

# KANSAS REGISTER

State of Kansas

**JACK H. BRIER**  
Secretary of State

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January 5, 1984

Pages 1-22

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## State of Kansas

**DEPARTMENT OF ADMINISTRATION  
DIVISION OF ARCHITECTURAL SERVICES****NOTICE OF COMMENCEMENT  
OF NEGOTIATIONS  
FOR ENGINEERING SERVICES**

Notice is hereby given of the commencement of negotiations for engineering services for replacement of the chiller at the Kansas Department of Transportation Materials and Research Center, 2300 Van Buren, Topeka, Kansas.

Preliminary studies have indicated the need for a chiller of approximately 150 tons to replace the existing 210 ton absorption unit which is non-operative.

The State Building Advisory Commission will nominate firms at their meeting either later this month or early February. Engineering firms must be permitted by law to practice and must also be on file with the Division of Architectural Services to be eligible.

Expressions of interest or any questions regarding the services required should be directed to Norman Moody, Chief Engineer, Division of Architectural Services, 625 Polk, Topeka, Kansas 66603, telephone 913/233-9367, no later than January 20, 1984.

JOHN B. HIPP, AIA  
Director

Division of Architectural Services

Doc. No. 001775

## State of Kansas

**DEPARTMENT OF ADMINISTRATION  
DIVISION OF ARCHITECTURAL SERVICES****NOTICE OF COMMENCEMENT  
OF NEGOTIATIONS  
FOR ENGINEERING SERVICES**

Notice is hereby given of the commencement of negotiations for engineering services for a study of the terra cotta cornice on the Memorial Building, 120 West 10th, Topeka, Kansas. This building is on the national historical register.

There is concern as to the structural integrity of said cornice. The study should state the existing condition of the cornice and identify any problems. The study should further indicate all necessary services or repairs needed to rectify any problems found to exist and provide a cost estimate for said services or repairs.

Interested firms must be permitted by law to practice in the State of Kansas, possess expertise in terra cotta construction and have a background in the historical preservation laws.

Expressions of interest or any questions regarding the services should be directed to Terry Marmet, Historic Preservation Department, Kansas State Historical Society, 120 West 10th, Topeka, Kansas 66612, telephone 913/296-3251, no later than January 20, 1984.

JOHN B. HIPP, AIA  
Director

Division of Architectural Services

Doc. No. 001774

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Secretary of State  
State Capitol  
Topeka, Kansas 66612



PHONE: 913/296-2236

**State of Kansas**  
**SOCIAL AND REHABILITATION SERVICES**  
**ADVISORY COMMISSION ON**  
**JUVENILE OFFENDER PROGRAMS**

**NOTICE OF MEETING**

The Advisory Commission on Juvenile Offender Programs will meet on Friday, January 13, 1984, in the Smith-Wilson Building Conference Room, Youth Services, 2700 West 6th Street, Topeka, Kansas, beginning at 10:00 a.m.

ROBERT BARNUM  
 Commissioner, Youth Services

Doc. No. 001771

**State of Kansas**  
**STATE BOARD OF INDIGENTS'**  
**DEFENSE SERVICES**

**NOTICE OF MEETING**

Notice is hereby given to all interested parties that the State Board of Indigents' Defense Services will hold its regular meeting on Friday, January 13, 1984, beginning at 9:00 a.m. in Room 537, 503 Kansas Avenue, Topeka, Kansas.

For further information, contact Mr. Ron Miles, Director, 503 Kansas Avenue, Suite 536, Topeka, Kansas 66603, (913) 296-4505.

RONALD E. MILES  
 Director

Doc. No. 001773

**State of Kansas**  
**SECRETARY OF STATE**

**NOTICE**

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that pursuant to the provisions of K.S.A. 1983 Supp. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of January 1, 1984 through January 31, 1984 shall be 14.84%.

In testimony whereof: I hereto set my hand and cause to be affixed my official seal. Done at the City of Topeka, this 30th day of December, 1983.

JACK H. BRIER  
 Secretary of State

Doc. No. 001776

**State of Kansas**  
**ATTORNEY GENERAL**

**OPINION NO. 83-183**

**Corporations—Electric Cooperative, Nonprofit, Membership Corporations—Easements. Steven L. Boyce, Coffey County Attorney, Burlington, December 23, 1983.**

K.S.A. 17-4627 does not bar action by a county against an electric cooperative for relocation of transmission lines and poles located within the right of way of a county road, where the board of county commissioners has determined that it is necessary to widen the road, and such poles and lines must be moved to accomplish the same.

County approval of the location, upon the right of way of a county road, of transmission lines and poles of an electric cooperative does not obligate the county to bear the cost of any future relocation of the lines, if the same becomes necessary. If such lines must be relocated in order to improve the road, the electric cooperative must bear the expense of relocation. Cited herein: K.S.A. 17-4601, 17-4604, 17-4627. TRH

**OPINION NO. 83-184**

**Banks and Banking—Deposit of Public Moneys—Designation of Depositories by Quasi-Municipal Corporations. Colt Knutson, Riley County Attorney, Manhattan, December 23, 1983.**

K.S.A. 9-1401, as amended by L. 1983, ch. 47, § 2, provides that the governing body of any quasi-municipal corporation shall designate the banks, savings and loan associations and savings banks which shall serve as depositories of its funds. The term "quasi-municipal corporation" is defined (at K.S.A. 9-701, as amended by L. 1983, ch. 46, § 1) to include any governmental subdivision, other than a city, having the authority to receive or hold moneys or funds. A non-profit corporation which receives federal, state and county moneys, whose directors are appointed by county commissions in a four-county area, and which provides social services to developmentally disabled persons is a quasi-municipal corporation under K.S.A. 9-701, as amended, and so may designate depository institutions receive and hold its funds pursuant to K.S.A. 9-1401, as amended. Cited herein: K.S.A. 9-701, as amended by L. 1983, ch. 46, § 1; K.S.A. 9-1401, as amended by L. 1983, ch. 47, § 2; K.S.A. 19-1402, as amended by L. 1983, ch. 47, § 3; K.S.A. 9-1407; K.S.A. 12-1675, as amended by L. 1983, ch. 47, § 7; K.S.A. 19-4007; K.S.A. 65-4404; K.S.A. 1983 Supp. 79-1947. JSS

ROBERT T. STEPHAN  
 Attorney General

Doc. No. 001770

## State of Kansas

**SOCIAL AND REHABILITATION SERVICES  
CHILDREN AND YOUTH ADVISORY  
COMMITTEE****NOTICE OF MEETING**

Notice is hereby given to all interested parties that the statutorily created Children and Youth Advisory Committee will hold its regular meeting on January 9, 1984, at 1:30 p.m., in the Judicial Administrator's Conference Room (337), Judicial Center, 301 West 10th Street, Topeka, Kansas.

GEORGENE WADE, Chairperson  
Children and Youth Advisory Committee

Doc. No. 001767

## State of Kansas

**DEPARTMENT OF ADMINISTRATION  
DIVISION OF PURCHASES****NOTICE TO BIDDERS**

Sealed bids for items hereinafter listed will be received by the Director of Purchases, State Office Building, Topeka, Kansas, until 2:00 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened:

**MONDAY, JANUARY 16, 1984**

#25827

Kansas Highway Patrol, Topeka—DINING SERVICE

#25853

University of Kansas Medical Center, Kansas City,  
Other State Agencies—LABORATORY GLASSWARE  
AND SUPPLIES

#56268

Kansas State University, Manhattan—COMPUTER  
TERMINALS

#56278

Kansas Fish and Game Commission, Pratt—GRASS  
SEEDS

#56291

University of Kansas, Lawrence—HPLC PUMPING  
SYSTEM

#56295

University of Kansas, Lawrence—FUEL OIL

**TUESDAY, JANUARY 17, 1984**

#A-4733

Osawatomie State Hospital, Osawatomie—CONVERT  
SUPPLY BUILDING COOLER ROOM TO ZERO DE-  
GREE STORAGE

#25866

Department of Transportation, Topeka—VEHICLES  
TO TRANSPORT THE ELDERLY AND HANDI-  
CAPPED

#56280

Department of Human Resources, Topeka—TERMI-  
NAL AND CONTROLLER

**WEDNESDAY, JANUARY 18, 1984**

#A-4852

Department of Health and Environment, Topeka—  
PROVIDE FOR INSTALLATION OF LAMINAR  
FLOW HOOD

#25867

University of Kansas, Lawrence; Kansas State Uni-  
versity, Manhattan; University of Kansas Medical Center,  
Kansas City; Wichita State University, Wichita—  
RADIOCHEMICALS

#56270

Kansas Highway Patrol, Topeka—TWO-WAY RADIO  
EQUIPMENT

#56271

Kansas State University, Manhattan—FERTILIZER

#56272

Kansas State University, Manhattan—LOCKSETS,  
CYLINDERS, AND KEYS

#56276

Kansas State University, Manhattan—GRAIN AUGAR

#56277

University of Kansas, Lawrence—FIRE BOX BOILER

#56284

Pittsburg State University, Pittsburg—COMPACT  
STATION WAGON

#56285

Department of Transportation, various locations—BI-  
TUMINOUS DISTRIBUTORS

#56292

Kansas State University, Manhattan—DEW POINT  
DETERMINATOR APPARATUS

#56293

Kansas Fish and Game Commission, Pratt—AB-3  
ROAD ROCK, F.O.B. PERRY WILDLIFE AREA

#56294

University of Kansas, Lawrence—FUEL OIL

#56296

University of Kansas, Lawrence—FUEL OIL

**THURSDAY, JANUARY 19, 1984**

#A-4716

Osawatomie State Hospital, Osawatomie—PROVIDE  
WORK FOR ENERGY CONSERVATION PROJECTS;  
RUSH BUILDING AND THE ADAIR SECTION

#55938-A

Kansas Fish and Game Commission, Pratt—CON-  
STRUCT ACCESS ROAD AND BUILD BOAT RAMPS

#56283

Department of Adjutant General, Topeka—2,400  
TONS CRUSHED ROCK, Salina

#56286

Department of Transportation, various locations—  
WHEEL LOADERS

#56287

Department of Transportation, Hutchinson—  
LOADER

#56288

Department of Transportation, Garden City—WHEEL  
LOADER

#56289

Department of Transportation, various locations—  
WHEEL LOADERS

#56290

Department of Transportation, Norton—WHEEL  
LOADER

**THURSDAY, JANUARY 26, 1984**

#25864

Kansas Neurological Institute, Topeka and Winfield  
State Hospital, Winfield—DISPOSABLE DIAPERS

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 001766

(Published in the KANSAS REGISTER, January 5, 1984.)

