

KANSAS REGISTER

State of Kansas

JACK H. BRIER
Secretary of State

Vol. 3, No. 6

February 9, 1984

Pages 161-192

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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 the renovation of the HVAC system at the Kansas Department of Transportation, District One Headquarters Building, 121 West 21st Street, Topeka, Kansas.

Work will include the replacement of domestic water piping and insulation, installation of a chilled-hot water system, separate air conditioning unit for computer room and night set back controls.

The State Building Advisory Commission will nominate firms at their meeting in March. 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 February 24, 1984.

JOHN B. HIPPI, AIA
Director

Division of Architectural Services

Doc. No. 001853

State of Kansas

ANIMAL HEALTH DEPARTMENT**NOTICE OF HEARING
ON PROPOSED TEMPORARY
ADMINISTRATIVE REGULATIONS**

A public hearing will be held on Monday, February 27, 1984, commencing at 10:00 a.m., in the office of the Animal Health Department, 217 East 4th Street, 4th Floor, Topeka, Kansas, to consider the adoption of a proposed temporary rule and regulation of the Animal Health Department.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Livestock Commissioner, Kansas Animal Health Department, 217 East 4th Street, 4th Floor, Topeka, Kansas 66603. All persons will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing.

Copies of the full text of the regulation and the fiscal impact statement may be obtained from the Animal Health Department, 217 East 4th Street, 4th Floor, Topeka, Kansas 66603, phone (913) 296-2326. The following is a brief summary of the proposed regulation:

K.A.R. 9-2-32 is adopting by reference the provisions of the Brucellosis Eradication Uniform Methods and Rules, effective April 1, 1981; the amendments to the Brucellosis Eradication Uniform Methods and Rules, effective May 1, 1982; and the amendments to the Brucellosis Eradication Uniform Methods and Rules, effective August 15, 1983, as minimum standards for achieving and maintaining certified and validated herds and area status. This regulation will take effect on and after May 1, 1984.

DR. GERALD D. GURSS
Livestock Commissioner

Doc. No. 001857

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PUBLISHED BY
JACK H. BRIER
Secretary of State
State Capitol
Topeka, Kansas 66612



PHONE: 913/296-2236

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 February 1, 1984 through February 29, 1984 shall be 14.59%.

In testimony whereof: I hereto set my hand and cause to be affixed my official seal. Done at the City of Topeka, this 31st day of January, A. D. 1984.

JACK H. BRIER
Secretary of State

Doc. No. 001852

State of Kansas

**STATE HISTORICAL SOCIETY
HISTORIC SITES BOARD OF REVIEW**

NOTICE OF MEETING

The Kansas Historic Sites Board of Review will meet at 10:00 a.m. on Saturday, February 25, 1984, in the second floor conference room of the Memorial Building at Tenth and Jackson in Topeka. The Board will evaluate the following properties which have been proposed for nomination to the National Register of Historic Places and the Register of Historic Kansas Places.

Robert Miller House, 1111 East Nineteenth Street, Lawrence, Douglas County
Charles G. Parker House, Parkerville vicinity, Morris County (Kansas Register only)
Hackberry Archeological Site, 14SG508, Wichita, Sedgwick County (Kansas Register only)
Horace Lyons House, 4831 S.E. 61st Street, Berryton, Shawnee County
Huron Building, 905 North Seventh, Kansas City, Wyandotte County

EUGENE D. DECKER
State Archivist

Doc. No. 001848

State of Kansas

**DEPARTMENT OF
HEALTH AND ENVIRONMENT
STATEWIDE HEALTH COORDINATING
COUNCIL**

NOTICE OF PUBLIC HEARINGS

The Statewide Health Coordinating Council (SHCC) will hold three education sessions and public hearings in March to receive comments on:

- The health care costs study begun in 1983. Papers and recommendations have been developed on the topics of Diagnostic-Related Grouping (DRG) reimbursement system, Health Maintenance Organizations, Medicaid, Health Insurance, Health Promotion/Disease Prevention, Accidental Injuries and Deaths, Physicians and Health Care Costs, and Ambulatory Surgery;
- Modification of recommendations in the Long-Term Care chapter of the 1983 *Plan for the Health of Kansans*;
- Priorities and issues addressed in the 1983 *Plan for the Health of Kansans*; and
- Health issues which the SHCC should address during the 1984-1985 planning cycle.

The schedule for the hearings include:

- March 6, 1984, beginning at 7:30 p.m., Hawley Auditorium, V.A. Hospital, 2200 Gage, Topeka, Kansas.
- March 7, 1984, beginning at 7:00 p.m., Auditorium, Sedgwick County Health Department, 1900 E. 9th, Wichita, Kansas.
- March 8, 1984, beginning at 7:00 p.m., Room 101, Stroup Hall, Fort Hays State University, Hays, Kansas.

Persons requesting copies of the documents to be reviewed or wishing to testify at one of the hearings should contact Mary Corrigan, Office of Health and Environmental Planning, Department of Health and Environment, Topeka, Kansas 66620, or call (913) 862-9360, extension 535. Oral testimony should not be longer than 10 minutes and the SHCC requests that a written copy of all testimony be submitted at the public hearing. Persons unable to attend one of the public hearings may submit comments to the above address on or before March 12, 1984. The SHCC will review all public comments at its March 28, 1984 meeting prior to adoption of the 1984 *Plan for the Health of Kansans*.

BARBARA J. SABOL
Secretary

Doc. No. 001860

NORTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 4

ANNUAL MEETING NOTICE

The Ninth Annual Meeting of the Northwest Kansas Groundwater Management District No. 4 is scheduled for February 21, 1984 at the Elks Lodge, Goodland, Kansas beginning at 1:30 p.m. M.S.T.

Items of interest include a 1983 financial report of the district, presentation of the proposed 1985 operating budget, election of three board positions, and a keynote address by Joseph Harkins, Kansas Water Office.

There will be a regular board meeting preceding the annual meeting, beginning at 10:00 a.m. M.S.T., also in the Elks Lodge. General administrative matters will be heard.

WAYNE A. BOSSERT
Manager

Doc. No. 001858

State of Kansas

ATTORNEY GENERAL

OPINION NO. 84-4

Grain and Forage, Grain Storage; Terminal and Local Warehouses—Public Warehouseman, License: Application—Financial Statements. Marvin R. Webb, Director, Grain Inspection Department, Topeka, January 27, 1984.

Kansas law requires applicants for a public grain warehouse license to submit to the state Grain Inspection Department a certified financial statement. When the applicant is a wholly-owned subsidiary of another company, a certified financial statement of the parent company which does not separately identify at least, a current balance sheet, a statement of income (profit and loss), a statement of retained earnings and a statement of retained earnings of the applicant is inadequate. Even the inclusion of a guarantee agreement for the benefit of the state does not cure the defect where the agreement does not expressly purport to protect the rights or interests of creditors or depositors of the applicant. Cited herein: K.S.A. 1983 Supp. 34-228, 34-229, L. 1983, ch. 137 § 1. MWB

OPINION NO. 84-5

Counties and County Officers—General Provisions—Home Rule Powers; Limitations, Restrictions and Prohibitions.

County and County Officers—County Buildings—Civic Centers in Certain Counties; Exercise of Home Rule Power. Senator Elwayne F. Pomeroy, Eighteenth District, Topeka, January 31, 1984.

Utilizing the authority granted by K.S.A. 1983 Supp. 19-15,139 *et seq.*, Shawnee County may issue bonds for the construction or acquisition of "civic and other multi-use public facilities." The authority granted by the act is not limited to the construction or acquisition of a single facility and may be utilized for distinct and

separate facilities if such facilities may be defined as civic or other multi-use public facilities.

A county may exempt itself by charter resolution from the particular issue limitations found in non-uniformly applicable statutes like K.S.A. 1983 Supp. 19-15,140 and may authorize the issuance of bonds in amounts greater than that authorized by the statute.

When relying upon home rule the county is subject to the aggregate debt limitations found in K.S.A. 10-306 and the county may not use a charter resolution to exempt from the aggregate debt limitations. The exemption from aggregate debt limitations established in K.S.A. 1983 Supp. 19-15,141 is available to the county only when the county issues bonds under the authority of K.S.A. 1983 Supp. 19-15,140. Such an exemption is not available if the county chooses to issue bonds pursuant to a charter resolution enacted in the exercise of county home rule.

K.S.A. 1983 Supp. 19-15,139 *et seq.*, is not legislation "concerning elections" within the meaning of K.S.A. 1983 Supp. 19-101a(a)(7), and is subject to the exercise of the powers of county home rule. Cited herein: K.S.A. 10-306 *et seq.*, K.S.A. 1983 Supp. 19-101a, K.S.A. 19-101b, 19-101c, K.S.A. 1983 Supp. 19-15,139, 19-15,140, 19-15,141. MFC

OPINION NO. 84-6

State Departments—State Moneys—Deposit of State Moneys; Use of Notes Representing Loans Under the Federal Guaranteed Student Loan Program as Securities Therefor. Joan Finney, State Treasurer, Topeka, February 1, 1984.

Pursuant to K.S.A. 75-4201 *et seq.*, the Pooled Money Investment Board may designate state or national banks located in Kansas to receive active and inactive accounts of state moneys. As provided in K.S.A. 75-4218, all state bank accounts shall be secured by pledge of securities, which are held by the state treasurer, an approved Kansas bank or the federal reserve bank in Kansas City, Missouri. The term "securities" is defined at K.S.A. 1983 Supp. 75-4201(p) to include [at paragraph (1)] obligations that are insured as to principal and interest by the federal government or any agency thereof. While the federal Guaranteed Student Loan Program involves the participation of a guarantee agency which insures the repayment of one hundred percent of the principal and interest due on such loans which are not repaid, such an agency is not an agency of the federal government. Therefore, notes representing loans under the federal Guaranteed Student Loan Program cannot be pledged as securities to secure the deposit of state moneys. Cited herein: K.S.A. 1983 Supp. 75-4201, 75-4208, K.S.A. 75-4218, 20 U.S.C.A. § 1071, 34 C.F.R. §§ 682.100, 682.200, 682.400, 682.406. JSS

ROBERT T. STEPHAN
Attorney General

Doc. No. 001854

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.

TUESDAY, FEBRUARY 21, 1984

#25869 (Rebid)

University of Kansas, Lawrence—BAKERY PRODUCTS (GROUP 20)

#25874 (Supplement)

University of Kansas Medical Center, Kansas City and Statewide—LABORATORY CHEMICALS

#25914

Department of Human Resources, Topeka—MICROFICHE SUPPLIES

#25915

University of Kansas Medical Center, Kansas City—BLOOD CULTURE BOTTLES

#25921

University of Kansas Medical Center, Kansas City—REFUSE COMPACTOR AND DISPOSAL SERVICE

#56573

Kansas State Industrial Reformatory, Hutchinson—BEVERAGE SYRUP

#56574

Department of Administration, Division of Printing, Topeka—MEMORY UPGRADE

#56575

Kansas State Library, Topeka—MODEMS AND PRINTERS

#56576

Kansas Technical Institute, Salina—CRT TERMINAL

#56580

Department of Transportation, Hutchinson—INERTIAL BARRIERS, Wichita

#56581

Winfield State Hospital and Training Center, Winfield—DRY PACK/DETERGENT/DISINFECTANT

#56582

Kansas State University, Manhattan—CONTINUOUS FORMS-GRADE REPORTS

#56588

University of Kansas Medical Center, Kansas City—FURNISH AND INSTALL WATT-HOUR METERS

#56592

Kansas State University, Manhattan—OCLC WORK STATIONS

#56602

Department of Transportation, Chanute—GRADER BLADES

#56603

Kansas State Penitentiary, Lansing and Osawatomie State Hospital, Osawatomie—TRASH CONTAINER/PLASTIC FORKS, ETC.

#56604

Department of Social and Rehabilitation Services, Topeka—4-PLY COTTON MOP YARN, Kansas Industries for the Blind

#56605

Department of Administration, Division of Printing, Topeka—ENVELOPES-DOUBLE POLY WINDOWS

#56643

Kansas State University, Manhattan—MICROCOMPUTER SYSTEMS

#56647

University of Kansas Medical Center, Kansas City—CONSULTING SERVICES FOR 5-YEAR MASTER PLAN, UNIVERSITY OF KANSAS COLLEGE OF HEALTH AND HOSPITAL

#56648

Kansas Department of Transportation, Topeka—CONDITION RECORDING DEVICE

WEDNESDAY, FEBRUARY 22, 1984

#A-4758

Kansas State Industrial Reformatory, Hutchinson—PROVIDE FIRE SAFETY IMPROVEMENTS FOR THE EDUCATION FACILITY

#25835 (Rebid)

University of Kansas, Lawrence—AGGREGATE F.O.B. DESTINATION

#25907

University of Kansas Medical Center, Kansas City and Statewide—PRIMARY VENDOR FOR PHARMACEUTICALS

#25919

Kansas Fish and Game Commission, Pratt—APPROXIMATELY 2,000 TONS, AB-3 OR SS-3 AND 3½' AND SMALLER CRUSHED LIMESTONE, Elk City Wildlife Area

#25920

Fort Hays State University, Hays—READY MIX CONCRETE

#56577

Wichita State University, Wichita—MUSICAL INSTRUMENTS

#56589

Kansas State University, Manhattan—REPLACEMENT OF UNDERGROUND IRRIGATION PIPELINE, Garden City Experiment Station

#56590

Adjutant General's Department, Topeka—FURNISH MATERIAL AND LABOR FOR BATTERY ROOM ADDITIONS, various locations

#56606

University of Kansas, Lawrence—SPECTROPHOTOMETER

#56607

Kansas Correctional Institute at Lansing, Lansing—LAUNDRY EQUIPMENT

#56608

University of Kansas, Lawrence—WEIGHT ROOM EQUIPMENT

#56609

University of Kansas, Lawrence—ELECTRONIC TYPEWRITERS

#56610

Department of Social and Rehabilitation Services, Topeka—CORRUGATED CARTONS, Kansas Industries for the Blind, Kansas City

#56644

Kansas Department of Transportation, Garden City—WOOD SIGN POSTS

THURSDAY, FEBRUARY 23, 1984

#25910

Kansas Department of Transportation, Topeka—VEHICLES TO TRANSPORT THE ELDERLY AND HANDICAPPED

(continued)

#25917
 Kansas Fish and Game Commission, Pratt—RENTAL OF EQUIPMENT, Elk City Wildlife Area
 #56319-A
 Wichita State University, Wichita—BOILER FEED SYSTEM
 #56593
 Parsons State Hospital and Training Center, Parsons—MICROCOMPUTER SYSTEM
 #56625
 Kansas State University, Manhattan—KABSU SUPPLIES
 #56626
 Kansas State University, Manhattan—FREEZE DRYER
 #56627
 Kansas State University, Manhattan—WHOLE MILO
 #56629
 Kansas State University, Manhattan—CONTROLLER AND PRINTERS
 #56637
 Kansas State University, Manhattan—PLOT DRILL, Southeast Kansas Experiment Station, Parsons
 #56638
 University of Kansas Medical Center, Kansas City—VEHICLES
 #56639
 Kansas State Penitentiary, Lansing—DRYWALL MATERIALS
 #56640
 Kansas State Penitentiary, Lansing—OFFICE FURNITURE

#56641
 Kansas State University, Manhattan—COPIER
 #56642
 Adjutant General's Department, Topeka—PROPANE, Salina

FRIDAY, FEBRUARY 24, 1984

#56594
 Parsons State Hospital and Training Center, Parsons—MICROCOMPUTER SYSTEM
 #56628
 Kansas State University, Manhattan—MICROCOMPUTER SYSTEM
 #56649
 Kansas Department of Transportation, Topeka—AUTOMATIC TRANSMISSION FLUID

TUESDAY, MARCH 6, 1984

#25916
 University of Kansas, Lawrence—AIRCRAFT INSURANCE

WEDNESDAY, MARCH 7, 1984

#25913
 Emporia State University, Emporia—PROPERTY INSURANCE

MONDAY, MARCH 12, 1984

#56591
 Kansas Fish and Game Commission, Pratt—LEASE OF LAND-PERRY WILDLIFE AREA

NICHOLAS B. ROACH
 Director of Purchases

Doc. No. 001859

State of Kansas

OFFICE OF JUDICIAL ADMINISTRATION

COURT OF APPEALS DOCKET

(NOTE: Dates and times of arguments are subject to change.)

