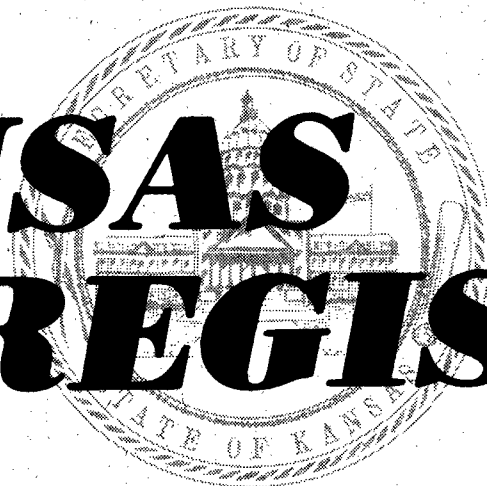


KANSAS REGISTER



State of Kansas

JACK H. BRIER
Secretary of State

Vol. 3, No. 11

March 15, 1984

Pages 369-408

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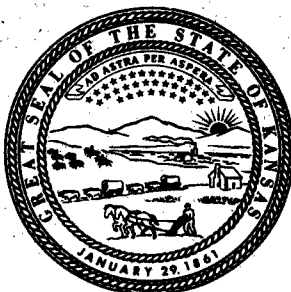
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PUBLISHED BY
 JACK H. BRIER
 Secretary of State
 State Capitol
 Topeka, Kansas 66612



PHONE: 913/296-2236

(Published in the KANSAS REGISTER, March 15, 1984.)

State of Kansas

**DEPARTMENT OF
HEALTH AND ENVIRONMENT****PUBLIC NOTICE**

A Certificate of Need application from Clay County Hospital for its renovation and expansion was granted by the Kansas Department of Health and Environment on March 5, 1984, and will become effective on April 3, 1984 unless appealed to the District Court of Clay County.

A Certificate of Need application from Arkansas City Memorial Hospital for its renovation and expansion was denied by the Kansas Department of Health and Environment on March 5, 1984, and will become effective on April 3, 1984 unless appealed to the District Court of Cowley County.

BARBARA J. SABOL
Secretary

Doc. No. 001947

(Published in the KANSAS REGISTER, March 15, 1984.)

State of Kansas

DEPARTMENT OF TRANSPORTATION**NOTICE TO CONTRACTORS**

Notice is hereby given that sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, Kansas, until 10:00 a.m., March 29, 1984 and then publicly opened:

DISTRICT ONE

Wyandotte—435-105 K 0989-01—2.809 miles Grading and four bridges, beginning approximately 0.513 mile north of I-435 and Leavenworth Road, then north on I-435 on new alignment (Federal Funds).

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone regardless of race, religion, color, sex, physical handicap, national origin or ancestry in the award of contracts.

Plans and specifications for the project(s) may be examined at the offices of the respective County Clerks or at the Kansas Department of Transportation district offices responsible for the work.

JOHN B. KEMP
Secretary

Doc. No. 001948

State of Kansas

DEPARTMENT OF TRANSPORTATION**PUBLIC NOTICE**

The Kansas Department of Transportation (KDOT) is seeking to engage a qualified consultant engineering firm for projects in the following counties:

Johnson County—7-46 K 2038-01/BRF 081-1(60)—Grading, Bridge and Surfacing of a bridge over US-56 at the west junction of K-7 and US-56 in Olathe.

Cherokee County—160-11 K 2044-01/BRF 018-6(17)—Bridge design only to replace the following bridges: (1) Bridge over Mulberry Creek, approximately 5.0 miles east of the Cherokee-Labette County line; (2) Bridge over Lightning Creek, approximately 5.70 miles east of the Cherokee-Labette County lines; (3) Bridge over Lightning Creek Drainage, approximately 6.07 miles east of the Cherokee-Labette County line; (4) Bridge over Limestone Creek Drainage, approximately 6.29 miles east of the Cherokee-Labette County line.

Butler County—54-8 K 2477-01/BRF 038-4(48)—Bridge design only of the bridges over the Walnut River Drainage and over Bird Creek, approximately 1.16 miles and 5.59 miles east of the north junction of US-54 and US-77 respectively.

Kiowa County—54-49 K 2030-01/BRF 038-1(49)—Bridge design only to replace the bridge on the south branch of Rattlesnake Creek Drainage, approximately 5.5 miles east of the junction of US-54 and K-154.

Rice County—56-80 K 2034-01/BRF 062-2(73)—Bridge design only to replace Spring Creek Bridge and Spring Creek Drainage Bridge, approximately 9.6 and 9.8 miles east of the Barton-Rice County line respectively.

Sumner County—160-96 K 2023-01/BHF 018-4(31)—Grading, Surfacing and Bridge design replacement for the Arkansas River Bridge at Oxford, approximately 0.67 mile west of the Sumner-Cowley County line.

Firms expressing interest in these projects must respond in writing and complete the Consulting Engineers Qualification Questionnaire (if not already pre-qualified) by March 26, 1984.

It is the policy of the KDOT to use the following criteria as the basis for selection of engineering consulting firms:

1. Size and professional qualifications of firm.
2. Experience of staff.
3. Location of firm with respect to proposed project.
4. Work load of firm.
5. Firm's performance record.

JOHN B. KEMP
Secretary

Doc. No. 001932

State of Kansas

BOARD OF AGRICULTURE**REQUEST FOR COMMENT ON PROPOSED
SPECIAL NEED REGISTRATION**

Notice is hereby given that pursuant to 7 U.S.C. 136v, Petrolite Corporation has filed an application for a special local need registration for the industrial bactericide X-CIDE 137. The purpose of the special local need registration is to allow use of this pesticide for treatment of anaerobic bacteria, particularly sulfate reducing bacteria, and aerobic bacteria occurring in oilfield injection water for prevention of well plugging and for preservation of polymers used in enhanced oil field recovery. At present, this pesticide is not federally registered. An application has been submitted for federal registration of this product which is presently pending. This special local need registration, if granted, will allow the use of this pesticide in the treatment of oilfield injection waters.

Information submitted by the registrant is on file with the Kansas State Board of Agriculture. Anyone wishing to present written comments, data or other evidence in support of or in opposition to the proposed special local needs registration may do so on or before April 9, 1984. Written comments, data or other evidence should be submitted to Dale Lambley, Pesticide Law Administrator, Entomology Division, Kansas State Board of Agriculture, 109 S.W. 9th Street, Topeka, Kansas 66612.

H. DEAN GARWOOD, Director
Entomology Division

Doc. No. 001949

State of Kansas

SOCIAL AND REHABILITATION SERVICES**OPEN MEETING NOTICE AND NOTICE TO
ALL PERSONS HAVING AN INTEREST IN
THE ADMINISTRATIVE REGULATIONS
PROMULGATED BY THE SECRETARY OF
SOCIAL AND REHABILITATION SERVICES**

Notice is hereby given to all interested parties that the Department of Social and Rehabilitation Services will hold an open meeting on April 3, 1984, at 9:00 a.m., in the Staff Development Training Center, Topeka State Hospital.

The scheduled agenda for the open meeting includes:

- Continued discussion related to Issue Papers.
- Solicit public input in regard to proposals concerning temporary administrative regulations.
- Public hearing concerning the adoption on a temporary basis of certain proposed administrative regulations. A summary of the proposed regulations is set forth below. The proposed changes are scheduled to become effective on May 1, 1984.

1. 30-5-81. Scope of hospital services. This regulation is being amended to allow elective surgery, both

inpatient and outpatient, for children and adolescents who participate in the EPSDT program.

2. 30-5-83. Scope of services for ambulatory surgical centers. This regulation is being amended to allow coverage of elective surgery for children and adolescents participating in the EPSDT program.

3. 30-5-88. Scope of physician services. This regulation is being amended to allow six office visits per quarter and elective surgery for children and adolescents who participate in the EPSDT program.

4. 30-5-101. Scope of chiropractic services. This regulation is being amended to allow 24 office visits per calendar year for children and adolescents who participate in the EPSDT program.

5. 30-10-12. Reimbursement. This regulation is being amended to increase from 15 to 21 the number of days per calendar year for which payment will be made on behalf of residents of intermediate care facilities for the mentally retarded or for mental health making therapeutic home visits (including travel).

A copy of the proposed regulations and fiscal impact statements may be obtained prior to the above mentioned hearing by contacting Mrs. Mary Slaybaugh, Legal Division, State Department of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka, Kansas 66612, (913) 296-3969. Written comments may be submitted prior to such date. Such comments should be forwarded to Dr. Harder, Secretary of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka, Kansas 66612.

Interested persons will be given reasonable opportunity at the hearing to present their views and arguments on the adoption of the proposed regulations. Presentations should be in writing whenever possible. Depending on the number of persons wanting to speak, the department may require that each participant limit his or her oral presentation to no more than three minutes.

—Adoption of proposed temporary administrative regulations.

The public is invited to this meeting. Telephone hook-ups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hiawatha, Hutchinson, Junction City, Kansas City, Lawrence, Olathe, Ottawa, Parsons, Pittsburg, Pratt, Salina, Topeka (Area Office and State Office Building), Wichita and Winfield.

ROBERT C. HARDER
Secretary

Doc. No. 001940

State of Kansas

PUBLIC DISCLOSURE COMMISSION**NOTICE OF MEETING**

The Kansas Public Disclosure Commission will hold its monthly meeting at 10:00 a.m., Wednesday, March 21, 1984, at 109 West 9th, Room 504, Topeka, Kansas. For a copy of the meeting agenda call 913/296-4219.

CAROL E. WILLIAMS
Administrative Assistant

Doc. No. 001951

State of Kansas

DEPARTMENT OF HUMAN RESOURCES**NOTICE OF REVIEW
OF GRANT APPLICATIONS**

The following applications for federal monies are in the process of review. More information can be obtained from the contact person listed. Comments should be sent to the Kansas Single Point of Contact, Judy Krueger, Kansas Department of Human Resources, Office of the Secretary, 401 Topeka Avenue, Topeka, Kansas 66603.

DHR022484-001-59037SG—Application to fund State Small Business Development Center, a cooperative agreement of the six state schools, Washburn and Johnson County Community College to provide management assistance to small businesses in the state; notice provided by Small Business Administration. Anticipated request—\$294,549 for October, 1984 to October, 1985. Contact Dr. Charles H. Davis, SBDC Director, Wichita State University, College of Business Administration, 1845 Fairmont, Wichita, Kansas 67208, 316/689-3367. Comments due by April 9, 1984.

DHR030684-001-11302MC—Application for Economic Development Planning and Administration Program for \$50,000 federal funds by North Central Kansas Regional Planning Commission. Contact John R. Cyr, Municipal Building, Beloit, Kansas 67420, 913/738-2218. Comments due by March 30, 1984.

DHR030784-001-14219J0—Application for CDBG funds for improvements in storm drainage system, a home for battered persons, weatherization funds, funds for renovation of the Strang Line Car Barn, and other neighborhood improvements in Elmhurst area of Overland Park for \$435,000. Contact Robert A. Pledge, Department of Community Development, 8500 Santa Fe Drive, Overland Park, Kansas 66212, 913/341-1080. Comments due by March 30, 1984.

DHR030784-002-20106WY—Preapplication for Airport Improvement Program project for \$2,186,543 of federal funds and \$242,949 applicant funds to improve and repair taxiway and apron areas and to acquire land for Clear Zone to Runway 35. Contact Robert Setlich, Port Authority of Kansas City, Kansas, 3101 Fairfax Trafficway, Kansas City, Kansas 66115. Comments due by April 20, 1984.

DHR030784-003-13633WY—In response to federal

approval of preapplication, intent to submit full application, "Products of AoA Discretionary Grants in Long Term Care: Indexed, annotated, computerized listing," for \$58,350. Contact Russell C. Mills, Ph.D., University of Kansas Medical Center, Longterm Care of Gerontology Center, 39th and Rainbow Blvd., Kansas City, Kansas 66103, 913/588-1203. Comments due by April 20, 1984.

DHR030884-001-10418MN—Preapplication for \$1,247,877 to provide a new source of water supply from Marion Reservoir for the City of Peabody including pump station, transmission line, water treatment plant, and high service pump station to provide a greater quantity and better quality water to meet federal recommended standards. Contact Susan Jacobs, 300 North Walnut, Peabody, Kansas 66866, 316/983-2175. Comments due by April 20, 1984.

DHR030884-002-13600FO—Application for continuing operation of Head Start Program for \$80,413 by Unified School District #443. Contact Bev Sayre, Dodge City Head Start, 1000 Second Avenue, P.O. Box 460, Dodge City, Kansas 67801, 316/227-7423. Comments due by April 20, 1984.

DHR030884-003-83566KS—Watershed plan and environmental impact statement to be reviewed for the South Fork Watershed in Butler, Chase and Greenwood Counties, Kansas. Contact John W. Tippi, State Conservationist, Soil Conservation Service, U. S. Department of Agriculture, 760 South Broadway, Salina, Kansas 67401. Comments due by April 10, 1984.

The following applications for federal monies under federal assistance programs have been reviewed and returned to the applicant for submission to the federal agencies involved.

KS840306-005-72002AL—Catalpa Hills RSVP—applications for continuing grant to recruit and direct volunteer activities and educational opportunities for senior citizens in Allen County for \$19,861 by Allen County Community College, 1801 N. Cottonwood, Iola, Kansas 66749, Attention: Dr. Jack Lundy, Vice-President of Academic Affairs.

KS840306-006-15904KS—Application for survey and planning funds to support operation of the state historic preservation office for \$36,257 federal funds and \$36,257 applicant funds by Kansas Historical Society, 120 West 10th Street, Topeka, Kansas 66612, Attention: Richard Pankratz, 913/296-3251.

KS840306-007-15904KS—Application to carry out nine survey and planning projects to implement the Resource Protection Planning Process for \$156,251 federal funds matched by \$66,964 applicant funds by Kansas Historical Society, 120 West 10th Street, Topeka, Kansas 66612, Attention: Richard Pankratz, 913/296-3251.

KS840307-001-17235KS—For funds for Senior Community Service Employment Program, part of a national project to provide part-time community employment to low-income persons aged 55 and above. \$7,763,609. Carmela G. Lacayo, Asociacion Nacional

(continued)

Pro Personas Mayores, 1730 W. Olympic Blvd., Suite 401, Los Angeles, CA 90015, 213/487-1922.

KS840307-002-13987KS—Refugee Health Assessment Project for Finney, Sedgwick and Wyandotte Counties for \$110,000. Joseph G. Hollowell, Jr., M.D., Kansas Department of Health and Environment, Division of Health, Forbes Field, Topeka, Kansas 66620, 913/862-9360, Ext. 525.

KS840307-003-13246KS—Migrant Health Project for 10 counties in Western Kansas to help provide medical services and education and coordination of resources for qualifying farmworkers and their dependents for \$248,716. Joseph G. Hollowell, Jr., M.D., Bureau of Family Health, Forbes Field, Topeka, Kansas 66620, 913/862-9360, Ext. 525.

KS840224-001-10418MG—Application to expand Rural Water District #9, Montgomery County to serve 28 new members, including 17 miles of new water lines. \$247,000. Carl Gorton, P.O. Box 186, Elk City, Kansas 67344, 316/633-2476.

KS840302-001-11306NO—Continuing Export Trade Assistance Professional Services Grant to provide seminars, education, technical assistance to individual firms to encourage export of local goods. \$25,000. Ethan Kaplan, Southeast Kansas Regional Planning Commission, P.O. Box 664, Chanute, Kansas 66720, 316/431-0080.

KS840302-002-11302NO—Continuing operational district planning grant including OEDP revision and technical assistance for \$49,500. Ethan Kaplan, Southeast Kansas Regional Planning Commission, P.O. Box 664, Chanute, Kansas 66720, 316/431-0080.

KS840306-001-15916SC—Application to renovate Lake Scott in FY 85 by dredging and removal of aquatic weeds. \$420,000 federal funds, \$420,000 state and local funds. Keith A. Springer, Kansas Park and Resources Authority, 503 Kansas Avenue, P.O. Box 977, Topeka, Kansas 66601, 913/296-2281.

KS840306-002-14158SN—Application for Comprehensive Improvement Assistance money for \$600,000 for Phase I Program by Topeka Housing Authority. Contact David Jackson, HUD-KCRO, 1103 Grant Avenue, Kansas City, Missouri 64106, 817/374-6096.

KS840306-003-14158RL—Application for Comprehensive Improvement Assistance money of \$448,151 by Manhattan Housing Authority. Contact David Jackson, HUD-KCRO, 1103 Grand Avenue, Kansas City, Missouri 64106, 816/374-6096.

KS840306-004-15916BU—Application to construct a small amphitheater at El Dorado State Park for FY 84 for \$16,800 federal funds, \$16,800 state and local funds by Kansas Park and Resources Authority. Keith A. Springer, P.O. Box 977, Topeka, Kansas 66601, 913/296-2281.

The following federal grant has been awarded:

B-00-AB-20-0029—Preliminary approval by HUD of an Action Grant to Grainfield, Kansas of \$26,000 to help a farm equipment repair business renovate and expand.

JERRY SHELOR
Secretary of Human Resources

Doc. No. 001952

State of Kansas

**WICHITA STATE UNIVERSITY
CAMPUS CREDIT UNION**

NOTICE TO BIDDERS

Sealed bids for the Campus Credit Union Remodeling will be received by the President/General Manager, Campus Credit Union, Wichita State University, Wichita, Kansas 67208, until 2:00 p.m. CST, Thursday, March 22, 1984, then will be publicly opened.

