

KANSAS REGISTER



State of Kansas

JACK H. BRIER
Secretary of State

Vol. 3, No. 19

May 10, 1984

Pages 693-716

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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 April 26-29:

SB 888, by Committee on Ways and Means: An act concerning school districts; relating to the maintenance of educational programs thereby; transportation of pupils; amending Section 1 of 1984 Senate Bill No. 601, and K.S.A. 72-7301, as amended by section 13 of 1984 Senate Bill No. 601, K.S.A. 72-8309, as amended by section 19 of 1984 Senate Bill No. 601, K.S.A. 1983 Supp. 72-1106, as amended by section 6 of 1984 Senate Bill No. 601, K.S.A. 1983 Supp. 72-8212, as amended by section 14 of 1984 Senate Bill No. 601, and K.S.A. 1983 Supp. 72-8302, as amended by section 1 of 1984 Senate Bill No. 502, and repealing the existing sections; also repealing K.S.A. 1983 Supp. 72-8302, as amended by section 17 of 1984 Senate Bill No. 601.

SB 889, by Senator Doyen: An act designating the square dance as the official state dance of Kansas.

SB 890, by Committee on Federal and State Affairs: An act concerning the employment security law; relating to benefit eligibility for employees of certain federal postsecondary educational institutions; amending K.S.A. 1983 Supp. 44-703, as amended by section 1 of 1984 House Bill No. 2629, and repealing the existing section.

SB 891, by Committee on Ways and Means: An act relating to the secretary of transportation; designation of city connecting links as routes to state-owned natural and scientific preserves; amending K.S.A. 1983 Supp. 68-406, as amended by section 1 of 1984 House Bill No. 3053, and repealing the existing section; also repealing K.S.A. 1983 Supp. 68-406, as amended by section 6 of 1984 Senate Bill No. 479.

SB 892, by Committee on Ways and Means: An act concerning vehicles; definitions; amending K.S.A. 8-126, as amended by section 1 of 1984 Senate Bill No. 700, and repealing the existing section; also repealing K.S.A. 8-126, as amended by section 1 of 1984 House Bill No. 2663.

SB 893, by Committee on Ways and Means: An act concerning registration of vehicles; amending K.S.A. 1983 Supp. 8-143, as amended by 1984 House Substitute for Senate Bill No. 176, and repealing the existing section; also repealing K.S.A. 1983 Supp. 8-143, as amended by section 2 of 1984 Senate Bill No. 633.

HB 3127, An act concerning the construction of a building or facility for use as a state printing plant; providing for the financing of the cost thereof; imposing certain duties upon the secretary of administration and the pooled money investment board; and making and concerning certain appropriations therefor for the fiscal years ending June 30, 1985, and June 30, 1986.

HB 3128, by Committee on Ways and Means: An act relating to salaries and compensation of certain state officers and employees; authorizing and providing for certain increases and merit bonus awards; making appropriations for the fiscal year ending June 30, 1985, and authorizing certain transfers and adjustments in expenditure limitations therefor; amending K.S.A. 1983 Supp. 44-709, 75-3120f and 75-3120h and repealing the existing sections.

SCR 1672, by Senators Doyen, Allen, Angele, Arasmith, Bogina, Burke, Ehrlich, Gaar, Gaines, Gordon, Harder, Hayden, Hein, Hess, Kerr, Meyers, Montgomery, Morris, Pomeroy, Reilly, Roitz, Talkington, Thiessen, Vidricksen, Werts and Winter: A concurrent resolution memorializing Congress to adopt a constitutional amendment empowering the President to use line item vetoes on appropriation bills.

SCR 1673, by Senator Talkington: A concurrent resolution relating to the 1984 regular

session of the Legislature; extending such session beyond ninety calendar days; and providing for adjournment thereof; and amending 1984 House Concurrent Resolution No. 5101.