KANSAS COURT OF APPEALS
 COURT OF APPEALS COURTROOM, 3RD FLOOR
 OLD SEDGWICK COUNTY COURTHOUSE
 541 NORTH MAIN, WICHITA, KANSAS

Before FOTH, C.J., SWINEHART and MEYER, JJ.
 Wednesday, February 22, 1984

Case No.	Case Name	Attorney	County
		9:00 a.m.	
55,912 S.C.	State of Kansas, appellee, v. Carl D. Tucker, appellant.	Attorney General; Geary Gorup, Asst. D.A. Keith E. Martin.	Sedgwick
55,809	State of Kansas, appellee, v. Steven A. Clark, appellant.	Attorney General; Geary Gorup, Asst. D.A. Kenton D. Wirth.	Sedgwick
55,669	State of Kansas, appellee, v. Phillip C. Clendenon, appellant.	Attorney General; Gregory Waller, Asst. D.A. Carla L. Hand.	Sedgwick

(continued)

56,119	Bruce E. Holmes, appellee, v. Jones Truck Lines, Inc., appellant & Royal Ins. Co.	James F. Johnston. Charles D. Kugler; Michael J. Gallaher.	Sedgwick
55,903	In the Matter of the Guardianship of Victoria LaNeil Defoor.	Jerry L. Griffith.	Sedgwick
55,715	Robert C. Koch, Claimant, appellant, v. Clearwater Excavating Co., Respondent, & U.S.F. & G. Insurance Carrier, appellees.	Janet S. Helsel. Jeffery L. Carmichael. Gary A. Winfrey.	Jefferson
<i>1:30 p.m.</i>			
56,013	State of Kansas, appellant, v. Ralph R. Wanttaja, appellee.	Attorney General; Francis E. Meisenheimer, Asst. Co. Atty. Herbert Hess, Jr.	Reno
55,227	In the Interest of Brandon Michael Stock, A Child Under the Age of 18 Years: Alleged to be Deprived.	Robert L. Taylor, for appellants; Francis E. Meisenheimer, Asst. Co. Atty.; Donna Whiteman, guardian ad litem.	Reno
55,121	James L. Turner & Kimberly L. Turner, appellees, v. Virgil Linebarger & Bernice Linebarger, appellants.	Michael R. O'Neal. Daniel J. Shanelec.	Reno
55,147	State of Kansas, appellee, v. Scott D. Hand, appellant.	Attorney General; Brenda West Hagerman, Co. Atty.; Michael C. Brown. Glenn I. Kerbs.	Pawnee
<i>Thursday, February 23, 1984</i>			
<i>9:00 a.m.</i>			
55,597 S.C.	State of Kansas, appellee, v. Charles D. Taylor, appellant.	Attorney General; Geary Gorup, Asst. D.A. David Michael Rapp.	Sedgwick
54,753	State of Kansas, appellee, v. Mitchell Hartfield, appellant.	Attorney General; Geary Gorup, Asst. D.A. Larry Linn.	Sedgwick
55,806	Ronald Zamorano, Claimant, appellee, v. Cessna Aircraft Co. & Hartford Accident & Indemnity, appellants, & Workers' Comp. Fund.	Tom E. Hammond. Randall E. Fisher; Steven L. Foulston.	Sedgwick
55,980	Lloyd R. Phinney, appellee, v. Cessna Aircraft Co. & Hartford Accident & Indemnity, appellants, & Workers' Comp. Fund.	Tom E. Hammond. Randall E. Fisher; David G. Shriver.	Reno
55,553	In the Matter of the Estate of George S. Melville, Deceased. Robert L. Johnson v. Thomas W. Crawford, Sr.	Roger Hughey. Michael G. Coash.	Butler

(continued)

56,000	In the Interest of Baby Boy Thurson, a Boy Under Eighteen Years of Age.	John Vallego; Richard Shaw. Jane M. Isern; Joel Jackson.	Barton
<i>1:30 p.m.</i>			
55,122	Richard J. Salter, appellant, v. Karen F. Salter, appellee.	Lelyn J. Braun.	Ford
55,563	State of Kansas, appellee, v. Terry Nolde, appellant.	T. J. Carney. Attorney General; Janet Velazquez, Asst. Co. Atty.	Ford
55,846	State of Kansas, appellee, v. Gilbert Alvarez, appellant.	Jon D. Graves; Jerry L. Berg. Attorney General; John B. Klenda, Co. Atty.	McPherson
55,484	Ealon S. Hocutt, Adm. Estate Thomas; Robert Thomas, Intervening, v. Defenders Townhouse, Inc.; Otis Elevator Co., appellees.	Ward P. Ferguson. John C. Frank. Turner & Boisseau; Fleeson, Gooing, Coulson & Kitch.	Sedgwick

Friday, February 24, 1984*9:00 a.m.*

55,804	Penney Lee Bell, Claimant, appellee, v. Wichita State University, Respondent & United States Fidelity & Guaranty Co., Ins. Carrier, appellants, & Kansas Workers' Comp. Fund, appellee.	Dan L. Smith. Dennis L. Horner; Robert L. Kennedy.	Sedgwick
55,323	Beverly Arst, appellant, v. D. G. Arst, appellee.	N. Trip Shawver. Roger Sherwood.	Sedgwick
55,724	Don Collins, appellant, v. MBPXL Corporation, Now EXCEL, & Gene Eilerts, appellees.	James P. Johnston. Robert D. Overman.	Sedgwick
55,638	Peoples Exchange Bank, appellee, v. Patterson Livestock Co. Inc., James E. Patterson & Darrell Spence, Defendants, Milton F. Hettenbach & Lora C. Hettenbach; and Robert A. Hettenbach & Clara K. Hettenbach, Interveners, appellants.	Mikel L. Stout; Charles R. Rayl. John G. Atherton.	Chase

KANSAS COURT OF APPEALS**WYANDOTTE COUNTY COURTHOUSE, DIV. #5 COURTROOM
KANSAS CITY, KANSAS****Before REES, P.J., ABBOTT and PARKS, JJ.****Monday, February 27, 1984***9:00 a.m.*

55,993 S.C.	Harold E. Holmes, Jr., appellant, v. State of Kansas, appellee.	Alfredo G. Parrish; Eric Stahl. Attorney General; Dennis L. Harris, Asst. D.A.	Wyandotte
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(continued)

55,556	George Holt, d/b/a Danny & Paul Bonding Co., appellees, v. Shirley W. McGee, appellant.	J. Chris Morse; Richard Reid. Robert A. DeCoursey.	Wyandotte
55,039	In the Interest of Lakesha Rushing—DOB: 7-30-79—"Deprived Child" Less Than Eighteen Years of Age.	Mark T. Jeffers. Edward W. Brunk, Asst. D.A.; Timothy Alvarez; Kathleen Stannard.	Wyandotte
55,750	Bill Griffin, appellant, v. Santa Fe Trail Transportation Co. & Employers Nat'l Ins. Co., appellees.	Lloyd Burke Bronston. Wade A. Dorothy.	Wyandotte
54,957	Edwin A. Rust, II, appellee, v. Victoria J. Rust, appellant.	Robert C. Miller, Richard C. Wallace.	Wyandotte
55,657	Ronald J. Fehrenbach, appellant, v. William J. Beaver, appellee.	John H. Fields. Eugene T. Hackler.	Johnson
1:30 p.m.			
55,792	State of Kansas, appellee, v. Joseph E. R. Norris, appellant.	Attorney General; Gunnar A. Sundby, Co. Atty. J. David Farris.	Atchison
55,575	State of Kansas, appellee, v. Melissa Corkins, appellant.	Attorney General; Gunnar A. Sundby, Co. Atty. Robert J. Bednar.	Atchison
54,956	State of Kansas, appellee, v. David Bateman, appellant.	Attorney General; Robert E. Davis, Co. Atty. Michael Crow; Michael Kelly.	Leavenworth
55,015	Kathleen J. Wolters, <i>et al.</i> , appellees, v. Harvey Finch, <i>et al.</i> , appellants.	Michael J. Peterson; David Druten. John J. Bukaty, Sr.; William A. Lynch.	Wyandotte

Tuesday, February 28, 1984

9:00 a.m.

55,700 S.C.	In the Interest of: Tessie Roberts, DOB: 10-13-79; Geneva Roberts, DOB: 8-26-76; Laura Roberts, DOB: 2-10-74.	W. Fredrick Zimmerman. Kevin B. Johnson, Asst. D.A.	Wyandotte
55,679	Bertha Richardson, Wife of the Deceased, John E. Richardson, Claimant, appellant, v. Ranchmart Standard, Inc., Respondent, & Safeco Ins. Co. Insurance Carrier, appellees.	Lloyd Burke Bronston. Richmond M. Enochs.	Johnson
55,689	State of Kansas, appellee, v. Angeline L. Park, a/k/a/ Angeline L. Burris, appellant.	Attorney General; Michael B. Buser, Asst. D.A. Michael Lerner.	Johnson
55,344	Guy V. Brantley, appellee, v. Rosedale State Bank, appellant.	Albert P. Kovac. Thomas L. Boeding.	Wyandotte

(continued)

55,676	Dickinson, Inc., a Kansas Corporation, appellant, v. Edna C. Craig, Co. Treasurer of Johnson County, Kansas, <i>et al.</i> , appellee.	Thomas H. Bornholdt. Bernis G. Terry.	Johnson
55,714	Continental Ins. Co., appellant, v. Michael B. Entrikin, David D. Copas, Robin S. Copas, & Patrons Mutual Insurance Association, appellees.	Barry W. McCormick. David A. Hanson; John M. Solbach.	Johnson
1:30 p.m.			
55,523 S.C.	Robert M. Byrum & Carol T. Byrum, appellants, v. Marvin Linsky & Sheri Linsky, appellees.	David W. Hughes. Mark W. McKinzie.	Johnson
55,591	Donald R. Byrd, Sr., <i>et al.</i> , appellants, v. The Southland Corporation, <i>et al.</i> , appellees.	Dennis E. Mitchell. Nina R. Schloesser.	Wyandotte
55,888	State of Kansas, appellee, v. David McDonald, appellant.	Attorney General; J. Gorman, Asst. D.A. Howard Washburn.	Wyandotte
55,953	Thomas J. Dupree & Othello Dupree, appellants, v. Mid-America Preferred Ins. Co., appellee.	Laurence M. Jarvis. Richard T. Merker.	Wyandotte

Wednesday, February 29, 1984

9:00 a.m.

55,571	Mary J. Wassall, appellee, v. Sales Consultants of Kansas City, Missouri, Inc., & Management Recruiters Sales Consultants, d/b/a Office Mates 5, appellants.	Jerry J. Hess. James O. Schwinn.	Johnson
55,603	Ken Ronald Arzberger, appellant, v. Levita Furniture, Inc., & Travelers Ins. Co., appellees.	John T. Flannagan. James E. Martin.	Johnson
55,644	The First National Bank of Louisburg, appellee, v. David G. Ryan, <i>et al.</i> , appellants.	John R. Casteel. John T. Flannagan; Craig S. Powell; S. W. Longan, III; Karl V. Shawver, Jr.	Miami
55,839	David H. Greer, <i>et al.</i> , appellants, v. Roy D. Beets, <i>et ux</i> , appellees.	Lee H. Tetwiler. Craig S. Powell.	Miami

LEWIS C. CARTER
Clerk of the Appellate Courts

State of Kansas

SECRETARY OF STATE**NOTICE**

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office.

Complete listings of state agencies, boards and commissions are included in the *Kansas Directory*, which is published annually by, and available free of charge on request to, the Secretary of State's office.

County officials are listed in the *Directory of County Officers*, which is also published by the Secretary of State and available free of charge.

EXECUTIVE APPOINTMENTS

(Appointments filed December 1, 1983

through January 31, 1984.)

[Eff.: effective date; Repl.: replaces; Reapp.: Re-appointment; Exp.: Appointment expires.]

By the Governor**ACCOUNTANCY, STATE BOARD OF**

● **Horton E. Goss**; 2355 North Richmond; Wichita 67204. Eff. 12-21-83. Repl. Mary Ellen Kirkpatrick. Exp. 7-31-86.

● **Robert A. Pfeifer**; 210 East 28th; Hays 67601. Eff. 12-21-83. Reapp. Exp. 7-31-86.

CIVIL RIGHTS, COMMISSION ON

● **George M. Lattimore**; 2820 North Fairmount; Wichita 67208. Eff. 12-21-83. (Subject to Senate confirmation.) Repl. Eugene Anderson. Exp. 7-31-87.

CORN COMMISSION, KANSAS

● **Joseph L. Elnicki**; Rural Route 3; Girard 66743. Eff. 12-21-83. Reapp. Exp. 6-30-87.

● **Louis G. Vertin**; Route 2; Wathena 66090. Eff. 12-21-83. Repl. Maurice E. Gray. Exp. 6-30-87.

● **Jere L. White**; Rural Route 2; Garnett 66032. Eff. 12-21-83. Reapp. Exp. 6-30-87.

CRIME VICTIMS REPARATIONS BOARD

● **LaTelletta DeEdra Lipscomb**; 3812 North 49th Drive; Kansas City 66104. Eff. 12-21-83. (Subject to Senate confirmation.) Repl. John S. Petty, resigned. Exp. 6-30-85.

DEALER REVIEW BOARD

● **Homer L. Clark**; Route 1; Holton 66436. Eff. 12-21-83. Reapp. Exp. 6-30-86.

● **Jerry Inman**; 1203 Country Club Drive; Hays 67601. Eff. 12-21-83. Reapp. Exp. 6-30-86.

● **Walter Lesline**; 2160 North Riverside Blvd.; Wichita 67203. Eff. 12-21-83. Repl. Perl M. Bass. Exp. 6-30-86.

DEVELOPMENTAL DISABILITIES SERVICES, STATE PLANNING COUNCIL ON

● **James W. Blume**; 1124 Centennial Blvd.; Hays 67601. Eff. 12-22-83. Repl. Robert E. Smith. Exp. 7-1-87.

● **Frank A. Hulet**; 314 East 16th; Hutchinson 67501. Eff. 12-22-83. Repl. Clementine Steger, resigned. Exp. 7-1-85.

EMPLOYMENT AND TRAINING COUNCIL, STATE

● **Roberto Garcia**; 315 Laura; Salina 67401. Eff. 12-8-83. Serves at the pleasure of the Governor.

● **Gary Hanssen**; 154 Rutland; Wichita 67206. Eff. 12-8-83. Serves at the pleasure of the Governor.

● **Eugene H. Horton**; 102 West Druart; Frontenac 66762. Eff. 12-8-83. Serves at the pleasure of the Governor.

● **Doris J. Weber**; 10151 West 84th Street; Overland Park 66212. Eff. 12-8-83. Serves at the pleasure of the Governor.

● **Jerome F. Wolf**; 3252 Southwest Plass; Topeka 66611. Eff. 12-8-83. Serves at the pleasure of the Governor.

GOVERNOR, OFFICE OF THE

● **Lori T. Al-Abed**; 3032 S.W. Arvonias; Topeka 66614. Assistant to the Governor. Eff. 11-18-83.

● **Lisa M. Amayo**; 1313 Fillmore; Topeka 66604. Secretary to the Governor. Eff. 11-14-83.

● **Shirley B. Carley**; 3336 S.W. Plass; Topeka 66611. Secretary to the Governor. Eff. 7-25-83.

● **Pamala Horton Curtis**; 1825 Washington Blvd.; Kansas City 66102. Assistant to the Governor. Eff. 11-18-83.

● **Steven A. Hendricks**; 4128 S.W. 6th, #107; Topeka 66606. Aide to the Governor. Eff. 11-7-83.

● **Barbara E. Rawlings**; 3754 Humboldt; Topeka 66609. Secretary to the Governor. Eff. 10-31-83.

● **Nell F. Richmond**; 1401 S.W. College; Topeka 66604. Administrator of Cedar Crest. Eff. 12-18-83.

● **Robert A. Stacks**; 1324 North 8th Street; Manhattan 66502. Aide to the Governor. Eff. 9-19-83.

● **Charlene M. Wilson**; 4546 S.E. 87th Street; Berryton 66409. Secretary to the Governor. Eff. 8-1-83.

GRAIN ADVISORY COMMISSION, STATE

● **Clem A. Abercrombie**; 124 South Oakdale, A-2; Salina 67401. Eff. 12-21-83. Repl. Terrance F. Rupp, resigned. Exp. 6-30-85.

● **Raymond A. Mitchell**; 725 North Third; WaKeeney 67672. Eff. 12-21-83. Repl. Edwin Loomis, deceased. Exp. 6-30-86.

HEALTH COORDINATING COUNCIL, STATEWIDE

● **John R. Coleman**; 115 Mt. Carmel Way; Wichita 67203. Eff. 1-23-84. Repl. Walter Shain, resigned. Exp. 6-30-84.