State of Kansas  
DEPARTMENT OF TRANSPORTATION

## NOTICE TO CONTRACTORS

Notice is hereby given that the advertisement of highway project Barton-Harvey—106 K 2408-01—Highway Lighting, US-56 in Barton County & US-50 in Harvey County (Federal Funds) is hereby withdrawn from advertisement as published in the KANSAS REGISTER, December 22 and December 29, 1983.

BY ORDER OF THE KANSAS  
DEPARTMENT OF TRANSPORTATION  
JOHN B. KEMP  
Secretary

Doc. No. 001769

State of Kansas  
PERMANENT ADMINISTRATIVE  
REGULATIONS

## NOTICE

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1983 Supp. 77-415 *et seq.* *These regulations are scheduled to become effective May 1, 1984, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1.* Any such legislative action will be reported in the *Kansas Register*. The May 3, 1984 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

OFFICE OF  
CONSUMER CREDIT COMMISSIONER  
ADMINISTRATIVE REGULATIONS

## Article 6.—CONSUMER CREDIT CODE

**75-6-2. Finance charges, actuarial method.** Finance charges shall be determined, using the actuarial method, by applying the contract rate to the actual unpaid principal balance for the time actually outstanding until the contract is fully paid.

Under the actuarial method, at the end of each unit period (or fractional unit period) the unpaid balance of the amount financed is increased by the finance charge earned during that period and is decreased by the total payment (if any) made at the end of the period. (Authorized by K.S.A. 16a-6-104(e); implementing K.S.A. 16a-1-301(1); effective, E-74-13, Jan. 1, 1974; effective May 1, 1975; amended May 1, 1984.)

DONALD O. PHELPS  
Consumer Credit Commissioner

Doc. No. 001713

State of Kansas  
PERMANENT ADMINISTRATIVE  
REGULATIONS

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BANK COMMISSIONER  
ADMINISTRATIVE REGULATIONS

## Article 11.—INVESTMENT SECURITIES

**17-11-9. Investment securities; repurchase.** (a) The bank may purchase and sell investment securities under the following conditions:

(1) Under an agreement whereby the bank has an option or a right to require the seller of the securities to repurchase them from the bank at a price stated or at a price subject to determination under the terms of the agreement, but in no case less than the value at the time of the repurchase.

(2) Under an agreement whereby the seller or a third party guarantees the bank against loss on resale of the securities.

(3) Under an agreement whereby the seller reserves the right or the option to repurchase said securities itself, or through its nominee, for a price stated or at a price subject to determination under the terms of the agreement, but in no case shall said option be for an amount less than the value at the time of the purchase.

(4) Under an agreement whereby the bank selling securities shall have an option or right to repurchase the securities from the buyer at a price stated or at a price subject to determination under the terms of the agreement.

(b) The total amount that any bank has committed to repurchase at any one time from the State of Kansas or political subdivisions thereof, may not exceed a sum equal to 10 times its capital and surplus. (Authorized by K.S.A. 9-1713 and implementing K.S.A. 9-1101 and 9-1131; effective Jan. 1, 1966; amended May 1, 1978; amended, T-84-14, July 1, 1983; amended May 1, 1984.)

EUGENE C. HEGARTY  
State Bank Commissioner

Doc. No. 001712

## State of Kansas

**PERMANENT ADMINISTRATIVE  
REGULATIONS****NOTICE**

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**REAL ESTATE COMMISSION  
ADMINISTRATIVE REGULATIONS****Article 1.—EXAMINATION AND  
REGISTRATION**

**86-1-10. Approval of courses of instruction; procedure.** (a) As used in this regulation, "school" means an institution, school, association or agency which is qualified under subsection (d) of K.S.A. 58-3046a, and amendments thereto, to offer courses of education.

(b) To request commission approval of a course of education required by K.S.A. 58-3046a, and amendments thereto, each school shall:

(1) Appoint a coordinator to supervise the course; and

(2) Submit all information required by the commission for course approval at least 30 days prior to the first scheduled class session. The information shall include the following:

(A) A completed application for course registration form which has been obtained from the commission;

(B) An application for real estate instructor, completed in accordance with section (e) of this regulation; and

(C) A course syllabus, which shall contain the school name, location and telephone number; name of course; policy regarding attendance and procedure for record-keeping of attendance; instructor's name; prerequisites for course; proposed dates and times of offering; sample of proposed advertising; total amount of attendance fee; total number of class sessions; time spent per session; total hours in the course; course description, including a brief idea of the course content and for whom the course is intended; objectives or aims of the course; methods of class presentations; materials to be used; a detailed course outline; name and author of the textbook; and method used to determine successful completion of the course.

(c) Courses which may be used to meet the requirements of subsection (b) of K.S.A. 58-3046a, and amendments thereto, include the following:

- (1) Real estate finance;
- (2) real estate law;
- (3) real estate appraisal;
- (4) real estate investment; and
- (5) real estate management.

Total instruction time of courses approved under section (b) of K.S.A. 58-3046a, and amendments thereto, shall be not less than two hours.

(d) The commission shall notify the school, in writing, of its decision to approve or disapprove the course. If the commission does not notify the school of its decision within 10 working days of receipt of the request for approval, it shall notify the school, in writing, that the course is under review and indicate the date by which the commission expects to complete its review.

(e) The commission shall register approved courses. Registration of a course shall expire at the end of the calendar year. The commission shall notify the school by November 1 that an application for renewal of courses and instructors is due and send the necessary forms to the school.

(f)(1) Each individual desiring to teach a course approved by the commission shall submit an application for instructor approval obtained from the commission. The application shall contain a resume, outlining the applicant's specialized preparation, training and experience which qualifies the applicant to instruct the course. Each instructor shall be required to show evidence both of knowledge of the curriculum and ability to effectively instruct.

(A) Knowledge of the subject matter shall be shown by meeting at least one of the following requirements:

(i) Holding a college degree in real estate or a college degree in law, business or other academic area directly related to the course which the applicant intends to instruct;

(ii) having at least three years of experience in the professional area of real estate directly related to the course which the applicant intends to instruct; or

(iii) passing an instructor's examination approved by the commission.

(B) Ability to effectively instruct shall be shown by meeting at least one of the following requirements:

(i) Completion, within the preceding two years, of a commission-approved course of study for instructors designed to develop ability to communicate;

(ii) holding a current teaching certificate issued by a state department of education or an equivalent agency in another jurisdiction;

(iii) holding a four-year college or university degree in the field of education; or

(iv) having successfully demonstrated the ability to teach in schools, seminars or in an equivalent setting.

(2) The commission, in writing, shall notify the applicant and, if applicable, the school of its decision to approve or disapprove an instructor's application. If the commission does not notify the applicant and, if applicable, the school of its decision within 10 working days of receipt of the application, it shall, in writing, notify the applicant and, if applicable, the school that the instructor's application is under review and indicate the date by which the commission expects to complete its review. The school shall not allow an individual to instruct a course approved by the commission prior to placing verification of commission approval of the instructor on file at the school.

(continued)

(g) The coordinator appointed by each school shall be responsible for regular and consistent evaluation of the course and the instructors. When a school uses an instructor for the first time, the coordinator shall ask each student in the course to complete an instructor evaluation form. Both student and coordinator evaluations shall be submitted to the commission.

Subsequent evaluations of instructors may be completed at the discretion of the coordinator and may be used to measure any changes in the quality of the instructor.

The coordinator shall supply additional student and coordinator evaluations of specific instructors upon request of the commission.

(h) Schools which do not have transcript capabilities shall issue a certificate of completion to each student who successfully completes a course approved by the commission and shall give or mail the certificate to the student. A certificate shall not be issued to any student who was absent more than 10 per cent of the scheduled classroom hours of a principles of real estate course approved by the commission pursuant to subsection (a) of K.S.A. 58-3046a and amendments thereto. A certificate shall not be issued to any student who was absent during any portion of the scheduled classroom hours of a course approved by the commission to meet the eight hours of additional instruction required by subsection (b) of K.S.A. 58-3046a and amendments thereto.

(i) The school shall maintain records of students successfully completing a course approved by the commission for a minimum of three years. Attendance records shall be kept current and available for inspection by commission representatives during regular school hours or upon request.

(j) The school shall notify the commission, in writing, at least 30 days prior to a significant change in a course approved by the commission. Changes to be reported include changes in coordinator, instructor, name or location of school, dates and times the course is offered, and fees charged to students.

Nothing in this regulation shall preclude the commission from approving substitution of an instructor to teach an approved course, provided the instructor meets the qualifications in subsection (f).

(k) A school shall not advertise a course as meeting the educational requirements of the Kansas Real Estate Brokers' and Salespersons' License Act prior to approval of the course by the commission or prior to placing verification of that approval on file at the school. A school shall not advertise that an instructor will teach a course approved by the commission prior to placing verification of approval of the instructor for the course on file at the school. A school or agent of a school shall not guarantee that successful completion of a course will result in the student's passing of a real estate licensing examination.

(l) The Commission may deny, suspend or revoke approval of a real estate course, an instructor or a school if it is determined that the course, instructor or school is not in compliance with K.S.A. 58-3046a, and amendments thereto, or this regulation. Falsification

of attendance records shall be grounds for suspension or revocation. If disciplinary action is taken by the commission, the commission shall issue a written order of suspension, revocation or denial of approval.

(m) Each school offering a correspondence course shall, to the extent applicable, meet all other standards prescribed by the commission and shall require that at least 50 per cent of the passing grade of its corresponding students be based on scores obtained by proctored examinations. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 58-3046a; effective T-83-32, Oct. 25, 1982; effective May 1, 1983; amended May 1, 1984.)