HCR 5104, by Representative Polson: A concurrent resolution congratulating St. Mary's Parish of St. Benedict, Kansas, on its 125th anniversary.

HCR 5105, by Representative Polson: A concurrent resolution congratulating Salem Lutheran Church of Axtell, Kansas, on its 110th anniversary.

HCR 5106, by Representative Crumbaker: A concurrent resolution to suspend Joint Rule 5 of the House of Representatives and Senate to consider and take final action on Senate Bill No. 888, relating to school districts.

SR 1896, by Senators Feleciano, Daniels, Francisco, Gray, Hess and Morris: A resolution honoring H. Jay Setter for his dedicated public service as Director of Aviation of the Wichita Airport Authority.

SR 1897, by Senators Hein, Parrish and Pomeroy: A resolution congratulating and commending Washburn University on being awarded the 1984 Grand Award among colleges and universities in the United States and Canada.

HR 6192, by Representative Moore: A resolution congratulating and commending Frank C. Richardson, Olathe, on being named a regional winner in the Space Shuttle Student Involvement Project for 1984.

HR 6193, by Representatives Roe and Mainey: A resolution designating the week of May 27, 1984, through June 3, 1984, as Kansas Tourism Week.

HR 6194, by Representative Duncan: A resolution congratulating and commending Ernest and Elsie Almiere on their golden wedding anniversary.

HR 6195, by Representatives Duncan, Branson and Runnels: A resolution expressing support for the believers in the Baha'i faith currently being persecuted.

HR 6196, by Representative Ernie: A resolution congratulating and commending the Coffeyville Community College football team and its coach, Dick Foster, on their outstanding season in 1983.

HR 6197, by Representative Moore: A resolution congratulating and commending Oregon Trails Junior High School on receiving recognition in the United States Department of Education Secondary School Recognition Program.

HR 6198, by Representative Ernie: A resolution congratulating and commending Coach Dick Foster on his many accomplishments as head football coach at Coffeyville Community College.

HR 6199, by Representative Blumenthal: A resolution honoring Orville Gregory for his dedicated service to Johnson County Community College.

HR 6200, by Representatives Aylward, B. Ott and Turnquist: A resolution in memory of R. Bruce Johnson.

HR 6201, by Representative Apt: A resolution requesting the Governor to declare a "Kansas Wildlife Day."

HR 6202, by Representative D. Miller: A resolution congratulating and commending the De Soto High School "High Q" team and their advisors, Kathy Reddy and Ron Darst, for their performance in the "High Q" competition.

HR 6203, by Representatives D. Miller and David Webb: A resolution in memory of Charles Cramer.

HR 6204, by Representative Branson: A resolution commending the Reverend Lawrence R. Kurth on his spiritual leadership and honoring him on his retirement.

HR 6205, by Representatives Brady and Bussman: A resolution commending Tom Shields, Dave Oas, Karen Shedrick and Larry Anderson for their life-saving efforts and the Labette County Chapter of the American Red Cross for their efforts in educating the public in life-saving techniques.

HR 6206, by Representatives Murphy, Leach and Ramirez: A resolution congratulating and commending Ambrose L. Dempsey for his long and distinguished service in the Kansas Legislature.

HR 6207, by Representative Niles: A resolution congratulating and commending Dr. A. B. McConnell on being designated by Rotary International to receive the Paul Harris Fellow Award.

HR 6208, by Representative Foster: A resolution concerning the placement of a statue atop the state capitol.

HR 6209, by Representatives Hayden, Foster, Hoagland, Chronister and Bunten: A resolution requesting the appointment of a special committee to study the advisability of adopting a legislative budget.