LAW ENFORCEMENT TRAINING COMMISSION, KANSAS

● **Col. Bert Cantwell**; 6765 Dancaaster Road; Topeka 66610. Eff. 12-22-83. Repl. David Hornbaker. Serves at the pleasure of the Governor.

● **Robert E. Tilton**, Chairperson; 1813 S.W. 29th Terrace; Topeka 66611. Eff. 12-22-83. Repl. Bert Cantwell, resigned. Exp. 7-1-84.

LIBRARY NETWORK BOARD, KANSAS

● **Rosemary Henderson**; 2205 West 2nd; Coffeyville 67337. Eff. 12-22-83. Repl. Carmen Bayles, resigned. Exp. 6-30-84.

(continued)

REGENTS, STATE BOARD OF

● James W. Pickert; 4001 Graphic Arts Road; Emporia 66801. Eff. 1-1-84. (Subject to Senate confirmation.) Reapp. Exp. 12-31-87.

STATE REPRESENTATIVE, 1st DISTRICT

● Patricia Weaver; Rural Route 1; Baxter Springs 66713. Eff. 1-6-84. Repl. Fred L. Weaver, resigned.

STATE REPRESENTATIVE, 98th DISTRICT

● Edward P. Rogers; 1130 Denker; Wichita 67216. Eff. 1-9-84. Repl. James Holderman, resigned.

STATE REPRESENTATIVE, 102nd DISTRICT

● Donna Lee Whiteman; 501 East Avenue A, #2; Hutchinson 67501. Eff. 12-22-83. Repl. John L. Meyers, resigned.

TAX APPEALS, STATE BOARD OF

● John P. Bennett; 6944 Kimberly Lane; Shawnee 66218. Eff. 12-14-83. (Subject to Senate confirmation.) Reapp. Exp. 6-30-87.

● Dallas Crable; 309 East Avenue A; Hutchinson 67501. Eff. 12-14-83. (Subject to Senate confirmation.) Reapp. Exp. 6-30-87.

● Fred L. Weaver; Rural Route 1; Baxter Springs 66713. Eff. 1-18-84. (Subject to Senate confirmation.) Repl. Charles B. Joseph, resigned. Exp. 6-30-85.

WATER AUTHORITY, KANSAS

● Helen Schabel; Route 2; Cherryvale 67335. Eff. 1-17-84. Repl. John M. Simpson, resigned. Exp. 5-1-85.

COUNTY AND DISTRICT OFFICES

(All of the following appointments will expire when a successor is elected and qualifies according to law.)

BUTLER COUNTY ATTORNEY

● Morgan Metcalf; 225 South Summit; El Dorado 67042. Eff. 12-16-83. Repl. William P. Ronan, resigned.

COFFEY COUNTY COMMISSIONER, 4th DISTRICT

● Melvin Bunge; Rural Route; Waverly 66871. Eff. 12-16-83. Repl. Robert Henry, resigned.

PRATT COUNTY REGISTER OF DEEDS

● Vera Compton; 113 Curtis; Pratt 67124. Eff. 1-6-84. Repl. Mary Jones, resigned.

GOVE COUNTY SHERIFF

● Dean L. Baum; 311 Third Street; Quinter 67752. Eff. 1-24-84. Repl. George Hall, resigned.

SUMNER COUNTY SHERIFF

● Colin D. Wood; 524 South Osage; Caldwell 67022. Eff. 1-24-84. Repl. Jerry Wiley, resigned.

WILSON COUNTY SHERIFF

● Paul F. Ammann; Route 1, Box 95A; Fredonia 66736. Eff. 1-16-84. Repl. Bob Allen, resigned.

ASSOCIATE DISTRICT JUDGE, 18th JUDICIAL DISTRICT, POS. F

● Robert D. Watson; 1035 Indiana; Wichita 67214. Eff. 1-1-84. Repl. Paul W. Clark, resigned.

ASSOCIATE DISTRICT JUDGE, 18th JUDICIAL DISTRICT POS. I

● Montie R. Deer; 1152 Chipper; Wichita 67212. Eff. 12-22-83. Repl. John Foulston, resigned.

DISTRICT JUDGE, 18th JUDICIAL DISTRICT, DIV. 9

● Paul W. Clark; 425 Helbert; Mulvane 67110. Eff. 1-1-84. Repl. David P. Calvert, resigned.

DISTRICT MAGISTRATE JUDGE, 15th JUDICIAL DISTRICT, POS. 5

● Richard J. Ress; 940 West Fifth; Colby 67701. Eff. 12-15-83. Repl. Nellie L. Blakely, resigned.

JACK H. BRIER
Secretary of State

(Published in the KANSAS REGISTER, February 9, 1984.)

**NOTICE OF BOND SALE
CITY OF PITTSBURG, KANSAS
\$950,000 GENERAL OBLIGATION BONDS
SERIES A-1984**

The City of Pittsburg, Kansas will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, PITTSBURG, KANSAS, until 1:00 o'clock P.M., C.S.T., on

TUESDAY, FEBRUARY 21, 1984

for the purchase of Nine Hundred Fifty Thousand Dollars (\$950,000) par value General Obligation Bonds (the "Bonds") of the City, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The Series A-1984 Bonds initially issued will be dated as of March 1, 1984 and shall mature on September 1 in each of the years and in the amounts set forth below. Such Bonds shall consist of fully registered certificated bonds, each in the denomination of \$5,000.00 or integral multiples thereof not exceeding the principal amount of Bonds maturing in each year. Interest will be payable semiannually, commencing September 1, 1984, and each March 1 and September 1 thereafter. 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 the Treasurer of the State of 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 preceding February 15 and August 15 (the Record Dates). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the City.

The Bonds will mature serially in accordance with the following schedule:

Principal Amount	Maturity Date
\$ 60,000	1985
70,000	1986
75,000	1987

(continued)

80,000	1988
90,000	1989
95,000	1990
105,000	1991
115,000	1992
125,000	1993
135,000	1994

The Series A-1984 Bonds maturing on or after September 1, 1993, may be called for redemption and payment prior to maturity as a whole or in part in inverse numerical order of maturity on September 1, 1992, or on any interest payment date thereafter prior to maturity at the principal amount thereof plus accrued interest to date of redemption together with a premium of one and one-half percent (1½%) of the principal amount of any Bond so redeemed and paid.

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding eight (8) different interest rates, as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed two percent (2%). No interest rate shall exceed the maximum interest rate allowed by Kansas law; said rate being two percent (2%) above the "Bond Buyer's 20 Bond Index," published in the *Weekly Bond Buyer* on Monday, February 20, 1984, and no bid of less than par and accrued interest will be considered. Bids for less than the entire issue of Bonds will not be considered.

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City at CITY HALL, CITY OF PITTSBURG, KANSAS 66762, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the City will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and shall be payable to the City of Pittsburg, Kansas. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City; and the Bonds will be sold subject to the unqualified approving opinion of NICHOLS AND WOLFE CHARTERED, Bond Counsel of Topeka, Kansas, whose opinion will be paid for by the City.

The number, denomination of Bonds and names of the initial registered owners shall be submitted in writing by the successful bidder to the Bond Registrar not later than March 1, 1984.

The purchaser will be furnished with a complete Transcript of Proceedings evidencing 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 delivery of the Bonds affecting their validity. Payment for the Bonds shall be made in immediately available funds. Delivery of the Bonds will be made to the successful bidder on or before March 15, 1984 at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

The Bonds will constitute General Obligations of the City, payable as to both principal and interest from the collection of special assessments which have been levied on benefited property; but if not so paid, then said principal and interest will be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable, tangible property within the territorial limits of the City. The Series A-1984 Bonds are being issued for the purpose of making certain internal improvements in the City.

The sealed bids for the Bonds shall be opened publicly and only at the time and place specified in this Notice. The City reserves the right to reject any and/or all of the bids, and to waive any irregularities. Unless all bids are rejected, the Bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the City; and the net interest cost will be determined by deducting any amount of any premium paid from the aggregate amount of interest upon all of the Bonds from their date until their respective maturities.

Assessed valuation figures of the City of Pittsburg, Kansas, for the year 1983, are as follows:

Equalized assessed valuation of taxable, tangible property	\$36,277,922
Assessed tangible valuation of motor vehicles	\$ 6,200,390
Equalized tangible valuation for computation of bonded indebtedness limitations	\$42,478,312

CUSIP identification numbers will be printed on the Bonds. All expenses incurred in connection with the printing of CUSIP numbers on the Bonds and the expenses of the CUSIP Service Bureau for the assignment of said numbers shall be paid for by the City.

The total general obligation bonded indebtedness, including temporary notes, of the City of Pittsburg, Kansas, at the date hereof, including this proposed issue of Bonds in the amount of \$950,000, is in the amount of \$5,773,322. The City of Pittsburg, Kansas has Temporary Notes outstanding in the total amount of \$557,822 which will be redeemed and paid from the proceeds of this proposed issue of Bonds and from other funds available to the City.

Additional copies of this Notice of Bond Sale or further information may be received from the City of Pittsburg, Pittsburg, Kansas 66762.

DATED February 9, 1984.

CITY OF PITTSBURG, KANSAS
By KAREN K. GARMAN, City Clerk

Doc. No. 001855

(Published in the KANSAS REGISTER, February 9, 1984.)

NOTICE OF BOND SALE
\$190,000.00
CITY OF SPEARVILLE, KANSAS
GENERAL OBLIGATION BONDS
(Internal Improvement)

SEALED bids will be received in the Office of the City Clerk, at City Hall, City of Spearville, Kansas 67876, until 8:00 o'clock p.m., Central Standard Time, on February 13, 1984, and will be considered by the Governing Body of the City of Spearville, Kansas at its regular place of meeting in the City Hall, in the City of Spearville, Kansas, at 8:00 o'clock p.m., Central Standard Time on February 13, 1984, at which time and place all bids will be publicly opened, read aloud, and considered for the purchase of a series of General Obligation Bonds designated Series A, 1984, in the principal amount of \$190,000.00. No oral or auction bids will be considered.

DETAILS OF THE BONDS

The Bonds shall be issued in the form of fully registered certificated bonds without coupons, each in the denomination of \$5,000.00 or integral multiples thereof, not exceeding the principal amount of bonds maturing in each year. Interest on the Bonds will be payable semi-annually, commencing March 1, 1985, and each September 1 and March 1 thereafter. The Bonds shall be dated March 1, 1984, and shall become due serially on September 1 in each of the years and in the principal amounts, as follows:

<i>Date of Maturity</i>	<i>Total</i>
September 1, 1986	\$5,000.00
September 1, 1987	\$5,000.00
September 1, 1988	\$5,000.00
September 1, 1989	\$10,000.00
September 1, 1990	\$10,000.00
September 1, 1991	\$10,000.00
September 1, 1992	\$10,000.00
September 1, 1993	\$10,000.00
September 1, 1994	\$15,000.00
September 1, 1995	\$15,000.00
September 1, 1996	\$15,000.00
September 1, 1997	\$15,000.00
September 1, 1998	\$20,000.00
September 1, 1999	\$20,000.00
September 1, 2000	\$25,000.00

PLACE OF PAYMENT

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 the Treasurer of the State of 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 and Bond Registrar 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 City.

INTEREST RATE

Proposals will be received on the Bonds bearing such rate or rates of interest not exceeding five (5) different interest rates as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). The difference between the highest interest rate bid and the lowest rate of interest bid shall not exceed two percent (2%) per annum. No interest rate shall exceed the maximum interest rate allowed by Kansas law; said rate being the "Twenty 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 two percent (2%). A bid for the purchase of less than all of the Bonds or a bid at a price less than par and accrued interest will not be considered.

BID FORM AND GOOD FAITH DEPOSIT

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City and should be addressed to Eleanor Strecker, City Clerk, City Hall, Spearville, Kansas 67876, and plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, and the net interest cost of the bid, and the average annual net interest rate, all certified by the bidder to be correct; and the City will be entitled to rely upon the certificate of correctness of the bidder. 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. Each bid must be accompanied by a certified or cashier's check in the amount of two percent (2%) of the total par value of the bonds payable to the City Treasurer, City of Spearville, 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 City as and for liquidated damages.

AWARD OF THE BONDS

The sealed bids for the Bonds shall be opened publicly and only at the time and place specified in this Notice; and the Bonds will be sold to the best bidder. The City reserves the right to reject any and/or all of the bids, and to waive any irregularities or informalities. Unless all bids are rejected, the Bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the City; and the net interest cost will be determined by deducting the amount of any premium bid from the aggregate amount of interest upon all of the Bonds from their date until their respective maturities. If there is a discrepancy between the lowest net interest cost and the average annual interest rate specified, the net

(continued)

interest cost figure shall govern and the interest rates in the bid shall be adjusted accordingly.

DELIVERY AND PAYMENT

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City. Delivery of the Bonds will be made on or before March 15, 1984, at any bank in the State of Kansas or Kansas City, Missouri at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser. Payment for the Bonds shall be made in immediately available federal reserve funds. The number, denomination of bonds, and the names and tax ID numbers of the initial registered owners to be initially printed on the Bonds must be submitted in writing by the successful bidder to the Bond Registrar at least ten (10) business days prior to the date of delivery of the Bonds. In the absence of such information, the City will deliver the Bonds in the denomination of each maturity registered in the name of the successful bidder.

LEGAL OPINION

The Bonds will be sold subject to the unqualified approving opinion of CURFMAN, HARRIS, STALLINGS, GRACE & SNOW, Bond Counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each Bond. The cost of this legal opinion and the expense of printing the Bonds and legal opinion will be paid by the City. Said legal opinion will state in part substantially that the Bonds will constitute general obligations of the City, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the 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 and townships. A manually signed original of such opinion will be furnished without expense to the purchaser of the Bonds at the delivery thereof. The purchaser will be furnished with a complete transcript of proceedings 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 delivery of the Bonds affecting their validity.

PURPOSE OF ISSUE

The Bonds are being issued for the purpose of constructing certain internal improvements in the City of Spearville, Kansas consisting of two additional sewage waste stabilization ponds.

ASSESSED VALUATION

The assessed valuation of all taxable tangible property within the City of Spearville, Kansas, for the year 1983, is as follows:

Equalized assessed valuation of taxable tangible property	\$1,537,715.00
Estimated tangible valuation of motor vehicles	403,125.00
Estimated tangible valuation of motor vehicle dealers' inventory	0

Equalized assessed tangible valuation for computation of bonded indebtedness limitations	\$1,940,840.00
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BONDED INDEBTEDNESS

The total general bonded indebtedness of the City of Spearville, Kansas, at the date hereof, is \$341,900.82, which amount includes this \$190,000.00 proposed issue of Bonds.

OFFICIAL STATEMENT

Additional copies of this Notice of Bond Sale, or further information may be received from The First Securities Company of Kansas, Inc., One Main Place, Wichita, Kansas 67201 (316/262-4411), financial advisor to the City.

BY ORDER OF THE GOVERNING BODY OF THE CITY OF SPEARVILLE, KANSAS THIS 30TH DAY OF JANUARY, 1984.

RAY HESKAMP
Mayor

ATTEST: ELEANOR STRECKER
City Clerk

(SEAL)

Doc. No. 001850

State of Kansas

LEGISLATURE

The following list gives the numbers and titles of bills and resolutions recently introduced in the Legislature.

Copies of bills and resolutions are available free of charge. (Limit: 5 copies of any one item.) Write: Legislative Document Room; State Capitol; Topeka, KS 66612. Or call: (913) 296-7394.

Bills Introduced January 26-February 1:

- SB 586, by Senators Ehrlich, Allen, Doyen, Francisco, Harder, Hayden, Montgomery, Vidricksen and Warren: An act concerning medication aides; providing for the registration thereof; authorizing the administration of certain medications thereby; granting certain powers and imposing certain duties upon the secretary of health and environment.
- SB 587, by Senator Francisco: An act concerning civil procedure; relating to service of process; amending K.S.A. 60-303 and 61-1803 and repealing the existing sections.
- SB 588, by Senator Francisco: An act concerning county appraisers; prescribing certain qualifications for appointment; amending K.S.A. 19-430 and repealing the existing section.
- SB 589, by Senators Francisco and Cannon: An act concerning the taxation of property; relating to the exemption of farm machinery and equipment; amending K.S.A. 1983 Supp. 79-201j and repealing the existing section.
- SB 590, by Committee on Commercial and Financial Institutions: An act relating to savings and loan associations; concerning remote service units; amending K.S.A. 1983 Supp. 17-5565 and repealing the existing section.
- SB 591, by Committee on Transportation and Utilities: An act concerning motor vehicles; towing or moving wrecked or disabled vehicles; certain functions of the state corporation commission; amending K.S.A. 8-136 and K.S.A. 1983 Supp. 66-1,109 and repealing the existing sections.
- SB 592, by Committee on Agriculture and Small Business: An act concerning the state board of agriculture; authorizing the secretary to apply for, receive and administer federal funds and to enter into contracts therefor.
- SB 593, by Committee on Energy and Natural Resources: An act providing immunity from civil liability for persons rendering emergency care in hazardous material accidents.
- SB 594, by Committee on Energy and Natural Resources: An act relating to oil and gas; requiring certain information on check stubs written pursuant to a division order.
- SB 595, by Senators Daniels, Feleciano, Francisco, Hess, McCray and Morris (by request): An act concerning merchant and security policemen; relating to licensing thereof; amending K.S.A. 12-1679 and repealing the existing section.
- SB 596, by Committee on Assessment and Taxation: An act amending the Kansas retailers' sales tax act; exempting sales of certain mobile homes; amending K.S.A. 1983 Supp. 79-3606 and repealing the existing section.
- SB 597, by Committee on Assessment and Taxation: An act relating to property taxation; providing authority for boards of county commissioners to abate or provide credit against property taxes levied upon residential property destroyed by calamity.
- SB 598, by Senator Rehorn: An act relating to persons licensed to practice medicine and surgery; requiring certain information be made available to persons being treated for breast cancer; requiring the state board of healing arts to develop a standardized written summary of such information.