### Article 3.—PERSONS HOLDING LICENSES; DUTIES

**86-3-15. Reporting of information.** (a) Each licensee shall report any of the following circumstances to the commission, in writing and within 10 days of the date of occurrence:

(1) Any litigation involving the sale of real estate or payment of a commission in which the licensee or the licensee's real estate company is named as a plaintiff or defendant. The report shall include the nature of the allegations, or the licensee shall furnish a copy of the petition;

(2) disposition of litigation reported pursuant to this regulation;

(3) any tax lien, mechanics' lien or court judgment filed against the licensee or the licensee's real estate company;

(4) any voluntary or involuntary petition in bankruptcy filed by or against the licensee or the licensee's real estate company;

(5) any discharge of a bankrupt;

(6) any arrest, indictment or conviction for forgery, embezzlement, obtaining money under false pretenses, conversion, issuing bad checks, extortion, criminal conspiracy to defraud or any like offense;

(7) any change in the licensee's name or trade or business name;

(8) any change in the licensee's residence or business address;

(9) any change relative to a trust account maintained by the licensee pursuant to K.S.A. 58-3061;

(10) any rejection by another state of an application made by the licensee for a broker or salesperson license; or

(11) any suspension or revocation of a broker or salesperson license held by the licensee in another state.

(b) Each partnership, association or corporation whose members or officers are licensed pursuant to K.S.A. 58-3042(b) shall designate a broker who shall be responsible for reporting the information required by this regulation as it relates to the partnership, association or corporation.

(c) Each broker who is responsible for the supervision of an associated or employed salesperson or associate broker shall report to the commission any arrest, indictment or conviction, pursuant to paragraph

(continued)



(a)(6) of this regulation, of an associated or employed salesperson or associate broker. This report shall be made in writing and within 10 days of the date that knowledge of the information comes to the attention of the broker. (Authorized by K.S.A. 74-4202(b), implementing K.S.A. 58-3039(e), 58-3041(a), 58-3043(a), 58-3044(a), 58-3061(b); effective Jan. 1, 1974; amended, E-81-18, July 16, 1980; amended May 1, 1981; amended May 1, 1984.)

### KANSAS REAL ESTATE COMMISSION

Doc. No. 001711

#### State of Kansas

### PERMANENT ADMINISTRATIVE REGULATIONS

#### NOTICE

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### OFFICE OF SECURITIES COMMISSIONER ADMINISTRATIVE REGULATIONS

#### Article 5.—BLUE CHIP EXEMPTION

**81-5-6. Uniform limited offering exemption.** (a) Any transaction involving the offer or sale of securities made in compliance with the federal *Securities Act of 1933*, Regulation D, Rules 230.501-230.503 and 230.505, as made effective in federal *Securities Act of 1933* Release No. 33-6389, and which satisfies the conditions, limitations, and requirements of this regulation, shall be exempt from the registration provisions of the *Kansas Securities Act*.

(1) No commission, finders fee, or other remuneration shall be paid or given, directly or indirectly, for soliciting any prospective purchaser, or in connection with the sales of securities in reliance on this exemption, unless the recipient is appropriately registered in this state as a broker-dealer, agent or investment adviser.

(2) No exemption under this regulation shall be available if the issuer, any of its directors, officers, general partners, beneficial owners of 10% or more of any class of its equity securities, any of its promoters currently connected with it in any capacity, or any person (other than a broker-dealer currently registered under K.S.A. 17-1254) who has been or will be paid or given, directly or indirectly, any commission or similar remuneration for solicitation of any prospective purchaser or in connection with sales of securities in reliance on this regulation:

(A) has filed a registration statement which is subject to a currently effective stop order entered pursuant to any state law within five years prior to the commencement of the offering;

(B) has been convicted, within five years prior to commencement of the offering, of any felony or misdemeanor in connection with the purchase or sale of any security or any felony involving fraud or deceit including, but not limited to, forgery, embezzlement, obtaining money under false pretenses, larceny or conspiracy to defraud;

(C) is currently subject to any state administrative order or judgment entered by a state securities administrator within five years prior to the commencement of the offering or is subject to any state administrative order or judgment in which fraud or deceit was found and the order or judgment was entered within five years prior to the commencement of the offering;

(D) is currently subject to any state administrative order or judgment which prohibits the use of any exemption from registration in connection with the purchase or sale of securities; or

(E) is subject to any order, judgment or decree of any court of competent jurisdiction temporarily or preliminarily restraining or enjoining, or is subject to any order, judgment or decree of any court of competent jurisdiction, entered within five years prior to the commencement of the offering, permanently restraining or enjoining such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of any false filing with any state.

(F) The prohibitions of paragraphs (A) through (C) above shall not apply if the party or interest subject to the disqualifying order is duly licensed to conduct securities-related business in the state in which the administrative order or judgment was entered against such party or interest.

(G) Any disqualification caused by this section shall be automatically waived if the state which created the basis for disqualification determines, upon a showing of good cause, that it is not necessary under the circumstances to deny the exemption.

(3) The issuer shall file with the commissioner, at the times specified in paragraphs (A) through (C) below, a notice on federal SEC Form D 17CFR239.500 (copies of which may be obtained from the Kansas commissioner). The notice shall be filed:

(A) no later than 15 days after the first sale of securities in an offering under this exemption;

(B) every six months after the first sale of securities in an offering under this exemption, unless the final notice required by paragraph (C) below has been filed; and

(C) no later than 30 days after the last sale of securities in an offering under this exemption.

(D) Every notice on Form D shall be manually signed by a person duly authorized by the issuer.

(4) In any sale to a nonaccredited investor, the issuer and any person acting on its behalf shall have reasonable grounds to believe, and after making reasonable inquiry shall believe, that the investment is

(continued)



suitable for the investor. Suitability shall be based upon the facts disclosed by the investor as to the investor's other security holdings, financial situation and needs. For the limited purpose of this condition only, it may be presumed that if the investment does not exceed 20% of the investor's net worth (excluding principal residence, furnishings therein and personal automobiles) it is suitable.

(b) Offers and sales which are exempt under this rule shall not be combined with offers and sales exempt under any provision of the *Kansas Securities Act* or any rule promulgated thereunder.

(c) In any proceeding involving this rule, the burden of proving the exemption or an exception from a definition or condition shall be upon the person claiming it.

(d) In view of the objective of this rule and the purposes and policies underlying the *Kansas Securities Act*, this exemption shall not be available to any issuer with respect to any transaction which, although in technical compliance with this rule, is part of a plan or scheme to evade registration or the conditions or limitations explicitly stated in this rule.

(e) Upon the showing of good cause, the commissioner may by order waive any of the conditions of paragraphs (a)(2)(A), (a)(2)(C) or (a)(2)(D) of this exemption.

(f) The issuer shall be required to maintain, for a period of five years, a written record of all information furnished by it to all offerees. (Authorized by K.S.A. 1982 Supp. 17-1270(f); implementing K.S.A. 1982 Supp. 17-1262; effective T-83-40, Nov. 23, 1982; effective May 1, 1983; amended May 1, 1984.)

#### Article 11.—ADMINISTRATIVE PROCEDURE

**81-11-1.** (Authorized by K.S.A. 17-1270(f); effective Jan. 1, 1966; revoked May 1, 1984.)

**81-11-2. Request for hearing.** (a) The commissioner may issue a permanent cease and desist order, or an order denying or revoking a registration of any issuer, broker-dealer, agent or investment advisor, by first giving written notice of this intent and an opportunity for prior hearing to every person who is the subject of the order. This notice shall also state the allegations upon which the proposed order is based.

This notice shall be served upon the person by:

(1) Registered mail, sent to the person at the address listed in the person's registration application that is on file with the commissioner; or

(2) the commissioner, the commissioner's designee or the sheriff of the county where the respondent resides, in accordance with the provisions of K.S.A. 60-301 *et seq.*, and any amendments thereto.

(b) Any person who receives a notice under subsection (a), or who is issued a temporary cease and desist order or a summary order that suspends the effectiveness of a registration or the use of an exemption, may file a written request for a hearing with the commissioner within 10 days of receiving this notice. If a hearing is requested, the commissioner shall hold a hearing not less than five days nor more than 15 days after receiving the request. (Authorized by K.S.A. 1982

Supp. 17-1270; implementing K.S.A. 17-1254, K.S.A. 17-1260, K.S.A. 17-1265 and K.S.A. 17-1266a; effective May 1, 1984.)

**81-11-3. Dockets.** Each hearing before the commissioner shall be recorded in a docket and given a descriptive title. This docket number and title shall be used on all papers filed with respect to the hearing and shall appear on all correspondence relating to the matter. (Authorized by K.S.A. 1982 Supp. 17-1270; implementing K.S.A. 17-1254, K.S.A. 17-1260, K.S.A. 17-1265 and K.S.A. 17-1266a; effective May 1, 1984.)

**81-11-4. Subpoenas.** (a) Any party who appears in a hearing before the commissioner may, upon a showing of good cause, and upon depositing sums sufficient to pay witness fees and mileage, cause the commissioner to issue a subpoena to require the attendance of witnesses and to require the production of books, accounts, records, papers, correspondence or other items as may be necessary and proper for the purposes of the proceedings.

(b) Any witness who is not a party and who is subpoenaed to attend a hearing before the commissioner to give testimony or to produce books, accounts, records, papers, correspondence or other items shall receive:

(1) Mileage at the rate of \$.22 per mile for each mile to and returning from the place of the hearing, unless the distance travelled is less than one mile; and

(2) a fee of \$5.00 for each day or part of a day the person is required to be present as a witness.

(c) The party that requests the appearance of a witness shall pay all fees to which the witness is entitled. Each witness shall submit proper vouchers, which shall be approved by the commissioner. (Authorized by K.S.A. 1982 Supp. 17-1270; implementing K.S.A. 17-1254, K.S.A. 17-1260, K.S.A. 17-1265 and K.S.A. 17-1266a; effective May 1, 1984.)

**81-11-5. Appearances.** (a) Except as provided in subsection (b) of this regulation, any party may appear before the commissioner and be heard in person and in that party's own behalf. The party may appear with and be represented by:

(1) Any attorney who is a resident of Kansas and regularly admitted to practice in the courts of record of the state of Kansas; or

(2) any practicing attorney who:

(A) Is regularly admitted to practice in the courts of record of another state of the United States; and

(B) has associated with an attorney who is a resident of Kansas, duly qualified to practice law in Kansas, and who will appear personally with the non-resident attorney as local counsel in the proceeding before the commissioner.

(b) A corporation shall not be permitted to enter an appearance, except by its attorney.

(c) When an attorney appears before the commissioner in a representative capacity, that attorney shall file with the commissioner, or otherwise state on the record, a notice of the appearance. The notice shall state the attorney's name, address, and telephone

(continued)

number, and the name and address of the person or persons on whose behalf the attorney appears. Any additional notice or other written communication required to be served or furnished to the client may be sent to the attorney at the attorney's stated address. (Authorized by K.S.A. 1982 Supp. 17-1270; implementing K.S.A. 17-1254, K.S.A. 17-1260, K.S.A. 17-1265 and K.S.A. 17-1266a; effective May 1, 1984.)