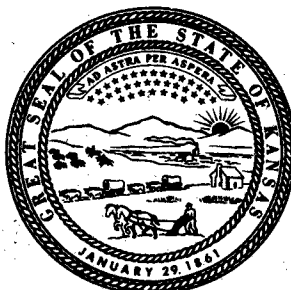
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JACK H. BRIER
Secretary of State
State Capitol
Topeka, Kansas 66612



PHONE: 913/296-2236

State of Kansas

BOARD OF ACCOUNTANCY**NOTICE OF MEETING**

The Kansas Board of Accountancy will hold a regularly scheduled meeting on Tuesday, May 15, 1984, at 9:30 a.m., in Conference Room D (Room 237), 503 Kansas Ave., Topeka. Persons interested in agenda items or in attending should contact the Board office at (913) 296-2162.

GLEENDA SHERMAN
Board Secretary

Doc. No. 002147

State of Kansas

SECRETARY OF STATE**NOTICE**

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that pursuant to the provisions of K.S.A. 1983 Supp. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of May 1, 1984 through May 31, 1984 shall be 15.22%.

In testimony whereof: I hereto set my hand and cause to be affixed my official seal. Done at the City of Topeka, this 30th day of April, A. D. 1984.

JACK H. BRIER
Secretary of State

Doc. No. 002146

State of Kansas

KANSAS WATER AUTHORITY**OPEN MEETING NOTICE**

The May meeting of the Kansas Water Authority will be held May 24 and 25, 1984 on the campus of Barton County Community College, R.R. 3, Great Bend, KS. Meeting starting times will be at 8:30 a.m. on both days. Scheduled activities include an informal review of completed sections of the comprehensive State Water Plan and an outline of planning in progress. Committees of the Water Authority are also scheduled to meet. An agenda should be available on May 15. Persons not on the Authority's mailing list may request a copy of the agenda by writing or calling Bruce W. Janssen, 702 Broadway, Box D, Larned, KS 67550, (316) 285-6514.

H. PHILIP MARTIN
Chairman

Doc. No. 002151

State of Kansas

PARK AND RESOURCES AUTHORITY**NOTICE TO BIDDERS**

Sealed bids for the Operation of an Ice Cream Vending Concession (Bid Identification No. 503-Pry-Ctn-7027A) at Perry State Park, Jefferson County and Clinton State Park, Douglas County, Kansas, will be received by the Kansas Park and Resources Authority, Room 520, 503 Kansas Ave., P.O. Box 977, Topeka, KS 66601, until 2:00 p.m., May 22, 1984, and then will be publicly opened and read aloud.

Bid forms, plans specifications and other project information may be obtained from the Kansas Park and Resources Authority at the address given above.

LYNN BURRIS, JR.
Director

Doc. No. 002155

State of Kansas

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

The Kansas Historic Sites Board of Review will meet at 8:30 a.m. on Saturday, May 26, 1984, in the Don Quixote Room of the Holiday Inn City Center, 914 Madison, Topeka. The board will visit the Charles Curtis House, 1101 Topeka Ave., Topeka, and at 10:00 a.m. will begin evaluation of that property, which has been proposed by petition for state acquisition. As provided by K.S.A. 75-2726, the board will make a recommendation to the Governor and the Legislature concerning state acquisition.

The board will also evaluate the following properties which have been proposed for nomination to the National Register of Historic Places and the Register of Historic Kansas Places:

- Frank Howard House, 305 N. Terrace, Atchison, Atchison County
- Mrs. Preston Plumb House, 224 E. Sixth Ave., Emporia, Lyon County
- Lassen Hotel, Market and First Streets, Wichita, Sedgwick County
- Hollywood Theater, 401 Delaware, Leavenworth, Leavenworth County (Kansas Register only)
- James W. Parker House, 313 Parallel, Atchison, Atchison County
- J. P. Mather House, 212 Simcock, Council Grove, Morris County
- Miller's Hall, 723-725 Massachusetts, Lawrence, Douglas County

JOSEPH W. SNELL
Executive Director

Doc. No. 002149

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 Dept. of Human Resources, Office of the Secretary, 401 Topeka Ave., Topeka, KS 66603.

NOTE: The state application identifier number will now be assigned at the beginning of the review process.