ARMIN L. BRANDHORST
Director, Physical Plant

Doc. No. 001900

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES**

NOTICE TO BIDDERS

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

MONDAY, MARCH 26, 1984

#25959

Kansas Correctional Industries, Lansing—FABRICS
FOR MANUFACTURING CLOTHING

#56743-A

University of Kansas Medical Center, Kansas City—
PRINTED LABELS

#56972

Kansas State University, Manhattan—CARPET AND
INSTALLATION

#56973

Fort Hays State University, Hays—VAN

#56978

Wichita State University, Wichita—LIBRARY CARD
CATALOG

#56983

Kansas Correctional Industries, Lansing—STEEL
AND ALUMINUM SHEETS

#56984

Department of Corrections, Topeka—H-DECKING
AND END CLOSERS, Kansas State Penitentiary,
Lansing

#56985

University of Kansas, Lawrence—ACID FREE LI-
BRARY SUPPLIES

#56986

University of Kansas Medical Center, Kansas City—
PACEMAKERS, EXTERNAL, VENTRICULAR
ATRIAL

#56987

University of Kansas Medical Center, Kansas City—
PORTABLE DEFIBRILLATOR MONITORS

#56988

Wichita State University, Wichita—WORD PROCES-
SORS

#57000

University of Kansas Medical Center, Kansas City—
UV/VISIBLE SPECTROPHOTOMETER, Kansas City,
Missouri

(continued)

#57001
Kansas State University, Manhattan—LABORATORY APPARATUS

#57010
University of Kansas, Lawrence—PRINTING AND BINDING OF FOUR BOOKS

#57011
University of Kansas Medical Center, Kansas City—CATHETERS

#57012
Kansas State University, Manhattan—TRUCK TRASH CONTAINER

#57019
Kansas State University, Manhattan—FLOOR FINISH

#57021
Winfield State Hospital and Training Center, Winfield—WHEELCHAIR VAN

#57022
Kansas State University, Manhattan—PLAIN PAPER COPIER RENTAL

#57023
Department of Administration, Division of Printing, Topeka—ENVELOPES-PRINTED-OS200-A

TUESDAY, MARCH 27, 1984

#A-4747
Rainbow Mental Health Facility, Kansas City—INSTALL DOOR AND FRAME AND WIRE MESH PARTITION

#56990
University of Kansas Medical Center, Kansas City—CHINA AND MOP BUCKETS

#56991
University of Kansas Medical Center, Kansas City—INFANT VENTILATORS

#56992
University of Kansas Medical Center, Kansas City—PHYSIOLOGICAL MONITORS

#56993
Kansas Fish and Game Commission, Pratt—FLOATING TROUT FEED, various locations

#56994
University of Kansas Medical Center, Kansas City—SHOE FINISHING MACHINE

#56995
Kansas State Penitentiary, Lansing—OFFICERS SHIRTS

#57017
University of Kansas Medical Center, Kansas City—PHARMACEUTICALS

#57018
University of Kansas Medical Center, Kansas City—PULSE OXIMETER

#57020
University of Kansas Medical Center, Kansas City—MICROWAVE OVEN

#57030
Department of Transportation, Topeka—SOFTWARE SYSTEM

WEDNESDAY, MARCH 28, 1984

#A-4696
Winfield State Hospital and Training Center, Winfield—REPLACE EXISTING FLOOR AND SINK, CENTRAL SUPPLY, TREATMENT BUILDING

#A-4802
Adjutant General's Department, Topeka—PARTIAL REROOFING OF ARMORY BUILDING, Winfield

#A-4803
Adjutant General's Department, Topeka—PARTIAL REROOFING OF ARMORY BUILDING, Burlington

#57031
Kansas State University, Manhattan—ELECTRICAL SUPPLIES

#57032
Kansas State Industrial Reformatory, Hutchinson and Osawatomie State Hospital, Osawatomie—MISCELLANEOUS MEATS

#57033
Kansas State Penitentiary, Lansing—READY MIX CONCRETE

#57034
Department of Transportation, Hutchinson—A.I.C. AGGREGATE, A, B, C, OR D, Larned

#57035
Department of Transportation, Chanute—AS-1 AGGREGATE, ALTERNATE-AB-3 AGGREGATE, Garnett

#57036
Kansas State University, Manhattan—AUTOMATED LABELING MACHINE

#57037
Parsons State Hospital and Training Center, Parsons and University of Kansas Medical Center, Kansas City—DETERGENT AND LINEN CARTS

#57038
Winfield State Hospital and Training Center, Winfield—FORMULA

#57039
University of Kansas Medical Center, Kansas City—PAPER TOWEL DISPENSERS

#57040
Wichita State University, Wichita—TIME BASE CORRECTOR

#57041
Kansas State University, Manhattan—AUTOMOTIVE ENGINE ANALYZER

THURSDAY, MARCH 29, 1984

#A-4833
Emporia State University, Emporia—RESURFACING OF EAST PARKING LOTS

FRIDAY, MARCH 30, 1984

#A-4771
Emporia State University, Emporia—MODIFY EXISTING BOILER, CENTRAL POWER PLANT FACILITY

#25948
University of Kansas Medical Center, Kansas City and Statewide—PHARMACEUTICALS

MONDAY, APRIL 2, 1984

#57093
Secretary of State, Topeka—COMPUTER SYSTEM

TUESDAY, APRIL 3, 1984

#25954
Statewide—AUTOMOTIVE SUPPLIES

TUESDAY, APRIL 10, 1984

#25958
Statewide—AUTOMOTIVE BATTERIES

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 001941

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 March 1-7:

SB 827, by Committee on Ways and Means: An act relating to certificate of need for health facilities; concerning ambulatory surgical centers and procedures; amending K.S.A. 1983 Supp. 19-101a and 65-4805 and repealing the existing sections.

SB 828, by Committee on Ways and Means: An act concerning the sale of highway patrol vehicles; amending K.S.A. 1983 Supp. 74-2124 and repealing the existing section.

SB 829, by Committee on Ways and Means: An act concerning the community corrections act; eligibility of counties for supplementary grant funds; chargebacks to counties for certain felons and juveniles committed to secretary of corrections; withdrawal of counties from grant participation; amending K.S.A. 1983 Supp. 75-52,104 and 75-52,106 and repealing the existing sections.

SB 830, by Committee on Ways and Means: An act amending the real estate brokers' and salespersons' license act; abolishing the real estate recovery revolving fund; requiring errors and omissions liability insurance; amending K.S.A. 58-3048 and 58-3074 and repealing the existing sections; also repealing K.S.A. 58-3066 to 58-3073, inclusive.

HB 3089, by Committee on Ways and Means: An act concerning the employment security law; relating to the definition of employment; amending K.S.A. 1983 Supp. 44-703 and repealing the existing section.

HB 3090, by Committee on Ways and Means: An act concerning taxes imposed on insurance premiums; imposing a tax on certain insurance premiums for the purposes of firefighters relief and directing the disposition thereof; disallowing certain credits based on such tax; prescribing certain duties for the commissioner of insurance; creating the state firefighters relief fund; amending K.S.A. 40-252 and 40-1701 to 40-1707, inclusive, and repealing the existing sections.

HB 3091, by Committee on Ways and Means: An act concerning initial certification of applicants to teach in Kansas; certain conditions; amending K.S.A. 72-1388 and repealing the existing section.

HB 3092, by Committee on Ways and Means: An act enacting the state inservice education opportunities act.

HB 3093, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1985, for the department of human resources; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 3094, by Committee on Ways and Means: An act concerning the state board of regents; relating to fees collected by state educational institutions thereunder; amending K.S.A. 1983 Supp. 76-719 and repealing the existing section.

HB 3095, by Committee on Ways and Means: An act relating to solid waste; concerning resource recovery facilities; concerning resource recovery facilities provided by cities and counties; amending K.S.A. 1983 Supp. 65-3418 and 65-3450 and repealing the existing sections.

HB 3096, by Committee on Ways and Means: An act concerning motor vehicles; design of license plates and decals; amending K.S.A. 1983 Supp. 8-147 and repealing the existing section.

HB 3097, by Committee on Ways and Means: An act relating to intoxicating liquors; establishing a fee for certain club memberships; amending K.S.A. 1983 Supp. 41-2637 and repealing the existing section.

HB 3098, by Committee on Ways and Means: An act concerning the disposition of unclaimed property act; relating to the disposition of moneys received thereunder; amending K.S.A. 58-3919 and repealing the existing section.

HB 3099, by Committee on Ways and Means: An act relating to motor vehicles; concerning certain registration applications; amending K.S.A. 8-135 and repealing the existing section.

SCR 1664, by Committee on Energy and Natural Resources: A concurrent resolution requesting the members of the Kansas congressional delegation to investigate and determine whether or not the practices of the Bureau of Reclamation and U.S. Army Corps of Engineers in operating certain projects or reservoirs comply with the provisions of the Arkansas River Compact.

SCR 1665, by Senator Montgomery: A concurrent resolution providing for a special committee to make a legislative study concerning the testing and certification of meters and measuring devices used in measuring refined petroleum products at the point of bulk transportation and delivery.

HCN 5086, by Committee on Governmental Organization: A concurrent resolution urging and encouraging the Kansas Commission for the Deaf and Hearing Impaired and the State Board of Education to engage in a cooperative effort to coordinate the provision of state services for deaf and hearing impaired persons.

HCN 5087, by Representatives Meacham, Adam, Aylward, Baker, Barkis, Braden, Branson, Buehler, Cribbs, Dean, DeBaun, Dempsey, Dillon, Duncan, Eckert, Ediger, Foster, Fox, Friedeman, W. Fuller, Green, Guldner, Hamm, Harder, Harper, Hassler, Helgerson, Hensley, Hoagland, Jarchow, Justice, King, Knopp, Laird, Long, Louis, Lowther, Mainey, Moore, Niles, B. Ott, K. Ott, Patrick, Peterson, Reardon, Roe, Rogers, Rolfs, Roper, Rosenau, Runnels, Sand, Schweiker, Shriver, Solbach, Sughrue, Sutter, Turnquist, Vancrum, Weaver, Darrel Webb, Williams, Wisdom and Wunsch: A concurrent resolution encouraging the State Board of Education to develop an intern year program for beginning teachers and urging the State Board of Education to implement the program in the 1986-87 school year.

SR 1864, by Senators Talkington, Burke and Winter: A resolution honoring Dean Nesmith for his forty-six years as athletic trainer at the University of Kansas.

HR 6128, by Representatives Darrel Webb and Dean: A resolution congratulating and commending Moses Tittle on being chosen to receive the William M. Usdane Award for the Severely Handicapped Worker of the Year for 1984.

HR 6129, by Representative Sughrue: A resolution memorializing the Congress of the United States to enact legislation establishing TEACHER DAY USA.

HR 6130, by Representative Roper: A resolution congratulating and commending William E. Gifford, Jr., on being named Outstanding Special Education Administrator for 1984.

HR 6131, by Representatives Long and Patrick: A resolution in memory of Harry H. Halbower.

HR 6132, by Representative R. D. Miller: A resolution congratulating and commending the United Methodist Church of Paradise, Kansas on the celebration of its 100th anniversary.

HR 6133, by Representatives Schmidt, Arbuthnot, Bussman, Campbell, Crumbaker, Friedeman, Guldner, Hayden, L. Johnson, Littlejohn, Louis, R. D. Miller, Moomaw and Solbach: A resolution congratulating and commending Fort Hays State University on winning the National Distinguished Program in Teacher Education Award.

HR 6134, by Representative Flottman: A resolution commending the Cowley County Historical Society on hosting the return of the commemorative Chautauqua to Winfield, Kansas, after an absence of sixty years.

State of Kansas

BOARD OF REGENTS

NOTICE TO ALL PERSONS HAVING AN INTEREST IN THE REGULATIONS GOVERNING TRAFFIC AND PARKING ON THE ROADS, STREETS, DRIVEWAYS AND PARKING FACILITIES AT KANSAS STATE UNIVERSITY

Notice is hereby given to all interested parties that on April 5, 1984, at 3:30 p.m. C.D.T., in the Student Union Building, Big 8 Room, Kansas State University, Manhattan, Kansas, a public hearing will be held concerning the adoption by the Board of Regents of regulations governing traffic and parking on the roads, streets, driveways and parking facilities at Kansas State University.

The following is a summary of the substance of the rules and proposed changes:

I. General Parking Requirements—The current regulations specify the general requirements for parking permits and the location where permits, applications and related information may be obtained. Proposed changes include the consolidation of additional general regulations appearing throughout the previous regulation in a new part, Section A. Definitions of terms used throughout the regulations are to be added in a new Section B.

II. Parking Permits—The current regulations specify who is required to have permits, what type is required, the cost and the period each permit is valid. The proposed amendments to the existing rules include: Changing the Faculty/Staff designation to "employee"; elimination of the reduced parking permit fee for employees earning \$10,000 or less; increasing the cost of both 10 and 24 hour reserved parking stalls; elimination of 1/2 price permits for additional vehicles; changing employee permit effective dates from January 15 to January 14 the following year; adding Board of Regents parking; adding client privileges at Lafene Student Health and Veterinary Medicine Building; allowing carpool members to obtain temporary permits for additional vehicles; and adding short term permit rates for \$1.00 per day, \$2.00 per week and \$5.00 per month. In addition, movable parking permits to be hung on the rearview mirror will be issued instead of bumper decals. Proposed changes in the present regulation make the necessary editorial changes to reflect this new type of permit. The proposed amendment further adds that it is illegal to give

(continued)

false information in applying for a permit or displaying it on a vehicle other than the one to which it is registered.

III. Parking Hours—The current regulations specify when parking permits are required in specific areas. The proposed amendment to the existing rules would add service areas to those restricted from after hours or weekend parking.

IV. Parking Areas—The current regulations specify where vehicles, motorcycles and bicycles may park. The proposed amendment changes Lot A 25, Seaton Hall, from Employee Parking to Restricted Parking. It also adds additional clarification for bicycle parking.

V. Driving Regulations—The current regulations specify the conduct of vehicles, pedestrians and bicyclists. The proposed amendment to the existing regulations changes the wording, but not the original intent, for rules for bicyclists.

VI. Enforcement/Misuse Fees/Penalties/Appeals—The current regulation designates the types of violations, misuse fees, responsibilities of the owner and operator, authority of the campus patrol officers, where misuse fees can be paid, penalties for nonpayment and appeal procedures. The proposed amendment to the existing regulations further explains and expands the authority of the campus police officers on the use of wheel locks on misparked or nuisance vehicles, rewords sections that deal with permit display and replacement to conform with the new identification system, adds parking in a reserved stall as a Group III Violation and details on appeals. The proposed amendment also increases all \$7.50 and \$12.50 penalties to \$8.00 and \$13.00 to the existing regulations.

VII. Use of Traffic Funds—The current regulation specifies that parking fees and misuse fees may be used only for expenses related to enforcing these rules and regulations and planning, construction, maintenance and repair of parking facilities. The proposed amendment to the existing regulations would change the title of this section to *Use of Parking Fee Funds*.

Interested persons will be given a reasonable opportunity at the hearing to present their views concerning the adoption of the proposed amendments to the existing regulations. Written comments may also be submitted prior to the hearing. Written comments or a request for a copy of the proposed regulations and a copy of the financial impact statement of such changes should be submitted to Gene B. Cross, Vice President for University Facilities, Kansas State University, Anderson Hall, Room 122, Manhattan, Kansas 66506.

WILLIAM R. KAUFFMAN
General Counsel
Board of Regents

Doc. No. 001942

State of Kansas

BOARD OF REGENTS

NOTICE TO ALL PERSONS HAVING AN INTEREST IN THE REGULATIONS GOVERNING TRAFFIC AND PARKING ON THE ROADS, STREETS, DRIVEWAYS AND PARKING FACILITIES AT KANSAS TECHNICAL INSTITUTE

Notice is hereby given to all interested parties that on April 3, 1984, at 9:00 a.m. C.D.T., in the Resource Center Conference Room, Kansas Technical Institute, Salina, Kansas, a public hearing will be held concerning the adoption by Kansas Technical Institute of regulations governing traffic and parking facilities at Kansas Technical Institute.

The following is a summary of the substance of the rules in sections that have proposed changes and those proposed changes:

KTI Parking Permits. The current regulations specify that all parking permits are an annual permit. The major change to this section is that the current Faculty-Staff Reserved Permit is changed to a Reserved Parking Permit (restricted to faculty or staff purchase) will be the only annual permit, and continue to expire each year when the new permit is available for purchase after June 1st. All other permits will expire at the end of each semester with the exception of parking for Summer Session, a current Spring Semester Permit being acceptable or with the purchase of a new Fall Semester Permit.

An addition to this section pertaining to permit placement regulations allows vehicles with rear window defrosters or rear window louvers to have the permit affixed in the lower right hand corner of the vehicle windshield.

Parking Fees. The current regulations establish the fees charged for parking permits. The proposed amendments establish the Reserved Parking Permit to be a \$15.00 annual fee and the second vehicle Reserved Parking Permits to be a \$4.00 annual fee.

The KTI Parking Permit, Night Student Parking Permit and second vehicle KTI Parking Permit fees, now annually \$5.00, \$3.00, and \$2.00 respectively, are revised to be semester parking fees for each Fall and Spring Semester.

Motorcycles will have a specific designed parking permit so that they may be appropriately affixed on the vehicle.

Interested persons will be given a reasonable opportunity at the hearing to present their views concerning the adoption of the proposed amendments to the existing regulations. Written comments may also be submitted, but must be received prior to the hearing. Written comments or a request for a copy of the proposed regulations and a copy of the financial impact statement of such changes should be submitted to James A. Friesen, Director of Operational Affairs, Kansas Technical Institute, 2409 Scanlan Avenue, Salina, Kansas 67401.

WILLIAM R. KAUFFMAN
General Counsel
Board of Regents

Doc. No. 001943

State of Kansas

BOARD OF REGENTS

**NOTICE TO ALL PERSONS HAVING
AN INTEREST IN THE REGULATIONS
GOVERNING TRAFFIC AND PARKING
ON THE ROADS, STREETS, DRIVEWAYS
AND PARKING FACILITIES AT
WICHITA STATE UNIVERSITY**

Notice is hereby given to all interested parties that on April 20, 1984, at 3:00 p.m. C.S.T., at the Campus Activities Center, Room #222, Wichita State University, a public hearing will be held concerning the adoption by the Administration of Wichita State University of regulations governing traffic and parking on the roads, streets, driveways and parking facilities at Wichita State University.

The following is a summary of the substance of the rules and the proposed changes:

Article 1—Policy. Current regulations specify the purpose of the traffic and parking regulations and provide for the development of the regulations by the University Traffic Committee. Current regulations also specify that Wichita State University assumes no responsibility or liability for the care and/or protection of any vehicle while on University property. Proposed amendment will reference a policy article to a general information article. The purpose of the proposed amendment is for clarification and reinforcement of the policy statement.

Article 2—Definitions. Current regulations specify the meanings of words and phrases as used in traffic rules and regulations. Proposed amendments will relocate moped statement from motorcycle article to moped article and add reference numbers to certain articles. The purpose of amendments is for clarification only.

Article 3—General Information. Current regulations specify individual responsibility for compliance with traffic and parking regulations, prohibit major repairs to vehicles on University property, specify certain areas where parking is prohibited and provides for the removal of vehicles constituting a hazard or abandoned vehicles. No amendments are proposed.

Article 4—Registration of Vehicles. Current regulations specify the condition under which faculty, staff, students and visitors must register vehicles and display parking permits. The current regulations also establish the procedure by which parking permits for vehicles may be obtained, the types of permits available and parking fees assessed to faculty, staff, and students. Proposed amendment will provide for parking of vehicles displaying the Board of Regents Permit in all parking areas except handicapped or specially designated reserved areas. The purpose of the proposed amendment is to recognize the Regents parking permit as valid at W.S.U.