(continued)

SB 599, by Committee on Federal and State Affairs: An act concerning confinement of persons at the Kansas correctional institution at Lansing; amending K.S.A. 1983 Supp. 75-5206 and repealing the existing section.

SB 600, by Senator Rehorn: An act concerning motor vehicles; dealer license plates; amending K.S.A. 8-2406 and repealing the existing section.

SB 601, by Senator Angell: An act concerning school districts; relating to the offering and maintenance of educational programs thereof; amending K.S.A. 72-130, 72-1046a, 72-1103, 72-6734, 72-6757, 72-7039, 72-7047, 72-7301, 72-8301, 72-8303 and 72-8309 and K.S.A. 1983 Supp. 72-1046, 72-1106, 72-1107, 72-7933, 72-8212, 72-8213 and 72-8302 and repealing the existing sections; also repealing K.S.A. 72-6744.

SB 602, by Senators Steineger, Chaney, Daniels, Feleciano, Francisco, Gannon, Johnston, Karr, McCray, Mulich, Norvell, Parrish, Rehorn and Warren: An act concerning education; providing for enhancement of the salary of teachers directly involved in the teaching of students; establishing the classroom teacher equity fund; making appropriations for the fiscal year ending June 30, 1985.

SB 603, by Committee on Local Government: An act concerning municipalities; concerning the establishment of a special highway equipment and bridge building fund; amending K.S.A. 68-141g and repealing the existing section.

SB 604, by Committee on Local Government: An act relating to cities; authorizing cities to establish an internal service equipment fund.

SB 605, by Committee on Local Government: An act concerning cities; authorizing the establishment of a special capital improvements fund.

SB 606, by Committee on Local Government: An act concerning municipalities; concerning the establishment of sewerage system reserve funds; amending K.S.A. 12-631n, 12-631o and 12-631p and repealing the existing sections.

SB 607, by Committee on Local Government: An act concerning special assessments; relating to certain actions challenging the validity thereof.

SB 608, by Committee on Local Government: An act concerning cities; relating to the use of sales tax for public improvements.

SB 609, by Committee on Local Government: An act relating to financing the infrastructure of municipalities; concerning the establishment of a special highway improvement reserve fund; amending K.S.A. 68-590 and repealing the existing section.

SB 610, by Committee on Local Government: An act concerning municipalities; relating to the investment of proceeds of bonds and temporary notes; amending K.S.A. 10-131 and repealing the existing section.

SB 611, by Committee on Local Government: An act concerning municipalities; relating to the issuance of temporary notes for improvements; amending K.S.A. 10-123 and repealing the existing section.

SB 612, by Committee on Local Government: An act relating to financing the infrastructure of cities; authorizing the establishment of a city consolidated highway fund.

SB 613, by Committee on Local Government: An act concerning municipalities; relating to investments in no-fund warrants and notes; amending K.S.A. 12-1671 and 12-1672 and repealing the existing sections.

SB 614, by Senators Meyers and Pomeroy: An act amending the Kansas code for care of children; relating to custody of children in need of care; amending K.S.A. 1983 Supp. 38-1563 and repealing the existing section.

SB 615, by Senator Meyers: An act amending the Kansas code for care of children; providing for grandparents' visitation rights under certain circumstances; amending K.S.A. 1983 Supp. 38-1563 and repealing the existing section.

SB 616, by Committee on Education: An act concerning school districts; relating to transfers of moneys to and from the general fund thereof; amending K.S.A. 72-7063 and K.S.A. 1983 Supp. 72-7063a, and repealing the existing sections.

SB 617, by Committee on Education: An act concerning school district finance; establishing budget limitations for the 1984-85 school year; authorizing an increase in budget limitations for certain purposes under certain conditions; amending K.S.A. 1983 Supp. 72-7055 and repealing the existing section.

SB 618, by Committee on Transportation and Utilities: An act concerning motor vehicles; vehicle dealers and manufacturers licensing act; salesmen; amending K.S.A. 1983 Supp. 8-2404 and repealing the existing section.

SB 619, by Committee on Local Government: An act concerning sewer districts in certain counties; relating to financing the cost of the district improvements; amending K.S.A. 1983 Supp. 19-27, 170 and repealing the existing section.

SB 620, by Committee on Local Government: An act concerning county sewer districts; relating to the financing of improvements; amending K.S.A. 1983 Supp. 19-27a07 and repealing the existing section.

SB 621, by Senator Chaney: An act establishing the adult care home commission.

SB 622, by Senator Chaney: An act relating to insurance; concerning certain provisions for health policies; amending K.S.A. 40-1809 and 40-19c09 and K.S.A. 1983 Supp. 40-1909 and repealing the existing sections.

SB 623, by Senator Burke: An act relating to the Kansas healing arts act; concerning grounds for revocation, suspension or limitation of license; requiring certain treatment information be given to patients suffering from breast cancer; amending K.S.A. 1983 Supp. 65-2836 and repealing the existing section.

SB 624, by Committee on Assessment and Taxation: An act amending the Kansas income tax act; excluding amounts received as social security and railroad retirement benefits from adjusted gross income; amending K.S.A. 1983 Supp. 79-32, 117 and repealing the existing section.

SB 625, by Committee on Energy and Natural Resources: An act concerning the state corporation commission; relating to the notice required for certain hearings thereof; amending K.S.A. 55-605 and 55-706 and repealing the existing sections.

SB 626, by Committee on Education: An act concerning school district finance; relating to budgets of operating expenses; amending K.S.A. 1983 Supp. 72-7042, 72-7045, 72-7046a, 72-7055 and 72-7063a, and repealing the existing sections; also repealing K.S.A. 72-7071 and 72-7072 and K.S.A. 1983 Supp. 72-7046 and 72-7055b.

SB 627, by Committee on Education: An act concerning the school district equalization act; relating to taxable income of district residents; amending K.S.A. 72-7041 and repealing the existing section.

SB 628, by Senator Johnston: An act concerning the employment security law; relating to the compensation of members of the board of review; amending K.S.A. 1983 Supp. 44-709 and repealing the existing section.

SB 629, by Senator Johnston: An act concerning safety in hazardous underground work spaces; duties of employers; granting certain powers and imposing certain duties on the secretary of human resources; providing penalties for violations.

SB 630, by Senators Morris, Bogina, Daniels, Francisco, Gordon, Hayden and Vidricksen: An act concerning school districts; fixing the date for commencement of the school term; providing for exemptions; amending K.S.A. 1983 Supp. 72-1106 and repealing the existing section.

SB 631, by Committee on Local Government: An act concerning the redevelopment of central business district areas in cities; relating to the acquisition of property and the

issuance of bonds therefor; amending K.S.A. 12-1773 and 12-1774 and repealing the existing sections.

SB 632, by Senator Montgomery (by request): An act concerning insurance; prohibiting certain insurers from paying dividends from surplus funds not solely derived from same type of policies on which the dividend is declared; providing penalties for violations.

SB 633, by Committee on Transportation and Utilities: An act concerning motor vehicles; temporary registration permits; amending K.S.A. 8-135 and K.S.A. 1983 Supp. 8-143 and 8-2409 and repealing the existing sections.

HB 2783, by Committee on Public Health and Welfare: An act concerning the uniform controlled substances act; relating to substances included in schedule V; amending K.S.A. 1983 Supp. 65-4113 and repealing the existing section.

HB 2784, by Committee on Public Health and Welfare: An act repealing K.S.A. 19-2226, 19-2227 and 19-2229; concerning licensing physicians and surgeons in certain counties and fees collected therefor.

HB 2785, by Representatives Sutter, Blumenthal, Branson, Charlton, Cribbs, Dempsey, Dillon, Francisco, Green, Grojewiel, Hensley, Jarchow, M. Johnson, Justice, Laird, Love, Luzzati, Mainey, Matlack, V. Miller, Murphy, Peterson, Reardon, Rogers, Roper, Runnels, Schmidt, Solbach, Wagon, Darrel Webb, Whiteman and Wisdom: An act concerning the minimum wage and maximum hours law; increasing the minimum wage; amending K.S.A. 44-1203 and repealing the existing section.

HB 2786, by Representative Shelor: An act concerning inebriate persons; requiring certain reports relating thereto.

HB 2787, by Committee on Elections: An act relating to elections; concerning the recount of ballots cast at elections; amending K.S.A. 1983 Supp. 25-3107 and repealing the existing section.

HB 2788, by Committee on Elections: An act relating to elections; concerning filing by candidate for city office; amending K.S.A. 25-2110 and 25-2110a and repealing the existing sections.

HB 2789, by Committee on Assessment and Taxation: An act relating to taxation of gross earnings derived from money, notes and other evidence of debt; concerning the tax situs thereof; repealing K.S.A. 12-1,103.

HB 2790, by Committee on Federal and State Affairs: An act concerning alcohol beverages; limiting sales and dispensing thereof and providing penalties for violations; amending K.S.A. 41-2610 and K.S.A. 1983 Supp. 41-2704 and repealing the existing sections.

HB 2791, by Committee on Federal and State Affairs: An act concerning confidentiality of certain records relating to inmates of correctional institutions; amending K.S.A. 22-3711 and repealing the existing section.

HB 2792, by Committee on Federal and State Affairs: An act relating to cereal malt beverages; concerning the age for consumption and other acts relating thereto; amending K.S.A. 21-3610a, 41-2615, 41-2701 and 41-2708 and K.S.A. 1983 Supp. 8-260, 8-1327, 41-2704 and 41-2721 and repealing the existing sections.

HB 2793, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal years ending June 30, 1985, and June 30, 1986, to initiate and complete certain capital improvement projects for the university of Kansas medical center, Kansas correctional institution at Lansing, state industrial reformatory, Kansas state penitentiary, board of state fair managers and Osawatomie state hospital; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing disbursements and acts incidental to the foregoing.

HB 2794, by Representative Hensley: An act relating to professional negotiation; concerning agreements between certain employees' organizations and boards of school districts, community colleges and area vocational-technical schools; providing for arbitration under certain circumstances; concerning training for fact-finders; amending K.S.A. 72-5411, 72-5413, 72-5423, 72-5428, 72-5429 and 72-5437, and repealing the existing sections; also repealing K.S.A. 72-5428a.

HB 2795, by Committee on Insurance (by request): An act concerning insurance; relating to reimbursement or indemnity for treatment of alcoholism, drug abuse or nervous or mental conditions; amending K.S.A. 40-2,105 and repealing the existing section.

HB 2796, by Representatives Moore, Douville, Friedeman, Polson, Vancrum and Wilbert: An act amending the Kansas code for care of children; relating to custody; amending K.S.A. 1983 Supp. 38-1527 and repealing the existing section.

HB 2797, by Joint Committee on State Building Construction: An act concerning hours and wages for public work; amending K.S.A. 44-201 and 44-202 and repealing the existing sections; also repealing K.S.A. 44-203, 44-204 and 44-205.

HB 2798, by Representatives Brady, Helgeson, Jarchow, V. Miller, Turnquist and Wilbert: An act concerning public utilities; relating to rates for services thereof; amending K.S.A. 66-107 and 66-110 and repealing the existing sections.

HB 2799, by Representatives Branson and Chaffton: An act relating to hospitals; authorizing certain hospitals to build, equip and operate health care facilities or clinics; authorizing the transfer of certain donated property to endowment associations or corporations organized for the benefit of a hospital; authorizing certain hospitals to acquire corporate stock or other interest in businesses providing health care related services; amending K.S.A. 12-1615 and repealing the existing section.

HB 2800, by Committee on Judiciary: An act concerning indigents' defense services; relating to acquisition of investigative, expert and other services; amending K.S.A. 1983 Supp. 22-4508 and repealing the existing section.

HB 2801, by Committee on Judiciary: An act concerning the Kansas code of criminal procedure; relating to fees for witnesses from other states; amending K.S.A. 22-4203 and repealing the existing section.

HB 2802, by Committee on Judiciary: An act concerning criminal procedure; relating to appeals; amending K.S.A. 22-3602 and repealing the existing section.

HB 2803, by Representative Helgeson: An act concerning the transient guest tax; imposing certain requirements on certain recipients of moneys collected therefrom.

HB 2805, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1985, for Fort Hays state university, Kansas state university, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, university of Kansas, Wichita state university, university of Kansas medical center, Kansas technical institute and state board of regents; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2806, by Representative Buntin: An act supplementing the Kansas retailers' sales tax act; providing for refunds of sales tax paid on certain machinery and equipment.

HB 2807, by Representatives Harder and Wunsch: An act concerning county and township roads; relating to the duties of the county engineer and township board; amending K.S.A. 68-502 and 68-526 and repealing the existing sections.

HB 2808, by Representative Shelor: An act concerning the use of dogs by law enforcement officers; prohibiting the use of such dogs under certain circumstances; creating criminal and civil penalties; amending K.S.A. 21-3215 and repealing the existing section.

(continued)

HB 2809, by Representative Shelor: An act concerning federal land banks and production credit associations; requiring registration and disclosure of information to the secretary of state; providing penalties for violations.

HB 2810, by Committee on Energy and Natural Resources: An act concerning public utilities; relating to the valuation of property for rate making purposes; amending K.S.A. 66-128 and repealing the existing section.

HB 2811, by Representatives Guldner, Heinemann and Mainey: An act relating to elections; concerning withdrawal from nomination; amending K.S.A. 25-306b and repealing the existing section.

HB 2812, by Representatives Guldner and Moomaw: An act relating to the issuance of certain general obligation bonds by municipalities; requiring the publication of notice and the submission to election upon the receipt of a sufficient petition prior to the issuance of certain bonds.

HB 2813, by Representatives Guldner, Arbuthnot, Harper, L. Johnson, Moomaw, B. Ott, Patterson, Polson, Roenbaugh, Sand and Smith: An act relating to land surveys; concerning the payment of the cost incurred in establishing corners and boundaries of property; amending K.S.A. 19-1423 and repealing the existing section.

HB 2814, by Representative Eckert: An act concerning crimes and punishments; providing a mandatory sentence for certain crimes; amending K.S.A. 21-4603 and K.S.A. 1983 Supp. 22-3717 and repealing the existing sections.

HB 2815, by Representatives Rezac, Guldner, Acheson, Brady, Friedeman, Grotewiel, Harper, Moomaw, B. Ott, Polson, Roenbaugh and Smith: An act concerning traffic rules; lights on authorized emergency vehicles; amending K.S.A. 8-1720 and repealing the existing section.

HB 2816, by Representative R. Frey: An act concerning oil and gas leaseholds; relating to certain liens thereon; amending K.S.A. 55-210 and 60-2202 and repealing the existing sections.

HB 2817, by Committee on Local Government: An act concerning improvement districts; relating to zoning therein; amending K.S.A. 1983 Supp. 19-2950 and repealing the existing section.

HB 2818, by Representatives Jarchow, Cribbs, Francisco, W. Fuller, Grotewiel, Helgeson, Luzzati, Matlack, K. Ott, Rogers, Spaniol, Darrel Webb and Williams: An act relating to property taxation; concerning the exemption therefrom of business aircraft; amending K.S.A. 1983 Supp. 79-201k and repealing the existing section.

HB 2819, by Representative David Webb: An act concerning county extension councils; relating to the budget thereof; amending K.S.A. 2-610 and repealing the existing section.

HB 2820, by Representatives Apt and Lowther: An act concerning school districts; relating to the duration of the school day and the school term for pupils enrolled in kindergarten; affecting the definition of pupil for finance purposes; amending K.S.A. 1983 Supp. 72-1106 and 72-7033, and repealing the existing sections.