**81-11-6. Failure to appear.** Subject to K.A.R. 81-11-10, if, after receiving notice of hearing, any party fails to appear at the time and place designated for the hearing, the hearing shall proceed in the party's absence. All allegations stated in the notice of hearing may be taken as uncontroverted by the party failing to appear. (Authorized by K.S.A. 1982 Supp. 17-1270; implementing K.S.A. 17-1254, K.S.A. 17-1260, K.S.A. 17-1265 and K.S.A. 17-1266a; effective May 1, 1984.)

**81-11-7. Hearings.** (a) All hearings before the commissioner shall be conducted by the commissioner, by a hearing examiner or by any other person authorized by the commissioner to conduct the hearing. The presiding officer shall administer an oath or affirmation to each witness and shall have the authority to question any witness as to matters which the presiding officer deems relevant and material to the proceeding.

(b) A stenographic record shall be made of all hearings, but a transcribed record shall not be required. The cost of any transcript of the record of any hearing shall be paid by the party requesting it. In the event of an appeal from the decision or order of the commissioner, the appellant shall pay the cost of the transcription of the record.

(c) The use of photographic equipment or recording devices shall not be prohibited during hearings. However, the person presiding at the hearing may regulate the use of the equipment or devices so as to insure the orderly conduct of the proceedings. (Authorized by K.S.A. 1982 Supp. 17-1270; implementing K.S.A. 17-1254, K.S.A. 17-1260, K.S.A. 17-1265 and K.S.A. 17-1266a; effective May 1, 1984.)

**81-11-8. Conduct of hearings.** (a) Hearings shall be conducted on a trial format. Unless otherwise agreed among the parties, the commissioner's staff shall present its opening statement first, shall present its evidence first, and shall have the right to open and close arguments. The person presiding has the right to reasonably limit the time allotted for arguments by the parties.

(b) In any hearing conducted pursuant to these rules, the commissioner's staff shall present evidence to prove the facts alleged in the notice of hearing unless this regulation specifically provides otherwise. The commissioner's staff shall assume the burden of proving a prima facie case by a preponderance of the evidence. However, the burden of proof of an exemption shall be upon the party claiming the benefit of that exemption.

(c) Any party may submit a brief if a request to do so is made of the person presiding at the hearing prior to closing the record of that hearing. In addition, the

person presiding at the hearing or the commissioner may require each party to submit a brief. The period of time in which briefs must be filed shall be set at the close of the hearing by the person presiding at the hearing. Briefs shall be served upon all parties to the proceeding. Proof of service of briefs shall be given to the commissioner by a certificate of service endorsed on the brief.

(d) The testimony shall be closed when the parties have introduced all of their evidence and when all of their witnesses have been heard. The person presiding at the hearing shall give all interested parties an opportunity to be heard and then shall declare the record of the exhibits and testimony closed. The person presiding shall state that the matter will be taken under advisement by the commissioner. When the person presiding at the hearing is someone other than the commissioner, that person shall inform all the parties at the close of the testimony that a report of the presiding person's findings and recommendations will be made to the commissioner as promptly as may be practicable. Upon receipt of this report, the commissioner shall dispose of the matter in the manner applicable to cases heard by the commissioner.

(e) After the record of testimony has been closed by the person presiding at the hearing, any party may apply, by petition, for the reopening of the hearing. The record shall be reopened for further hearing only upon order of the commissioner. The commissioner may open any record of any hearing on the commissioner's own motion. (Authorized by K.S.A. 1982 Supp. 17-1270; implementing K.S.A. 17-1254, K.S.A. 17-1260, K.S.A. 17-1265 and K.S.A. 17-1266a; effective May 1, 1984.)

**81-11-9. Evidence.** (a) The rules of evidence, as stated in K.S.A. 60-401 *et seq.*, and any amendments thereto, shall be applied by the commissioner at all hearings. However, the person presiding at any such hearing may relax these rules when, in that person's opinion, it will be in the public interest to do so and will aid in ascertaining the facts.

When an objection is made to the admissibility of evidence, the person presiding at the hearing may rule upon the objection or the person presiding may receive the evidence subject to a subsequent ruling upon the objection by the commissioner. The person presiding at the hearing may exclude inadmissible evidence and may order that cumulative evidence be discontinued. All parties may note their exceptions, on the record, to any ruling or other action of the person presiding at the hearing.

(b) In addition to those matters which are required or permitted to be judicially noticed by K.S.A. 60-409, the person presiding may take official notice of the agency's own files and records in deciding matters pending before it.

(c) The parties to a hearing before the commissioner may agree upon the facts or any portion of the facts involved in the controversy pending before the hearing officer by:

(1) a written stipulation filed with the commissioner; or

(continued)

(2) the making of a statement into the record. Such a stipulation or statement may be considered and used as evidence in the hearing.

(d) If a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form. (Authorized by K.S.A. 1982 Supp. 17-1270; implementing K.S.A. 17-1254, K.S.A. 17-1260, K.S.A. 17-1265 and K.S.A. 17-1266a; effective May 1, 1984.)

**81-11-10. Continuances and adjournment.** The commissioner or presiding officer may continue or adjourn any hearing for good cause shown and with or without a motion. A hearing before the commissioner or presiding officer shall commence at the time and place designated in the notice, but thereafter may be adjourned from time to time or from place to place by the commissioner or presiding officer without further notice. Continuances and adjournments may be requested orally and may be granted or denied by the commissioner or presiding officer. (Authorized by K.S.A. 1982 Supp. 17-1270; implementing K.S.A. 17-1254, K.S.A. 17-1260, K.S.A. 17-1265 and K.S.A. 17-1266a; effective May 1, 1984.)

**81-11-11. Disposition.** A final order of the commissioner shall be in writing and state the findings of fact, conclusions of law and the basis or justification for the determination of the matter. All orders of the commissioner shall be delivered or mailed promptly to each party or to the party's attorney of record. (Authorized by K.S.A. 1982 Supp. 17-1270; implementing K.S.A. 17-1254, K.S.A. 17-1260, K.S.A. 17-1265 and K.S.A. 17-1266a; effective May 1, 1984.)

**81-11-12. Investigative examinations.** (a) Any person compelled to testify under oath as part of an investigation conducted pursuant to K.S.A. 17-1265, and any amendments thereto, may be accompanied, represented and advised by legal counsel. The right to be accompanied, represented and advised by counsel means the right for the witness to have an attorney present with the witness during the interview in order to:

- (1) give legal advice to that person before, during and after the interview;
- (2) question that person briefly at the conclusion of the interview for the purpose of clarifying any of the testimony the person has given; and
- (3) make summary notes during the interview solely for the use of the witness and counsel.

Any attorney who may be a material witness in the investigation, or any attorney who is a subject of the investigation shall not represent witnesses pursuant to subsection (a). If an attorney is not permitted to represent a witness under this section, that attorney's partners, or associates of that attorney's law firm, shall be precluded from representing the witness.

(b) All investigative examinations may be recorded by the commissioner either mechanically or by a certified shorthand reporter employed by the commissioner. No other recording of the interview shall be permitted, except summary note taking pursuant to subsection (a)(3) of this regulation.

(c) Unless permitted in the discretion of the commissioner, no witness or the counsel accompanying any such witness shall be permitted to be present during the interview of any other witness testifying in a non-public investigation. Any person not employed by the commissioner shall not be present during a formal interview. However, the commissioner may authorize members of other state or federal law enforcement or regulatory agencies to be present during the interview.

(d) In connection with an investigation, the commissioner may delegate members of the staff to administer oaths and affirmations, sign subpoenas, take evidence and receive books, papers, contracts, agreements or other documents, records or information, whether filed, kept in original or copied form or electronically stored or recorded. (Authorized by K.S.A. 1982 Supp. 17-1270; implementing K.S.A. 17-1265; effective May 1, 1984.)

JOHN R. WURTH  
Securities Commissioner

Doc. No. 001714

State of Kansas

## STATE CORPORATION COMMISSION

### NOTICE PERTAINING TO MOTOR CARRIER HEARINGS BEFORE THE STATE CORPORATION COMMISSION

Applications set for hearing are to be heard before the *State Corporation Commission, State Office Building, 4th Floor, Topeka, Kansas, commencing at 10:00 a.m. unless otherwise noticed.*

This list does not include cases previously assigned hearing dates for which parties of record have received notice.

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 4th Floor, State Office Building, Topeka, Kansas 66612, or telephone (913) 296-3352 or 296-2110.

Your attention is invited to Kansas Administrative Regulations (K.A.R.) 82-1-228, "Rules of Practice and Procedure Before the Commission."

Applications set for February 7, 1984—  
TOPEKA, KANSAS

#### RENOTICED Application for Extension of Certificate of Convenience and Necessity:

M. B. Schlegel ) Docket No. 24,652 M  
R.R. 2 )  
Onaga, KS 66521 ) Route No. 1707

Applicant's Attorney: Eugene W. Hiatt, 627 S. Topeka Avenue, Topeka, KS 66603-3294

*Dry fertilizer, bulk and bag, liquid fertilizer,  
anhydrous ammonia,*

Between all points and places in Kansas on the one hand;

(continued)

Also,

Between all points & places in KS on the one hand, & all points & places in Nemaha, Marshall, Geary, Riley, Wabaunsee, Jackson & Brown Counties, KS, on the other hand.

*Grain,*

Between all points and places in Pottawatomie, Riley and Wabaunsee Counties, Kansas, on the one hand;

Also,

Between all points and places in Pottawatomie, Riley and Wabaunsee Counties, Kansas, on the one hand, and all points and places in Atchison, Shawnee, Lyon and Wyandotte Counties, Kansas, on the other hand.

*Salt,*

Between all points and places in Reno, Rice and Ellsworth Counties, Kansas, on the one hand;

Also,

Between all points and places in Reno, Rice and Ellsworth Counties, Kansas, on the one hand, and all points in Pottawatomie, Jackson, Marshall, Nemaha and Riley Counties, Kansas, on the other hand.

\*\*\*\*\*

*Application for Extension of Certificate of Convenience and Necessity:*

Flint Hills Express, Inc. ) Docket No. 82,750 M  
1515 N. Washington )  
Wichita, KS 67211 ) Route No. 8564

Applicant's Attorney: Clyde Christey, 1010 Tyler St., Suite 110-L, Topeka, KS 66612

*General commodities, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment),*

Between all points & places in Sedgwick County, on the one hand, & points & places in Sumner, Cowley, Harvey & Reno Counties, KS, on the other hand.