Article 5—Parking Regulations. Current regulations specify where and when vehicles may be parked and also provide certain restrictions, conditions, and limitations during certain times. Provisions also specify for removal of vehicles from campus. Proposed amend-

ments clarify loading and service zones and reference certain parking articles to definition articles. The purpose of proposed amendments is for clarification only.

Article 6—Traffic Regulations. Current regulations regulate the conduct of vehicles and pedestrians on campus. No amendments proposed.

Article 7—Violations. The current regulations specify prohibited acts and specify the penalties for misuse of parking areas and moving violations. No amendments proposed.

Article 8—All Payment of Violation Notices and Fines. The current regulations specify where violation fines are to be paid and penalties for failure to pay violation fines. No amendments are proposed.

Article 9—Appeal of Violation Notices. The current regulations specify the procedures for appeals from a charge of misuse of parking or traffic violations. Proposed amendment will require copy of citation notice be attached to appeal form and also provides that a copy of a lost citation may be obtained from the Controller's Office. Proposed amendment will also provide that help in preparing an appeal is available from the Ombudsperson Office. The purpose of the proposed amendment is a notice that citations are required to be submitted with appeals and that the Ombudsperson will assist with appeals.

Article 10—Bicycles/Tricycles. Current regulations specify provisions for operating and parking bicycles/tricycles on campus. No amendments are proposed.

Interested persons will be given a reasonable opportunity to present their views concerning the adoption of the proposed amendments to the existing regulations. Written comments may also be submitted but must be received prior to the hearing. Written comments or a request for a copy of the proposed regulations and a copy of the financial impact statement of such changes should be submitted to Milton L. Myers, Chief of University Police, Wichita State University, 1845 Fairmount, Wichita, Kansas 67208.

WILLIAM R. KAUFFMAN
General Counsel
Board of Regents

Doc. No. 001944

State of Kansas

ATTORNEY GENERAL

OPINION NO. 84-21

Intoxicating Liquors and Beverages—Cereal Malt Beverages—Qualifications for Retailer's License; Conviction of Driving Under the Influence of Alcohol Includes Participation in Diversion Program. David W. Andreas, Winfield Assistant City Attorney, Winfield, March 5, 1984.

K.S.A. 41-2703 sets forth the requirements of a retailer's license to sell cereal malt beverages, as that term is defined by K.S.A. 41-2701. Among the requirements [at subsection (b)(4)] is a provision that renders a person ineligible for a license if, in the proceeding two years, he or she has been "convicted" of the offense of driving a motor vehicle under the influence of alcohol.

In that the statute proscribing DUI (K.S.A. 1983 Supp. 8-1567) defines conviction as including participation in a diversion program, the same meaning should be given to the term whenever it appears in the cereal malt beverage laws. Accordingly, a person who has participated in a diversion program from the offense of DUI within the past two years is ineligible for a retailer's license under K.S.A. 41-2703, and if currently licensed, may have the license suspended or revoked upon such participation.

While the employment by a licensee of a person who is participating in a diversion program is permissible, given the more restrictive language of K.S.A. 41-2708, the nonuniform application of the act it is contained within renders it subject to a city's home rule power. Cited herein: K.S.A. 1983 Supp. 8-1567, K.S.A. 12-4416, K.S.A. 1983 Supp. 22-2909, K.S.A. 41-2701, 41-2703, 41-2708, Kan. Const., Art. 12, Sec. 5. JSS

OPINION NO. 84-22

Townships and Township Officers—Establishment of Funds—Transfer of Money Between Funds.

Cities and Municipalities—Investment of Public Moneys—Active and Idle Accounts; Permissible Forms of Investment. Bob Sones, Clerk, Junction Township, Overbrook, March 7, 1984.

A township is a taxing body subject to the Kansas Budget Law, K.S.A. 77-2925 *et seq.*, including the provisions concerning expenditures from various funds and the transfer of money from one fund to another. In the absence of a statute so authorizing a transfer, money cannot be taken from one fund and placed into another, even if it has accrued over a period of time and is not budgeted to be spent. Such action would be in violation of the provisions of K.S.A. 79-2934, and would subject the officials involved to proceedings to remove them from office under K.S.A. 79-2936.

Townships may deposit their active funds in a variety of accounts in which there is no minimum maturity and withdrawals are allowed on demand with no penalty. Investment of idle funds under K.S.A. 1983 Supp.

12-1675 must be made in the ways prescribed therein, each of which limits accessibility to the funds or sets a penalty for early withdrawal. Joint investment of idle funds with other townships (in order to maximize yield) is permissible, and should be done through the provisions of the Inter-local Agreement Act, K.S.A. 12-2901 *et seq.*

Cited herein: K.S.A. 1983 Supp. 12-1675, K.S.A. 12-2904, K.S.A. 1983 Supp. 79-2925, K.S.A. 79-2927, K.S.A. 1983 Supp. 79-2934, K.S.A. 79-2936, K.S.A. 80-404, 80-1406b, 80-2021. JSS

OPINION NO. 84-23

Automobiles and Other Vehicles—Serious Traffic Offenses—Driving While Under Influence of Alcohol; Prohibition on Parole Until Minimum Sentence Served. Charles F. Lay, City Attorney, Gardner, March 7, 1984.

K.S.A. 1983 Supp. 8-1567 (c), (d) and (e) provide that a person convicted of a violation of the statute is not eligible for probation or suspension or reduction of sentence until the minimum time of imprisonment has been served. While the term "parole" is not specifically used, the statute must be construed to include parole within those actions which are not allowed before the minimum sentence is served. Cited herein: K.S.A. 1983 Supp. 8-1567, K.S.A. 12-4511. JSS

ROBERT T. STEPHAN
Attorney General

Doc. No. 001938

State of Kansas

STATE CORPORATION COMMISSION

NOTICE PERTAINING TO
MOTOR CARRIER HEARINGS
BEFORE THE

STATE CORPORATION COMMISSION

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

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

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 4th Floor, State Office Building, Topeka, Kansas 66612, or telephone (913) 296-3808 or 296-2110.

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

(continued)

Applications set for April 5, 1984—
TOPEKA, KANSAS

Application for Transfer of Certificate of
Convenience and Necessity:

Paul Sells, dba) Docket No. 138,173 M
Sells Truck Line)
830 Kindleberger Rd.)
P.O. Box 15278)
Kansas City, KS 66115) Route No. 21818
TO:
Sells Truck Line, Inc.
830 Kindleberger Rd.
P.O. Box 15278
Kansas City, KS 66115

Applicant's Attorney: Arthur Cerra, 2100 Charter Bank
Center, P.O. Box 19251, Kansas City, MO 64141-
2251

General commodities, except household goods and
commodities in bulk,

Between all points & places within the counties of
Wyandotte & Johnson on the one hand, & all points &
places within the counties of Kingman, Reno, Harvey,
Butler, Sumner, Harper & Sedgwick, on the other
hand.

Application for Extension of Certificate of
Convenience and Necessity:

Schreiner's, Inc.) Docket No. 62,042 M
P.O. Box 9, Rt. 1)
Ogallah, KS 67656) Route No. 5620

Applicant's Attorney: Erle Francis, 719 Capitol Fed-
eral Bldg., Topeka, KS 66603

Petroleum products and liquid fertilizer,

Between the counties of Russell, Rush, Rooks, Ellis,
Barton, Trego, Graham, Ness, Gove, Sheridan, Norton,
Thomas, Ellsworth & Logan.

And,

Between the above named counties on the one
hand, & all points & places in KS on the other.

Application for Extension of Certificate of
Convenience and Necessity:

Priority Air Courier, Inc.) Docket No. 129,904 M
250 Richards Rd.,)
Suite 267)
Kansas City, MO 64141) Route No. 20468

Applicant's Attorney: Thomas Hutchison, Traders
Bank Bldg., 1125 Grand Ave., Suite 1800, Kansas
City, MO 64106

General commodities, except those of unusual value,
and except dangerous explosives and dangerous ar-
ticles; household goods as defined by the ICC;
commodities in bulk,

All points & places in an area bounded on the west
by US Hwy 281 & on the east by the KS-MO line; on
the north by the KS-NE line; & on the south by the
KS-OK line.

Restriction: No one parcel exceeding 100 lbs., total
weight per vehicle not exceeding 750 lbs.

Applications set for April 10, 1984—
TOPEKA, KANSAS

Application for Certificate of Convenience
and Necessity:

Thunderbird Travel) Docket No. 140,724 M
Agency, dba)
Thunderbird Travel)
1566 Lincoln)
Concordia, KS)

Applicant's Attorney: None

Passengers and their baggage in charter
party service only,

To, from & between Cloud, Republic, Ottawa, Clay
& Saline Counties, KS, on the one hand; & on the
other hand, to all points in KS.

Application for Certificate of Convenience
and Necessity:

Michael D. Parker, dba) Docket No. 140,731 M
Parker Trucking)
R.R. 1)
Waterville, KS)

Applicant's Attorney: None

Grain,

To, from & between all points & places in Wash-
ington, Marshall & Wyandotte Counties, on the one
hand; on the other hand, to all points & places in the
state of KS.

Application for Certificate of Convenience
and Necessity:

Gene Bachman, dba) Docket No. 140,782 M
Bachman Service Center)
Box 1)
Moundridge, KS 67107)

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

Wrecked, disabled and replacement vehicles,

Between points & places in McPherson, Harvey,
Reno, Marion & Sedgwick Counties, KS.

Also,

Between points & places in McPherson, Harvey,
Reno, Marion & Sedgwick Counties on the one hand,
& points & places in the state of KS, on the other hand.

Application for Certificate of Convenience
and Necessity:

Ricky D. Jackson, dba) Docket No. 140,603 M
Rick's Garage)
414 S. 7th St.)
Leavenworth, KS 66048)

(continued)

Applicant's Attorney: Douglas Water, 302 Shawnee, Leavenworth, KS 66048

Wrecked, disabled and replacement vehicles,

To, from & between all points & places in Leavenworth & Wyandotte Counties in KS, on the one hand; on the other hand, to all points & places in the state of KS.

Application for Certificate of Convenience and Necessity:

William W. Cole, dba) Docket No. 140,601 M
 Cole Auto Service)
 116 W. Second)
 Eureka, KS 67045)

Applicant's Attorney: None

Wrecked, disabled and replacement vehicles,

To, from & between all points & places in Greenwood County, KS on the one hand; on the other hand, to all points & places in the state of KS.

Application for Certificate of Convenience and Necessity:

John W. Schroer, dba) Docket No. 140,753 M
 John's Garage)
 P.O. Box 283)
 Madison, KS 66860)

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

Wrecked and disabled and replacement vehicles,

Between points & places in Greenwood County, KS. Also,

Between points & places in Greenwood County on the one hand, & points & places in the state of KS, on the other hand.

**Applications set for April 12, 1984—
 TOPEKA, KANSAS**

Application for Extension of Certificate of Convenience and Necessity:

Elliott Truck Lines, Inc.) Docket No. 116,454 M
 101 E. Excelsior)
 Vinita, OK) Route No. 14540

Applicant's Attorney: Tom Kretsinger, 20 E. Franklin, Liberty, MO 64068

Feed and feed ingredients, fertilizer and fertilizer materials, chemicals and mud products,

Between Doniphan, Atchison, Leavenworth, Wyandotte & Johnson Counties on the one hand; & on the other hand, all other points & places in the state of KS.

Application for Joint and Dual Registration of Equipment:

Transportation, Inc.) Docket No. 34,604 M
 P.O. Box 330) Route Nos. 3232 &
 Ottawa, KS) 6862
) Docket No. 75,055 M
) Permit No. C 21-521
) Docket No. 59,133 M
) Permit No. C 21-454
) Docket No. 74,907 M
) Permit No. P 21-520

Bones Transportation, Inc.) Docket No. 140,712 M
 P.O. Box 330) Route No. 23097
 Ottawa, KS)

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

Application for Certificate of Convenience and Necessity:

Kansas Satellite) Docket No. 140,600 M
 Systems, Inc.)
 P.O. Box 52)
 Eskridge, KS 66423)

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

Livestock and grain,

Between points & places in Wabaunsee, Lyon & Morris Counties.

Also,

Between points & places in Wabaunsee, Lyon & Morris Counties on the one hand, & points & places in the state of KS, on the other hand.

Electronic equipment, components and parts thereof and articles, materials and supplies used in the manufacture, installation, sale and distribution of electronic equipment, (except computers, computer parts, supplies and materials),

Between all points & places in KS.

Application for Contract Carrier Permit:

David Curry) Docket No. 140,876 M
 R.R. 3, Box 228)
 Augusta, KS 67010)

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

Building and construction material, petroleum and related products, machinery and metal products,

Between all points & places in the state of KS, under contract with Jack Foster Company, of Wichita, KS.

(continued)

Applications set for April 17, 1984—

TOPEKA, KANSAS

Application for Transfer of Certificate of Convenience and Necessity:

Heiser Truck Line, Inc.) Docket No. 27,498 M
Rt. 2)

Herington, KS 67449) Route No. 2146
TO:

C & L, Inc.

R.R. 2, Box 158

Hillsboro, KS 67063

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

Livestock.

Between all points & places within Marion & Harvey Counties; that portion of Morris County west of KS Hwy 177; that portion of Chase County west of KS Hwy 177; that portion of Butler County west of US Hwy 54/77 & north of US Hwy 54; that portion of Sedgwick County north of US Hwy 54; that portion of Reno County north of KS Hwy 96 & east of US Hwys 61 & 81; that portion of McPherson County east of US Hwy 81; that portion of Saline County east of US Hwy 81 & south of US Hwy 70; & that portion of Dickinson County south of US Hwy 70.

Also,

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

Also,

Between feed lots, located at a point approximately 5 miles west of Abilene, KS, & at a point approximately 1 mile south & ½ mile west of Council Grove in Morris County, KS, on the one hand, & points & places in the state of KS, on the other hand.

Unprocessed farm feeds and seeds,

Between all points & places within that portion of Saline County east of US Hwy 81 & south of US Hwy 70; that portion of Dickinson County south of US Hwy 70; that portion of Morris County west of KS Hwy 177; that portion of Chase County west of KS Hwy 57 & north of US Hwy 50; that portion of Marion County north of US Hwy 50 & that portion of McPherson County north of US Hwy 56 & east of US Hwy 81.

Also,

Between all points & places within the above described territory on the one hand, & the markets at Kansas City in Wyandotte County, Topeka in Shawnee County, Salina in Saline County & Wichita in Sedgwick County, & the community sales at Abilene in Dickinson County, Council Grove in Morris County, Herington in Dickinson County, Junction City in Geary County & Salina in Saline County, KS, on the other hand.

Also,

Between farms, ranches & pastures within that portion of Morris County west of KS Hwy 177; that portion of Chase County west of KS Hwy 57 & north of US Hwy 50; that portion of Marion County east of US Hwy 56/77 & north of US Hwy 56; & that portion of Dickinson County south of KS Hwy 4, east of KS Hwy 15 & south of US Hwy 70.

Also,

Between farms, ranches & pastures within the above described territory on the one hand, & farms, ranches & pastures in KS within Morris & Marion Counties; that portion of Dickinson County south of US Hwy 70; that portion of Geary County south of US Hwy 70 & west of KS Hwy 57; that portion of Chase County north of US Hwy 50 & west of KS Hwy 57; & that portion of McPherson County north of US Hwy 56 & east of US Hwy 81, on the other hand.

Processed mill feeds,

Between all points & places within that portion of Saline County east of US Hwy 81 & south of US Hwy 70; that portion of Dickinson County south of US Hwy 70; that portion of Morris County west of KS Hwy 177; that portion of Chase County west of KS Hwy 57 & north of US Hwy 50; that portion of Marion County north of US Hwy 50 & that portion of McPherson County north of US Hwy 56 & east of US Hwy 81.

Also,

Between points & places within the above described territory on the one hand, & Kansas City in Wyandotte County, Salina in Saline County, Topeka in Shawnee County & Wichita in Sedgwick County, KS, on the other hand.

Also,

Between Wichita in Sedgwick County & Kansas City in Wyandotte County, KS on the one hand, & Lost Springs & Lincolnville in Marion county, on the other hand.

Also,

Between Wichita in Sedgwick County & Kansas City in Wyandotte County on the one hand, & farms & rural locations within that portion of Morris County west of KS Hwy 177; that portion of Chase County west of KS Hwy 57 & north of US Hwy 50; that portion of Marion County east of US Hwy 56/77 & north of US Hwy 56; & that portion of Dickinson County south of KS Hwy 4, east of KS Hwy 15 & south of US Hwy 70, on the other hand.

Hay and grain,

Between all farms & rural locations within Marion County; that portion of Dickinson County south of KS Hwy 4; that portion of Chase County west of KS Hwy 57; that portion of Harvey County north of KS Hwy 196 & east of US Hwy 81; & that portion of McPherson County east of US Hwy 81, on the one hand, & points & places within Cloud, Clay, Riley, Pottawatomie, Lincoln, Ottawa, Geary, Wabaunsee, Shawnee, Saline, Dickinson, Morris, Osage, Ellsworth, Barton, Rice, McPherson, Marion, Chase, Lyon, Coffey, Stafford, Reno, Harvey, Woodson, Greenwood, Kingman, Sedgwick, Butler, Elk, Sumner & Cowley Counties; that portion of Harper County east of KS Hwys 179 & 2/14 & north of US Hwy 160; that portion of Pratt County east of US Hwy 281; that portion of Russell County east of US Hwy 281; that portion of Mitchell County south of US Hwy 24 & east of KS Hwy 14; that portion of Republic County south of KS Hwy 148; that portion of Washington County south of KS Hwy 148; that portion of Marshall County south of KS Hwys 148, 9 & 88; that portion of Jackson County south of KS

(continued)

Hwy 16 & west of US Hwy 75; that portion of Douglas County west of US Hwy 59; that portion of Franklin County west of US Hwy 59; that portion of Anderson County west of US Hwy 59 & northwest of US Hwy 169; that portion of Allen County west of US Hwy 169; that portion of Wilson County north of KS Hwy 47 & west of US Hwy 75; that portion of Montgomery County west & north of KS Hwy 39 & that portion of Chautauqua County north of US Hwy 166 & west of KS Hwy 99, on the other hand, serving no intermediate points.