HB 2821, by Representatives Acheson, Apt, DeBaun, Friedeman, Goossen, Guldner, Hassler, Kline, Long, R. D. Miller, Nichols, Sallee, Sand, Smith, Walker, Williams and Wunsch: An act amending the Kansas income tax act; excluding amounts received as social security and railroad retirement benefits from adjusted gross income; amending K.S.A. 1983 Supp. 79-32,117 and repealing the existing section.

HB 2822, by Committee on Energy and Natural Resources: An act providing a sales tax refund for sales tax paid on sales of certain equipment used in treating hazardous waste.

HB 2823, by Committee on Energy and Natural Resources: An act concerning the taxation of income; providing a credit therefrom for costs of treating or disposing of hazardous wastes.

HB 2824, by Representative Fox: An act concerning motor vehicles; temporary registration; amending K.S.A. 1983 Supp. 8-2409 and repealing the existing section.

HB 2825, by Representative Schmidt (by request): An act concerning cereal malt beverages; concerning entry and inspection of the premises by certain persons; amending K.S.A. 1983 Supp. 41-2704 and repealing the existing section.

HB 2826, by Committee on Local Government: An act concerning tax levies; relating to the notice of the amount thereof; amending K.S.A. 79-2963 and repealing the existing section.

HB 2827, by Representatives Rolfs, Acheson, Apt, Arbuthnot, Aylward, Baer, Barr, Braden, Buehler, Bunten, Campbell, Chronister, Cloud, Crowell, Crumbaker, DeBaun, Duncan, Dyck, Eckert, Farrar, Flottman, Foster, Fox, R. Frey, B. Fuller, W. Fuller, Goossen, Guldner, Harper, Hayden, Hoagland, Hoy, L. Johnson, King, Kline, Knopp, Littlejohn, Long, Louis, Lowther, D. Miller, R. D. Miller, Moomaw, Moore, Nichols, B. Ott, K. Ott, Patrick, Patterson, Polson, Ramirez, Reinhardt, Roe, Roenbaugh, Sallee, Sand, Schweiker, Smith, Spaniol, Vancrum, Walker, David Webb, Wilbert, Williams and Wunsch: An act amending the Kansas withholding and declaration of estimated tax act; concerning penalties for late filing of remittances; amending K.S.A. 1983 Supp. 79-32,107 and repealing the existing section.

SCR 1658, by Senators Cannon, Kerr, Allen, Arasmith, Doyen, Karr, Montgomery, Norvell, Reilly, Thiessen and Warren: A concurrent resolution memorializing the President and Congress to amend the Staggers Rail Act of 1980.

SCR 1659, by Committee on Energy and Natural Resources: A concurrent resolution approving a section of the state water plan pertaining to minimum desirable streamflows for certain watercourses.

HCR 5071, by Representative Sughrue: A concurrent resolution directing the secretary of aging, the secretary of health and environment and the secretary of social and rehabilitation services to jointly develop a plan on community long-term care services for the elderly in Kansas.

HCR 5072, by Representatives Hassler, Adam, Barkis, Brady, Branson, Bussman, Charlton, Cribbs, Dean, Dempsey, Dillon, Ediger, Francisco, L. Fry, Green, Grotewiel, Harder, Helgeson, Hensley, Jarchow, M. Johnson, Justice, Love, Luzzati, Mainey, Matlack, V. Miller, Murphy, Niles, Peterson, Ramirez, Reardon, Rogers, Roper, Runnels, Schmidt, Solbach, Sughrue, Sutter, Teagarden, Turnquist, Vancrum, Wagon, Darrel Webb, Whiteman and Wisdom: A concurrent resolution relating to and ratifying the proposed amendment to the constitution of the United States relating to representation of the District of Columbia in the Congress.

SR 1853, by Senator Gaar: A resolution congratulating and commending the amateur radio operators of Kansas on their recent efforts to contact an amateur radio operator aboard the space shuttle Columbia.

SR 1854, by Senator Ehrlich: A resolution congratulating and commending the Quivira Heights High School football team and its coach, Lenny Gales, on winning the 1983 Kansas State High School Activities Association Eight-Man Division I State Football Championship in Kansas.

HR 6103, by Representative R. D. Miller: A resolution congratulating and commending Kristy Line, a member of the Russell High School girls' tennis team, on winning the 1983 Class 4A State Singles Tennis Championship in Kansas.

HR 6104, by Representative R. D. Miller: A resolution congratulating and commending Melissa Kathryn Lyczak for her reigning year as the first Miss Kansas Teen/U.S.A.

HR 6105, by Representative Murphy: A resolution congratulating and commending the Sisters of Charity of Leavenworth, Kansas, on the celebration of their 125th anniversary.

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.

CORRECTIONS OMBUDSMAN BOARD ADMINISTRATIVE REGULATIONS

Article 1.—ADMINISTERING OATHS

43-1-1. Administering oaths. (a) The ombudsman or designated ombudsman associates may take sworn statements from a person, if that person is likely to have information deemed by the ombudsman or designated ombudsman associates to be relevant to any matter under inquiry and if that person is or has been at any time:

- (1) Within any premises under the control of the secretary of corrections;
- (2) Committed to the custody of the secretary of corrections; or
- (3) Employed by or under contract with the secretary of corrections.

(b) Whenever possible, oaths shall be administered at a time and location convenient to the person making the statement.

(c) Under no circumstances shall anyone be compelled to submit a sworn statement. (Authorized by and implementing K.S.A. 1983 Supp. 74-7407; effective T-84-24, Sept. 19, 1983; effective May 1, 1984.)

CAROL L. KEITH
Acting Ombudsman

Doc. No. 001742

State of Kansas

PERMANENT ADMINISTRATIVE REGULATIONS**NOTICE**

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PUBLIC DISCLOSURE COMMISSION ADMINISTRATIVE REGULATIONS**Article 40.—STATE CONFLICT OF INTEREST PROVISIONS**

19-40-3a. Definitions. For the purposes of this article, "hospitality in the form of food and beverage" means the provision and consumption of food and beverage in the company of the donor or the donor's authorized agent. The provision of food and beverage in any other manner constitutes a gift. (Authorized by K.S.A. 46-253; implementing K.S.A. 1983 Supp. 46-237; effective May 1, 1984.)

Article 41.—STATEMENT OF SUBSTANTIAL INTERESTS

19-41-1. Definitions. For the purposes of this article, the following words and phrases are defined below. (a) "Combination of businesses" means any two or more businesses owned or controlled directly by the same interests.

(b) "Description of interests" means the type of ownership interest held, including common stock, preferred stock and limited partnership.

(c) "General counsel" means any attorney for a state agency to whom the agency turns for legal advice concerning the general operation of the agency. This definition shall include any private attorney hired on a contract basis to give legal advice, as well as any in-house counsel for the state agency who is the chief legal counsel for the agency. The definition shall not include any attorney assigned to an agency by the attorney general, from the attorney general's staff, to serve as the agency's primary legal advisor unless the attorney is budgeted for by a separate agency or division, has permanent offices within the agency or division, or unless the individual falls under any other provision of 1983 Kansas Session Laws, Chapter 172, Sec. 2. The definition shall not apply to any private attorney who is retained solely to handle specific litigation for an agency. Any in-house counsel other than the head of the legal division of a specific agency shall not be required to file unless the individual falls under any other provision of 1983 Kansas Session Laws, Chapter 172, Sec. 2.

(d) "Members of state councils, commissions and

boards" shall include members of state authorities, compacts and committees or similar state agencies, excluding all such entities in the judicial branch.

(e) "Other business interest" means any endeavor which produces income, including appraisals, consulting, authorships, inventing or the sale of goods and services. It is unnecessary, for the purposes of this definition, that the interest have a formal business name or formal business structure.

(f) "Type of business" means the nature of the business activity in which the entity engages, including construction, retailing and manufacturing. (Authorized by K.S.A. 46-253; implementing 1983 Kansas Session Laws, Chapter 172, Sec. 1 and 2; effective, E-77-7, March 19, 1976; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1983; amended May 1, 1984.)

19-41-2. (Authorized by K.S.A. 46-253; implementing K.S.A. 46-221 and 46-247; effective, E-77-7, March 19, 1976; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982; amended May 1, 1983; revoked May 1, 1984.)

19-41-3. Interests disclosed. Each statement which is filed pursuant to K.S.A. 1983 Supp. 46-248 shall disclose the following: (a) The statement shall include the name, complete address, and telephone number of the individual filing the statement. In addition, each statement shall disclose the elective office held by that individual; the office for which a candidate seeks election; the position of employment; the position to which the individual was appointed subject to senate confirmation; the state council, commission or board of which the individual is a member; or the agency to which the individual is a general counsel.

(b) Pursuant to K.S.A. 1983 Supp. 46-229(a), the name of the business and its address, the type of business, a description of the interest, and a description of how the interest is held between the individual and the individual's spouse shall be included in the statement. Disclosure of the number of shares or their value, in the case of a corporation, or the net worth, in the case of a proprietorship or partnership, shall not be required. The value or percentage of a business interest shall be determined as of the time of the required filing. The value assigned to a holding shall be the fair market value.

For the purposes of this provision, certificates of deposit, bank savings or checking accounts, passbook accounts in a savings and loan, shares in a credit union, life insurance policies, annuities, notes, bonds, debentures and mortgages shall not constitute "legal or equitable interests." Therefore, disclosure of these interests shall not be required under this provision. Ownership of other stocks and shares, including traded and closely held stocks, as well as shares in mutual funds, shall constitute legal or equitable interest for the purpose of this section.

(c) Under K.S.A. 1983 Supp. 46-229(b), the receipt of interests, dividends and mineral royalties shall not

(continued)

constitute "compensation" as the term is defined; disclosure of those matters shall not be required under this provision. The disclosure required under K.S.A. 1983 Supp. 46-229(b) shall include the name and address of the business or combination of the businesses, the type of business and a description of whether the compensation was received by the individual, the individual's spouse, or both.

(d) For the purposes of K.S.A. 1983 Supp. 46-229(e), the phrase "client or customer" shall relate only to businesses or combinations of businesses. Disclosure of the amount of any fee shall not be required. In the case of a partnership, it is the partner's proportionate share of the business and hence of the fee which is significant, without regard to expenses of the partnership. The disclosure under this subsection shall include the name of the client or customer and the address.

(e) Holding the position of administrator or executor of an estate shall not be considered reportable under K.S.A. 1983 Supp. 46-229(d). The disclosure under this subsection shall include the name and address of the business and the position held. (Authorized by K.S.A. 46-253; implementing K.S.A. 1983 Supp. 46-248; effective, E-77-7, March 19, 1976; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984.)

Article 50.—LOCAL CONFLICT OF INTEREST PROVISIONS

19-50-2. (Authorized by K.S.A. 1976 Supp. 75-4303a; effective, E-77-7, March 19, 1976; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; revoked May 1, 1984.)

19-50-3. (Authorized by K.S.A. 75-4303a; implementing K.S.A. 75-4301; effective, E-77-7, March 19, 1976; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982; revoked May 1, 1984.)

Article 51.—DISCLOSURE OF SUBSTANTIAL INTERESTS

19-51-1. (Authorized by K.S.A. 75-4303a; implementing K.S.A. 1980 Supp. 75-4302; effective, E-77-7, March 19, 1976; effective, E-77-20, May 1, 1976; amended, E-77-47, Sep. 30, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982; revoked May 1, 1984.)

19-51-2. (Authorized by K.S.A. 75-4301, 75-4303a; effective, E-77-7, March 19, 1976; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; revoked May 1, 1984.)

Article 63.—LOBBYIST REPORTING PROVISIONS

19-63-1. (Authorized by K.S.A. 1979 Supp. 46-253, 46-268, 46-269; effective, E-77-7, March 19, 1976; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; revoked May 1, 1984.)

19-63-2. When to report. (a) Reporting periods. If any lobbyist meets the reporting thresholds for any monthly period, the lobbyist shall report all expenditures, gifts, honoraria or payments allocable to that monthly period by the 10th day of the next month.

(b) Allocation of expenditures. Each expenditure shall be allocated to the reporting period in which the debt is incurred.

(c) Gifts, honoraria and payments. Gifts, honoraria and payments shall be allocated to the reporting period in which accepted by the state officer or employee. When a gift, honoraria or payment is composed of separate transfers deferred over more than one reporting period, the total value thereof shall be allocated to the reporting period in which the state officer or employee accepts the initial transfer. (Authorized by K.S.A. 46-253; implementing K.S.A. 1983 Supp. 46-269; effective, E-77-7, March 19, 1976; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1984.)

19-63-3. What to report. (a) Expenditures. If a report is required to be filed by K.S.A. 1983 Supp. 46-268, the lobbyist shall report the aggregate amount of all individual expenditures of \$2 and over made by the lobbyist and by the lobbyist's employer, if the lobbyist is the lobbyist most directly connected therewith, according to the following categories:

- (1) expenditures for hospitality provided in the form of food and beverage;
- (2) expenditures for gifts, honoraria or payments to state officers and employees;
- (3) expenditures for mass media communications;
- (4) other reportable expenditures.

A lobbyist is most directly connected with an expenditure if the lobbyist incurs the debt, regardless of how the actual payment is made. The name and address of the lobbyist's employer shall be listed for all reportable expenditures.

(b) Gifts, honoraria and payments. Gifts, honoraria and payments made by the lobbyist's employer shall be reported by the lobbyist if, by themselves or in combination with gifts, honoraria or payments made by the lobbyist, the \$20 aggregate value reporting threshold is exceeded and if the lobbyist is the lobbyist of the employer most directly connected therewith. A lobbyist is most directly connected with a gift, honoraria or payment if the lobbyist reaches the agreement for its acceptance, regardless of how the underlying debt is paid. The report shall include the name and address of the recipient as well as the type of gift, or purpose of the honoraria or payment, and the value thereof. The name and address of the lobbyist's employer shall be listed for each reportable gift, honoraria or payment. (Authorized by K.S.A. 46-253; implementing K.S.A. 1983 Supp. 46-269; effective, E-77-7, March 19, 1976; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1984.)

KANSAS PUBLIC DISCLOSURE COMMISSION

Doc. No. 001748

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.

**INSURANCE DEPARTMENT
ADMINISTRATIVE REGULATIONS****Article 1.—GENERAL**

40-1-1. Officers, directors, trustees; financial interest in sale or loan by company; prohibited. (a) Except as permitted by K.S.A. 1982 Supp. 40-2a13 and 40-2b10 respectively, no officer, director or trustee of an insurance company, association or society doing business in this state shall:

(1) receive any money or valuable thing for negotiating, soliciting, procuring, recommending, or aiding in any purchase or sale, by the company, association or society, of any property;

(2) receive any loan from the company, association or society; or

(3) be financially interested either as principal, co-principal, agent, or beneficiary in any such purchase, sale or loan.

(b) With respect to the sale or purchase of any real estate to or from an officer, director or trustee of any insurance company, association or society doing business in this state by an insurance company, association or society, an appraisal of the property shall be made prior to purchase or sale. A true copy of the appraisal shall be provided to the commissioner upon request.

(c) No company, association, or society doing business in this state shall make any loan, other than a policy loan, to any officer, director, trustee or other person having authority in the management of its funds, nor shall such an officer, director, trustee or other person accept any loan.

(d) This regulation shall not apply with respect to loans of the type permitted by L. 1983, Ch. 156, Secs. 3 and 8. (Authorized by K.S.A. 40-103; implementing K.S.A. 40-205, 40-222, 40-225; effective Jan. 1, 1966; amended Jan. 1, 1969; amended May 1, 1979; amended May 1, 1983; amended May 1, 1984.)

**Article 4.—ACCIDENT AND HEALTH
INSURANCE**

40-4-26. Same; basic hospital expense coverage. (a) "Basic hospital expense coverage" is a policy of accident and sickness insurance which provides coverage for a period of not less than 31 days during any one period of confinement, for each person insured

under the policy, and for expenses incurred for necessary treatment and services rendered as a result of accident and sickness. Basic hospital expense shall cover, at a minimum, the following:

(1) Daily hospital room and board in an amount not less than the lesser of:

(A) 80 percent of the charges for semi-private room accommodations; or

(B) \$100 per day;

(2) miscellaneous hospital charge for services and supplies which are customarily rendered by the hospital and provided for use only during any one period of confinement, in an amount not less than either 80 percent of the charges incurred, up to at least \$2,000, or 10 times the daily hospital room and board benefits; and

(3) Hospital outpatient services consisting of:

(A) hospital services on the day surgery is performed; and

(B) hospital services rendered within 72 hours after accidental injury, in an amount not less than \$100; and

(C) x-ray and laboratory tests of not less than \$200.