KS840427-001-15916NS—Application for \$50,000 to equally match \$50,000 of local monies to build a community swimming pool, bathhouse and related facilities in the city park in Utica, KS. Contact A. E. Reiss, P.E., Reiss and Goodness Engineers, 2160 W. 21st St., Wichita, KS 67203-2181, (316) 832-0213. Comments due by June 11, 1984.

KS840503-001-10418RS—Application for \$524,200 for upgrading Russell County Rural Water District #3 with new pipe, booster pump station, pressure regulators and new pumps. Contact Alan Luttrell, P.E., Evans, Bierly, Hutchinson and Associates, P.A., 1105 Williams, Great Bend, KS 67530, (316) 793-8411. Comments due by June 17, 1984.

KS840502-002-84128KS—Application for \$55,763 to conduct a study to improve the vocational and independent living potentials of disabled children. Contact John H. Leslie, Jr., Cerebral Palsy Research Foundation of Kansas, Inc., 2021 N. Old Manor, Wichita, KS 67208, (316) 688-1883. Comments due by June 15, 1984.

KS840502-003-15916JO—Application for \$204,960 federal funds equally matched with local funds to purchase 72 acres of park land for expansion of an existing community park in Overland Park, KS. Contact James Cox, Community Development Division, 8500 Santa Fe Dr., Overland Park, KS 66212, (913) 648-0964. Comments due by June 15, 1984.

The following application for federal monies under federal assistance programs has been reviewed and returned to the applicant for submission to the federal agency involved.

KS840502-001-13293KS—Application for designation as State Health Planning and Development Agency for \$409,000. Rosemary O'Leary, Kansas Dept. of Health and Environment, Forbes Field, Topeka, KS 66620.

JERRY SHELOR
Secretary of Human Resources

Doc. No. 002154

State of Kansas

ATTORNEY GENERAL**OPINION NO. 84-37**

State Boards, Commissions and Authorities—Department of Economic Development—Contracts for Promotional Advertising Services. Cathy L. Kruzic, Director, Kansas Department of Economic Development, Topeka, May 1, 1984.

K.S.A. 1983 Supp. 74-5005(j) and 74-5033 provide specific authority for the Secretary of Economic Development to enter into contracts to publicize information concerning the recreational, historic and natural advantages of the state. Thus, the Secretary of the Department of Economic Development has the power to enter into contracts to allow the dissemination of tourism information, *via* computer terminal outlets at various locations in the state. Cited herein: K.S.A. 1983 Supp. 74-5005 and 74-5033. RJB

ROBERT T. STEPHAN
Attorney General

Doc. No. 002144

State of Kansas

FISH AND GAME COMMISSION**NOTICE OF HEARING
ON PROPOSED****ADMINISTRATIVE REGULATIONS**

A public hearing will be held on Wednesday, May 30, 1984, at 7:00 p.m., at the Kansas Gas and Electric meeting room, 120 S. Main, El Dorado, to consider the adoption of proposed rules and regulations of the Fish and Game Commission.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Director of the Kansas Fish and Game Commission, R.R. 2, Box 54A, Pratt, KS 67124. Following the hearing, all written and oral comments submitted by interested parties will be considered by the Commission as the basis for making any changes to these proposed regulations. The fiscal impact statements may be obtained by writing to the agency in Pratt.

K.A.R. 23-3-10 provides for a legal method for fishing through the ice—establishing legal size for holes in the ice.

K.A.R. 23-6-1 establishes the 1984-85 hunting, trapping, running and possession season for fur-bearing animals.

K.A.R. 23-18-2 establishes a provision for a one-time lifetime hatchery stamp or punch for lifetime license holders.

A business meeting of the Fish and Game Commission is also scheduled for May 30, 1984, at the same location, following the public hearing. General business matters will be discussed.

RICHARD HANGER
Chairman

Doc. No. 002152

(Published in the KANSAS REGISTER, May 10, 1984.)