Petroleum products in packages,

Between points & places within that portion of Saline County east of US Hwy 81 & south of US Hwy 70; that portion of Dickinson County south of US Hwy 70; that portion of Morris County west of KS Hwy 177; that portion of Chase County west of KS Hwy 57 & north of US Hwy 50; that portion of Marion County north of US Hwy 50 & that portion of McPherson County north of US Hwy 56 & east of US Hwy 81, on the one hand, & Wichita in Sedgwick County, KS, on the other.

*Fertilizer, dry, in bags and containers,
not to exceed 15 tons,*

Between all points & places within that portion of Saline County east of US Hwy 81 & south of US Hwy 70; that portion of Dickinson County south of US Hwy 70; that portion of Morris County west of US Hwy 177; that portion of Chase County west of KS Hwy 57 & north of US Hwy 50; & that portion of McPherson County north of US Hwy 56 & east of US Hwy 81, on the one hand, & all farms, ranches & pastures within the state of KS, on the other.

Fertilizer, dry, in bag containers,

Between Topeka in Shawnee County, Junction City in Geary County, Hutchinson in Reno County, Marysville in Marshall County & Wichita in Sedgwick County, KS, on the one hand, & points & places within that portion of Morris County west of KS Hwy 177; that portion of Chase County west of KS Hwy 57 & north of US Hwy 50; that portion of Marion County east of US Hwy 56/77 & north of US Hwy 56; & that portion of Dickinson County south of KS Hwy 4, east of KS Hwy 15 & south of US Hwy 70, on the other.

Salt,

Between Hutchinson in Reno County & Kanopolis in Ellsworth County, KS on the one hand, & farms & rural locations within that portion of Saline County east of US Hwy 81 & south of US Hwy 70; that portion of Dickinson County south of US Hwy 70; that portion of Morris County west of KS Hwy 177; that portion of Chase County west of KS Hwy 57 & north of US Hwy 50; that portion of Marion County north of US Hwy 50 & that portion of McPherson County north of US Hwy 56 & east of US Hwy 81, on the other.

Also,

Between Hutchinson in Reno County & Lyons in Rice County, KS on the one hand, to farms, ranches & pastures within that portion of Morris County west of KS Hwy 177; that portion of Chase County west of KS Hwy 57 & north of US Hwy 50; that portion of Marion

County east of US Hwy 56/77 & north of US Hwy 56; & that portion of Dickinson County south of KS Hwy 4, east of KS Hwy 15 & south of US Hwy 70, on the other.

Building material, lumber and sand,

Between Wichita in Sedgwick County, Kansas on the one hand & farms, ranches & pastures within that portion of Morris County west of KS Hwy 177; that portion of Chase County west of KS Hwy 57 & north of US Hwy 50; that portion of Marion County east of US Hwy 56/77 & north of US Hwy 56; & that portion of Dickinson County south of KS Hwy 4, east of KS Hwy 15 & south of US Hwy 70, on the other.

Building materials,

Between all points & places within that portion of Saline County east of US Hwy 81 & south of US Hwy 70; that portion of Dickinson County south of US Hwy 70; that portion of Morris County west of KS Hwy 177; that portion of Chase County west of KS Hwy 57 & north of US Hwy 50 & that portion of Marion County north of US Hwy 50 & that portion of McPherson County north of US Hwy 56 & east of US Hwy 81.

Also,

Between points & places in the above described territory on the one hand, & Kansas City in Wyandotte County, Salina in Saline County, Topeka in Shawnee County & Wichita in Sedgwick County, KS, on the other.

*New and used farm machinery, knocked-down
and set up,*

Between all points & places within that portion of Saline County east of US Hwy & south of US Hwy 70; that portion of Dickinson County south of US Hwy 70; that portion of Morris County west of KS Hwy 177; that portion of Chase County west of KS Hwy 57 & north of US Hwy 50; that portion of Marion County north of US Hwy 50 & that portion of McPherson County north of US Hwy 56 & east of US Hwy 81.

Also,

Between points & places within the above described territory on the one hand, & Kansas City in Wyandotte County, Salina in Saline County, Topeka in Shawnee County & Wichita in Sedgwick County, KS, on the other.

Also,

Between all points & places within that portion of Morris County west of KS Hwy 177; that portion of Chase County west of KS Hwy 57 & north of US Hwy 50; that portion of Marion County east of US Hwy 56/77 & north of US Hwy 56; & that portion of Dickinson County south of KS Hwy 4, east of KS Hwy 15 & south of US Hwy 70.

Also,

From Kansas City in Wyandotte County, Wichita in Sedgwick County & Salina in Saline County, KS, to points & places within the above described territory.

Emigrant farm movables,

Between all points & places within that portion of Saline County east of US Hwy 81 & south of US Hwy 70; that portion of Dickinson County south of US Hwy

(continued)

70; that portion of Morris County west of KS Hwy 177; that portion of Chase County west of KS Hwy 57 & north of US Hwy 50; that portion of Marion County north of US Hwy 50 & that portion of McPherson County north of US Hwy 56 & east of US Hwy 81.

Also,

Between points & places within the above described territory on the one hand, & all points & places in KS except Cheyenne, Rawlins, Decatur, Norton, Sherman, Thomas, Sheridan, Graham, Wallace, Logan, Gove, Greeley, Wichita, Scott, Lane, Hodgeman, Hamilton, Kearny, Finney, Gray, Ford, Stanton, Grant, Haskell, Morton, Stevens, Seward, Meade & Clark Counties; that portion of Phillips County west of US Hwy 183; that portion of Trego County west of US Hwy 283; that portion of Ness County west of US Hwy 283; that portion of Comanche County west of US Hwy 183 & KS Hwy 1 & that portion of Cherokee County east of KS Hwy 7 & south of KS Hwy 96, on the other hand, when moving from farm to farm, farm to town or town to farm.

Also,

Between points & places within Marion County; that portion of Dickinson County south of KS Hwy 4; that portion of Chase County west of KS Hwy 57; that portion of Harvey County north of KS Hwy 196 & east of US Hwy 81; & that portion of McPherson County east of US Hwy 81, & between all points & places within the above described territory, on the one hand, & points within the state of KS on the other, when moving from farm to farm, farm to town & town to farm.

Also,

Between points & places within that portion of Morris County west of KS Hwy 177; that portion of Chase County west of KS Hwy 57 & north of US Hwy 50; that portion of Marion County east of US Hwy 56/77 & north of US Hwy 56; & that portion of Dickinson County south of KS Hwy 4, east of KS Hwy 15 & south of US Hwy 70, when moving from farm to farm, farm to town & town to farm.

Processed farm feeds,

Between Canada, KS & Marion, KS & farms & rural locations within Marion County; that portion of Dickinson County south of KS Hwy 4; that portion of Chase County west of KS Hwy 57; that portion of Harvey County north of KS Hwy 196 & east of US Hwy 81, on the one hand, & Wichita & Newton, KS, on the other hand.

Also,

Between Canada, KS on the one hand, & farms & rural locations within Marion County; that portion of Dickinson County south of KS Hwy 4; that portion of Chase County west of KS Hwy 57; that portion of Harvey County north of KS Hwy 196 & east of US Hwy 81, on the other hand.

Application for Extension of Certificate of Convenience and Necessity:

John E. Jones Oil Co.,) Docket No. 133,737 M
Inc.)
206 S. Cedar St.)
Stockton, KS) Route No. 20634

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

Petroleum and petroleum products,

From all petroleum pipelines & terminals in KS, to, from & between all points & places in the state of KS bounded on the north by the KS-NE state line; bounded on the west by KS-CO state line; bounded on the south by the KS-OK state line; & bounded on the east at a point commencing on the KS-NE state line where the east boundary line of Brown County connects with the state line of KS, then south along the east boundary line of Brown County to the North Atchison County line, then west along said line until it connects with the east boundary line of Jackson County, then south along the east boundary line of Jackson County until it connects with the Shawnee County line, then south along the east line of Shawnee County, Osage County & Coffey County to the south boundary line of Coffey County, then west along the south line of Coffey County to the east line of Greenwood County, then south along the east line of Greenwood County to the south line of Greenwood County then west along the south line of Greenwood County to the east line of Butler County, then south along the east lines of Butler County & Cowley County to the KS-OK state lines.

Application for Transfer of Certificate of Convenience and Necessity:

Keith Brady, dba) Docket No. 140,892 M
Brady Fluid Service)
P.O. Box 94)
Garden City, KS 67846) Route No. 4856
TO:
Brady Fluid Service, Inc.
P.O. Box 94
Garden City, KS 67846

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

Crude oil, used in and for production, processing, treating, salvage, construction and for lease road purposes, in bulk, fresh water for drilling purposes and salt water for disposal purposes,

Between points & places in the counties of Rush, Barton, Rice, McPherson, Finney, Hodgeman, Pawnee, Stafford, Reno, Harvey, Edwards, Gray, Ford, Kiowa, Pratt, Kingman, Sedgwick, Meade, Clark, Comanche, Barber & Harper.

Between points & places in the counties of Rush, Barton, Rice, McPherson, Finney, Hodgeman, Pawnee, Stafford, Reno, Harvey, Edwards, Gray, Ford, Kiowa, Pratt, Kingman, Sedgwick, Meade, Clark, Comanche, Barber & Harper, Wallace, Logan, Gove, Trego, Greeley, Wichita, Scott, Lane, Ness, Hamilton, Kearney, Stanton, Grant, Haskell, Morton, Stevens & Seward.

WILLIAM E. GREEN
Administrator
Transportation Division

Doc. No. 001950

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

MUNICIPAL COURTROOM, TOP FLOOR, CITY HALL
705 FIRST, DODGE CITY, KANSAS

Before FOTH, C.J., ABBOTT and MEYER, JJ.

Monday, March 26, 1984

Case No.	Case Name	Attorney	County
9:30 a.m.			
55,649 S.C.	State of Kansas, appellee, v. James W. Snedecor, appellant.	Attorney General; Janet Velazquez, Asst. D.A.	Ford
55,648	State of Kansas, appellee, v. Kenneth R. Hall, appellant.	Timothy J. Grillott. Attorney General; Janet Velazquez, Asst. D.A.	Ford
55,994	W. E. Anderson, d/b/a Anderson Pharmacy & Distribution Services, Inc., a/k/a D.S.I., appellants, v. S.B.I. Management (U.S.) Ltd., appellee.	Timothy J. Grillott. Jack E. Dalton.	Ford
55,949	Leroy Gibbens & Rubymae Gibbens, appellants, v. Elizabeth C. Heyka, appellee.	Doug Myers. David H. Snapp.	Ford
55,889	Gary Edward Messenger, appellee, v. Sage Drilling Co. & Hartford Accident & Indemnity Ins., appellant.	John E. Fierro. Ken W. Strobel.	Finney
1:30 p.m.			
56,019 S.C.	Ralph Claussen, appellant, v. Ralph C. Wilkerson & Mary B. Wilkerson, husband & wife; & Peoples State Bank of Minneola, KS., appellees.	Jack W. Shultz. Robert M. Baker.	Clark
55,503	Kenneth Gall, d/b/a Gall Agency, appellant, v. Kansas Continental, Inc.; Thomasine R. Fallwell, a/k/a Ruth Fallwell; Estate of James W. Fallwell, Deceased; and Donald R. Ballweber, appellees, & In the Matter of the Estate of James Wesley Fallwell, Deceased.	Arthur B. McKinley. Thomasine R. Fallwell, <i>pro se</i> .	Bourbon
55,699	Colorado Interstate Gas Co., a Delaware Corporation, appellant, v. Peoples National Bank, a National Banking Corporation, and Frank E. Dufield, appellees.	William J. Graybill; Stephen G. Koerner. Arthur B. McKinley.	Seward

(continued)

55,552	Stout's Water Well Service, a corporation, appellant, v. Price Bros. Equipment, Inc., and J. I. Case Co., a Tenneco Company, appellee.	William J. Graybill. David Traster; Kerry McQueen.	Morton
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Tuesday, March 27, 1984

9:00 a.m.

55,480 S.C.	The Garden City Co-op, Inc., appellee, v. M. D. Niedens, appellant.	Michael E. Collins; Keith Wilson. Phyllis F. Wendler.	Finney
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55,220	Chester E. Winkelman, appellant, v. Jodie Mahan, appellee.	Lelyn J. Braun. Keith Wilson; H. Lee Turner.	Seward
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55,758	Citizens State Bank, Liberal, Ks., a corporation, Plaintiff, appellee, v.	B. G. Larson.	Seward
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55,948	Donald V. Carlile & Phyllis M. Carlile, <i>et al.</i> , appellants, & Donald V. Carlile & Phyllis M. Carlile, counter-claimants & Third-Party Plaintiffs, v. O. R. Whitaker & Citizens State Bank, Liberal, Ks., a corporation.	Lelyn J. Braun.	
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55,948	State of Kansas, appellee, v.	Attorney General; County Attorney.	Ford
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55,650	Mark Hapner, appellant. In the Matter of the Adoption of Jason Lee Mullet, a Minor Child.	Erich M. Shultz. M. Moran Tomson for appellant. Gary R. Hathaway for appellee.	Stanton
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1:00 p.m.

55,745	Ron Gillen, appellant, v. American Agrisurance Co., appellee.	Lelyn J. Braun. E. Edward Brown.	Finney
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55,795	Danny Lopez, appellant, v. Jody Butler, appellee.	Lelyn J. Braun. William B. Bolin.	Kearny
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56,094	State of Kansas, appellee, v.	Attorney General; Robert J. Frederick, Co. Atty.	Kearny
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55,595	Jose Ramon Castro, appellant. State of Kansas, appellee, v.	Ted R. Morgan. Attorney General; Paul D. Handy, Co. Atty.	Finney
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55,595	Juan Manuel Cabral, appellant.	Don Vsetecka.	
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(continued)

**KANSAS COURT OF APPEALS
SALINE COUNTY COURTHOUSE, COURTROOM NO. 2
SALINA, KANSAS**

Before PARKS, P.J., REES and SWINEHART, JJ.

Friday, March 30, 1984

9:00 a.m.

55,508 S.C.	State of Kansas, appellee,	Attorney General; Mickey W. Mosier.	Saline
	v.		
	Bonnie Lee Duncan, appellant.	Robert G. German.	
55,543	Mary Kathleen Duff, appellee,	Richard Blackwell, Sr.	Saline
	v.		
	Gary Dale Duff, appellant.	Jerome P. Hellmer; Robert L. Constable.	
56,054	State of Kansas, appellee,	Attorney General; Keith D. Hoffman, Co. Atty.	Dickinson
	v.		
	Lou A. Herzig, appellant.	Doug Thompson.	
55,740 & 55,741 (Con.)	Bucher & Willis Consulting Engineers, Planners & Architects, appellee,	John Mize.	Dickinson
	v.		
	James K. Smith, Administrator of the Estate of August Ziebell, Deceased, & Robert C. Johnson, appellants.	Robert C. Johnson.	
55,681	In the Matter of the Estate of Patrick L. O'Meara, Deceased.	Harold L. Haun.	Morris
		Edwin G. Westerhaus.	
55,853	State of Kansas & City of Oberlin, Ks., appellees,	Attorney General; John Bremer, Co. Atty.; Terry Rodgers, City Atty.	Decatur
	v.		
	Russell Raulston, appellant.	William L. Winkley.	

1:30 p.m.

55,610	Farmway Credit Union, of Beloit, Ks., appellee,	Arthur J. Chartrand; Curtis A. Frasier.	Jewell
	v.		
	Keith Schreuder & Margaret L. Schreuder, husband & wife; Terry Zimmer; Downs National Bank, Downs, Ks.; Osborne Livestock Commission; Boettcher Enterprises, Inc.; Kaser Implement, Inc.; & Midway Co-op, Inc., appellants.	Don W. Noah; Robert A. Bloomer; Richard E. Dietz; Darrell E. Miller.	
55,613	O. A. Cooper Company, a corporation, appellee,	Don W. Noah.	Smith
	v.		
	Lazy R. Farms, Inc.; Robert D. Conn; Frances B. Conn; Dale Remus; & George Duntz, appellants.	Jacob S. Graybill.	
55,285	Hugh D. Mauch & Patricia Mauch, appellants,	Hugh D. Mauch.	Barton
	v.		
	The City of Great Bend, Ks., a Municipal Corporation, & Howard W. Lindberg, City Clerk of the City of Great Bend, Ks., appellees.	Robert G. Suelter.	

(continued)

55,286	Harold's Sirloin of America, Inc., appellant, v. City of Great Bend, Ks., a Municipal Corporation, & Howard W. Lindberg, City Clerk of the City of Great Bend, Ks., appellees.	Larry E. Keenan. Robert G. Suelter.	Barton
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**KANSAS COURT OF APPEALS
DISTRICT COURTROOM, 3RD FLOOR, MEMORIAL BUILDING
CHANUTE, KANSAS**

**Before PARKS, P.J., ABBOTT and SWINEHART, JJ.
Monday, April 2, 1984**

9:00 a.m.

55,680 S.C.	State of Kansas, appellee, v. Ellis J. Thompson, appellant.	Attorney General; Jeffrey Chubb, Co. Atty. Ronald P. Wood.	Montgomery
55,373	State of Kansas, appellee, v. Bobby Lee Washington, appellant.	Attorney General; Ed Randells, Asst. Co. Atty.	Montgomery
55,937	Addie Filson, appellant, v. C.R.A., Inc., appellee.	Philip J. Bernhart. Curt T. Schneider.	Montgomery
55,814	Candace Cole Landis, appellant, v. Carl Grigsby, d/b/a Grigsby Retail Liquor Store, appellee.	Monte L. Belot; Jack L. Lively. Morris D. Hildreth.	Montgomery
55,746	Rolly O. Kinnell, Prison #31576, appellant, v. State of Kansas, appellee.	John Forsyth. Rolly O. Kinnell.	Bourbon
55,297	State of Kansas, appellee, v. Dan Robertson, appellant.	Attorney General; Daniel F. Meara, Co. Atty. Attorney General; Herman A. Loepp, Co. Atty. Thomas Gleason.	Anderson
1:00 p.m.			
55,743	Mark Smith, d/b/a Smitty's Service, <i>et al.</i> , appellant, v. Elmer Anderson, d/b/a Anderson Custom Homes, <i>et al.</i> , appellee.	David K. Clark. David K. Markham.	Wilson
55,502	Del-Rey Industries, Inc., appellee, v. Kansas Energy Corporation; Petro Dynamics, Inc., a Delaware Corporation; Well Dynamics Corporation; & Reliance Oil & Gas Corp., appellants.	Steven W. Rogers. John J. Gillett; Ronald P. Wood.	Wilson
55,810	Glenn M. McCann, appellant, v. State of Kansas, appellee.	Richard D. Loffswold, Jr. Attorney General; Frederick R. Smith.	Crawford
55,387	James P. Sellars & Kelly Sellars, appellants, v. Stauffer Communications, Inc., appellee.	Fred Spigarelli. Michael W. Merriam.	Crawford

LEWIS C. CARTER
Clerk of the Appellate Courts

(Published in the KANSAS REGISTER, March 15, 1984.)