Also,

Between points & places in Reno, Sumner, Cowley & Harvey Counties, on the one hand, & all points presently authorized under Route 8564, on the other hand.

\*\*\*\*\*

*Application for Transfer of Certificate of Convenience and Necessity:*

Dalgarno Transportation, ) Docket No. 20,182 M  
Inc. )  
114 E. Commerce St. )  
Aberdeen, MS 39730 ) Route No. 1229

TO:

Black Hills Trucking, Inc.  
P.O. Box 2360  
Casper, WY 82602

Applicant's Attorney: Erle Francis, 719 Capitol Federal Bldg., Topeka, KS 66603

*Oil field equipment, oil field machinery and materi-*

*als, heavy machinery and buildings, and all supplies and equipment incidental to, or used in the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, within and between oil fields, and between supply points and oil fields, and the transportation of machinery, pipe, and other materials used in the construction, operation and maintenance of pipelines or refineries,*

Between all points & places in KS.

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*Application for Transfer of Certificate of Convenience and Necessity:*

Glen Harvey ) Docket No. 28,988 M  
Box 313 )  
Coffeyville, KS 67337 ) Route No. 2420

TO:

Dick Van Winkle, dba  
Van Winkle Trucking  
1307 W. 3rd  
Coffeyville, KS 67337

Applicant's Attorney: Clyde Christey, 1010 Tyler St., Suite 110-L, Topeka, KS 66612

*Livestock,*

Between points & places within that portion of Chautauqua County east of KS Hwy 99 & south of an unnumbered county road running east from Sedan to the county boundary line & that portion of Montgomery County south of US Hwy 160 & west of an unnumbered county road running south from Independence to the county boundary line.

Also,

Between points & places in the above described territory, on the one hand, & Wichita, Parsons or Coffeyville, KS, on the other.

Also, between points & places in Labette & Cherokee Counties; that portion of Montgomery County east of US Hwy 169; that portion of Neosho County east of US Hwy 169 & south of KS Hwy 47 & that portion of Crawford County south of KS Hwy 57, west of KS Hwy 7 & south of KS Hwy 126, on the one hand, & points & places within Neosho, Crawford, Montgomery, Labette & Cherokee Counties; that portion of Chautauqua County east of KS Hwy 99; that portion of Elk County east of an unnumbered county road running north from the county boundary line to Longton & south of US Hwy 160; that portion of Wilson County south of KS Hwy 96; that portion of Allen County south of US Hwy 54 & that portion of Bourbon County south of US Hwy 54, on the other hand.

*Unprocessed hay and grain, farm machinery, building material, and emigrant farm movables,*

Between points & places within that portion of Chautauqua County east of KS Hwy 99 & south of an unnumbered county road running east from Sedan to the county boundary line & that portion of Montgomery County south of US Hwy 160 & west of an unnumbered county road running south from Independence

(continued)

dence to the county boundary line, when moving from farm to farm, farm to town or town to farm.

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**Applications set for February 9, 1984—  
TOPEKA, KANSAS**

**Application for Extension of Certificate of  
Convenience and Necessity:**

Jack B. & Carol ) Docket No. 32,384 M  
Holloway, dba )  
J. B. Holloway & Sons )  
P.O. Box 795 )  
Sublette, KS 67877 ) Route No. 3019

Applicant's Attorney: Clyde Christey, 1010 Tyler St.,  
Suite 110-L, Topeka, KS 66612

**Grain, dry feed, dry feed ingredients and seeds,**

Between all points in KS west of a line commencing at the junction of US Hwy 281 & the OK state line, thence along said US Hwy 281 to its intersection with US Interstate Hwy 70, thence westerly along said US Interstate Hwy 70 to its junction with US Hwy 283 & thence northerly along said US Hwy 283 to the junction of said US Hwy 283 with the NE border.

Also,

Between points in the above described territory on the one hand, & points & places in the state of KS, on the other hand.

\*\*\*\*\*

**Application for Certificate of Convenience  
and Necessity:**

James E. Wilson, dba ) Docket No. 140,136 M  
Jim Wilson Crane Service )  
1349 E. Illinois )  
Ulysses, KS 67880 )

Applicant's Attorney: Robert H. Gale, Jr., P.O. Box 66,  
211 N. Main, Syracuse, KS 67878

**Oil field equipment, machinery, materials  
and supplies,**

Bounded on the north by interstate I-70; on the east by interstate I-35; on the south by the KS-OK line; & on the west by the KS-CO line.

\*\*\*\*\*

**Application for Transfer of Certificate of  
Convenience and Necessity:**

Robert A. Fothergill, ) Docket No. 109,117 M  
Trustee of the )  
Bankruptcy Estate of )  
Stover Lines, Inc. )  
Suite M4, Security )  
National Bank Bldg. )  
7th & Minnesota )  
Kansas City, KS 66101 ) Route No. 12458  
TO:

J. D. Miller & Sons, Inc.  
R.F.D. #4  
Emporia, KS 66801

Applicant's Attorney: Clyde Christey, 1010 Tyler St.,  
Suite 110-L, Topeka, KS 66612

**Grain,**

Between Topeka, KS & points & places within Potawatomie, Jackson, Atchison, Jefferson, Leavenworth, Wyandotte, Shawnee, Wabaunsee, Douglas, Johnson, Osage, Franklin & Lyon Counties; that portion of Marshall County east of KS Hwy 99 & south of KS Hwy 88; that portion of Doniphan County south of US Hwy 36; that portion of Riley County east of US Hwy 77; that portion of Geary County east of US Hwy 77; that portion of Morris County east of an unnumbered county road running south of Skiddy to White City, east of KS Hwy 149, north of US Hwy 56 & east of KS Hwy 177; that portion of Chase County east of KS Hwy 57 & north of US Hwy 50; that portion of Coffey County north of KS Hwy 57; that portion of Anderson County north of KS Hwy 57 & north & west of US Hwy 169 & that portion of Miami County north of US Hwy 169 & KS Hwy 68.

**Boots, shoes and items dealt in by retail shoe stores,**

Between the facilities of Volume Shoe Distribution Center in Shawnee County, KS, on the one hand, & points & places within the state of KS, on the other hand.

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**Application for Certificate of Convenience  
and Necessity:**

K-W Trucking, Inc. ) Docket No. 140,135 M  
133 W. Jefferson )  
Osborne, KS 67473 )

Applicant's Attorney: Erle Francis, 719 Capitol Federal Bldg., Topeka, KS 66603

**Building materials, except cement in bulk and asphalt  
in bulk;**

Between all points & places within the counties of Barber, Cloud, Johnson, Osborne, Phillips & Wyandotte.

Also,

Between the counties of Barber, Cloud, Johnson, Osborne, Phillips & Wyandotte on the one hand, & all points & places in KS, on the other.

\*\*\*\*\*

**Application for Extension of Certificate of  
Convenience and Necessity:**

Monkem Company, Inc. ) Docket No. 63,625 M  
P.O. Box 1196 )  
Joplin, MO 64801 ) Route No. 5718

Applicant's Attorney: William Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601

**Such commodities as are dealt in or used by wholesale  
and retail discount and variety stores,**

Between Abilene, KS, on the one hand, & on the other, all points in KS.

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(continued)

**Applications set for February 14, 1984—  
TOPEKA, KANSAS**

**Application for Extension of Certificate of  
Convenience and Necessity:**

All Ways Freight ) Docket No. 99,083 M  
Lines, Inc. )  
835 St. Paul )  
P.O. Box 2426 )  
Kansas City, KS 66110 ) Route No. 9993  
Applicant's Attorney: John Jandera, 641 Harrison St.,  
P.O. Box 1979, Topeka, KS 66601

*General commodities, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment,*

**Regular Routes,**

(1) Between Kansas City, KS & Salina, KS, serving all intermediate points, via Interstate 70.

(2) Service to the off-route points located in the counties of Jefferson, Ottawa, Saline, Dickinson, Wabaunsee, Shawnee & Douglas.

**Irregular Routes,**

(3) Between the authorized points herein, on the one hand, and, on the other, points in KS.

(4) Applicant is authorized to join or tack above routes & those previously granted for through service between all authorized service points in Route 9993.

\*\*\*\*\*

**Application for Certificate of Convenience  
and Necessity:**

T & S Trucking Company ) Docket No. 140,138 M  
of Cimarron )  
R.R. 2, Box 42 )  
Cimarron, KS 67835 )

Applicant's Attorney: None

*Dry feed and dry feed ingredients, dry fertilizer, farm machinery and parts, grain, building materials, iron and steel products, livestock, agricultural chemicals,*

Between points in Finney, Hamilton, Kearney, Gray, Hodgeman, Grant, Haskell, Meade, Ford, Seward, Stevens, Morton, Stanton & Lyon Counties, KS.

Also,

Between points in said counties, on the one hand, and, on the other, points in KS.

\*\*\*\*\*

**Application for Contract Carrier Permit:**

Robert D. McKee ) Docket No. 139,831 M  
725 Atherton )  
Maize, KS 67101 )

Applicant's Attorney: Clyde Christey, 1010 Tyler St.,  
Suite 110-L, Topeka, KS 66612

*Meat, meat products, meat by-products and articles distributed by packinghouses,*

Between points in Ford County, KS, on the one

hand, & points & places in the state of KS, on the other hand.

Under contract with Hy-Plains Dressed Beef, Inc., of Dodge City, KS.

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**Application for Extension of Certificate of  
Convenience and Necessity:**

Wichita Southeast Kansas ) Docket No. 84,770 M  
Transit, Inc. )  
1801 S. 21st St. )  
P.O. Box G )  
Parsons, KS 67357 ) Route No. 7989

Applicant's Attorney: John Richeson, Second & Main,  
P.O. Box 7, Ottawa, KS 66067

**IRREGULAR ROUTES:**

*General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment because of size and weight, and those injurious or contaminating to other lading:*

Between all points & places in Sedgwick, Butler, Greenwood, Allen, Woodson, Bourbon, Wilson, Neosho, Crawford, Montgomery, Labette, Cherokee, Shawnee, Osage, Coffey, Anderson, Franklin, Douglas, Wabaunsee, Riley, Geary, Wyandotte, Leavenworth, Pottawatomie, Johnson, Miami & Linn Counties, KS.

