own assessment." Frack said. "It is part of bringing people here because we are looking at the health issues of the county."

The commissioners thought this was a good idea to bring future funds into our county and told Frack and Sproul to continue as planned because they thought this could mean great things for our county.

Commissioners get update from Director Sproul

Economic Development Director Scott Sproul addressed the commissioners at last week's meeting. He brought up new news that he is currently working on.

First of all, he stated that Dairy Queen, Grill and Chill should be opening up this week.

Another topic was that his department had applied for \$5,240 to help Solomon Valley Rural Fire Department purchase two radio upgrades. They were awarded the funds and new equipment was purchased through Pioneer. Sproul stated that they were currently working on applications to also get funds for Norton's fire department radio upgrades.

Another thing Economic Development is working on is a CBDC grant to do historic preservation to some more buildings in downtown Norton. The application deadline is February 2, 2013 and Northwest Kansas Planning and Development will write the application. Announcement could possibly be in March, 2013. "There is good access to capital out there for those needing help," Sproul stated.

Pick-Em results delayed until Friday due to holiday

By DICK BOYD

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Since there was no mail delivery on the Veterans' Day holiday on Monday, all mail entries for the weekly Pigskin Pick-Em Contest were not received in time for grading prior to the deadline for today's Telegram.

The story listing the winners will be in Friday's Telegram.

Turn to the full page Pick-Em Contest advertisement in today's Telegram for the 12th and final week's college games.

Only one entry per person on official entry blanks is allowed but extra entry

blanks for other members of the family may be picked up from any sponsor.

Prizes of \$30 in scrip money are paid each week.

At the end of the 12-week season, the fan picking the most correct games will receive \$50 in scrip money and an engraved trophy.