(b) Benefits provided under paragraphs (1) and (2) of subsection (a) may be subject to a combined deductible amount not in excess of \$100. (Authorized by and implementing K.S.A. 40-2218; effective Feb. 15, 1977; amended May 1, 1984.)

40-4-27. Same; basic medical-surgical expense coverage. "Basic medical-surgical expense coverage" is a policy of accident and sickness insurance which, for each person insured under the policy, provides coverage for the expenses incurred in providing the necessary services, rendered by a legally qualified physician, for treatment of an injury or sickness. Basic medical-surgical expense coverage shall provide at least the following:

(a) Surgical services consisting of benefits providing not less than:

(1) an amount for any procedure at least equal to \$1,000, based on the relative values contained in the "relative value study" of the Kansas medical society, adopted May 5, 1966, as amended May 19, 1968; or

(2) 80 percent of the reasonable charges.

(b) Anesthesia services, consisting of administration of necessary general anesthesia and related procedures, in connection with covered surgical service which is rendered by a physician other than the physician or the physician's assistant performing the surgical services:

(1) In an amount not less than 80 percent of the reasonable charges; or

(2) 15 percent of the surgical service benefit.

(c) In-hospital medical services, consisting of physician services rendered to a person who is a bed patient in a hospital for treatment of sickness or injury other than that for which surgical care is required, in an amount not less than 80 percent of the reasonable charges; or ten dollars per day for not less than 21 days during any one period of confinement. (Authorized by and implementing K.S.A. 40-2218; effective Feb. 15, 1977; amended May 1, 1984.)

(continued)

40-4-28. Same; hospital confinement indemnity coverage. "Hospital confinement indemnity coverage" is a policy of accident and sickness insurance which provides, for each person insured under the policy, daily benefits for hospital confinement, on an indemnity basis, in an amount not less than \$50 per day and for not less than 31 days during any one period of confinement. (Authorized by and implementing K.S.A. 40-2218; effective Feb. 15, 1977; amended May 1, 1984.)

40-4-29. Same; major medical expense coverage. "Major medical expense coverage" is an accident and sickness insurance policy which provides hospital, medical and surgical expense coverage, to an aggregate maximum of not less than \$25,000, which is not subject to a co-payment by the covered person of more than 25 percent of covered charges and with a deductible, stated on a per person, per family, per illness, per benefit period, or per year basis, or a combination of these bases, not to exceed five percent of the aggregate maximum limit under the policy. If the policy is written to complement underlying hospital and medical insurance, the deductible may be increased by the amount of the benefits provided by the underlying insurance. For each covered person, the underlying hospital and medical insurance shall provide coverage for at least:

(a) Daily hospital room and board expenses of not less than \$100 daily, prior to application of the co-payment percentage and for a period of not less than 31 days during any one period of confinement;

(b) Miscellaneous hospital services, prior to application of the co-payment percentage, of an aggregate maximum of not less than \$2,500 or 15 times the daily room and board rate, if specified in dollar amounts;

(c) Surgical services, prior to application of co-payment percentage, of not less than \$1,200 for the most severe operation, with the amounts provided for other operations reasonably related to the maximum amount;

(d) Anesthesia services, prior to application of the co-payment percentage, of not less than 15 percent of the covered surgical fees or, alternatively, if the surgical schedule is based on relative values, not less than the amount provided therein for anesthesia services at the same unit value as used for the surgical schedule;

(e) In-hospital medical services, prior to application of the co-payment percentage, as defined in part (c) of K.A.R. 40-4-27;

(f) Out-of-hospital care, prior to application of the co-payment percentage, consisting of physicians' services rendered on an ambulatory basis where coverage is not provided elsewhere in the policy for diagnosis and treatment of sickness or injury, and for diagnostic x-ray, laboratory services, radiation therapy, and hemodialysis ordered by a physician; and

(g) Not fewer than three of the following additional benefits, prior to application of the co-payment percentage, for an aggregate maximum of the covered charges of not less than \$2,000:

(1) In-hospital private duty graduate registered nurse services;

(2) convalescent nursing home care;

(3) diagnosis and treatment by a radiologist or physiotherapist;

(4) rental of special medical equipment, as defined by the insurer in the policy;

(5) artificial limbs or eyes, casts, splints, trusses or braces;

(6) treatment for functional nervous disorders, and mental and emotional disorders; and

(7) out-of-hospital prescription drugs and medications. (Authorized by and implementing K.S.A. 40-2218; effective Feb. 15, 1977; amended May 1, 1984.)

40-4-32. Same; standards for benefits; specified disease coverage. "Specified disease coverage" is a policy which meets one of the following definitions:

(a) A policy which provides coverage, for each person insured under the policy, for a specifically named disease or diseases with a deductible amount not in excess of \$250, an overall aggregate benefit limit of not less than \$10,000 and a benefit period of not less than two years for at least the following incurred expenses:

(1) Hospital room and board and any other hospital-furnished medical services or supplies;

(2) treatment by a legally qualified physician or surgeon;

(3) private duty services of a registered nurse (R.N.);

(4) x-ray, radium and other therapy procedures used in diagnosis and treatment;

(5) professional ambulance for local service to and from a local hospital;

(6) blood transfusions, including expense incurred for blood donors;

(7) drugs and medicines prescribed by a physician;

(8) rental of an iron lung or similar mechanical apparatus;

(9) braces, crutches and wheelchairs, as deemed necessary by the attending physician, for the treatment of the disease; and

(10) emergency transportation, if, in the opinion of the attending physician, it is necessary to transport the insured to another locality for treatment of the disease.

Such a policy may include coverage of any other expenses necessarily incurred in the treatment of the disease.

(b) A policy which provides coverage, for each person insured under the policy, for a specifically named disease or diseases with no deductible amount, an overall aggregate benefits limit of not less than \$25,000; payable at the rate of not less than \$50 a day while confined in a hospital, and a benefit period of not less than 500 days. (Authorized by and implementing K.S.A. 40-2218; effective Feb. 15, 1977; amended May 1, 1984.)

40-4-34. Accident and health insurance; coordination of benefits; guidelines. National association of insurance commissioners' coordination of benefits guidelines, December, 1982 edition, are hereby adopted by reference subject to the following exceptions: (a) Guideline 2 is hereby amended to read as follows: The definition of "Plan" may include both group and individual automobile "no fault" contracts
(continued)

but, as to the traditional automobile "fault" contracts, only the medical benefits written on a group or group-type basis may be included. If the definition of "Plan" includes automobile "no fault" contracts, the term "Plan" shall be construed and so worded to include only a plan providing benefits for or by reason of hospital care or treatment, medical, dental or other health services when those benefits are provided as a result of injuries arising out of a motor vehicle accident. The term "plan" shall include such benefits as are payable under any medical expense payment provision (by whatever terminology used—including such benefits mandated by law) of any automobile insurance policy.

(b) Guideline 4 is hereby amended to read as follows: School accident type coverages, written on either a blanket, group or franchise basis shall not be taken into consideration in coordination of benefits. In this context, school accident type coverages are defined to mean coverage of grammar school and high school students for accidents only, including athletic injuries, either on a 24 hour basis or "to and from school."

(c) The definition of "Plan" appearing in Section B of Appendix A is hereby amended by excluding subparagraph ii of subsection (1) and renumbering the other subparagraphs accordingly. (Authorized by K.S.A. 40-103, 40-2404a; implementing K.S.A. 1983 Supp. 40-2404; effective May 1, 1981; amended May 1, 1982; amended May 1, 1984.)

40-4-35. Medicare supplement policies; minimum standards; requirements. (a) Sections 3, 4, 5, 6, 7, 8, 9, and 10 of the national association of insurance commissioners' model regulation for minimum standards for medicare supplement insurance, December 1980 edition, are hereby adopted by reference, subject to the following additions or exceptions:

(b) Section 3 is hereby amended by the addition of subsection C which reads: "This regulation shall supersede any other Kansas Administrative Regulation to the extent the regulation or any provision of it is inconsistent with or contrary to this regulation."

(c) Section 4 is hereby amended to read as follows: "For purposes of this regulation: (A) "Applicant" means:

(1) in the case of an individual medicare supplement policy or subscriber contract, the person who seeks to contract for insurance benefits, and

(2) in the case of a group medicare supplement policy or subscriber contract, the proposed certificate holder.

(B) "Certificate" means any certificate issued under a group medicare supplement policy which has been delivered or issued for delivery in this state.

(C) "Medicare supplement policy" means a group or individual policy of accident and sickness insurance or a subscriber contract of hospital and medical service associations which is advertised, marketed or designed primarily as a supplement to reimbursements under medicare for the hospital, medical and surgical expenses of persons eligible for medicare by reason of age.

(D) "Medicare" means the "Health Insurance for the Aged Act," Title XVIII of the social security amendments of 1965, as then constituted or later amended.

(E) "Limited benefit health insurance coverage" means a policy or individual policy of accident and sickness insurance or a subscriber contract of hospital and medical service associations which provides benefits that are supplemental to the benefits available under Medicare-Part B only. This coverage may be delivered or issued for delivery in this state as limited benefit health insurance coverage only if the applicant has a medicare supplement policy in force."

(d) Section 5(A)(2) is hereby amended to read as follows: "This definition may provide that injuries shall not include injuries for which benefits are provided under any worker's compensation, employer's liability or similar law."

(e) Section 6(A)(6) is hereby amended to read as follows: "Benefits provided under medicare or other governmental program (except medicaid); any state or federal workers' compensation, employer's liability or occupational disease law; services performed by a member of the covered person's immediate family and services for which no charge is normally made in the absence of insurance."

(f) The proviso in section 6(A) is hereby amended to read as follows: "Medicare supplement policies, when issued, shall not contain limitations or exclusions of the type enumerated in subsection (1) through (10) above that are more restrictive than those of medicare or, with respect to group policies, limitations or exclusions that are prohibited by K.S.A 40-2,105 and any amendments thereto. Medicare supplement policies may exclude coverage for any expense to the extent of any benefit available to the insured under medicare."

(g) Section 7(A)(3) is hereby amended to read as follows: "Each medicare supplement policy shall provide that benefits designed to cover cost sharing amounts under medicare will be changed automatically to coincide with any changes in the applicable medicare deductible amount and co-payment percentage factors. Subject to any applicable statutory requirements, premium modification on medicare supplement policies to correspond with these changes shall be permitted."

(h) Section 7(B) is hereby amended to read as follows: "Minimum Benefit Standards. Each medicare supplement policy shall provide:

(1) Coverage of part A medicare deductible;

(2) Coverage of part A medicare eligible expenses for hospitalization, to the extent not covered by medicare, from the 61st day through 90th day in any medicare benefit period;

(3) Coverage of part A medicare eligible expenses incurred as daily hospital charges during use of medicare's lifetime hospital inpatient reserve days;

(4) Upon exhaustion of all medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90% of all medicare part A eligible expenses for hospitalization not covered by medicare, subject to a lifetime maximum benefit of an additional 365 days; and

(continued)

(5) Coverage of 20% of the amount of medicare eligible expenses under part B, regardless of hospital confinement, and subject to a maximum calendar year out-of-pocket deductible of \$200, including initial deductible, and to a maximum benefit of at least \$5,000 per calendar year."

(i) Section 7 is hereby amended by the addition of subsection (C) which reads: "Limited Benefit Health Insurance Coverage. A limited benefit health insurance policy, as defined within subsection (4) of this regulation, shall meet all the requirements of section (5), entitled "Policy Definitions Terms," section (6), entitled "Prohibited Policy Provisions," section (7)(A), entitled "Minimum Benefit Standards," section (8), entitled "Loss Ratio Standards," and section (9)(A), entitled "Required Disclosure Provisions." A limited benefit health insurance policy shall provide, "as a minimum," coverage which relates its benefits to part B of medicare. A limited benefit insurance policy shall provide, "as a minimum," coverage which relates its benefits to part B of medicare. A limited benefit insurance policy shall not be advertised, marketed or designed primarily as a replacement for a medicare supplement policy."

(j) Section 9(B) is hereby amended to read as follows: "(8) (The amount of premium for this policy. The premiums for the policy or certificate shall be shown separately from the premiums for each optional benefit provided by the contract.) (9) (The name and address of the insurance agent or, if no agent is involved, the name and address of the insurer who assumes responsibility for the outline.)"

(k) Section 9 is hereby amended by the addition of subsection (9)(C) which reads: "In addition to the outline of coverage as required by section (9)(C) of this regulation, a limited benefit health insurance certificate or policy shall provide a notice, either on a cover sheet or the first page of the outline of coverage, containing the following information: "THIS IS A LIMITED BENEFIT HEALTH INSURANCE POLICY. IT IS NOT A MEDICARE SUPPLEMENT POLICY. IT DOES NOT MEET THE MINIMUM STANDARDS REQUIRED BY KANSAS FOR MEDICARE SUPPLEMENT POLICIES." (This notice must be in capital letters and in no less than 14 point type.)

"If you are eligible for medicare review, the Medicare Supplement Buyer's Guide is available from the company. This policy does not meet this state's minimum benefit standards for medicare supplement policies."

No limited benefit health insurance policy or certificate shall be delivered or issued for delivery in this state unless an appropriate outline of coverage, as prescribed below, is completed as to that policy, contract or certificate and is delivered with the policy or delivered to the applicant at the time application is made to the insurer.

COMPANY NAME
LIMITED BENEFIT HEALTH COVERAGE
OUTLINE OF COVERAGE

(1) Read Your Policy Carefully—This outline of

coverage provides a very brief discription of the important features of your policy. This is not the insurance contract and only the actual policy provisions will control. The policy itself sets forth, in detail, the rights and obligations of both you and your insurance company. It is, therefore, important that you READ YOUR POLICY CAREFULLY!

(2) Limited Benefit Health Coverage—Policies of this category are designed to provide, to persons insured, additional coverage to supplement the benefits available under Medicare-Part B.

(3) (A brief specific description of the benefits, including dollar amounts, contained in this policy.) (Note: The above description of benefits shall be stated clearly and concisely, and shall include a description of any deductible or co-payment provisions applicable to the benefits described.)

(4) (A description of any policy provisions which exclude, eliminate, restrict, reduce, limit, delay, or in any other manner operate to qualify payment of the benefits described in (3) above.)

(5) (A description of policy provisions respecting renewability or continuation of coverage, including age restrictions or any reservation of right to change premiums.)

(Authorized by and implementing K.S.A. 40-2221; effective May 1, 1982; amended May 1, 1984.)

Article 7.—AGENTS

40-7-19. Agents; individual records; fees. Each person, company or roganization requesting any of the following documents or services shall pay the fee hereinafter prescribed:

- (a) Certification of license records—\$2.50
- (b) Duplicate license—\$6.50
- (c) Certification of home state—\$3.50
- (d) Clearance letter—\$4.50
- (e) Duplicate cancellation form—\$7.50
- (f) Re-grading of agent's examination (No change in result.)—\$5.50

These fees shall be applied on a per item or per time basis and shall not be refunded for any reason. (Authorized by and implementing K.S.A. 1983 Supp. 40-241k; effective May 1, 1984.)

Article 8.—EXCESS COVERAGE

40-8-7. Excess lines insurance; agents; submission of affidavit required. (a) The excess lines agent who actually places business with a non-admitted insurer, shall file the combined affidavit annual statement (forms ECA-B, and C). Other excess lines agents shall file form ECA-C1. These forms shall be filed with the department, on or before March 1st of each year, for the contracts effected during the preceding calendar year.

(1) The excess lines agent shall include the following with the affidavit:

(A) A full account of the gross premiums upon all policies written on risks placed on and after July 1, 1982; and

(B) A tax remittance in the amount of four percent of

(continued)

the gross premiums included in the account developed pursuant to subparagraph (A).

(2) Gross premium is the amount charged the insured for the insurance procured. When an audit or gross receipts contract requires a deposit premium, the amount collected during the calendar year either as a deposit or partial payment shall be reported on the affidavit-annual statement form as gross premium for that calendar year.

Gross premium shall not include the tax due on such premium nor shall that tax be charged to the insured unless specifically identified and provided for in the policy.

(3) When a policy is renewed or if an adjustment, addition, or reduction is made on a risk previously placed, the appropriate adjusting entry shall be made on form ECA-B.