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**Applications set for February 16, 1984—  
TOPEKA, KANSAS**

**Application for Certificate of Convenience  
and Necessity:**

Five Star Trucking, Inc. ) Docket No. 140,140 M  
R.R. #1 )  
Cheney, KS 67025 )

Applicant's Attorney: Brad Murphree, 814 Century  
Plaza Bldg., Wichita, KS 67202

*To transport building and construction materials, farm products, and grain and related products,*

Between all points in the state of KS on & south of Interstate Hwy 70.

\*\*\*\*\*

**Application for Extension of Certificate of  
Convenience and Necessity:**

Ellex Transportation, Inc. ) Docket No. 83,456 M  
1420 W. 35th St. )  
Tulsa, OK 74107 ) Route No. 7852

Applicant's Attorney: Clyde Christey, 1010 Tyler St.,  
Suite 110-L, Topeka, KS 66612

*Food and related products,*

Between points & places in the state of KS.

\*\*\*\*\*

(continued)



**Application for Certificate of Convenience  
and Necessity:**

F & S Truck Line, Inc. ) Docket No. 140,139 M  
P.O. Box 148 )  
Bonner Springs, KS 66012 )

Applicant's Attorney: Clyde Christey, 1010 Tyler St.,  
Suite 110-L, Topeka, KS 66612

**Food and related products,**

Between points in Wyandotte & Johnson Counties,  
KS, on the one hand, & points & places in the state of  
KS, on the other hand.

\*\*\*\*\*

**Application for Extension of Certificate of  
Convenience and Necessity:**

Richard L. Turner ) Docket No. 39,748 M  
508 N. Poplar )  
Solomon, KS 67480 ) Route No. 3726

Applicant's Attorney: Eugene Hiatt, 627 S. Topeka  
Ave., Topeka, KS 66603-3294

**Cement, (bulk and bag),**

Between Chanute, Fredonia, Humboldt, Bonner  
Springs & Kansas City, KS, on the one hand;  
Also,

Between Chanute, Fredonia, Humboldt, Bonner  
Springs & Kansas City, KS, on the one hand, & Abi-  
lene, Canton, El Dorado, Junction City, Lincoln,  
Manhattan & Salina, KS, on the other hand.

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**Applications set for February 21, 1984—  
TOPEKA, KANSAS**

**Application for Certificate of Convenience  
and Necessity:**

Central Airlines, Inc. ) Docket No. 140,137 M  
3301 Fairfax Trfwy. )  
Kansas City, KS 66115 )

Applicant's Attorney: Robert Tilton, 1324 Topeka  
Blvd., Topeka, KS 66612

**General commodities, except those of unusual value,  
classes A and B explosives, household goods, com-  
modities in bulk, commodities requiring special  
equipment, and commodities injurious to other  
lading, over irregular routes;**

From, to, & between all points & places within the  
state of KS.

\*\*\*\*\*

**Application for Transfer of Certificate of  
Convenience and Necessity:**

Jim White Tank Service ) Docket No. 121,879 M  
Rt. 3, Box 291 )  
Independence, KS 67301 ) Route No. 15922  
TO:

White Tank Truck Service, Inc.  
Rt. 3, Box 291  
Independence, KS 67301

Applicant's Attorney: Clyde Christey, 1010 Tyler St.,  
Suite 110-L, Topeka, KS 66612

**Fresh water for drilling and treating purposes, salt  
water for disposal purposes, crude oil for construc-  
tion of oil lease roads, production, processing, salvage  
in bulk,**

Between points & places in Wilson, Labette &  
Montgomery Counties, that portion of Neosho County  
west of US Hwy 59 & south of KS Hwy 47, that portion  
of Chautauqua County east of KS Hwy 99 & the  
County Road which runs north from Sedan, KS, to  
Longton, KS, & that portion of Elk County east of the  
County Road which runs north & south through  
Longton, KS, & south of the County Road which runs  
east from Howard, KS & intersects with the Elk-Wil-  
son County Line.

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**Application for Extension of Route 2620 and  
Consolidation with Route 2838:**

Paul Zirkle, dba ) Docket No. 30,327 M  
Zirkle Truck Line )  
9021 S.W. 79th )  
Auburn, KS 66402 ) Route No. 2620

Applicant's Attorney: Clyde Christey, 1010 Tyler St.,  
Suite 110-L, Topeka, KS 66612

**Building materials, fencing materials, binder twine,  
farm machinery, iron and steel articles, pipe, plastic  
articles, fabricated and corrugated metal articles,  
pipe couplings, fittings and accessories, highway  
guardrail posts and accessories and articles necessary  
in the construction of water lines and sewers (except  
oilfield equipment, machinery, materials and  
supplies),**

Between all points & places within Cloud, Clay,  
Riley, Pottawatomie, Jackson, Atchison, Jefferson,  
Leavenworth, Wyandotte, Ottawa, Geary, Shawnee,  
Wabaunsee, Douglas, Johnson, Saline, Dickinson,  
Morris, Osage, McPherson, Marion, Chase, Lyon,  
Harvey, Butler & Greenwood Counties.

Also,

Between the above described territory on the one  
hand, & all points & places in the state of KS, on the  
other hand.

**Livestock, hay and grain,**

Between all points & places within Chase, Morris,  
Geary, Riley, Pottawatomie, Jackson, Shawnee, Wa-  
baunsee, Douglas, Osage, Lyon & Jefferson Counties,  
KS.

Also,

Between the above described territory on the one  
hand, & all points & places in the state of KS, on the  
other hand.

**Fertilizer, coal and salt,**

Between all points & places within Wabaunsee &  
Shawnee Counties, that portion of Jackson County  
south of an unnumbered county road running east  
from Emmett to US Hwy 75 & east of US Hwy 75; that  
portion of Osage County north of KS Hwy 268 & US

(continued)



Hwy 56 & that portion of Lyon County north of US Hwy 56.

Also,

Between the above described territory on the one hand, & all points & places in the state of KS, on the other hand.

*Cement,*

Between all points & places in Osage County, that portion of Shawnee County south of KS Hwy 4, & US Hwy 70, that portion of Lyon County north of KS Hwy 278 east of KS Hwy 57 & 99 to Admire, north of US Hwy 56 & east of an unnumbered county road running north to the county boundary lines, & that portion of Wabaunsee County east of an unnumbered county road beginning at the county line & running north to the junction of KS Hwy 4 & south of KS Hwy 4.

Also,

Between points & places in the above described territory, on the one hand, & all points & places in the counties of Washington, Marshall, Nemaha, Brown, Doniphan, Cloud, Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth, Wyandotte, Ottawa, Saline, McPherson, Dickinson, Geary, Morris, Wabaunsee, Shawnee, Douglas, Johnson, Marion, Chase, Lyon, Osage, Franklin, Miami, Coffey, Anderson, Linn, Harvey, Butler, Sedgwick, Cowley, Greenwood, Elk, Allen, Chautauqua, Cherokee, Woodson, Wilson, Montgomery, Neosho, Crawford, Bourbon & Labette, on the other hand.

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WILLIAM E. GREEN  
Administrator  
Transportation Division

Doc. No. 001768

(Published in the KANSAS REGISTER, January 5, 1984.)

**NOTICE OF BOND SALE**

In the opinion of bond counsel, under existing law, including current rulings and official interpretations by the United States Internal Revenue Service, interest on the Bonds is exempt from Federal income taxation and the Bonds are exempt from intangible personal property taxes levied by Kansas counties, cities or townships.

**WICHITA PUBLIC BUILDING COMMISSION  
WICHITA, KANSAS**

**\$1,200,000.00**

**NEW ISSUE**

**WICHITA PUBLIC BUILDING COMMISSION  
REVENUE BONDS  
(WICHITA STATE UNIVERSITY RECITAL  
HALL PROJECT)  
SERIES C, 1984**

**Dated February 1, 1984**

**Sale Date: 10:00 a.m. C.S.T.  
January 18, 1984**

Sealed bids will be received by the Secretary of the

Wichita Public Building Commission (the Commission) in the Office of the Department of Housing and Economic Development, 11th Floor, City Hall, 455 North Main, City of Wichita, Kansas 67202-1679, until 10:00 o'clock a.m., Central Standard Time, on January 18, 1984, and will be considered by the Commission in the Conference Room, Department of Housing and Economic Development, 11th Floor, City Hall, 455 North Main Street, in the City of Wichita, Kansas, at 10:00 o'clock a.m., Central Standard Time on January 18, 1984, at which time and place all proposals will be publicly opened, read aloud, and considered for the purchase of all, but not less than all, of the \$1,200,000.00 Wichita Public Building Commission Revenue Bonds, (Wichita State University Recital Hall Project), Series C, 1984. The Series C, 1984 Bonds will be dated as of February 1, 1984 and shall mature December 1 in each of the years and in the amounts set forth below. Such Bonds shall consist of fully registered bonds, each in the denomination of \$5,000.00 or integral multiples thereof. Interest will be payable semiannually, commencing June 1, 1984, and each December 1 and June 1 thereafter (the Interest Payment Dates). The principal of, and premium, if any, on the Bonds shall be payable in lawful money of the United States of America, at the principal office of Kansas State Bank and Trust Company, Wichita, Kansas, (the Paying Agent and Bond Registrar) to the registered owners thereof upon presentation of the Bonds for payment and cancellation. Interest on the Bonds shall be payable in lawful money of the United States of America, by check or draft of the Paying Agent to the registered owners appearing on the books maintained by the Bond Registrar as of the 15th day of the month next preceding the Interest Payment Dates (the Record Dates). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the Commission.

Said Bonds will mature serially in the principal amounts as follows:

<i>Date of Maturity</i>	<i>Principal Amount</i>
December 1, 1988	\$ 50,000.00
December 1, 1989	50,000.00
December 1, 1990	75,000.00
December 1, 1991	75,000.00
December 1, 1992	100,000.00
December 1, 1993	100,000.00
December 1, 1994	125,000.00
December 1, 1995	150,000.00
December 1, 1996	150,000.00
December 1, 1997	150,000.00
December 1, 1998	175,000.00

Bonds maturing December 1, 1995, and thereafter, are subject to call for redemption and payment prior to their respective maturities at the option of the Commission upon instructions from the Board of Trustees of Wichita State University, acting on behalf of the State Board of Regents on and/or after December 1, 1994, in whole at any time or in part in inverse order of maturity, and by lot within maturities, on any interest

(continued)

payment date, at the redemption price set forth below, plus accrued interest to the redemption date:

<i>Redemption Period (Dates Inclusive)</i>	<i>Redemption Price</i>
12-1-94 through 11-30-95	102%
12-1-95 through 11-30-96	101½%
12-1-96 through 11-30-97	101%
12-1-97 through 11-30-98	100½%
12-1-98	100%

Notice of any call for redemption will be mailed to the registered owners of such Bonds to be redeemed at the address shown on the registration books maintained by the Bond Registrar not less than 30 days prior to the date fixed for such redemption and payment. Interest on the Bonds so called for redemption and payment will cease to accrue after the redemption date, provided notice has been given and funds are then available to pay the full redemption price thereof.