NOTICE OF BOND SALE
\$1,220,000.00
GENERAL OBLIGATION
SCHOOL BUILDING BONDS
OF
UNIFIED SCHOOL DISTRICT NO. 262
SEDGWICK COUNTY, KANSAS
(VALLEY CENTER)
SERIES A-1984

UNIFIED SCHOOL DISTRICT NO. 262, SEDGWICK COUNTY, KANSAS (VALLEY CENTER) will receive sealed bids at the OFFICE OF THE BOARD OF EDUCATION, 117 NORTH PARK, P.O. BOX 188, VALLEY CENTER, KANSAS, until 7:30 o'clock P.M., C.D.T., on

THURSDAY, MAY 24, 1984

for \$1,220,000.00 par value GENERAL OBLIGATION SCHOOL BUILDING BONDS of the District, 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 May 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 not exceeding the principal amount of Bonds maturing in each year. Interest will be payable semiannually, commencing April 1, 1985, and each October 1 and April 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 District.

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

<i>Principal Amount</i>	<i>Maturity Date</i>
\$ 5,000.00	October 1, 1985
5,000.00	October 1, 1986
5,000.00	October 1, 1987
15,000.00	October 1, 1988
20,000.00	October 1, 1989
20,000.00	October 1, 1990
25,000.00	October 1, 1991
30,000.00	October 1, 1992
30,000.00	October 1, 1993
35,000.00	October 1, 1994
40,000.00	October 1, 1995
75,000.00	October 1, 1996
85,000.00	October 1, 1997

90,000.00	October 1, 1998
100,000.00	October 1, 1999
110,000.00	October 1, 2000
120,000.00	October 1, 2001
130,000.00	October 1, 2002
140,000.00	October 1, 2003
140,000.00	October 1, 2004

Redemption

Bonds maturing October 1, 1994, and thereafter, are subject to call for redemption and payment prior to their respective maturities at the option of the District on and/or after October 1, 1993, in whole at any time or in part in inverse order of maturity, and by lot within maturities, on any interest payment date, at the redemption price set forth below, plus accrued interest to the redemption date:

<i>Redemption Period (Dates Inclusive)</i>	<i>Redemption Price</i>
10-1-93 thru 4-1-94	102 %
10-1-94 thru 4-1-95	101%
10-1-95 thru 4-1-96	101 %
10-1-96 thru 4-1-97	100%
10-1-97 and thereafter	100 %

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

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 and one-half 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 (May 21, 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 District, and shall be addressed to the DISTRICT AT THE OFFICE OF THE BOARD OF EDUCATION, 117 NORTH PARK, P.O. BOX 188, VALLEY CENTER, KANSAS 67147, ATTENTION: MAXINE CLARK, CLERK, and shall be plainly marked BOND BID. All bids must state the

(continued)

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 District 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 UNIFIED SCHOOL DISTRICT NO. 262, SEDGWICK COUNTY, KANSAS (VALLEY CENTER). 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 District 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 District 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 District; 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 District; 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 JUNE 15, 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. Payment for the Bonds shall be made in immediately available funds. Delivery of the Bonds will be made to the successful bidder on or before JUNE 28, 1984, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the District. 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 District. Said legal opinion will state in part substantially that the Bonds will constitute general obliga-

tions of the District, 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 District; 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 making additions at the Junior High School and the Senior High School, including cafeteria expansion and including the furnishing and equipping thereof.

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 District.

Assessed Valuation

Assessed valuation figures for the District for the year 1983, are as follows:

Equalized Assessed Valuation of Taxable	
Tangible Property	\$23,710,695
Tangible Valuation of Motor Vehicles	\$ 5,427,120
Tangible Valuation of Motor Vehicle Dealers' Inventory	\$ -0-
Assessed Valuation of Farm Machinery and Equipment (1982)	\$ 751,020
Assessed Valuation of Business Aircraft (1982)	\$ 12,350
Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations	\$29,901,185

Bonded Indebtedness

The total bonded indebtedness of the District, at the date hereof, including this \$1,220,000.00 proposed issue of Bonds, is in the amount of \$1,741,000.00.