NOTICE OF BOND SALE
\$107,000.00
GENERAL OBLIGATION BONDS
OF THE
CITY OF HIAWATHA, KANSAS

The CITY OF HIAWATHA, KANSAS will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, 723 OREGON, HIAWATHA, KANSAS, until 5:35 p.m., C.S.T., on

MONDAY, MARCH 19, 1984

for \$107,000.00 par value GENERAL OBLIGATION 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 will be dated as of April 1, 1984, and shall mature on October 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, except one Bond in the denomination of \$7,000.00, not exceeding the principal amount of Bonds maturing in each year. Interest will be payable semiannually, commencing April 1, 1985, and each April 1 and October 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 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.

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

<i>Principal Amount</i>	<i>Maturity Date</i>
\$ 7,000.00	October 1, 1985
10,000.00	October 1, 1986
10,000.00	October 1, 1987
10,000.00	October 1, 1988
10,000.00	October 1, 1989
10,000.00	October 1, 1990
10,000.00	October 1, 1991
10,000.00	October 1, 1992
15,000.00	October 1, 1993
15,000.00	October 1, 1994

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 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 the "20 Bond Index" of tax exempt municipal bonds published by the *Weekly Bond Buyer* in New York, New York on the Monday next preceding the day on which the Bonds are sold (March 12, 1984), plus 2%, 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.

BID FORM AND GOOD FAITH DEPOSIT

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City at CITY HALL, 723 OREGON, HIAWATHA, KANSAS 66434, ATTENTION: LAURIE E. NEEMANN, ACTING CITY CLERK, 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 TREASURER, CITY OF HIAWATHA, 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.

AWARD OF BIDS

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. 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 paid from the aggregate amount of interest upon all of the Bonds from their date until their respective maturities.

DELIVERY OF THE BONDS

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 GAAR & BELL, Bond Counsel, of Wichita, Kansas. THE NUMBER, DENOMINATION OF BONDS, AND NAMES OF THE INITIAL REGISTERED OWNERS TO BE INITIALLY PRINTED ON THE BONDS SHALL BE SUBMITTED IN WRITING BY THE SUCCESSFUL BIDDER TO THE BOND REGISTRAR NOT LATER THAN APRIL 9, 1984. 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. Pay-

(continued)

ment for the Bonds shall be made in immediately available funds. Delivery of the Bonds will be made to the successful bidder on or before APRIL 19, 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.

LEGAL OPINION

Bids shall be conditioned upon the unqualified approving opinion of Gaar & Bell, Bond Counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each Bond and a manually signed original will be furnished without expense to the purchaser of the Bonds at the delivery thereof. The cost of this legal opinion and the expense of printing the Bonds and legal opinion will be paid by the 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.

PURPOSE OF ISSUE

The Bonds are being issued for the purpose of purchasing and acquiring a fire truck and ladder and other miscellaneous fire fighting equipment for the fire department of the City of Hiawatha, Kansas.

CUSIP IDENTIFICATION NUMBERS

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

ASSESSED VALUATION

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

Equalized Assessed Valuation of Taxable Tangible	
Property	\$ 8,867,210
Tangible Valuation of Motor Vehicles	\$ 1,727,765
Tangible Valuation of Motor Vehicle Dealers' Inventory	\$ 127,138
Assessed Valuation of Farm Machinery and Equipment (1982)	\$ -0-
Assessed Valuation of Business Aircraft (1982) ..	\$ -0-
Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations	\$10,722,113

BONDED INDEBTEDNESS

The total bonded indebtedness of the City of Hiawatha, Kansas, at the date hereof, including this \$107,000.00 proposed issue of Bonds, is in the amount of \$1,106,000.00.

OFFICIAL STATEMENT

Additional copies of this Notice of Bond Sale, copies of the City's Official Statement relating to the Bonds, or further information may be received from First

Securities Company of Kansas, Incorporated, Suite 200, One Main Place, Wichita, Kansas 67202, (316) 262-4411, the City's financial consultants.

DATED FEBRUARY 21, 1984.

CITY OF HIAWATHA, KANSAS
By LAURIE E. NEEMANN
Acting City Clerk

Doc. No. 001934

(Published in the KANSAS REGISTER, March 15, 1984.)

NOTICE OF BOND SALE
\$5,120,000
JOHNSON COUNTY, KANSAS
AIRPORT IMPROVEMENT AND ROAD BONDS
SERIES 1984A
(TWO ISSUES)
(General Obligations Payable from Unlimited Ad Valorem Taxes)

Sealed bids will be received by the Board of County Commissioners of Johnson County, Kansas (the "County"), in the Commissioners' Hearing Room, Johnson County Courthouse, Kansas Avenue and Santa Fe Street, Olathe, Kansas 66061, until 10:30 o'clock a.m., C.S.T., on

Thursday, March 22, 1984

at which time said bids will be publicly opened for the purchase of two issues of Airport Improvement and Road Bonds, Series 1984A, of the County, aggregating the principal amount of \$5,120,000 (the "Bonds").

All of the Bonds will be issued as fully registered bonds dated April 1, 1984, each in the denomination of \$5,000 or any integral multiple thereof. The Bonds will mature in the principal amounts on September 1 in each year as follows:

Year	Principal Amount
1984	\$515,000
1985	515,000
1986	515,000
1987	515,000
1988	510,000
1989	510,000
1990	510,000
1991	510,000
1992	510,000
1993	510,000

Interest on the Bonds will be payable semiannually on March 1 and September 1 in each year commencing September 1, 1984. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America at the office of the State Treasurer in the City of Topeka, Kansas (the "Paying Agent" and "Bond Registrar"), to the registered owners thereof whose names are on the registration books of the Bond Registrar as of the 15th day of the month preceding each interest payment date. The Bonds will be registered pursuant to a plan of registration approved by the County and the Attorney General of the State of Kansas, and, at the option of the successful purchaser, the Bonds may be registered as

(continued)

fully registered certificated bonds and/or uncertificated bonds.

The County will pay the fees of the Bond Registrar for registration and transfer of the Bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, will be the responsibility of the bond owners.

THE TYPE AND DENOMINATIONS OF THE BONDS AND THE NAMES, ADDRESSES AND SOCIAL SECURITY OR TAXPAYER IDENTIFICATION NUMBERS OF THE REGISTERED OWNERS SHALL BE SUBMITTED IN WRITING BY THE SUCCESSFUL BIDDER TO THE COUNTY BY APRIL 10, 1984.

All of the Bonds will constitute general obligations of the County, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount on all the taxable tangible property within the County.

Bids will be received on the aggregate amount of Bonds bearing such rate or rates of interest as may be specified by the bidders subject to the following conditions: The same rate shall apply to all Bonds maturing in the same year. Each interest rate specified shall be a multiple of 1/8th or 1/20th of one percent. No rate shall exceed the "20 Bond Index" of tax exempt municipal bonds published by the weekly *Credit Markets* in New York, New York on March 19, 1984, plus 2 two percent. The difference between the highest rate specified and the lowest rate specified in any bid shall not exceed two percent. No bid providing for supplemental coupons will be considered.

No bid of less than the aggregate principal amount of the Bonds plus accrued interest thereon to the date of their delivery will be considered. Each bid shall specify the total interest cost to the County during the life of the Bonds on the basis of such bid. The best interest cost will be determined by subtracting the amount of the premium, if any, from the total interest cost. The County shall be entitled to rely on the stated net interest cost in awarding the Bonds. If there is any discrepancy between the net interest cost and the average annual net interest rate, the specified net interest cost shall govern and the coupon rates specified in the bid shall be adjusted according.

The Bonds are being issued pursuant to K.S.A. 3-302 and K.S.A. 68-580, and all acts amendatory thereof and supplemental thereto, for the purpose of providing funds to pay the cost of airport improvements and road improvements in the County on roads designated as primary arterial highways.

The County will pay for printing and registering the Bonds and will deliver the same properly executed and registered to the successful bidder on or before May 4, 1984, at such bank or trust company located in the United States as may be specified by the successful bidder. The Bonds will be sold subject to the final approving opinion of GAAR & BELL, Overland Park, Kansas, Bond Counsel, which will be furnished and paid for by the County and will be printed on the Bonds. The successful bidder will be furnished with a

certified transcript of the 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.

At the request of the successful bidder, CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such number on any of the Bonds nor any error with respect thereto shall constitute cause for a failure or refusal by the successful bidder thereof to accept delivery of and pay for the Bonds in accordance with the terms of its bid and this Notice of Bond Sale. All expenses in relation to the printing of CUSIP numbers on the Bonds shall be paid for by the County.

Payment for the Bonds shall be made in Federal Reserve or equivalent funds, to be immediately available on the day of delivery of the Bonds to the successful bidder.

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check in the amount of \$102,400, made payable to the order of the Treasurer of Johnson County, Kansas. Such check will be held by the County pending payment for and delivery of the Bonds to the successful bidder. In the event a bidder whose bid is accepted shall fail to carry out its contract of purchase, the amount of said deposit shall be retained by the County as liquidated damages. No interest will be paid on the deposit made by the successful bidder.

All bids must be submitted on forms which may be obtained from the undersigned. No additions or alterations shall be made to such forms, and any erasures may cause rejection of any bid. The County reserves the right to waive irregularities and to reject any or all bids.

Mailed bids should be addressed to the undersigned County Clerk and marked "Bid for Purchase of Bonds." Bids also may be delivered to said officer at said address at or immediately prior to 10:30 o'clock a.m., C.S.T., on March 22, 1984.

The adjusted equalized assessed valuation of all tangible taxable property in the County, according to the assessment as of August 25, 1983, is \$1,179,194,648. The total outstanding bonded indebtedness of the County as of this date, including the Bonds of the County herein offered for sale, is \$63,892,075. The corresponding amount of indebtedness of the County as of April 1, 1984, the date of the Bonds herein offered for sale, is projected to remain substantially the same.

The outstanding general obligation bonds of the County are rated "Aa" by Moody's Investors Service, Inc., and the County has applied for a rating on the Bonds herein offered for sale.

DATED this 12th day of March, 1984.

DONALD J. CURRY
County Clerk
Johnson County Courthouse
Kansas Avenue & Santa Fe Street
Olathe, Kansas 66061
(913-782-5000)

Doc. No. 001937

(Published in the KANSAS REGISTER, March 15, 1984.)

NOTICE OF REDEMPTION

KANSAS CITY, KANSAS SINGLE FAMILY MORTGAGE REVENUE BONDS 1980 SERIES A

Notice is hereby given that, pursuant to Section 3.01 of the Trust Indenture dated May 1, 1980, \$1,045,000 principal amount of the Bonds are called for redemption May 1, 1984, at the redemption price of 100% of the principal amount being redeemed plus accrued interest thereon to the redemption date.

The serial numbers of the bearer Bonds to be redeemed are as follows:

- Due May 1, 1985: 174, 221
Due May 1, 1986: 252, 264
Due May 1, 1987: 290, 308
Due May 1, 1988: 378, 401, 423
Due May 1, 1989: 506, 508, 522
Due May 1, 1990: 554, 561, 606
Due May 1, 1991: 616, 664, 707
Due May 1, 1992: 720, 781, 794, 825
Due May 1, 1993: 875, 884, 935
Due May 1, 1994: 964, 999, 1026, 1071
Due May 1, 1995: 1110, 1113, 1152, 1187, 1220
Due May 1, 1996: 1224, 1284, 1327, 1344, 1381
Due May 1, 1999: 1409, 1429, 1451, 1461, 1580, 1587, 1612, 1616, 1619, 1705, 1712, 1752, 1783, 1797, 1830, 1882, 1885, 1907, 1924, 1925

Due May 1, 2012

Table with 5 columns of serial numbers for bonds due May 1, 2012, ranging from 2017 to 3196.

The serial numbers of the Registered Bonds to be redeemed in the amount of \$5,000 are:

- Due May 1, 1993: R-4
Due May 1, 2012: R-7

Payment of the redemption price of the Bonds to be redeemed will be made at Security National Bank of Kansas City, One Security Plaza, Kansas City, Kansas 66117.

Notice is hereby given that on or after May 1, 1984,

interest on the Bonds hereby called for redemption shall cease to accrue.

SECURITY NATIONAL BANK OF KANSAS CITY, KANSAS, TRUSTEE

Doc. No. 001945

(Published in the KANSAS REGISTER, March 15, 1984.)

NOTICE OF REDEMPTION

JOHNSON COUNTY, KANSAS SINGLE FAMILY MORTGAGE REVENUE BONDS 1980 SERIES A

Notice is hereby given that, pursuant to Section 3.01 of the Trust Indenture dated May 1, 1980, \$2,040,000 principal amount of the Bonds are called for redemption May 1, 1984, at the redemption price of 100% of the principal amount being redeemed plus accrued interest thereon to the redemption date.

The serial numbers of the bearer Bonds to be redeemed are as follows:

- Due May 1, 1985: 381, 382, 386
Due May 1, 1986: 543, 580, 589
Due May 1, 1987: 669, 676, 745
Due May 1, 1988: 799, 931, 932
Due May 1, 1989: 1010, 1046, 1061, 1085
Due May 1, 1990: 1165, 1198, 1211, 1328, 1372
Due May 1, 1991: 1403, 1419, 1446, 1505, 1563
Due May 1, 1992: 1637, 1662, 1719, 1721, 1747, 1865
Due May 1, 1993: 1927, 1932, 1973, 2041, 2098, 2146
Due May 1, 1994: 2257, 2302, 2325, 2484, 2490, 2509, 2546
Due May 1, 1995: 2564, 2658, 2668, 2719, 2728, 2796, 2834, 2908
Due May 1, 1996: 2979, 2982, 3183, 3205, 3218, 3288, 3339, 3375

Due May 1, 1999

Table with 5 columns of serial numbers for bonds due May 1, 1999, ranging from 3444 to 3677.

Due May 1, 2011

Table with 5 columns of serial numbers for bonds due May 1, 2011, ranging from 5025 to 6597.

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6625	9470	12349	15431	18600
6658	9482	12359	15435	18653
6681	9504	12382	15592	18697
6763	9540	12407	15594	18900
6797	9605	12451	15653	18903
6866	9761	12483	15677	18949
6873	9782	12534	15745	18958
6879	9787	12745	15792	18965
6889	9788	12826	15794	19061
6900	9796	12852	15820	19112
6936	9814	12900	15832	19143
7041	9822	12921	15944	19263
7119	9823	12940	15966	19281
7164	9860	12964	16059	19387
7185	9956	13005	16068	19419
7221	10015	13009	16137	19475
7222	10107	13073	16228	19505
7313	10148	13142	16247	19517
7327	10219	13180	16297	19532
7336	10246	13214	16410	19583
7356	10283	13224	16451	19590
7443	10329	13234	16498	19596
7471	10341	13261	16506	19618
7476	10381	13313	16509	19642
7495	10416	13479	16515	19664
7498	10436	13531	16580	19667
7499	10448	13537	16664	19714
7510	10460	13571	16675	19848
7642	10525	13596	16769	19852
7735	10551	13705	16839	19934
7768	10674	13727	16900	19939
7815	10688	13728	17063	19965
7830	10826	13745	17070	19988
7867	10921	13876	17081	20086
7938	10967	13948	17149	20089
7959	11020	13980	17201	20156
7970	11118	14085	17251	
7979	11160		17305	
8066	11171			

The serial numbers of the Registered Bonds to be redeemed in the amount of \$5,000 are:

Due May 1, 1996: R-3
Due May 1, 1999: R-90
Due May 1, 2011: R-44

The serial number of the Registered Bond to be redeemed in the amount of \$10,000 is:

Due May 1, 2011: R-128

Payment of the redemption price of the bearer Bonds to be redeemed will be made at Security National Bank of Kansas City, One Security Plaza, Kansas City, Kansas 66117, or at the option of the holder, at Citibank, N.A., New York, New York.

Payment of the redemption amount of the Registered Bonds to be redeemed will be made at Security National Bank of Kansas City, One Security Plaza, Kansas City, Kansas 66117.

Notice is hereby given that on or after May 1, 1984, interest on the Bonds hereby called for redemption shall cease to accrue.

SECURITY NATIONAL BANK OF
KANSAS CITY, KANSAS, TRUSTEE

Doc. No. 001946

State of Kansas

DEPARTMENT OF
HEALTH AND ENVIRONMENT

TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board
February 15, 1984. Will expire May 1, 1985.)

Article 43.—CONSTRUCTION, OPERATION
AND ABANDONMENT OF SALT
SOLUTION MINING WELLS

28-43-11. Salt solution mining operations; fees. An annual fee of \$1,300 for permitting, monitoring and inspecting salt solution mining operations shall be paid by each person, firm, association or corporation operating salt solution mining wells. The fee shall be paid by April 1 of each year. Any person, firm, association or corporation who fails to pay the amount due by April 1 shall be subject to permit revocation. (Authorized by K.S.A. 65-171d; implementing K.S.A. 65-171d; effective, T-85-7, Feb. 15, 1984.)

Article 44.—PETROLEUM PRODUCTS
STORAGE TANKS

28-44-11. Buried petroleum products storage tanks program; fees. Each person, firm, association or corporation which has buried petroleum storage tanks shall pay an annual fee for plan approval and for monitoring and inspection of the buried storage tanks. The annual fee shall be \$2.50 for each buried petroleum storage tank in place. The fee shall be collected from the operator of the facility upon which the tanks are located. The fee shall be paid by April 30 of each year. (Authorized by K.S.A. 65-171d; implementing K.S.A. 65-171d, effective, T-85-7, Feb. 15, 1984.)

Article 45.—HYDROCARBON STORAGE
WELLS AND WELL SYSTEMS

28-45-11. Hydrocarbon storage wells and well systems; fees. An annual fee of \$1,176 for permitting, monitoring and inspecting hydrocarbon storage wells and well systems shall be paid by each person, firm, association or corporation operating underground hydrocarbon storage facilities in bedded salt deposits. The fee shall be paid by April 1 of each year. Any person, firm, association or corporation who fails to pay the amount due by April 1 shall be subject to permit revocation. (Authorized by K.S.A. 65-171d; implementing K.S.A. 65-171d; effective, T-85-7, Feb. 15, 1984.)

BARBARA J. SABOL
Secretary

Doc. No. 001921

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.