(b) The commissioner shall collect double the amount of excess premium tax required by K.S.A. 1982 Supp. 40-246c if the excess lines agent fails to submit a statement and pay the premium tax as required by section (a) of this regulation. This section shall not apply:

(1) When the required statement and excess premium tax payment is submitted by mail on or before the 1st day of March of each year;

(2) When the required statement and the excess premium tax payment is received by the commissioner before the 1st day of January of each year and the statement and premium include all transactions of the excess coverage licensee during the year;

(3) When the required statement and excess premium tax payment is not received by the commissioner because no transactions contemplated by the statute occurred during the preceding year. (Authorized by K.S.A. 40-103; implementing K.S.A. 1982 Supp. 40-246b, 40-246c, 40-246e, and 40-246f; effective Jan. 1, 1966; amended Jan. 1, 1968; amended Jan. 1, 1970; amended Jan. 1, 1971; amended, E-76-29, June 19, 1975; amended May 1, 1976; amended May 1, 1979; amended, T-83-22, Aug. 11, 1982; amended May 1, 1983; amended May 1, 1984.)

Article 15a.—VARIABLE LIFE INSURANCE

40-15a-1. Variable life insurance; definitions; qualifications; requirements; reports. The national association of insurance commissioners' variable life insurance model regulation, December 1982 edition, is hereby adopted by reference, subject to the following exceptions and additions: (a) Article I, Article IV Section 3a(5), and Article XII are not adopted.

(b) Section 2, Article II is hereby amended by adding the words "or broker" immediately following the words "insurance agent."

(c) Section 8, Article II is hereby completed by inserting "K.S.A. 40-436" in the space provided.

(d) Section 16, Article II is hereby completed by inserting "K.S.A. 40-436" in the space provided.

(e) Section 19, Article II is hereby completed by inserting "K.S.A. 40-437" in the space provided.

(f) Section 4, Article III is hereby completed by

inserting "K.A.R. 1982 Supp. 40-9-118 *et seq.*" in the space provided.

(g) Section 2(f), Article IV is hereby completed by inserting "K.S.A. 40-428" in the space provided.

(h) Section 3c(1), Article IV is hereby amended to read as follows: "All overdue premiums, with interest at a rate not exceeding 6% per annum compounded annually, and any indebtedness in effect at the end of the grace period following the date of default, with interest as provided in K.S.A. 1982 Supp. 40-420a through 40-420d, inclusive, or"

(i) Section 3c(2), Article IV is hereby completed by inserting "6%" in the space provided.

(j) Section 4a, Article IV is hereby completed by inserting "2" in the space immediately preceding the words "full years."

(k) Section 5a, Article IV is hereby completed by inserting "2" in the space provided.

(l) Section 1, Article VI is hereby completed by inserting "K.S.A. 40-436 and 40-437" in the space provided.

(m) Section 1c, Article VI is hereby amended to read as follows: "Each person with access to the cash, securities, or other assets of the separate account shall be under bond as provided by K.S.A. 40-207." (Authorized by K.S.A. 40-436; implementing K.S.A. 40-436 and 40-437; effective May 1, 1975; amended May 1, 1984.)

40-15a-2 to 40-15a-8. (Authorized by K.S.A. 40-436; effective May 1, 1975; revoked May 1, 1984.)

40-15a-9. (Authorized by K.S.A. 40-436; effective May 1, 1975; amended May 1, 1979; revoked May 1, 1984.)

FLETCHER BELL
Commissioner of Insurance

Doc. No. 001747

(Published in the KANSAS REGISTER, February 9, 1984.)

HOUSE BILL No. 2668

AN ACT concerning public records; reviving and amending K.S.A. 1982 Supp. 75-104 and repealing the existing section; also repealing K.S.A. 45-202, 45-203 and 45-204, K.S.A. 1982 Supp. 45-201, K.S.A. 1982 Supp. 75-104 as amended by section 10 of chapter 171 of the laws of 1983, and K.S.A. 1983 Supp. 21-3913, 44-550a, 45-205, 45-206, 45-207, 45-208, 45-209, 45-210, 45-211, 45-212, 45-213, 45-214, 66-1220 and 74-7405.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. Sections 1 through 9 shall be known and may be cited as the open records act.

New Sec. 2. (a) It is declared to be the public policy of this state that public records shall be open for inspection by any person unless otherwise provided by this act, and this act shall be liberally construed and applied to promote such policy.

(b) Nothing in this act shall be construed to require the retention of a public record nor to authorize the discard of a public record.

New Sec. 3. As used in the open records act, unless the context otherwise requires:

(a) "Business day" means any day other than a Saturday, Sunday or day designated as a holiday by the congress of the United States, by the legislature or governor of this state or by the respective political subdivision of this state.

(b) "Criminal investigation records" means records of an investigatory agency or criminal justice agency as defined by K.S.A. 22-4701 and amendments thereto, compiled in the process

(continued)

of preventing, detecting or investigating violations of criminal law, but does not include police blotter entries, court records, rosters of inmates of jails or other correctional or detention facilities or records pertaining to violations of any traffic law other than vehicular homicide as defined by K.S.A. 21-3405 and amendments thereto.

(c) "Custodian" means the official custodian or any person designated by the official custodian to carry out the duties of custodian under this act.

(d) "Official custodian" means any officer or employee of a public agency who is responsible for the maintenance of public records, regardless of whether such records are in the officer's or employee's actual personal custody and control.

(e) (1) "Public agency" means the state or any political or taxing subdivision of the state, or any office, officer, agency or instrumentality thereof, or any other entity receiving or expending and supported in whole or in part by public funds appropriated by the state or by public funds of any political or taxing subdivision of the state.

(2) "Public agency" shall not include:

(A) Any entity solely by reason of payment from public funds for property, goods or services of such entity; (B) any municipal judge, judge of the district court, judge of the court of appeals or justice of the supreme court; or (C) any officer or employee of the state or a political or taxing subdivision of the state if the state or political or taxing subdivision does not provide the officer or employee with an office which is open to the public at least 35 hours a week.

(f) (1) "Public record" means any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of any public agency.

(2) "Public record" shall not include records which are owned by a private person or entity and are not related to functions, activities, programs or operations funded by public funds or records which are made, maintained or kept by an individual who is a member of the legislature or of the governing body of any political or taxing subdivision of the state.

(g) "Undercover agent" means an employee of a public agency responsible for criminal law enforcement who is engaged in the detection or investigation of violations of criminal law in a capacity where such employee's identity or employment by the public agency is secret.

New Sec. 4. (a) All public records shall be open for inspection by any person, except as otherwise provided by this act, and suitable facilities shall be made available by each public agency for this purpose. No person shall remove original copies of public records from the office of any public agency without the written permission of the custodian of the record.

(b) Upon request in accordance with procedures adopted under section 6, any person may inspect public records during the regular office hours of the public agency and during any additional hours established by the public agency pursuant to section 6.

(c) If the person to whom the request is directed is not the custodian of the public record requested, such person shall so notify the requester and shall furnish the name and location of the custodian of the public record, if known to or readily ascertainable by such person.

(d) Each request for access to a public record shall be acted upon as soon as possible, but not later than the end of the third business day following the date that the request is received. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. If the request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for the denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester not later than the end of the third business day following the date that the request for the statement is received.

(e) The custodian may refuse to provide access to a public record, or to permit inspection, if a request places an unreasonable burden in producing public records or if the custodian has

reason to believe that repeated requests are intended to disrupt other essential functions of the public agency. However, refusal under this subsection must be sustained by a preponderance of the evidence.

(f) A public agency may charge and require advance payment of a fee for providing access to or furnishing copies of public records, subject to section 5.

New Sec. 5. (a) Any person may make abstracts or obtain copies of any public record to which such person has access under this act. If copies are requested, the public agency may require a written request and advance payment of the prescribed fee. A public agency shall not be required to provide copies of radio or recording tapes or discs, video tapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices, unless such items or devices were shown or played to a public meeting of the governing body thereof, but the public agency shall not be required to provide such items or devices which are copyrighted by a person other than the public agency.

(b) Copies of public records shall be made while the records are in the possession, custody and control of the custodian or a person designated by the custodian and shall be made under the supervision of such custodian or person. When practical, copies shall be made in the place where the records are kept. If it is impractical to do so, the custodian may allow arrangements to be made for use of other facilities. If it is necessary to use other facilities for copying, the cost thereof shall be paid by the person desiring a copy of the records. In addition, the public agency may charge the same fee for the services rendered in supervising the copying as for furnishing copies under subsection (c) and may establish a reasonable schedule of times for making copies at other facilities.

(c) Except as provided by subsection (f) or where fees for inspection or for copies of a public record are prescribed by statute, each public agency may prescribe reasonable fees for providing access to or furnishing copies of public records, subject to the following:

(1) In the case of fees for copies of records, the fees shall not exceed the actual cost of furnishing copies, including the cost of staff time required to make the information available.

(2) In the case of fees for providing access to records maintained on computer facilities, the fees shall include only the cost of any computer services, including staff time required.

(3) Fees for access to or copies of public records of public agencies within the legislative branch of the state government shall be established in accordance with K.S.A. 46-1207a and amendments thereto.

(4) Fees for access to or copies of public records of public agencies within the judicial branch of the state government shall be established in accordance with rules of the supreme court.

(5) Fees for access to or copies of public records of a public agency within the executive branch of the state government shall be subject to approval by the director of accounts and reports.

(d) Except as otherwise authorized pursuant to K.S.A. 75-4215 and amendments thereto, each public agency within the executive branch of the state government shall remit all moneys received by or for it from fees charged pursuant to this section to the state treasurer in accordance with K.S.A. 75-4215 and amendments thereto. Unless otherwise specifically provided by law, the state treasurer shall deposit the entire amount thereof in the state treasury and credit the same to the state general fund, except that the cost of charges for the services of the division of computer services may be credited to the fee fund of the agency to defray such cost.

(e) Each public agency of a political or taxing subdivision shall remit all moneys received by or for it from fees charged pursuant to this act to the treasurer of such political or taxing subdivision at least monthly. Upon receipt of any such moneys, such treasurer shall deposit the entire amount thereof in the treasury of the political or taxing subdivision and credit the same to the general fund thereof, unless otherwise specifically provided by law.

(f) Any person who is a certified shorthand reporter may charge fees for transcripts of such person's notes of judicial or

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administrative proceedings in accordance with rates established pursuant to rules of the Kansas supreme court.

New Sec. 6. (a) Each public agency shall adopt procedures to be followed in requesting access to and obtaining copies of public records, which procedures shall provide full access to public records, protect public records from damage and disorganization, prevent excessive disruption of the agency's essential functions, provide assistance and information upon request and insure efficient and timely action in response to applications for inspection of public records.

(b) A public agency may require a written request for inspection of public records but shall not otherwise require a request to be made in any particular form. A public agency shall not require that a request contain more information than the requester's name and address and the information necessary to ascertain the records to which the requester desires access. A public agency may require proof of identity of any person requesting access to a public record. No request shall be returned, delayed or denied because of any technicality unless it is impossible to determine the records to which the requester desires access.

(c) A public agency shall establish, for business days when it does not maintain regular office hours, reasonable hours when persons may inspect and obtain copies of the agency's records. The public agency may require that any person desiring to inspect or obtain copies of the agency's records during such hours so notify the agency, but such notice shall not be required to be in writing and shall not be required to be given more than 24 hours prior to the hours established for inspection and obtaining copies.

(d) Each official custodian of public records shall designate such persons as necessary to carry out the duties of custodian under this act and shall ensure that a custodian is available during regular business hours of the public agency to carry out such duties.

(e) Each public agency shall provide, upon request of any person, the following information:

(1) The principal office of the agency, its regular office hours and any additional hours established by the agency pursuant to subsection (c).

(2) The title and address of the official custodian of the agency's records and of any other custodian who is ordinarily available to act on requests made at the location where the information is displayed.

(3) The fees, if any, charged for access to or copies of the agency's records.

(4) The procedures to be followed in requesting access to and obtaining copies of the agency's records, including procedures for giving notice of a desire to inspect or obtain copies of records during hours established by the agency pursuant to subsection (c).

New Sec. 7. (a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court to restrict or prohibit disclosure.

(2) Records which are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.

(3) Medical, psychiatric, psychological or alcoholism or drug dependency treatment records which pertain to identifiable patients.

(4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.

(5) Information which would reveal the identity of any undercover agent or any informant reporting a specific violation of law.

(6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual.

(7) Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.

(8) Information which would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation.

(9) Testing and examination materials, before the test or examination is given or if it is to be given again, or records of individual test or examination scores, other than records which show only passage or failure and not specific scores.

(10) Criminal investigation records, except that the district court, in an action brought pursuant to section 8, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure:

(A) Is in the public interest;

(B) would not interfere with any prospective law enforcement action;

(C) would not reveal the identity of any confidential source or undercover agent;

(D) would not reveal confidential investigative techniques or procedures not known to the general public; and

(E) would not endanger the life or physical safety of any person.

(11) Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation or reveal the identity of a confidential source or undercover agent.

(12) Records of emergency or security information or procedures of a public agency, or plans, drawings, specifications or related information for any building or facility which is used for purposes requiring security measures in or around the building or facility or which is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.

(13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition of property, prior to the award of formal contracts therefor.

(14) Correspondence between a public agency and a private individual, other than correspondence which is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or which is widely distributed to the public by a public agency and is not specifically in response to communications from such a private individual.

(15) Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. 75-4319 and amendments thereto.

(16) Software programs for electronic data processing and documentation thereof, but each public agency shall maintain a register, open to the public, that describes:

(A) The information which the agency maintains on computer facilities; and

(B) the form in which the information can be made available using existing computer programs.

(17) Applications, financial statements and other information submitted in connection with applications for student financial assistance where financial need is a consideration for the award.

(18) Plans, designs, drawings or specifications which are prepared by a person other than an employee of a public agency or records which are the property of a private person.

(19) Well samples, logs or surveys which the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.

(20) Notes, preliminary drafts, research data in the process of

(continued)

analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.

(21) Records of a public agency having legislative powers, which records pertain to proposed legislation or amendments to proposed legislation, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(22) Records of a public agency having legislative powers, which records pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(23) Library patron and circulation records which pertain to identifiable individuals.

(24) Records which are compiled for census or research purposes and which pertain to identifiable individuals.

(25) Records which represent and constitute the work product of an attorney.

(26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service, except that information concerning billings for specific individual customers named by the requester shall be subject to disclosure as provided by this act.

(27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.

(28) Sealed bids and related documents, until a bid is accepted or all bids rejected.

(29) Correctional records pertaining to an identifiable inmate, except that:

(A) The name, sentence data, parole eligibility date, disciplinary record, custody level and location of an inmate shall be subject to disclosure to any person other than another inmate; and

(B) the ombudsman of corrections, the corrections ombudsman board, the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law.

(30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of person privacy.

(31) Public records pertaining to a prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the state. This exception shall not include those records pertaining to application of agencies for permits or licenses necessary to do business or to expand business operations within this state, except as otherwise provided by law.

(32) The bidder's list of contractors who have requested bid proposals for construction projects from any public agency, until a bid is accepted or all bids rejected.

(33) Engineering and architectural estimates made by or for any public agency relative to public improvements.

(34) Financial information submitted by contractors in qualification statements to any public agency.

(b) As used in this section, the term "cited or identified" shall not include a request to an employee of a public agency that a document be prepared.

(c) If a public record contains material which is not subject to disclosure pursuant to this act, the public agency shall separate

or delete such material and make available to the requester that material in the public record which is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions which are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record which pertain to such individual or individuals.

(d) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.

(e) Notwithstanding the provisions of subsection (a), any public record which has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214 and amendments thereto.

New Sec. 8. (a) The district court of any county in which public records are located shall have jurisdiction to enforce the purposes of this act with respect to such records, by injunction, mandamus or other appropriate order, on application of any person.

(b) In any action hereunder, the court shall determine the matter *de novo*. The court on its own motion, or on motion of either party, may view the records in controversy *in camera* before reaching a decision.

(c) In any action hereunder, the court may award attorney fees to the person seeking access to a public record if the court finds that the agency's denial of such person's access was not in good faith and without a reasonable basis in fact or law. The award shall be assessed against the public agency that the court determines to be responsible for the violation.

(d) In any action hereunder in which the defendant is the prevailing party, the court may award to the defendant attorney fees if the court finds that the plaintiff maintained the action frivolously, not in good faith or without a reasonable basis in fact or law.

(e) Except as otherwise provided by law, proceedings arising under this section shall be assigned for hearing and trial at the earliest practicable date.

New Sec. 9. No public agency nor any officer or employee of a public agency shall be liable for damages resulting from the failure to provide access to a public record in violation of this act.