Official Statement

Additional copies of this Notice of Bond Sale, or copies of the District's Official Statement relating to the Bonds, or further information may be received from the office of the Board of Education, 117 North Park, P.O. Box 188, Valley Center, Kansas 67147, or Stifel, Nicolaus & Company, 111 South Main, Wichita, Kansas 67202, (316) 264-6321, financial advisors to the School District.

Dated May 14, 1984.

UNIFIED SCHOOL DISTRICT NO. 262
SEDGWICK COUNTY, KANSAS
(VALLEY CENTER)
By MAXINE CLARK, Clerk

Doc. No. 002145

(Published in the KANSAS REGISTER, May 10, 1984.)

**NOTICE OF BOND SALE
CITY OF WICHITA, KANSAS
\$12,710,000.00
GENERAL OBLIGATION BONDS
(Internal Improvement)
Series 699
AND
\$6,000,000.00
GENERAL OBLIGATION BONDS
(Airport Improvement)
Series 700**

SEALED bids will be received in the Office of the City Clerk, at City Hall, 455 North Main, City of Wichita, Kansas 67202-1679, until 10:00 o'clock a.m., Central Daylight Savings Time, on May 22, 1984, and will be considered by the Governing Body of the City of Wichita, Kansas at its regular place of meeting in the City Commission Room in the City Hall, 455 North Main Street, in the City of Wichita, Kansas, at 10:00 o'clock a.m., Central Daylight Savings Time on May 22, 1984, at which time and place all proposals will be publicly opened, read aloud, and considered for the purchase of either or both of two series of General Obligation Bonds: Series 699, (Internal Improvement) in the principal amount of \$12,710,000.00 and Series 700, (Airport Improvement) in the principal amount of \$6,000,000.00. No oral or auction bids will be considered.

Details of the Bonds

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

<i>Date of Maturity</i>	<i>Series 699</i>	<i>Series 700</i>
June 1, 1985	\$ 430,000	\$150,000
June 1, 1986	470,000	150,000
June 1, 1987	515,000	150,000
June 1, 1988	560,000	150,000
June 1, 1989	610,000	250,000
June 1, 1990	665,000	300,000
June 1, 1991	725,000	300,000
June 1, 1992	790,000	750,000
June 1, 1993	860,000	450,000
June 1, 1994	940,000	500,000
June 1, 1995	1,025,000	500,000
June 1, 1996	1,115,000	550,000
June 1, 1997	1,220,000	600,000
June 1, 1998	1,330,000	600,000
June 1, 1999	1,455,000	600,000

Place of Payment

The principal of, and premium, if any, on the Bonds shall be payable in lawful money of the United States of America, at the principal trust office of the Chase Manhattan Bank, N.A., in the City and State of New York (the Paying Agent and Bond Registrar) to the registered owners thereof upon presentation of the Bonds for payment and cancellation. Interest on the

Bonds shall be payable in lawful money of the United States of America, by check or draft of the Paying Agent and Bond Registrar to the registered owners appearing on the books maintained by the Bond Registrar as of the 15th day of the month next preceding the interest payment dates (the "Record Dates"). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the City.

Redemption

The Bonds maturing on and after June 1, 1995, are subject to redemption prior to maturity, at the City's option on or after June 1, 1994, in whole at any time or in part in integral multiples of \$5,000.00, in inverse order of maturity and by lot within maturities, on any interest payment date at the redemption prices set forth below, plus accrued interest to the redemption date:

<i>Redemption Periods (dates inclusive)</i>	<i>Redemption Prices</i>
June 1, 1994 to May 31, 1995	101.50%
June 1, 1995 to May 31, 1996	101.00%
June 1, 1996 to May 31, 1997	100.50%
June 1, 1997 and thereafter	100.00%

Notice of any call for redemption will be mailed to the registered owners of such Bonds to be redeemed at the address shown on the registration books maintained by the Bond Registrar not less than thirty (30) days prior to the date fixed for such redemption and payment. Interest will not be payable on the Bonds to be redeemed after the redemption date if notice has been given and if sufficient monies have been deposited with the Bond Registrar on or prior to the redemption date to pay the principal of, applicable redemption premiums, if any, and interest on the Bonds to be redeemed to the redemption date.