MINED-LAND CONSERVATION AND RECLAMATION BOARD ADMINISTRATIVE REGULATIONS

Article 1.—GENERAL

47-1-10. General notice requirements. (a) Notice of regularly scheduled board meetings shall be published in:

- (1) The Kansas Register; and
(2) A newspaper of general circulation in the locality of the board's meeting place.

(b) The notice required by subsection (a) of this regulation shall be published at least 10 days before the date of the board meeting, except as otherwise provided in this regulation.

(c) If a special board meeting is deemed necessary and if time will not allow compliance with subsections (a) and (b) of this regulation, notice of such a special board meeting shall be published as soon as possible in a newspaper of general circulation in the locality of the meeting place for that special board meeting. (Authorized and implementing K.S.A. 49-405; effective May 1, 1984.)

Article 5.—CIVIL PENALTIES

47-5-5. (Authorized by K.S.A. 1980 Supp. 49-405, 49-405c; effective E-81-30, Oct. 8, 1980; effective May 1, 1981; revoked May 1, 1984.)

47-5-7. Civil penalties; how assessments are made. Each notice of violation and each cessation order shall be reviewed in accordance with the assessment procedures described in K.A.R. 47-5-8 through 47-5-12, inclusive, to determine whether a civil penalty will be assessed, the amount of the civil penalty, and whether each day of a continuing violation will be deemed a separate violation for purposes of the total civil penalty assessed. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405c; effective May 1, 1984.)

47-5-8. Civil penalties; when civil penalty will be assessed. (a) A civil penalty shall be assessed for each cessation order.

(b) A civil penalty shall be assessed for each notice of violation, if the violation is assigned 31 points or

more under the point system described in K.A.R. 47-5-9.

(c) A civil penalty may be assessed for each notice of violation assigned 30 points or less under the point system described in K.A.R. 47-5-9. In determining whether to assess a civil penalty, the factors listed in K.A.R. 47-5-9(b) shall be considered. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405c; effective May 1, 1984.)

47-5-9. Civil penalties; point system for civil penalties. (a) The point system described in this regulation shall be used to determine the amount of the civil penalty, and, in the case of notices of violation, whether a mandatory civil penalty should be assessed as provided in K.A.R. 47-5-8(b).

(b) Points shall be assigned as follows:

(1) History of previous violations.

(A) Up to 30 points shall be assigned based on the history of previous violations. One point shall be assigned for each past violation contained in a notice of violation. Five points shall be assigned for each violation contained in a cessation order.

(B) Conditions or practices cited in a cessation order shall not be considered as violations for purposes of assigning history points. The history of previous violations, for the purpose of assigning points, shall be determined and the points assigned with respect to a particular coal exploration or surface coal mining operation.

(C) A violation shall not be counted if the notice or order is the subject of pending administrative or judicial review or if the time to request such a review or to appeal any administrative or judicial decision has not expired. Each violation shall be counted for only one year.

(D) No violation for which the notice or order has been vacated shall be counted.

(E) Each violation shall be counted without regard to whether it led to a civil penalty assessment.

(2) Seriousness. The board shall assign up to 30 points based on the seriousness of the violation as follows:

(A) Probability of occurrence. The board shall assign up to 15 points based on the probability of the occurrence of the event which a violated standard is designed to prevent. Points shall be assessed according to the following schedule:

Table with 2 columns: Probability of occurrence and Points. Rows include None (0), Insignificant (1-4), Unlikely (5-9), Likely (10-14), and Occurred (15).

(B) Extent of potential or actual damage. Up to 15 points shall be assigned, based on the extent of the potential or actual damage and on the size of the area involved and the impact on the public or environment, as follows:

(i) If the damage or impact which the violated standard is designed to prevent would remain within the coal exploration or permit area, zero to seven points

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shall be assigned, depending on the duration and extent of the damage or impact.

(ii) If the damage or impact which the violated standard is designed to prevent would extend outside the coal exploration or permit area, eight to fifteen points shall be assigned, depending on the duration and extent of the damage impact.

(C) Alternative. In the case of a violation of an administrative requirement, including record-keeping requirements, in lieu of paragraphs (b)(2)(A) and (b)(2)(B) of this regulation, up to 15 points shall be assigned for the factor of seriousness, based upon the extent to which enforcement is obstructed by the violation.

(3) Negligence.

(A) Up to 25 points shall be assigned, based on the degree of fault of the person to whom the notice or order was issued in causing or failing to correct the violation, condition, or practice which led to the notice or order, either through act or omission. Points shall be assessed as follows:

(i) Any violation which occurs through no negligence shall be assigned no penalty points for negligence;

(ii) Any violation which is caused by negligence shall be assigned 12 points or less, depending on the degree of negligence;

(iii) Any violation which occurs through a greater degree of fault than negligence shall be assigned 13 to 25 points, depending on the degree of fault.

(B) In determining the degree of negligence involved in a violation, and the number of points to be assigned, the following definitions shall apply:

(i) "No negligence" means an inadvertent violation which was unavoidable by the exercise of reasonable care.

(ii) "Negligence" means failure of a permittee to prevent the occurrence of any violation of the permit, or any requirement of the state act or these rules and regulations, through indifference, lack of diligence, or lack of reasonable care; or the failure to abate any violation of the permit or the state act through indifference, lack of diligence, or lack of reasonable care.

(iii) "A greater degree of fault than negligence" means reckless, knowing, or intentional conduct.

(C) In calculating points to be assigned for negligence, the acts of all persons working on the coal exploration or surface coal mining and reclamation site shall be attributed to the person to whom the notice or order was issued, unless that person establishes that they were acts of deliberate sabotage.

(4) Good faith in attempting to achieve compliance.

(A) Negative points shall be added based on the degree of good faith efforts on the part of the person to whom the notice or order was issued in attempting to achieve rapid compliance after notification of the violation. Points shall be assigned as follows:

Degree of good faith	Points
Rapid compliance _____	-1 to -10
Normal compliance _____	0

(B) The following definitions shall apply under paragraph (b)(4)(A) of this regulation:

(i) "Rapid compliance" means that the person to whom the notice or order was issued took extraordinary measures to abate the violation in the shortest possible time and that abatement was achieved before the time set for abatement.

(ii) "Normal compliance" means that the person to whom the notice or order was issued abated the violation within the time given for abatement.

(C) If the consideration of this criterion is impractical because of the length of the abatement period, the assessment may be made without considering this criterion and may be reassessed after the violation has been abated. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405c; effective May 1, 1984.)

47-5-10. Civil penalties; determination of amount of civil penalty. The amount of any civil penalty shall be determined by converting the total number of points assigned under K.A.R. 47-5-9 to a dollar amount, according to the following schedule:

Points	Dollars	Points	Dollars	Points	Dollars
1	20	25	500	49	2,900
2	40	26	600	50	3,000
3	60	27	700	51	3,100
4	80	28	800	52	3,200
5	100	29	900	53	3,300
6	120	30	1,000	54	3,400
7	140	31	1,100	55	3,500
8	160	32	1,200	56	3,600
9	180	33	1,300	57	3,700
10	200	34	1,400	58	3,800
11	220	35	1,500	59	3,900
12	240	36	1,600	60	4,000
13	260	37	1,700	61	4,100
14	280	38	1,800	62	4,200
15	300	39	1,900	63	4,300
16	320	40	2,000	64	4,400
17	340	41	2,100	65	4,500
18	360	42	2,200	66	4,600
19	380	43	2,300	67	4,700
20	400	44	2,400	68	4,800
21	420	45	2,500	69	4,900
22	440	46	2,600	70	5,000
23	460	47	2,700		
24	480	48	2,800	and above	

(Authorized by K.S.A. 49-405; implementing K.S.A. 49-405c; effective May 1, 1984.)

47-5-11. Civil penalties; assessment of separate violations for each day. A separate civil penalty may be assessed for each day from the date of issuance of the notice of violation or cessation order to the date set for abatement of the violation. In determining whether to make such an assessment, the board shall consider the factors listed in K.A.R. 47-5-9 and may consider the extent to which the person to whom the notice or order was issued gained any economic benefit as a result of a failure to comply. For any violation which continues for two or more days and which is assigned more than 70 points under K.A.R. 47-5-9(b), the board shall assess a civil penalty for a minimum of two separate days. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405c; effective May 1, 1984.)

47-5-12. Civil penalties; waiver of use of formula to determine civil penalty. (a) The board, upon its own initiative or upon written request received within 15 days of issuance of a notice of violation or a cessation order, may waive the use of the formula contained in

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K.A.R. 47-5-9 to set the civil penalty, if it determines that, taking into account exceptional factors present in the particular case, the civil penalty is demonstrably unjust. However, the board shall not waive the use of the formula or reduce the proposed assessment on the basis of an argument that a reduction in the proposed penalty could be used to abate violations of the state act, these rules and regulations, the regulatory program, or any condition of any permit or exploration approval. The basis for every waiver shall be fully explained and documented in the records of the case.

(b) If the board waives the use of the formula, it shall use the criteria set forth in K.A.R. 47-5-13(b) to determine the appropriate civil penalty. When the board has elected to waive the use of the formula, it shall give a written explanation of the basis for the assessment made to the person to whom the notice or order was issued. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405c; effective May 1, 1984.)

47-5-13. Civil penalties; procedures for assessment of civil penalties. (a) Within 15 days of service of a notice or order, the person to whom it was issued may submit written information about the violation to the board and to the inspector who issued the notice of violation or cessation order. Any information so submitted shall be considered in determining the facts surrounding the violation and the amount of the civil penalty.

(b) A copy of the proposed assessment and of the worksheet showing the computation of the proposed assessment shall be served, by certified mail, on the person to whom the notice or order was issued within 30 days of the issuance of the notice or order. If the mail is tendered at the address of the person set forth in the sign required under 30 C.F.R. 816.11, as incorporated by reference in K.A.R. 47-9-1(c), at any address at which that person is in fact located, or at the address of the permittee's resident agent, and if that person refuses to accept delivery of or to collect such mail, the requirements of subsection (b) of this regulation shall be deemed to have been complied with upon such tender.

(c) If necessary to consider facts which were not reasonably available on the date of issuance of the proposed assessment because of the length of the abatement period, any civil penalty shall be reviewed and reassessed unless a conference has been requested. A copy of any such reassessment, and of the worksheet showing the computation of the reassessment, shall be served in the manner provided in subsection (b) of this regulation within 30 days after the date the violation is abated. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405c; effective May 1, 1984.)

47-5-14. Civil penalties; procedures for assessment conference. (a) Upon written request of the person to whom the notice or order was issued, and if the request is received within 15 days from the date the proposed assessment or reassessment is mailed, the board or the board's executive director shall arrange for a conference to review the proposed assessment.

(b)(1) The board or the board's executive director

shall assign a conference officer to hold the assessment conference. The assessment conference shall not be governed by 5 U.S.C. § 554, regarding requirements for formal adjudicatory hearings. The assessment conference shall be held within 60 days from the date of issuance of the proposed assessment or the end of the abatement period, whichever is later.

(2) Notice of the time and place of the conference shall be posted at the office of the board's executive director at least 5 days before the conference. Any person shall have a right to attend and participate in the conference.

(3) The conference officer shall consider all relevant information on the violation. Within 30 days after the conference is held, the conference officer shall either:

(A) Settle the issues, in which case a settlement agreement shall be prepared and signed by the conference officer on behalf of the board and by the person assessed; or

(B) Affirm, raise, lower, or vacate the civil penalty.

(4) Any increase or reduction of a proposed civil penalty assessment of more than 25 percent and more than \$500 shall not be final and binding on the board, until approved by the board or its designee.

(c) The conference officer shall promptly serve the person assessed with a notice of the officer's action in the manner provided in K.A.R. 47-5-13(b) and shall include a worksheet if the penalty has been raised or lowered. The reasons for the conference officer's action shall be fully documented in the file.

(d)(1) If a settlement agreement is entered into, the person assessed shall be deemed to have waived all rights to further review of the violation or penalty in question, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a clause regarding this waiver of rights.

(2) If full payment of the amount specified in the settlement agreement is not received by the board within 30 days after the date of signing, the board may enforce the agreement or rescind it and proceed according to paragraph (b)(3)(B) of this regulation within 30 days from the date of the rescission.

(e) The conference officer may terminate the conference when the officer determines that the issues cannot be resolved or that the person assessed is not diligently working toward resolution of the issues.

(f) At formal review proceedings under K.S.A. 1982 Supp. 49-405c, 49-405(m)(3), and 49-416a, no evidence as to statements made or evidence produced by one party at a conference shall be introduced as evidence by another party or to impeach a witness. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405, 49-405c, and 49-416a; effective May 1, 1984.)

47-5-15. Civil penalties; request for hearing. (a) Any person charged with a violation may contest the proposed civil penalty or the fact of the violation by submitting, to the board, a petition and an amount equal to the proposed civil penalty or, if a conference has been held, the reassessed or affirmed civil pen-

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alty. The permittee's petition and contested funds shall be submitted, as provided by subsection (b), within 30 days from receipt of the proposed assessment or reassessment or 15 days from the date of service of the conference officer's action, whichever is later. The fact of the violation may not be contested, if it has been decided in a review proceeding commenced under K.A.R. 47-15-16.

(b) All funds submitted under subsection (a) of this regulation shall be transferred to the board or its authorized representative, which shall hold them in escrow pending completion of the administrative and judicial review process. Following completion of the administrative and judicial review process, the funds shall be disbursed as provided in K.A.R. 47-5-16. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405c; effective May 1, 1984.)

47-5-16. Civil penalties; final assessment and payment of civil penalty. (a) If any person to whom a notice of violation or cessation order is issued fails to request a hearing as provided in K.A.R. 47-5-15, the proposed assessment shall become a final order of the board. The civil penalty assessed shall become due and payable upon expiration of the time allowed to request a hearing.

(b) If any party requests judicial review of a final order of the board, the proposed civil penalty shall continue to be held in escrow until completion of the review. Otherwise, subject to subsection (c) of this regulation, the escrowed funds shall be transferred to the board in payment of the civil penalty and the escrow shall end.

(c) If the final decision in the administrative and judicial review results in an order reducing or eliminating the proposed penalty assessed under article 5 of chapter 47 of the Kansas administrative regulations, all or part of the escrowed amount shall be refunded to the person assessed within 30 days of receipt of the order. The refunded amount shall include any interest that is accrued from the date of payment into escrow to the date of the refund.

(d) If the review results in an order increasing the penalty, the person to whom the notice or order was issued shall pay the difference to the board within 15 days after the order is mailed to that person. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405c; effective May 1, 1984.)

Article 15.—INSPECTIONS AND ENFORCEMENT

47-15-1. (Authorized by K.S.A. 1980 Supp. 49-405, 49-405d; effective, E-81-30, Oct. 8, 1980; effective May 1, 1981; revoked May 1, 1984.)

47-15-5. Inspections by the board or its authorized representative. (a) The board or its authorized representative shall conduct an average of at least one partial inspection per month of each surface coal mining and reclamation operation under its jurisdiction. A partial inspection means an onsite review of the permittee's compliance with some of the permit conditions and requirements imposed under the state act,

these rules and regulations, and the regulatory program. The inspector shall collect evidence of any observed violation of those conditions or requirements.

(b) The board or its authorized representative shall conduct an average of at least one complete inspection per calendar quarter of each surface coal mining and reclamation operation under its jurisdiction. A complete inspection means an onsite review of the permittee's compliance with all permit conditions and requirements imposed under the state act, these rules and regulations, and the regulatory program. The inspection shall include the entire area disturbed or affected by surface coal mining and reclamation operations and shall include collection of evidence with respect to every violation of those conditions or requirements.

(c) The board or its authorized representative shall conduct periodic inspections of all coal exploration operations required to comply in whole or in part with the state act, these rules and regulations, or the regulatory program. Such inspections shall include the collection of evidence with respect to every violation of any condition of the exploration approval or any requirement of the state act, these rules and regulations, or the regulatory program.

(d) The inspections required under subsections (a), (b), and (c) of this regulation shall:

(1) Be carried out on an irregular basis, so as to monitor compliance of all operations, including those which operate during nights, weekends, or holidays;

(2) Occur without prior notice to the person being inspected or any agent or employee of such person, except for any necessary on-site meeting; and

(3) Include the prompt filing of inspection reports adequate to enforce the requirements of and to carry out the terms and purposes of the state act, these rules and regulations, the regulatory program, the exploration approval and the permit. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405, 49-405d; effective May 1, 1984.)

47-15-6. Availability of records. (a) Upon request, the board shall make copies of the following document available to the director and the regional director;

(1) All documents relating to applications for and approvals of existing, new, or revised coal exploration approvals or surface coal mining and reclamation operations permits; and

(2) All documents relating to inspection and enforcement actions.

(b) Except as provided in K.A.R. 47-3-42(a)(2) and K.A.R. 47-3-42(a)(46) and subsection (c) of this regulation, copies of all records, reports, inspection materials, or information obtained by the state under the state act, these rules and regulations, and the regulatory program shall be made immediately available to the public in the area of the mining operations until at least five years after the total release of the performance bond for a given permit.

(c) In order to protect preparation for hearings and enforcement proceedings, the board may enter into

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agreements regarding procedures for the special handling of investigative and enforcement reports and other such materials. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405, 49-405d; effective May 1, 1984.)

47-15-7. State inspections. (a) An authorized representative of the board shall conduct inspections of surface coal mining and reclamation operations as necessary to determine whether the permittee has complied with any notice of violation or cessation order issued during an inspection authorized under this regulation.

(b) An authorized representative of the board shall immediately conduct a state inspection to enforce any requirement of the state act, these rules and regulations, the regulatory program, or any condition of a permit or an exploration approval imposed under the state act, these rules and regulations, or the regulatory program.

(c) When the authorized representative has reason to believe, on the basis of information available to the authorized representative other than information resulting from a previous state inspection, that there exists a violation of the state act, these rules and regulations, the regulatory program, or any condition of a permit or an exploration approval, or that there exists any condition, practice or violation which creates an imminent danger to the health or safety of the public or is causing or can reasonably be expected to cause a significant, imminent environmental harm to land, air or water resources, then the authorized representative shall take appropriate action to have the violation abated. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405, 49-405d; effective May 1, 1984.)

47-15-8. Citizens' requests for state inspections.

(a) Any citizen may request a state inspection under K.A.R. 47-15-7(b), by furnishing to an authorized representative of the board a signed, written statement or an oral report followed by a signed, written statement giving the authorized representative reason to believe that a violation, condition, or practice referred to in K.A.R. 47-15-7(b) exists. Such a citizen shall provide a phone number and address where the citizen can be contacted.