Sec. 10. K.S.A. 1982 Supp. 75-104 is hereby revived and amended to read as follows: 75-104. (a) The governor shall keep and maintain a full and complete record of the following applications or petitions made to the governor:

(1) Applications or petitions for executive pardon, commutation of sentence or clemency;

(2) applications or petitions for the appointment of a named individual to public office when a vacancy occurs and when the governor is restricted to the appointment of nominees so submitted;

(3) applications or petitions for the appointment of a person from a list of persons submitted by an association, agency or committee where the governor is limited to make an appointment only from that list;

(4) applications for the approval of grants where the governor's approval is a condition precedent to the making of such grants either by a state agency or by the federal government;

(5) applications or petitions for declarations of emergency;

(6) petitions for the calling of a special session of the legislature pursuant to section 5 of article 1 of the constitution of the state of Kansas; and

(7) applications or petitions directed to the governor and requesting that he or she take action in accordance with subsection (c) of K.S.A. 75-3711 and amendments thereto and exercise a function otherwise specified by statute for the state finance council.

(continued)

(b) The record required to be kept under subsection (a) and all records of the financial affairs and transactions regarding the receipt and expenditure of state moneys shall remain on file in the office of each governor during the governor's term of office and for a period of three years following the expiration of such term.

(c) Following the three-year period prescribed in subsection (b), all records kept and maintained pursuant to subsection (a) shall be transferred to the custody of the state historical society and the records of the financial affairs and transactions kept and maintained pursuant to subsection (b) shall be kept in the office of the governor, subject to disposal as may be authorized by the state records board.

(d) All records, correspondence and other papers of the governor which are not required to be kept and maintained under subsections (a) or (b) shall be the personal property of the governor and shall not constitute official public records of the state. No person shall have access to such records, correspondence or other papers during the governor's term of office except upon the consent of the governor.

(d) Records, correspondence and other papers of the governor which are not required to be kept and maintained under subsections (a) or (b) shall not be subject to review or audit by the legislative post auditor under the legislative post audit act.

(e) Upon completion of the term of office as governor, a former governor shall determine which all records, correspondence and other papers of the former governor not required to be kept and maintained under subsections (a) or (b) which relate to the former governor's public duties while governor. The records, correspondence and other papers which the former governor determines relate to the former governor's public duties while governor shall be transferred to the custody of an institution of higher education in the regents system of state universities in Kansas designated by the former governor or, if the former governor does not designate an institution of higher education in the regent system of state universities in Kansas as the depository, such records, correspondence and other papers shall be transferred to the custody of an institution of post-secondary education designated by the former governor or, if the former governor does not designate an institution of post-secondary education as the depository, such records, correspondence and other papers shall be transferred to the custody of the state historical society. During the lifetime of the former governor, no person shall have access to such records, correspondence and other papers except upon the consent of the former governor. Two years after the death of the former governor, such records, correspondence and other papers shall become public records. During the lifetime of the former governor, no person shall have access to any such records, correspondence or other papers which are not required to be disclosed under section 7, except upon consent of the former governor, and the former governor shall be considered the official custodian of such records, correspondence and other papers which are not required to be disclosed.

(f) Upon the death of a governor while in office, all records, correspondence and other papers of such deceased governor not required to be kept and maintained under subsections (a) or (b) which relate to such governor's duties while governor shall be transferred to the custody of an institution of higher post-secondary education in Kansas designated by such governor or, if such governor did not designate an institution of higher post-secondary education in Kansas as the depository, such records, correspondence and other papers shall be transferred to the custody of the state historical society. Two years after the death of such governor, such records, correspondence and other papers shall become public records.

(g) The provisions of this section, as amended by the legislature at its regular session held in 1984, shall apply only to persons elected or succeeding to the office of governor on or after the effective date of this act. Any person elected or succeeding to the office of governor prior to the effective date of this act shall be governed by the provisions of this section prior to this amendment.

(h) As used in this section, "institution of post-secondary education" means state educational institutions under the control and supervision of the state board of regents, community colleges organized and operated under laws of this state, any municipal university established under article 13a of chapter 13 of the Kansas Statutes Annotated and any private institution of post-secondary education which is approved by the state board of regents to award academic degrees.

New Sec. 11. (a) Except to the extent otherwise authorized by law, no person shall knowingly sell, give or receive, for the purpose of selling or offering for sale any property or service to persons listed therein, any list of names and addresses contained in or derived from public records other than from public records of the division of vehicles obtained under K.S.A. 74-2012 and amendments thereto.

(b) Violation of this section is a class C misdemeanor.

New Sec. 12. (a) All records provided to be maintained under K.S.A. 44-550 and amendments thereto shall be open to public inspection.

(b) This section shall be part of and supplemental to the workmen's compensation act.

New Sec. 13. If any provisions of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application and, to this end, the provisions of this act are severable.

New Sec. 14. Records of the office of the ombudsman of corrections or of the corrections ombudsman board which relate to complaints by correctional inmates or employees shall not be disclosed directly or indirectly to any person except as authorized by the ombudsman of corrections or by a majority vote of the corrections ombudsman board.

New Sec. 15. (a) The state corporation commission shall not disclose to or allow inspection by anyone, including but not limited to parties to a regulatory proceeding before the commission, any trade secret or confidential commercial information of a corporation, partnership or individual proprietorship regulated by the commission unless the commission finds that disclosure is warranted after consideration of the following factors:

(1) Whether disclosure will significantly aid the commission in fulfilling its functions;

(2) the harm or benefit which disclosure will cause to the public interest;

(3) the harm which disclosure will cause to the corporation, partnership or sole proprietorship; and

(4) alternatives to disclosure that will serve the public interest and protect the corporation, partnership or sole proprietorship.

(b) If the state corporation commission finds that disclosure is warranted pursuant to subsection (a), the commission shall give the corporation, partnership or individual proprietorship notice before disclosing the trade secret or confidential commercial information.

New Sec. 16. All fees, schedules of times for making of copies, hours during which public records may be inspected or copies obtained, procedures for requesting access to or obtaining copies of public records or other policies or procedures which were prescribed or adopted by any public agency pursuant to chapter 171 of the session laws of 1983, insofar as the same are authorized or in accordance with the provisions of this act, shall constitute the fees, schedules, hours and policies or procedures of such public agency for the purposes of this act until changed, modified or revoked by the public agency in accordance with the provisions of this act.

Sec. 17. K.S.A. 45-202, 45-203 and 45-204, K.S.A. 1982 Supp. 45-201, K.S.A. 1982 Supp. 75-104, as revived, K.S.A. 1982 Supp. 75-104 as amended by section 10 of chapter 171 of the laws of 1983, and K.S.A. 1983 Supp. 21-3913, 44-550a, 45-205, 45-206, 45-207, 45-208, 45-209, 45-210, 45-211, 45-212, 45-213, 45-214, 66-1220 and 74-7405 are hereby repealed.

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Sec. 18. This act shall take effect and be in force on and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body January 16, 1984.

MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

Passed the SENATE January 19, 1984.

ROSS O. DOYEN
President of the Senate.
LU KENNEY
Secretary of the Senate.

APPROVED February 2, 1984.

JOHN CARLIN
Governor.

STATE OF KANSAS

Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 6th day of February, 1984.

(SEAL)

JACK H. BRIER
Secretary of State.

KANSAS FACTS

A UNIQUE HISTORY

"Upon us—a new people—emigrants, and soldiers of fortune all, was precipitated the most momentous question which has ever yet agitated the American people."

—*The Daily Conservative*, Leavenworth, January 30, 1861, on the admission of Kansas to the Union.

Kansas entered the Union January 29, 1861, marking the culmination of the periods of exploration, territorial disputes, and the bloody days which had erupted over slavery. Ahead were the days of growth and development which contributed significantly to the strength and prosperity of the nation.

The region that is now Kansas had been inhabited by Indians for thousands of years before the first white man appeared. In 1540 the Spanish conquistador, Francisco Vasquez de Coronado, marched north from Mexico in search of the Seven Golden Cities of Cibola. In New Mexico he was told of the Land of Quivira, and he turned east and north in search of this fabled place of wealth. By the summer of 1541, he had reached the Arkansas River in Kansas, crossing it near present Dodge City. Coronado found no gold in Quivira, but he called the country, which is now part of Kansas, "the best that I have ever seen for producing all the products of Spain." This occurred 80 years before the Pilgrims landed at Plymouth Rock.

Coronado returned to New Mexico, but the following year a priest who had accompanied him was back in Kansas. Father Juan de Padilla hoped to bring Christianity to the Indians. He was killed, however, by those he tried to help. The exact place of his death was unknown, but it is presumed to have been in present central Kansas. Father Padilla is said to have been the first Christian martyr in the United States.

During the years between 1682 and 1739, France sent several explorers to the Kansas area. Claude Charles du Tisne crossed southeastern Kansas in 1719, and Bourgmont arrived in 1724. The Mallet brothers, Paul and Pierre, crossed Kansas in 1739, as they sought to establish trade between the French and Spanish traders from Santa Fe.

For a time Spain, France and England all had claims on the Kansas area. The English did nothing to further their claim. French claims were ceded to Spain in 1762, but in 1800 title was returned to France from whom the United States purchased the entire Louisiana territory in 1803. This transaction ended the trading era for Kansas and brought forth the exploration of a new American settlement.

Meriwether Lewis and William Clark, while exploring the Louisiana Purchase, made camp at several points on the Kansas side of the Missouri River in late June and early July 1804. Two years later, Lt. Zebulon Pike of the United States Army crossed the Kansas area on an exploring expedition during which he met with the Indians and treated with them as the representative of the new "White Father." He continued westward on this journey to discover the mountain which is now called Pike's Peak.

With the continued exploration of Kansas, trails were established by traders and immigrants. William Becknell, a Missouri trader, opened the Santa Fe Trail to trade with the Spanish in what is now New Mexico. Early in the 1820's wagon trains were being sent over this route from the Missouri River to Santa Fe. By 1825 the trail had become so important that Congress authorized a survey of the route. This survey, completed in 1826, provided for the Union a 775-mile route with two-thirds of it in Kansas.

The Oregon Trail to the northwest was used during the middle decades of the 1800's. The route crossed the northeastern section of the state and impressed many of those who traveled the trail. Some stopped and made their homes in Kansas while others returned later to settle on the rich farmlands.

The Territorial Period

In May of 1854 Kansas was organized as a territory, with boundaries that included most of the eastern half of present-day Colorado. Conflict over the slavery question led to bloody battles between freestaters and proslavery forces. In May of 1856 Lawrence was sacked by border ruffians led by Sheriff Jones. Many active free-staters lived there, and Lawrence became a mecca for escaped slaves. It was after this sacking that John Brown came into prominence. Brown, with his sons and a few other men, retaliated with a massacre. They dragged five proslavery neighbors out of their homes and killed them. This led to the battle of Black Jack near Baldwin when Missourians came to avenge the massacre. In a later raid on Osawatimie in August, John Brown and 40 defenders were beaten back by about 400 Missourians, and all but four homes were burned.

Battle for Statehood

From 1855 until 1861 the battle for statehood was as

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intense as any fought in the state. The first attempt occurred in 1855 when a free-state constitution was framed in Topeka. It did not receive serious consideration in Congress. In 1857 a second constitution which provided that Kansas be admitted as a slave state was written at Lecompton. The constitution was adopted in an election in which free-state men refused to vote and later was rejected at a second election in which the proslavery men took no part. This constitution was sent to Washington, but while it was being debated by the Congress, a third constitutional convention convened. The meeting was at Leavenworth, and the constitution drafted there was adopted by the people in 1858, but this too failed final acceptance.

The fourth and last convention assembled at Wyandotte (now part of Kansas City) in July 1859. This time free-state advocates were solidly in control, and the document they drafted barred slavery and fixed the present boundaries of the state. It was accepted by vote of the people in October, and in December a provisional state government was elected. In April 1860 the U.S. House of Representatives voted to admit Kansas, but the Senate, under proslavery domination, refused. Statehood for Kansas thus became a national issue, and the Republican platform of 1860 included a plank for immediate admittance. The victory of Abraham Lincoln in November was followed by secession of Southern states. The withdrawal of their senators and representatives gave control of Congress to the Republicans even before the change of administrations. In January 1861 the Kansas bill was passed by both houses of Congress and was signed by President James Buchanan on January 29. Kansas thus became the 34th state of what at the time was a rapidly disintegrating union.

Kansans had known civil war since the territory was organized in 1854. Now large-scale rebellion faced the entire nation. In answer to President Lincoln's first call for troops in April 1861, Kansas supplied 650 men. Before the war ended in 1865, the state had furnished more than 20,000 men, a remarkable record in view of the fact that the population included less than 30,000 men of military age. Kansas also suffered the highest mortality rate of any of the Union states. Of the black troops in the Union army, 2,080 were credited to Kansas, though the 1860 census listed fewer than 300 of military age in the state; most of them actually came from Arkansas and Missouri.

Although Kansas soldiers saw action in many of the important engagements of the war, only one major battle was fought within the state. This was the Battle of Mine Creek, which took place October 25, 1864, in Linn county. Some 25,000 men were involved. The confederate army under Maj. Gen. Sterling Price was defeated, and the threat of a Southern invasion of Kansas was ended. Civil War action within the state consisted primarily of guerrilla skirmishes and raids. Of these the most notorious was William C. Quantrill's surprise attack on Lawrence, August 21, 1863, in which 150 residents were slaughtered, and the city was looted and burned with about a million and a half dollars' worth of property being destroyed.

Late 19th Century Development

After the Civil War a series of Indian outbreaks threatened the western frontier. The tribes were alarmed by the steady encroachment of white settlers. Although undermanned military outposts did their best to protect settlers and travelers, and federal commissioners held peace talks with the chiefs, no permanent peace was obtained. Indian attacks reached their height in Kansas in 1867, when nearly 130 settlers were killed. By the end of 1869 most of their troubles had shifted to other areas. However, western Kansas continued to have Indian problems until the last Indian raid in Decatur county in 1878.

Meanwhile, rapid settlement was being made. Towns were founded, schools established, businesses and small industries started, and railroads pushed westward across the state. By 1870 the Kansas (now Union) Pacific reached the Colorado line, and by the end of 1872, the Santa Fe had done the same. The era of the great cattle drives, which focused national attention on several Kansas towns, came in with the railroads. Abilene became a shipping center for Texas cattle in 1867 when Joseph McCoy persuaded Texas drivers to use the extended Chisholm Trail to bring their herds to the just-arrived Union Pacific, Eastern Division (later the Kansas Pacific). Newton, Ellsworth, Caldwell, Wichita, and Dodge City were other towns which became prominent as tracks were built south and west.

The introduction of Turkey Red wheat by Mennonites from Russia in 1874 was a milestone in Kansas agriculture. This hardy winter wheat was ideally suited to crop-growing conditions in the state and provided the early basis for the preeminence of Kansas as a producer of wheat.

Kansas women were given the right to vote in school elections in 1861, far earlier than in most states. When this suffrage was extended to municipal and bond elections in 1887, the town of Argonia immediately elected Mrs. Susanna Madora Salter its mayor. She was the first woman so honored in the United States.

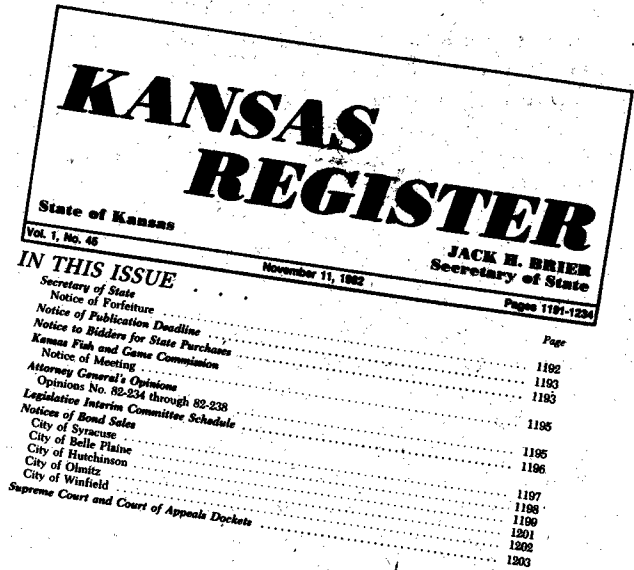
A Prohibition amendment to the Kansas constitution was adopted in 1880. It remained in effect until 1948 when a system of licensed liquor sales was established. At the turn of the century Mrs. Carry Nation became a national figure, symbolizing the strong temperance sentiment among church and other groups as she traveled about smashing illegal saloons with her famous hatchets.

A Link With the Past

To provide a link between the past and the present, the Kansas State Historical Society was organized in 1875. Operating as a quasi-governmental agency, the Historical Society administers 16 state-owned historic sites; maintains census records, old newspapers, maps, manuscripts, photographs and other materials of historic significance; runs a free museum featuring displays of numerous items relating to Kansas history; directs historic preservation for the state; publishes various journals and bulletins; and performs other duties of importance to preserving Kansas history.

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