Interest Rate

Separate proposals will be received on each Series of Bonds bearing such rate or rates of interest not exceeding six (6) different interest rates as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). The difference between the highest interest rate bid and the lowest rate of interest bid shall not exceed two (2%) percent per annum. No interest rate shall exceed the maximum interest rate allowed by Kansas law; said rate being the "Twenty Bond Index of Tax Exempt Municipal Bonds" published by the *Weekly Bond Buyer* in New York, New York, on the Monday next preceding the day on which the Bonds are sold, plus two percent (2%). A bid for the purchase of less than all of the Bonds of a Series or bid at a price less than par and accrued interest will not be considered.

Bid Form and Good Faith Deposit

Separate bids shall be submitted on the OFFICIAL BID FORMS furnished by the City and should be addressed to Donald C. Gisick, City Clerk, 455 North Main Street, Wichita, Kansas 67202-1679, plainly

(continued)

marked BOND BID and indicate the appropriate Series number for which the bid is submitted. All bids must state the total interest cost of the bid, the premium, if any, and the net interest cost of the bid, and the average annual net interest rate, all certified by the bidder to be correct; and the City may rely upon the certificate of correctness of the bidder. No bid will be considered if made on other than the Official Bid Form and no bid will be considered if such form is amended or modified. Each bid must be accompanied by a certified or cashier's check in the amount of two percent (2%) of the total par value of the Series of Bonds being bid upon payable to the City Treasurer, City of Wichita, on which no interest will be allowed. The checks of unsuccessful bidders will be returned promptly. The checks of the successful bidder(s) or the proceeds thereof will be held as security for the performance of the contract(s) to purchase the Bonds; but in the event that the successful bidder(s) shall fail to comply with the terms of their bids, the check(s) or the proceeds thereof shall then be forfeited and retained by the City as and for liquidated damages.

Award of the Bonds

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

Delivery and Payment

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City. Delivery of the Bonds will be made on or before June 21, 1984, in New York, New York. Payment shall be made in immediately available federal reserve funds. The number, denomination of Bonds, and the names of the initial registered owners to be initially printed on the Bonds must be submitted in writing by the successful bidder(s) to the Bond Registrar at least ten (10) business days prior to the date of delivery of the Bonds. In the absence of such information, the City will deliver the Bonds in the denomination of each maturity in each series registered in the name of the successful bidder on such series.

Legal Opinions

The Bonds will be sold subject to the unqualified approving opinion of Curfman, Harris, Stallings & Snow, Bond Counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each Bond. The cost of these legal opinions and the

expense of printing the Bonds and legal opinions will be paid by the City. Said legal opinions will state in part substantially that each series of Bonds will constitute general obligations of the City, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the City; and that, under existing law, the interest on said Bonds is exempt from present federal income taxation and the Bonds are exempt from intangible personal property taxes levied by Kansas cities, counties and townships. A manually signed original of such opinion will be furnished without expense to each purchaser of the Bonds at the delivery thereof. Each 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 and a certificate relating to the completeness and accuracy of the Official Statement and Notice of Bond Sale.

Purpose of Issue

The Bonds of Series 699 are being issued for the purpose of constructing certain internal improvements in the City of Wichita, Kansas as follows:

Paving projects in the amount of \$5,962,495;

Sewer projects in the amount of \$4,719,941;

Water main extension projects in the amount of \$527,362;

Traffic signalization projects in the amount of \$408,565;

Public improvement projects in the amount of \$76,637;

Fire Department improvements in the amount of \$545,000; and

Park improvements in the amount of \$470,000;

all of which total \$12,710,000.00.