(b) Upon request, the identity of any person supplying any information to the board or its authorized representative that relates to a possible violation or imminent danger or harm shall remain confidential with the board or its authorized representative, unless that person elects to accompany the inspector on the inspection.

(c) If a state inspection is conducted as a result of information provided to the board or its authorized representative by a citizen, as described in subsection (a) of this regulation, the citizen shall be notified as far in advance as practicable when the inspection is to occur and shall be allowed to accompany the authorized representative of the board during the inspection. Such a person shall have a right of entry to, upon and through the coal exploration or surface coal mining and reclamation operation about which that person

supplied information, but the person shall be in the presence of and under the control, direction and supervision of the authorized representative while on the mine property. This right of entry shall not include a right to enter buildings without consent of the person in control of the building or without a search warrant.

(d) Within 10 days of the state inspection or, if there is no inspection, within 15 days of receipt of the citizen's written statement, the board or its authorized representative shall send the citizen the following:

(1) If the inspection was made, a description of the enforcement action taken. This description may consist of copies of the state inspection report and of all notices of violation and cessation orders issued as a result of the inspection or an explanation of why no enforcement action was taken;

(2) If no state inspection was conducted, an explanation of the reason why an inspection was not considered to be necessary; and

(3) An explanation of the citizen's right, if any, to informal review of the action or inaction of the board or its authorized representative under K.A.R. 47-15-11.

(e) The board or its authorized representative shall give copies of all materials in paragraphs (d)(1) and (d)(2) of this regulation, within the time limits specified in those paragraphs, to the person alleged to be in violation. However, the names of the citizen shall be removed unless disclosure of the citizen's identity is permitted under subsection (b) of this regulation. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405, 49-405d; effective May 1, 1984.)

47-15-9. Right of entry. (a) Each authorized representative of the board conducting a state inspection under K.A.R. 47-15-5 or 47-15-7:

(1) Shall, upon presentation of appropriate credentials, have a right of entry to, upon, and through any coal exploration or surface coal mining and reclamation operation, without advance notice or a search warrant; and

(2) May, at reasonable times and without delay, have access to and copies of any records, and may inspect any monitoring equipment or method of operation, required under the state act, these rules and regulations, the regulatory program or any condition of an exploration approval or permit imposed under the state act, these rules and regulations, or the regulatory program.

(b) No search warrant shall be required with respect to any activity under subsection (a) of this regulation except that a search warrant may be required for entry into a building. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405, 49-405d; effective May 1, 1984.)

47-15-10. Review of adequacy and completeness of inspections. Any person who is or may be adversely affected by a surface coal mining and reclamation operation or a coal exploration operation may notify the board in writing of any alleged failure on the part of the board or its authorized representative to make adequate and complete or periodic state inspections as

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provided in K.A.R. 47-15-5 and K.A.R. 47-15-7(b)(1). The notification shall include sufficient information to create a reasonable belief that K.A.R. 47-15-5 and K.A.R. 47-15-7(b)(1) are not being complied with and to demonstrate that the person is or may be adversely affected. The board or the board's executive director shall, within 15 days of receipt of the notification, determine whether K.A.R. 47-15-5 and K.A.R. 47-15-7(b)(1) are being complied with, and if not, shall immediately order a state inspection to remedy the noncompliance. The board or the board's executive director shall also furnish the complainant with a written statement of the reasons for the determination and the actions, if any, taken to remedy the noncompliance. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405, 49-405d; effective May 1, 1984.)

47-15-11. Review of decision not to inspect or enforce. (a) Any person who is or may be adversely affected by a coal exploration or surface coal mining and reclamation operation may ask the board to review informally an authorized representative's decision not to inspect or take appropriate enforcement action with respect to any violation alleged by that person in a request for state inspection under K.A.R. 47-15-8. The request for review shall be in writing and shall include a statement of how the person is or may be adversely affected and why the decision merits review.

(b) The board or its executive director shall conduct the review and inform the person, in writing, of the results of the review within 30 days of receipt of the request. The person alleged to be in violation shall also be given a copy of the results of the review, except that the name of the citizen shall not be disclosed unless confidentiality has been waived. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405, 49-405d; effective May 1, 1984.)

47-15-12. Cessation orders. (a)(1) An authorized representative of the board shall immediately order a cessation of surface coal mining and reclamation operations, or of the relevant portion thereof, if the authorized representative finds, on the basis of any state inspection, any condition or practice or any violation of the state act, these rules and regulations, the regulatory program, or any condition of an exploration approval or permit imposed under any such program, the state act, or these rules and regulations, which:

(A) Creates an imminent danger to the health or safety of the public; or

(B) Is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

(2) Surface coal mining and reclamation operations conducted by any person without a valid surface coal mining permit constitutes a condition or practice which causes or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources, unless such operations are an integral, uninterrupted extension of previously permitted operations, and the person conducting such operations has filed a timely and complete application for a permit to conduct such operations.

(3) If the cessation ordered under paragraph (a)(1) of this regulation will not completely abate the imminent danger or harm in the most expeditious manner physically possible, the authorized representative of the board shall impose affirmative obligations on the person to whom it is issued to abate the condition, practice, or violation. The order shall specify the time by which abatement shall be accomplished and may require, among other things, the use of existing or additional personnel and equipment.

(b)(1) An authorized representative of the board shall immediately order a cessation of coal exploration or surface coal mining and reclamation operations, or of the relevant portion thereof, when a notice of violation has been issued under K.A.R. 47-15-8(a) and the person to whom it was issued fails to abate the violation within the abatement period fixed or subsequently extended by the authorized representative.

(2) A cessation order issued under subsection (b) of this regulation shall require the person to whom it is issued to take all steps the authorized representative of the board deems necessary to abate the violations covered by the order in the most expeditious manner physically possible.

(c)(1) A cessation order issued under subsections (a) or (b) of this regulation shall be in writing, signed by the authorized representative who issues it, and shall set forth with reasonable specificity:

(A) The nature of the violation;

(B) The remedial action or affirmative obligation required, if any. It shall also include interim steps, if appropriate;

(C) The time established for abatement, if appropriate, including the time for meeting any interim steps; and

(D) A reasonable description of the portion of the coal exploration or surface coal mining and reclamation operation to which it applies.

(2) The order shall remain in effect until the condition, practice or violation has been abated or until vacated, modified or terminated in writing by an authorized representative of the board.

(d) Reclamation operations and other activities intended to protect public health and safety and the environment shall continue during the period of any order unless otherwise provided in the order.

(e) An authorized representative of the board may modify, terminate or vacate a cessation order for good cause, and may extend the time for abatement if the failure to abate within the time previously set was not caused by lack of diligence on the part of the person to whom it was issued.

(f) An authorized representative of the board shall terminate a cessation order, by written notice to the person to whom the order was issued, when the authorized representative determines that all conditions, practices or violations listed in the order have been abated. Termination shall not affect the right of the board or its authorized representative to assess civil penalties for those violations under article 5 of chapter 47 of the Kansas administrative regulations. (Autho-

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ized by K.S.A. 49-405; implementing K.S.A. 49-405, 49-405d; effective May 1, 1984.)

47-15-13. Notices of violation. (a)(1) An authorized representative of the board shall issue a notice of violation if, on the basis of a state inspection, the authorized representative finds a violation of the state act, these rules and regulations, the regulatory program, or of any condition of a permit or an exploration approval imposed under such program, the state act, or these rules and regulations, which does not create an imminent danger or harm for which a cessation order must be issued under K.A.R. 47-15-12.

(b) A notice of violation issued under this regulation shall be in writing, signed by the authorized representative who issues it, and shall set forth with reasonable specificity:

- (1) The nature of the violation;
- (2) The remedial action required, which may include interim steps;
- (3) A reasonable time for abatement, which may include time for accomplishment of interim steps; and
- (4) A reasonable description of the portion of the coal exploration or surface coal mining and reclamation operation to which it applies.

(c) An authorized representative of the board may extend the time set for abatement or for accomplishment of an interim step, if the failure to meet the time previously set was not caused by lack of diligence on the part of the person to whom it was issued. The total time for abatement under a notice of violation, including all extensions, shall not exceed 90 days from the date of issuance, except upon a showing by the permittee that it is not feasible to abate the violation within 90 calendar days due to one or more of the circumstances listed in subsection (f) of this regulation. An extended abatement date pursuant to this regulation shall not be granted when the permittee's failure to abate within 90 days has been caused by a lack of diligence or by intentional delay by the permittee in completing the remedial action required.

(d) If the person to whom the notice was issued fails to meet any time set for abatement or for accomplishment of an interim step, the authorized representative shall issue a cessation order under K.A.R. 47-15-12(b).

(e) An authorized representative of the board shall terminate a notice of violation by written notice to the person to whom it was issued, when the authorized representative determines that all violations listed in the notice of violation have been abated. Termination shall not affect the right of the board or its authorized representative to assess civil penalties for those violations under article 5 of chapter 47 of the Kansas administrative regulations.

(f) A surface coal mining operation may qualify for an abatement period of more than 90 days when:

(1) The permittee of an ongoing permitted operation has, in a timely manner, applied for and diligently pursued a permit renewal or other necessary approval of designs or plans but that permit or approval has not been or will not be issued within 90 days after a valid permit expires or is required, for reasons not within the control of the permittee;

(2) There is a valid judicial order precluding abatement within 90 days as to which the permittee has diligently pursued all rights of appeal and as to which the permittee has no other effective legal remedy;

(3) The permittee cannot abate within 90 days due to a labor strike;

(4) Climatic conditions preclude abatement within 90 days, or when, due to climatic conditions, abatement within 90 days clearly:

(A) Would cause more environmental harm than it would prevent; or

(B) Requires action that would violate safety standards established by statute or regulation under the mine safety and health act.

(g) Whenever an abatement time in excess of 90 days is permitted, interim abatement measures shall be imposed to the extent necessary to minimize harm to the public or the environment.

(h)(1) If any of the conditions in paragraphs (f)(1) through (f)(4) inclusive of this regulation exist, the permittee may request the authorized representative to grant an abatement period exceeding 90 days. The authorized representative shall not grant such an abatement period without the concurrence of the board or its designee and the abatement period granted shall not exceed the shortest possible time necessary to abate the violation. The permittee shall have the burden of establishing by clear and convincing proof that the permittee is entitled to an extension under the provisions of subsections (c) and (f) of this regulation.

(2) In determining whether or not to grant an abatement period exceeding 90 days, the authorized representative may consider any relevant written or oral information from the permittee or any other source. The authorized representative shall promptly and fully document, in the file, the authorized representative's reasons for granting or denying the request. The inspector's immediate supervisor shall review this document before concurring in or disapproving the extended abatement date and shall promptly and fully document, in the file, the reasons for concurrence or disapproval.

(i) Any determination made under subsection (h) of this regulation shall be in writing and the permittee may request review of that action by filing an application for review and request for a hearing, under K.S.A. 1982 Supp. 49-416a, within 30 days after receiving notice of the determination.

(j) No extension granted under subsection (h) of this regulation may exceed 90 days in length. If the condition or circumstances which prevented abatement within 90 days exists at the expiration of any such extension, the permittee may request a further extension in accordance with the procedures of subsection (h) of this regulation. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405, 49-405d; effective May 1, 1984.)

47-15-14. Suspension or revocation of permits. (a) Except as provided in subsection (b) of this regulation, the board shall issue an order to a permittee requiring

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the permittee to show cause why the permit and right to mine under the state act should not be suspended or revoked, if the board determines that a pattern of violations of any requirements of the state act, these rules and regulations, the regulatory program, or any permit condition required by the state act exists or has existed, and that the permittee caused those violations willfully or through unwarranted failure to comply with those requirements or conditions.

(1)(A) Willful violation means an act or omission which violates the state act, these rules and regulations, the regulatory program, or any permit condition required by the state act, these rules and regulations, or the regulatory program, and which is committed by a person who intends the result which actually occurs. Unwarranted failure to comply means:

(i) The failure of the permittee to prevent the occurrence of any violation of the permit or any requirement of the state act or of these rules and regulations, due to indifference, lack of diligence, or lack of reasonable care; or

(ii) The failure to abate any violation of such permit, the state act or these rules and regulations due to indifference, lack of diligence, or lack of reasonable care.

(B) Violations by any person conducting surface coal mining operations on behalf of the permittee shall be attributed to the permittee, unless the permittee establishes that they were acts of deliberate sabotage.

(2) The board may determine that a pattern of violations exists or has existed based on two state inspections of the permit area within any 12-month period. In making this determination, the board shall consider the circumstances, which include:

(A) The number of violations, cited on more than one occasion, of the same or related requirements of the state act, these rules and regulations, the regulatory program or the permit;

(B) The number of violations, cited on more than one occasion, of different requirements of the state act, these rules and regulations, the regulatory program, or the permit; and

(C) The extent to which the violations were isolated departures from lawful conduct.

(3) The board shall determine that a pattern of violations exists if it finds that there were violations of the same or related requirements of the state act, these rules and regulations, the regulatory program, or the permit during three or more state inspections of the permit area within any 12-month period.

(b) The board may decline to issue a show cause order, or may vacate an outstanding show cause order, if the board finds that, taking into account exceptional factors present in the particular case, it would be demonstrably unjust to issue or to fail to vacate the show cause order. The basis for this finding shall be fully explained and documented in the records of case.

(c) At the same time as the issuance of the order, the board shall:

(1) If practicable, publish notice of the order in a newspaper of general circulation in the area of the surface coal mining and reclamation operations. The

notice shall include a statement of the procedure for intervention in the proceeding; and

(2) Post the notice at the office of the executive director located in the area of the surface coal mining and reclamation operations.

(d) If the permittee files an answer to the show cause order and requests a hearing under K.S.A. 1982 Supp. 49-416a, a public hearing shall be provided in accordance with this statute. The board shall give 30 days written notice of the date, time, and place of the hearing to the permittee, the regional director and any intervenor. The board shall publish the notice, if practicable, in a newspaper of general circulation in the area of the surface coal mining and reclamation operations, and shall post it at the office of the executive director.

(e) Within 60 days after the hearing, and within the time limits set forth in K.S.A. 1982 Supp. 49-416a, the board shall issue a written determination as to whether a pattern of violations exists and, if appropriate, an order. If the board revokes or suspends the permit and the permittee's right to mine under the state act, the permittee shall immediately cease coal mining operations on the permit area and shall:

(1) If the permit and the right to mine under the state act are revoked, complete reclamation within the time specified in the order; or

(2) If the permit and the right to mine under the state acts are suspended, complete all affirmative obligations to abate all conditions, practices or violations, as specified in the order. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405, 49-416, 49-416a; effective May 1, 1984.)

47-15-15. Service of notices of violation and cessation orders. (a) Promptly after issuance, each notice of violation or cessation order shall be served on the person to whom it is directed or to that person's designated agent, as follows:

(1) A copy of each notice of violation or cessation order may be tendered, at the coal exploration or surface coal mining and reclamation operation, to the designated agent or to the individual who, based upon reasonable inquiry by the authorized representative, appears to be in charge of the coal exploration or surface coal mining and reclamation operation referred to in the notice or order. If no such individual can be located at the site, the copy may be tendered to any individual at the site who appears to be an employee or agent of the person to whom the notice or order is issued. Service shall be complete upon tender of the notice or order and shall not be deemed incomplete because of refusal to accept.

(2) As an alternative to paragraph (a)(1) of this regulation, service may be made by sending a copy of the notice or order by certified mail or by delivering the copy by hand to the person to whom it is issued or to the person's designated agent. Service shall be complete upon tender of the notice or order or upon certified mailing of the notice or order and service shall not be deemed incomplete because of refusal to accept.

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(b) A show cause order may be served on the person to whom it is issued in either manner provided in subsection (a) of this regulation.

(c) Designation by any person of an agent for service of notices and orders shall be made in writing to the board or its authorized representative. The board or its authorized representative may furnish copies to any person having an interest in the coal exploration, surface coal mining and reclamation operation, or the permit area, including the owner of the fee, a corporate officer of the permittee or entity conducting coal exploration, or the bonding company. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405, 49-405d; effective May 1, 1984.)

47-15-16. Formal review of citations. (a) Any person issued a notice of violation or a cessation order under K.A.R. 47-15-12 or K.A.R. 47-15-13, or any person having an interest which is or may be adversely affected by the issuance, modification, vacation or termination of a notice or order, may request review of that action by filing an application for review and request for hearing, under K.S.A. 1982 Supp. 49-416a, within 30 days after receiving notice of the action.

(b) The filing of an application for review and request for a hearing under this regulation shall not operate as a stay of any notice or order, or of any modification, termination or vacation of such a notice or order.

(c) The board shall give as much advance notice as is practicable of the time, place, and subject matter of the informal public hearing. Notice shall be given to:

(1) The person to whom the notice or order was issued; and

(2) Any person who filed a report which led to that notice or order.

(d) The board shall post notice of the hearing at the office of the board closest to the mine site, and shall publish it, where practicable, in a newspaper of general circulation in the area of the mine.

(e) The informal public hearing shall be non-adjudicatory and shall be conducted by a representative of the board, who may accept oral or written arguments and any other relevant information from any person attending.

(f) Within 5 days after the close of the informal public hearing, the board shall affirm, modify, or vacate the notice or order in writing. The decision shall be sent to:

(1) The person to whom the notice or order was issued; and

(2) Any person who filed a report which led to notice or order.

(g) The granting or waiver of an informal public hearing shall not affect the right of any person to formal review. At such formal review, no evidence as to statements made or evidence produced at an informal public hearing shall be introduced as evidence or to impeach a witness. (Authorized by K.S.A. 49-405; implementing K.S.A. 49-405, 49-405d, 49-416a; effective May 1, 1984.)

MINED-LAND CONSERVATION AND
RECLAMATION BOARD

(Published in the KANSAS REGISTER, March 15, 1984.)

SENATE BILL No. 501

AN ACT concerning the Kansas water office; abolishing certain positions and terminating the employment of certain persons thereof; reclassifying certain positions thereof; amending K.S.A. 1983 Supp. 74-2614 and repealing the existing section.

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

Section 1. K.S.A. 1983 Supp. 74-2614 is hereby amended to read as follows: 74-2614. The director of the Kansas water office, with the consent of the governor, may appoint and fix the compensation of such employees as deemed necessary to carry out the powers, duties and functions of the Kansas water office and the director of the Kansas water office. All such clerical and financial management employees shall be in the classified service of the Kansas civil service act and all other employees shall be in the unclassified service of the Kansas civil service act.

New Sec. 2. (a) All positions of officers and employees of the Kansas water office in the classified service of the Kansas civil service act, except clerical and financial management positions, are hereby abolished 30 days after the effective date of this act and all officers and employees serving in such positions are terminated from state service on such date.