#### **PURPOSE OF THE ISSUE**

The proceeds from the sale of the Series C, 1984 Bonds will be used together with other available funds in the amount of \$300,000.00 to finance the construction, equipping and furnishing of a building to be used as a recital hall on the campus of Wichita State University.

#### **AUTHORITY TO ISSUE**

The Wichita Public Building Commission is a municipal corporation created by the governing body of the City of Wichita, Kansas in accordance with the provisions of K.S.A. 12-1757 *et seq.* The Series C, 1984 Bonds are to be issued under and pursuant to resolutions adopted by the Wichita Public Building Commission, and pursuant to the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and Statutes of the State of Kansas, including K.S.A. 12-1757 *et seq.*, as amended by Senate Bill No. 428, 1983 Kansas Legislature (the "Act"). On June 22, 1983, the Wichita Public Building Commission adopted a Resolution declaring it advisable to proceed with the recital hall project and to issue the Series C, 1984 Bonds. The Act provides that such Resolution shall be published once a week for two consecutive weeks and if a written protest signed by not less than five percent (5%) of the qualified electors of the City of Wichita, Kansas is filed with the County Clerk of Sedgwick County, Kansas, within thirty (30) days of the last publication, the Bonds cannot be issued unless and until their issuance is approved by the electorate. The last day to file such written protest was August 13, 1983 and no proper protest was filed.

#### **SECURITY**

The Wichita Public Building Commission will, simultaneously with the issuance of the Series C, 1984 Bonds, enter into a Lease with the Board of Trustees of Wichita State University acting on behalf of the State Board of Regents (the Lease) concerning certain land and a facility to be constructed, equipped and furnished thereon from the proceeds of the Series C,

1984 Bonds. The rentals from the Lease shall be in an amount necessary to pay debt service requirements on the Series C, 1984 Bonds. The Lease payments are secured by a pledge of the surplus of an ad valorem tax levy required by K.S.A. 76-3a07 and Charter Ordinance No. 8 of the City of Wichita, Kansas in amounts sufficient to guarantee the rentals under the Lease. Such surplus consists of the proceeds of a one and one-half (1½) mill tax levy on all taxable tangible property within the City of Wichita, Kansas which is not needed either to pay principal of or interest on General Obligation Bonds of the University of Wichita issued prior to July 1, 1964, or to guarantee the rentals due under certain leases from the Wichita Public Building Commission to the Board of Trustees of Wichita State University dated as of June 1, 1967 and June 1, 1977, securing payment of certain Series A-1967 Bonds and certain Series B-1977 Bonds, respectively, of the Wichita Public Building Commission.

The designation of such surplus shall continue only so long as the Series C, 1984 Bonds above described and any interest thereon remain outstanding and unpaid. The Series C, 1984 Bonds shall not constitute a general obligation of the Wichita Public Building Commission or the City of Wichita, Kansas, and no general unlimited ad valorem tax levy other than the limited one and one-half (1½) mill levy referred to above shall be made to repay the principal of or interest on the Series C, 1984 Bonds.

#### **INTEREST RATES AND AWARD OF BONDS**

Bidders are invited to name the rate or rates of interest which Bonds are to bear expressed in multiples of one-eighth (1/8th) or one-twentieth (1/20th) of one per centum (1%). No bidder may name more than six (6) different rates of interest for the Bonds; and all Bonds maturing in the same year shall bear the same rate of interest. No interest rate shall exceed the legal rate therefor as provided by the laws of the State of Kansas. The maximum stated rate, determined on the date the Bonds are sold, shall not exceed the "20 Bond Index" of tax exempt municipal bonds published by the *Weekly Bond Buyer* in New York, New York on the Monday next preceding the day on which the Bonds are sold (January 16, 1984), plus 2%. All bids must state the total interest cost of the bid, the premium bid, if any, and the net interest cost of the bid, as well as the average annual interest rate, all certified by the bidder to be correct; and the Commission may rely upon the correctness of such certificate. The repeating of a rate of interest after a different rate has been named will not constitute the naming of an additional rate. The difference between the highest rate bid and the lowest rate of interest bid shall not exceed four per centum (4%) per annum. A bid for the purchase of less than all of the Bonds or a bid at a price less than par will not be considered. No bid will be considered if made on other than the "Official Bid Form" and no bid will be considered if such form is amended or modified, except that the Commission reserves the right to waive any irregularity or informality.

(continued)

### **BID FORM AND GOOD FAITH DEPOSIT**

Each bid submitted must be on the "Official Bid Form" furnished by the Commission and should be addressed to Kelly Johnston, Secretary, Wichita Public Building Commission, Department of Economic Development, 11th Floor, City Hall, 455 North Main Street, Wichita, Kansas 67202-1679, plainly marked "Bond Bid" and must be accompanied by a certified or cashier's check in the amount of two per centum (2%) of the total par value of the Bonds payable to the Wichita Public Building Commission, on which no interest will be allowed.

The checks of unsuccessful bidders will be returned promptly. The check of the successful bidder or the proceeds thereof will be held as security for the performance of the contract to purchase the Bonds; but in the event that the successful bidder shall fail to comply with the terms of the bid, the check or the proceeds thereof shall then be forfeited and retained by the Commission as and for full liquidated damages.

The Bonds will be sold to the best bidder or bidders. The Commission reserves the right to determine who is the successful bidder for the Bonds and to reject any or all of the bids for such Bonds. Determination of the best bid will be made by deducting the premium bid (if any) from the total interest cost and the Bonds will be awarded to the bidder bidding the lowest total net interest cost to the Commission. If there is a discrepancy between the lowest net interest cost and the average annual interest rate specified, the net interest cost figure shall govern and the interest rates in the bid shall be adjusted accordingly. Unless all bids are rejected, the Bonds will be awarded by the Commission on the day the bids are received, January 18, 1984.

### **TAX EXEMPT STATUS**

In the event that prior to delivery of the Bonds, the income received by private holders from bonds of the same type and character shall be taxable by the terms of any Federal income tax law, the successful bidder may, at its option, prior to the tender of said Bonds by the Commission be relieved of its obligations under the contract to purchase the Bonds, and in such case, the deposit accompanying its bid will be returned.

### **DELIVERY OF THE BONDS**

Delivery of the Bonds will be made on or before February 16, 1984, at any bank or trust company in the State of Kansas; Kansas City, Missouri; New York City, San Francisco, Los Angeles, or Chicago, and place of delivery shall be specified by the bidder in writing to the Commission not later than January 23, 1984. Delivery at any other place shall be at the expense of the successful bidder. The number, denomination of bonds, and names of registered owners to be initially printed on the Bonds shall be submitted in writing to the Bond Registrar not later than February 7, 1984. Payment shall be made in immediately available Federal Reserve funds or their equivalent. The purchaser will be furnished with a certified transcript of the proceedings authorizing the issuance of the Bonds, as well as the usual closing certificates includ-

ing one certifying that there is no litigation pending or threatened at the time of the delivery of the Bonds affecting their validity.

The final delivery certificate which will be executed and delivered to the successful bidder at the time and place of the delivery of and payment for the Bonds and which will be signed by the President and Secretary of the Wichita Public Building Commission will contain a certificate to the effect that the Official Statement and Notice of Bond Sale dated as of January 4, 1984, as of its date, as of the date of the sale, January 18, 1984, and as of the date of delivery of the Bonds does not contain any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made in the light of the circumstances in which they are made not misleading.

### **LEGAL OPINION**

Bids shall be conditioned upon the unqualified approving opinion of GAAR & BELL, Bond Counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each Bond and a manually signed original of which will be furnished without expense to the purchaser of the Bonds at the delivery thereof. The cost of this legal opinion and the expense of printing the Bonds and legal opinion will be paid by the Wichita Public Building Commission. Said legal opinion will state in part substantially that the principal of and interest on said Bonds is payable solely and only from rentals received by the Commission under a Lease entered into between the Commission and the Board of Trustees of Wichita State University acting on behalf of the State Board of Regents and not from any other fund or source; that said Lease payments are secured by a pledge of a portion of a special tax levy required to be made on all taxable tangible property within the corporate limits of the City of Wichita, Kansas under K.S.A. 76-3a07, as amended by Charter Ordinance No. 8 of the City of Wichita, Kansas and designated for such purpose by Ordinance No. 38-367 of said City; and that, under existing law, the interest on said Bonds is exempt from present Federal income taxation and the Bonds are exempt from intangible personal property taxes levied by Kansas cities, counties or townships.

### **CUSIP IDENTIFICATION NUMBERS**

CUSIP identification numbers will be printed on said Bonds. All expenses in relation to printing of CUSIP numbers on said Bonds and the expenses of CUSIP Service Bureau for the assignment of said numbers shall be the responsibility of and shall be paid for by the Wichita Public Building Commission.

### **OTHER PENDING BOND ISSUES**

The City of Wichita does not contemplate the issuance of any General Obligation Bonds within the next thirty (30) days. An issue of General Obligation Temporary Notes in the approximate amount of \$7,000,000.00 is expected to be sold by the City of Wichita on February 21, 1984.

(continued)

(Published in the KANSAS REGISTER, January 5, 1984.)

**REDISTRIBUTION OF NOTICE AND OFFICIAL STATEMENT**

Authorization is given to redistribute this Notice of Bond Sale and the Official Statement, but the entire Notice of Bond Sale and Official Statement, and not portions thereof, must be redistributed. The successful bidder, upon request, will be furnished with fifty (50) copies of the Notice of Bond Sale and Official Statement, without cost; additional copies will be furnished at a nominal charge.