(b) On the effective date of this act, the director of the Kansas water office shall give notice in writing to all officers and employees terminated from state service pursuant to subsection (a) specifying the date of their termination.

(c) Nothing in this section shall be construed to prohibit the director of the Kansas water office from appointing any officer or employee terminated from state service pursuant to subsection (a) to any position in the unclassified service of the Kansas civil service act. Any such officer or employee shall retain all retirement benefits and all rights of civil service which had accrued to or vested in such officer or employee immediately prior to the date of such officer's or employee's termination pursuant to subsection (a).

(d) Any person employed in an unclassified technical or professional position pursuant to K.S.A. 1983 Supp. 74-2614, and amendments thereto, shall possess experience and educational training in and technical knowledge of hydrology, engineering, geology or water planning.

Sec. 3. K.S.A. 1983 Supp. 74-2614 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body February 2, 1984.

ROSS O. DOYEN

President of the Senate.

LU KENNEY

Secretary of the Senate.

Passed the HOUSE March 5, 1984.

MIKE HAYDEN

Speaker of the House.

GENEVA SEWARD

Chief Clerk of the House.

APPROVED March 8, 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 8th day of March, 1984.

JACK H. BRIER

Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, March 15, 1984.)

SENATE BILL No. 509

AN ACT concerning probate procedure; relating to wills probated outside state; amending K.S.A. 59-2230 and repealing the existing section.

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

Section 1. K.S.A. 59-2230 is hereby amended to read as follows: 59-2230. (a) If, upon the hearing, it appears to the satisfaction of the court that the will of a resident or nonresident has been proved and admitted to probate outside this state and that it was executed according to the law of the place in which it was made, or in which the testator resided at the time of its execution or of the testator's death or in conformity with the laws of this state, it shall be admitted to probate with the same force and effect as the original probate of a will.

(b) *The amendments to this section on July 1, 1982, and on the effective date of this act are declarations of the meaning of this section as it existed on June 30, 1982, and shall apply to any will, whether proved and admitted to probate outside this state before or after July 1, 1982, or before or after the effective date of this act.*

Sec. 2. K.S.A. 59-2230 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body January 31, 1984.

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

Passed the HOUSE March 1, 1984.

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

APPROVED March 8, 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 8th day of March, 1984.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, March 15, 1984.)

SENATE BILL No. 288

AN ACT concerning inspection of motor vehicles; amending K.S.A. 8-198, 8-1759 and 8-1759a and repealing the existing sections; also repealing K.S.A. 8-1750 to 8-1758, inclusive, and 8-1760.

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

Section 1. K.S.A. 8-198 is hereby amended to read as follows: 8-198. (a) A nonhighway vehicle shall not be required to be registered in this state, as provided in K.S.A. 8-135 and amendments thereto, but nothing in this section shall be construed as abrogating, limiting or otherwise affecting the provisions of K.S.A. 8-142 and amendments thereto, which make it unlawful for any person to operate or knowingly permit the operation in this state of a vehicle required to be registered in this state.

(b) Upon the sale or transfer of any nonhighway vehicle, the purchaser thereof shall obtain a nonhighway certificate of title in the following manner:

(1) If the transferor is a vehicle dealer, as defined in K.S.A. 8-2401 and amendments thereto, and a certificate of title has not

been issued for such vehicle under this section or under the provisions of K.S.A. 8-135 and amendments thereto, such transferor shall make application for and assign a nonhighway certificate of title to the purchaser of such nonhighway vehicle in the same manner and under the same conditions prescribed by K.S.A. 8-135 and amendments thereto for the application for and assignment of a certificate of title thereunder. Upon the assignment thereof, the purchaser shall make application for a new nonhighway certificate of title, as provided in subsection (c).

(2) Except as provided in subsection (b) of K.S.A. 8-199 and amendments thereto, if a certificate of title has been issued for any such vehicle under the provisions of K.S.A. 8-135 and amendments thereto, the owner of such nonhighway vehicle may surrender such certificate of title to the division of vehicles and make application to the division for a nonhighway certificate of title, or said owner may obtain from the county treasurer's office a form prescribed by the division of vehicles upon proper execution thereof and may assign the nonhighway certificate of title or the regular certificate of title with said form attached thereto to the purchaser of the nonhighway vehicle. Upon the receipt of the nonhighway certificate of title or the regular certificate of title and such form attached thereto the purchaser shall make application for a new nonhighway certificate of title in the manner prescribed in subsection (c).

(3) If the transferor is not a vehicle dealer, as defined in K.S.A. 8-2401 and amendments thereto, and a certificate of title has not been issued for such vehicle under this section or a certificate of title was not required under K.S.A. 8-135 and amendments thereto, the transferor shall make application to the division for a nonhighway certificate of title, as provided in this section, except that in addition thereto, the division shall require a bill of sale or such transferor's affidavit, with at least one other corroborating affidavit, that such transferor is the owner of such nonhighway vehicle. If the division is satisfied that the transferor is the owner thereof, the division shall issue a nonhighway certificate of title for such vehicle, and the transferor shall assign the same to the purchaser, who shall make application for a new nonhighway certificate of title, in the manner provided in subsection (c).

(c) Every purchaser of a nonhighway vehicle, whether assigned a nonhighway certificate of title or a regular certificate of title with the form specified in part (2) of subsection (b) attached thereto, shall make application to the county treasurer of the county in which such person resides for a new nonhighway certificate of title in the same manner and under the same conditions prescribed for an application for a certificate of title under K.S.A. 8-135 and amendments thereto. Such application shall be in the form prescribed by the director of vehicles and shall contain substantially the same provisions as required for an application under subsection (c)(1) of K.S.A. 8-135 and amendments thereto. In addition, such application shall provide a place for the applicant to certify that the vehicle for which an application for a nonhighway certificate of title is made is a nonhighway vehicle, and shall contain such other provisions as the director deems necessary. Each application for a nonhighway certificate of title shall be accompanied by a fee of two dollars (\$2) until January 1, 1981 and three dollars and fifty cents (\$3.50) thereafter \$3.50, and in addition, if the application is not made to the county treasurer within the time prescribed by K.S.A. 8-135 and amendments thereto for making application for a certificate of title thereunder, an additional fee of two dollars (\$2) \$2 shall be charged.

(d) A nonhighway certificate of title shall be in such form as may be prescribed by the director of vehicles, and may be of a distinctive color so as to distinguish it from a certificate of title issued under the provisions of K.S.A. 8-135 and amendments thereto. A nonhighway certificate of title shall indicate clearly and distinctly on the face thereof that it is issued for a nonhighway vehicle. A nonhighway certificate of title shall contain substantially the same information required on a certificate of title issued under K.S.A. 8-135 and amendments thereto, and such other information as the director deems necessary.

(e) A nonhighway certificate of title may be transferred in the

(continued)

same manner and under the same conditions prescribed by K.S.A. 8-135 and amendments thereto for the transfer of a certificate of title thereunder, except as otherwise provided herein. A nonhighway certificate of title may be assigned and transferred only so long as the vehicle for which such title is issued remains a nonhighway vehicle. Upon the transfer or sale of a nonhighway vehicle which has been rebuilt or restored or is otherwise in a condition which will allow the registration of such vehicle, the owner of such vehicle shall assign the nonhighway certificate of title to the purchaser, and the purchaser shall obtain a certificate of title and register such vehicle as provided in K.S.A. 8-135 and amendments thereto.

If a nonhighway vehicle, for which a nonhighway certificate of title has been issued, is destroyed, dismantled or sold as junk, the owner thereof immediately shall surrender to the division the original or assigned nonhighway certificate of title, with the word "salvage" written across the face thereof, and no certificate of title of any type shall be issued nor any registration allowed again for such destroyed, dismantled or junked vehicle.

(f) The sale or transfer of a nonhighway vehicle shall not be deemed a sale of a motor vehicle at retail for the purposes of K.S.A. 8-1754 if the purchaser thereof obtains a nonhighway certificate of title for such vehicle as provided in this section or transfers the nonhighway vehicle with a regular certificate of title and form as provided in part (2) of subsection (b); except that prior to the sale or transfer of a nonhighway vehicle which has been rebuilt or restored or is otherwise in a condition which will allow the registration thereof, the seller shall obtain a certificate of approval for such vehicle, as required by K.S.A. 8-1754. In order to have such a vehicle inspected and to obtain a certificate of approval, The owner of such vehicle may make application to any county treasurer for a permit to operate such vehicle on the highways of this state over the most direct route from the place such nonhighway vehicle is located to a specified inspection station named on the permit and to return to the original location. No such permit shall be issued for any vehicle unless the owner thereof has motor vehicle liability insurance coverage or an approved self-insurance plan as required by K.S.A. 40-3104 and amendments thereto. Such permit shall be on a form prescribed and furnished by the director of vehicles and shall state thereon the exact date such vehicle is to be taken to the inspection station, the name of the insurer, as defined in K.S.A. 40-3103 and amendments thereto, and the policy number (or a statement that the vehicle is included in a self-insurance plan approved by the commissioner of insurance), a statement attesting to the correctness of the information concerning financial security, the vehicle identification number and a description of the vehicle. Said Such permit shall be signed by the owner of the vehicle for which the permit is issued. Every permit issued pursuant to this subsection shall be prepared in triplicate. One copy shall be carried in the vehicle for which it is issued and shall be displayed so that it is visible when viewing the rear of such vehicle. The second copy shall be retained by the county treasurer, and the third copy shall be forwarded by the county treasurer to the division of vehicles. The fee for such permit shall be one dollar (\$1) \$1 which shall be retained by the county treasurer, who shall annually forward twenty-five percent (25%) 25% of all such fees collected to the division of vehicles to reimburse the division for administrative expenses, and shall deposit the remainder thereof in a special fund to be used to defray expenses incurred in issuing such permits.

(g) A nonhighway vehicle for which a nonhighway certificate of title has been issued pursuant to this section shall not be deemed a motor vehicle for the purposes of K.S.A. 40-3101 to 40-3121, inclusive, and amendments thereto except when such vehicle is being operated pursuant to subsection (f) of this section. Any person who shall knowingly make a false statement concerning financial security in obtaining a permit pursuant to subsection (f), or who shall fail to obtain a permit when required by law to do so, shall be guilty of a class C misdemeanor.

Sec. 2. K.S.A. 8-1759 is hereby amended to read as follows: 8-1759. (a) Every driver of a motor vehicle shall stop and submit such vehicle and its equipment to an inspection of the mechanical condition thereof and such test, with reference thereto, as

may be appropriate at any location where signs are displayed requiring such stop and where members of the Kansas highway patrol are conducting such inspections and tests of motor vehicles; and any. Such an inspection and test shall be referred to as a "spot inspection." Every spot inspection Spot inspections shall be conducted in a manner such that the operator of a motor vehicle, whether private or commercial, shall not be unnecessarily inconvenienced by extended detours, unnecessary delays or any other unreasonable cause.

(b) As a result of any spot inspection, if any motor vehicle is found to be in an unsafe condition or the equipment required by law to be thereon is not present or is not in good condition and proper adjustment, the member of the highway patrol conducting such inspection shall give a written notice of such fact to the driver of the vehicle and shall send a copy thereof to the superintendent. Said Such notice shall require that such the vehicle be placed in safe condition and its equipment in good condition and proper adjustment, specifying the particulars in reference thereto. If the inspecting officer determines that the driver of the vehicle is someone other than the owner or the owner's spouse, child or parent, the officer shall also send notice of the defects by certified mail to the owner of the vehicle. Said notice shall have the same force and effect as a certificate of rejection issued by an official inspection station, requiring that a certificate of approval be issued for the motor vehicle in accordance with the provisions of this act; and after the issuance of a certificate of approval for any such vehicle, the permit holder for the inspection station issuing the certificate, or his or her authorized agent, shall endorse the fact of the certificate's issuance on the notice and forward the same to the superintendent. The member of the highway patrol inspecting a vehicle found to be in an unsafe condition or any of the equipment required by state statute or rules and regulations to be thereon is not present or in good condition and proper adjustment, shall affix a certificate of rejection to the vehicle, giving a copy to the driver thereof. The copy given to the driver will be surrendered to the inspection station which reinspects the motor vehicle and issues a certificate of approval therefor.

(c) Any motor vehicle which is found to be in a safe condition and its equipment in good condition and proper adjustment as a result of any spot inspection, shall be issued a certificate of inspection by the member of the highway patrol conducting the inspection; but such certificate shall not have the same force and effect as a certificate of approval issued by an official inspection station.

(d) Any motor vehicle for which a valid certificate of approval has been issued by an official inspection station, or for which a sticker or certificate attesting to its approved inspection pursuant to a motor vehicle inspection law of another state which the superintendent has determined to have a motor vehicle inspection law in substantial compliance with this act, or Any motor vehicle operating under a permit issued by the interstate commerce commission, or any motor vehicle which is subject to and operating under the safety rules and regulations of the United States department of transportation, shall not be subject to any spot inspection.

(e) Violation of this section is a class A misdemeanor.

New Sec. 3. Official certificates of approval which are outstanding and unused on the effective date of this act may be returned to the superintendent and upon receipt thereof prior to July 1, 1984, the person returning certificates shall be refunded the amount paid therefor. Such amounts shall be paid from the state highway patrol fund.

Sec. 4. K.S.A. 8-1759a is hereby amended to read as follows: 8-1759a. (a) Uniformed members of the highway patrol, at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, may require the driver of such vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

(b) In the event a vehicle is found to be in unsafe condition or any required part or equipment is not present or in proper repair

(continued)

KANSAS FACTS
EDUCATION IS A
NUMBER ONE PRIORITY

Education in Kansas has come a long way since the days of the sod schoolhouse. Education has always played a key role in Kansas, as indicated by this provision in the original state Constitution:

"The legislature shall encourage the promotion of intellectual, moral, scientific and agricultural improvement, by establishing a uniform system of common schools, and schools of a higher grade, embracing normal, preparatory, collegiate and university departments."

A complete educational system, supervised and partially supported by the state, now exists in Kansas, with compulsory schooling for children under age 16. Nearly two-thirds of all tax dollars collected in the state go to education.

Educational institutions in Kansas may be summarized as follows:

Public elementary schools	1,072
Public junior high schools	92
Public high schools	355
Non-public elementary and secondary schools (includes church-related, special education and private)	186
Board of Regents institutions:	
State universities	6
Two-year technical institute	1
Municipal university	1
Community colleges	19
Federally operated junior college (for Indians)	1
Private two-year colleges	4
Church-affiliated colleges and universities	18
Area vocational-technical schools	14

Laws enacted by the Legislature set standards for school operations, and those laws are enforced by the State Department of Education. The department is under the jurisdiction of the State Board of Education consisting of ten members elected from districts. The Board oversees public education and has some supervision over private schools.

The Kansas educational system was in the national spotlight in 1954, when the U.S. Supreme Court on May 17 handed down its landmark decision in the case of *Brown v. Board of Education of Topeka*. The decision held that "separate but equal" school facilities were inherently unequal and that school segregation violated the Constitution's guarantee of equal protection under the Fourteenth Amendment.

Topeka had unusual segregation—it existed only in grade schools. The city's junior highs and high schools had been integrated for several decades. Before the court even heard the case, complete integration of the Topeka schools was already underway. The *Brown* decision set in motion the desegregation of schools throughout the United States.

and adjustment, the member of the highway patrol shall give a written notice to the driver and send a copy to the superintendent of the highway patrol. Said *Such* notice shall require that the vehicle be placed in safe condition and its equipment in proper repair and adjustment as soon as practicable, specifying the particulars with reference thereto, and shall require that an official certificate of approval be obtained from an inspection station within thirty (30) days.

(c) In the event any such vehicle is, in the reasonable judgment of the member of the highway patrol, in such condition that further operation would be hazardous, such member of the highway patrol may require, in addition, that the vehicle not be operated under its own power or that it be driven to the nearest garage or other place of safety.

(d) Every owner or driver shall comply with the notice and secure an official certificate of approval from an inspection station within thirty (30) days or the vehicle shall not be operated on the highways of this state.

Violation of this section is a class A misdemeanor.

New Sec. 5. (a) From and after January 1, 1985, any person making application for any original Kansas title for a used vehicle which is, at the time of making application, titled in another jurisdiction, shall, as a condition precedent to obtaining any Kansas title, cause such vehicle to be inspected by a law enforcement officer in this state for verification that the vehicle identification number shown on the foreign title is genuine and agrees with the number on the vehicle. The verification shall be made by such law enforcement officer upon forms prescribed by the division of vehicles which shall contain such information as the secretary of revenue shall require by rules and regulations.

(b) Notwithstanding the provisions of subsection (a), no verification shall be required for any vehicle titled in a foreign jurisdiction on a title obtained by a vehicle dealer directly from the manufacturer's statement of origin, regardless of whether that title has been assigned to the dealer assigning such title to the person making application for a Kansas title.

(c) The secretary of revenue shall adopt rules and regulations to implement the provisions of this section.

Sec. 6. K.S.A. 8-198, 8-1750 to 8-1758, inclusive, 8-1759, 8-1759a and 8-1760 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body March 8, 1983.

Senate adopted Conference Committee report February 24, 1984.

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

Passed the HOUSE as amended April 4, 1983.
House adopted Conference Committee report February 23, 1984.

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

APPROVED March 8, 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.

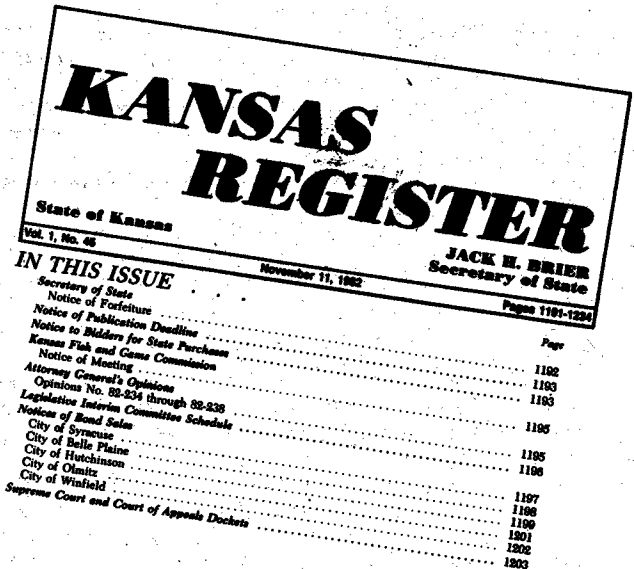
IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 8th day of March, 1984.

JACK H. BRIER
Secretary of State.

(SEAL)

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