**ASSESSED VALUATION AND OUTSTANDING BONDED DEBT**

The assessed valuation of all taxable tangible property within the City of Wichita, Kansas, for the year 1982, is as follows:

Equalized assessed valuation of taxable tangible property .....	\$ 921,796,787
Estimated tangible valuation of motor vehicles .....	\$ 181,852,878
Estimated tangible valuation of motor-vehicle dealers' inventory .....	\$ 4,855,212
Equalized assessed tangible valuation for computation of bonded indebtedness limitations .....	\$1,108,504,877

In addition to the Series C, 1984 Bonds, the Wichita Public Building Commission has outstanding two series of revenue bonds described as follows: Wichita Public Building Commission Land Acquisition Revenue Bonds, Series B-1977, dated June 1, 1977, in the original principal amount of \$1,750,000.00; \$1,375,000.00 of which is currently outstanding; and Wichita Public Building Commission Land and Facilities Acquisition Revenue Bonds, Series A-1967, dated June 1, 1967, in the original principal amount of \$1,200,000.00; \$565,000.00 of which is currently outstanding. The total general obligation bonded indebtedness of the City of Wichita, Kansas, as of December 31, 1983, is \$229,700,000.00, which amount excludes all revenue bonds, but includes temporary notes in the amount of \$19,305,000.00.

**OFFICIAL STATEMENT**

This Notice of Bond Sale and Official Statement has been prepared under the authority of the Wichita Public Building Commission. Additional copies of this Notice of Bond Sale, or copies of the Official Statement, or further information may be received from the office of the City Treasurer, City of Wichita, City Hall, 455 North Main Street, Wichita, Kansas 67202-1679 (316-268-4109).

**WICHITA PUBLIC BUILDING COMMISSION**  
John R. Morse, President

ATTEST: Kelly Johnston, Secretary

(SEAL)

Doc. No. 001765

**NOTICE OF BOND SALE**  
**\$3,210,000.00**  
**HOSPITAL BONDS**  
**SERIES "A," 1984**  
**MORTON COUNTY, KANSAS**  
(General obligations, payable from unlimited ad valorem taxes)

Pursuant to K.S.A. 10-106 as amended, written sealed bids will be received by the County Clerk of Morton County, Kansas (the "County") in the Office of the County Clerk in the Morton County Courthouse, Elkhart, Kansas 67950, until 10:00 o'clock a.m., local time, on

**WEDNESDAY, JANUARY 25, 1984**

at which time and place said bids will be publicly opened and read for the purchase of \$3,210,000.00 aggregate principal amount of General Obligation Hospital Bonds (Series "A," 1984) (the "Bonds"). All bids received will be reported to the Board of County Commissioners for determination of the best bid at a meeting of the Commissioners to be held at said time, date and place.

*Details of the Bonds*

The Bonds will consist of an issue of \$3,210,000.00 principal amount of General Obligation Hospital Bonds, Series "A," 1984. The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, dated February 1, 1984, and becoming due serially on November 1 of each year in the principal amounts as follows:

**SERIES "A," 1984—\$3,210,000.00**

Year	Principal Amount
1985	\$260,000
1986	\$310,000
1987	\$310,000
1988	\$310,000
1989	\$310,000
1990	\$310,000
1991	\$350,000
1992	\$350,000
1993	\$350,000
1994	\$350,000

The Bonds will bear interest at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semi-annually on November 1 and May 1 of each year, beginning on May 1, 1985.

Both principal and interest on the Bonds will be payable in lawful money of the United States of America at the Office of the Treasurer of the State of Kansas in the City of Topeka, Kansas, (the "Paying Agent" and the "Bond Registrar") to the registered owners thereof whose names are on the registration books of the Bond Registrar as of the 15th day of the month preceding each interest payment date.

The Bonds will be registered in the Office of the Kansas State Treasurer pursuant to a plan of registration approved by the County and the Attorney General

(continued)

of the State of Kansas, registered as either fully registered, certificated bonds and/or uncertificated bonds. The successful bidder (the "Purchaser"), may express its preference and consideration will be given to the successful purchaser's preference regarding the plan of registration. The County, however, will make the final decision on the registration plan and the bid may not be conditioned on the plan of registration.

The County will pay for all initial registration costs and for printing of a reasonable supply of registered bond blanks as determined by the Registrar and Paying Agent. Any additional costs or fees that might be incurred in the secondary market will be the responsibility of the bondholder.

The type and denomination of the Bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the County by February 24, 1984.

#### *Redemption of Bonds*

None of said Bonds shall be callable for redemption prior to its stated maturity.

#### *Authority, Purpose and Security for the Bonds*

The Bonds are being issued pursuant to and in full compliance with the constitution and laws of the State of Kansas including K.S.A. 1982 Supp. 19-1815e, Article 1 of Chapter 10 and Chapter 49 of the 1983 *Kansas Session Laws*, for the purpose of paying the cost of certain county hospital improvements.

The General Obligation Hospital Bonds, Series "A," 1984, will be general obligations of the County, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount on all the taxable tangible property within the County.

#### *Conditions of Bids*

Bids will be received on the Bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all Bonds maturing in the same year. Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1%. No interest rate shall exceed a rate equal to the "20 Bond Index" of tax exempt municipal bonds published by the *Weekly Bond Buyer*, in New York, New York, on the Monday next preceding the day on which the Bonds are sold, plus 2%, and the difference between the highest and lowest interest rates specified in any bid shall not exceed 2%. No bid of less than the principal amount of the Bonds plus accrued interest thereon to the date of their delivery will be considered. Each bid shall specify the total interest cost to the County on the basis of such bid, and the average annual net interest rate on the basis of such bid.

#### *Basis of Award*

The award of the Bonds shall be made on the basis of the lowest net interest cost to the County, which shall be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the County. If there is any discrepancy between said net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern

and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids provide for identical amounts for the lowest net interest cost are received, the County shall determine which bid, if any, shall be accepted, and its determination shall be final.

#### *Delivery of and Payment for the Bonds*

The County will pay for printing and registering the Bonds and will deliver the same properly prepared, executed and registered to the successful bidder within 60 days after the date of sale at such bank or trust company located in the contiguous United States of America, as may be specified by the successful bidder without cost to the successful bidder. Payment for the Bonds shall be made in federal reserve funds or other funds which shall be available to the County on the same day the Bonds are delivered to the successful bidder. The successful bidder will be furnished with a certified transcript evidencing the authorization and issuance of the Bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of the delivery of the Bonds affecting their validity.

#### *Legal Opinion*

The Bonds will be sold subject to the legal opinion of Fred W. Rausch, Jr., Bond Counsel, Topeka, Kansas, whose unqualified approving opinion will be furnished and paid for by the County, and will be printed on the Bonds, and provided to the successful bidder as and when the Bonds are delivered. Said opinion will also state that in the opinion of Bond Counsel, under existing laws and regulations, the interest on the Bonds is exempt from Federal income taxation and from Kansas intangible personal property taxes.

#### *CUSIP Numbers*

It is anticipated that CUSIP identification numbers will be printed on certificated bonds, or assigned to uncertificated bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of the successful bid and this Notice of Bond Sale. All expenses in relation to the assignment and printing of CUSIP numbers on the Bonds will be paid for by the County.

#### *Good Faith Deposit*

Each bid must be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$64,200.00 (2% of the total par value of the Bonds) made payable to the order of the Treasurer of Morton County, Kansas, to secure the County from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid on the deposit made by the successful bidder. Said check will be returned to the bidder if the bid is not accepted. If a bid is accepted, said check may be deposited by the County or held by the County until the bidder has complied with all of the terms and conditions of this notice, at which time the

(continued)

check will be deposited and credited to the order of the bidder. If a bid is accepted but the County shall fail to deliver the Bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the County as and for liquidated damages.

#### *Bid Forms*

All bids shall be subject to the terms and conditions contained in this Notice of Bond Sale and must be made on the bid forms which may be obtained from the County Clerk, or upon equivalent forms. No additions or alterations may be made to such forms and any erasures may cause rejection of any bid. The County reserves the right to waive irregularities and to reject any and all bids.

#### *Submission of Bids*

Bids must be submitted in sealed envelopes and addressed to the undersigned, County Clerk, Morton County Courthouse, Elkhart, Kansas 67950, and marked "Bid For the Purchase of Bonds." Bids may be submitted by mail or delivered in person, and must be received by the undersigned prior to 10:00 o'clock, a.m., local time, on January 25, 1984.

#### *Official Statement*

The County has prepared an Official Statement dated January 5, 1984, copies of which may be obtained from the County Clerk. Upon the sale of the Bonds, at the request of the successful bidder, the County will furnish the successful bidder with a reasonable number of copies thereof without additional cost. Additional copies may be ordered or reproduced by the successful bidder at its expense.

#### *Assessed Valuation and Indebtedness*

The total assessed valuation of the taxable tangible property within the County for the year 1983 is \$123,702,455.00, including motor vehicle valuation of \$2,658,952.00. The total general obligation bonded indebtedness of the County as of December 31, 1983, including the Bonds being sold, is \$4,910,000.00. Of the above total indebtedness, \$4,910,000.00 is exempt from the statutory debt limits.

#### *Bond Ratings*

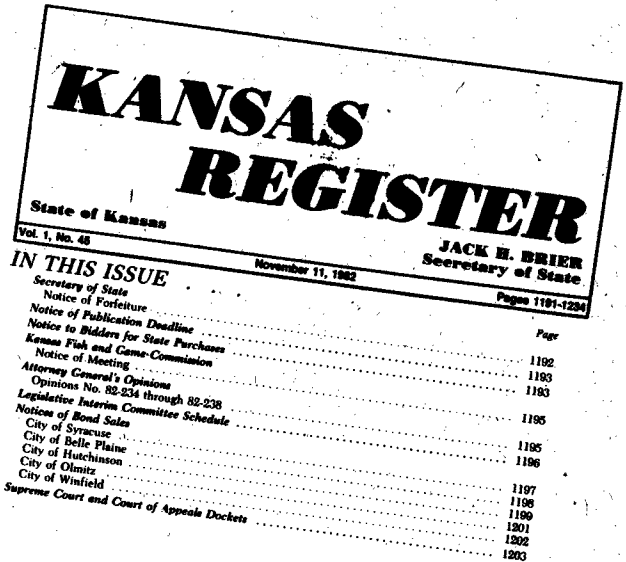
The outstanding general obligation bonds of the County have not been rated and the County has not applied for a rating on the Bonds herein offered for sale.

DATED this 26th day of December, 1983.

RUBY BULTMAN  
County Clerk  
Morton County Courthouse  
Elkhart, Kansas 67950  
(316) 697-2559

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