The Bonds of Series 700 are being issued for the purpose of constructing certain airport improvements in the City of Wichita, Kansas in the amount of \$6,000,000.00.

Security

The Bonds constitute general obligations of the City of Wichita, Kansas, and the full faith, credit and resources of the City are pledged to the payment of the principal of and the interest on such Bonds; and the City is obligated to levy ad valorem taxes without limitation as to rate or amount upon all the taxable property within the territorial limits of said City to pay the principal of and interest on the Bonds.

Additional Security for Series 700 Bonds

The Bonds of Series 700 are being issued under the authority of K.S.A. 13-1348a as amended by Charter Ordinance No. 78 and K.S.A. 3-162. Pursuant to such authority, the Wichita Airport Authority has pledged the net income from the Wichita Mid-Continent Air-

(continued)

port and the Colonel James Jabara Airport facilities to pay the principal of and interest on the Series 700 Bonds by a Resolution of The Wichita Airport Authority under date of November 7, 1983. However, if said net income is insufficient to pay the principal of or interest on said Bonds, the Governing Body of the City of Wichita, Kansas, is required to levy ad valorem taxes without limitation as to rate or amount upon all the taxable property within the territorial limits of said City to pay the principal of and interest on the Series 700 Bonds.

CUSIP Identification Numbers

CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for failure or refusal by the successful bidder(s) to accept delivery of and to pay for said Bonds in accordance with the terms of this Notice. All expenses in relation to printing of CUSIP numbers on said Bonds and the expenses of the CUSIP Service Bureau for the assignment of said numbers shall be the responsibility of and shall be paid for by the City.

Assessed Valuation

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

Equalized assessed valuation of taxable tangible property	\$ 908,670,915
Tangible valuation of motor vehicles	\$ 194,437,642
Tangible valuation of motor vehicle dealers' inventory	\$ 7,830,844
Assessed valuation of business aircraft (1982)	\$ 8,962,461
Assessed valuation of farm machinery and equipment (1982)	\$ 22,680
Equalized assessed tangible valuation for computation of bonded indebtedness limitations	\$1,119,924,542

Bonded Indebtedness

The total bonded indebtedness of the City of Wichita, Kansas, as of June 1, 1984, is \$237,100,000, which amount excludes all revenue and refunding Bonds, but includes temporary notes in the amount of \$17,080,000 (including the \$12,500,000 of temporary notes to be sold on May 29, 1984) and the two Series of Bonds described in this Notice of Bond Sale in the aggregate amount of \$18,710,000. Of the currently issued and outstanding temporary notes of the City, \$9,279,450 will be retired out of the proceeds of the Bonds herein offered for sale.

Rating of the Bonds

The City has applied to Moody's Investors Service, Inc., and Standard & Poor's Corporation for ratings on the Bonds. General Obligation Bonds issued by the City of Wichita since 1975 have been rated Aa by Moody's Investors Service and rated AA by Standard & Poor's Corporation.

Other Pending Bond and Temporary Note Issues

Neither the City of Wichita, nor Unified School District No. 259 (Wichita Public School System), contemplates the issuance of any additional General Obligation Bonds within the next thirty (30) days. The

City of Wichita plans to sell \$12,500,000 in temporary notes on May 29, 1984, to be dated June 1, 1984, to become due on December 20, 1984. These temporary notes will consist of \$10,025,550 in renewals and \$2,474,450 in new notes. Sedgwick County is planning the issuance of a series of general obligation bonds in the amount of \$6,500,000 within the next thirty (30) days.

Redistribution of Notice and Official Statement

Authorization is given to redistribute this Notice of Bond Sale and the Official Statement, but the entire Notice of Bond Sale and Official Statement, and not portions thereof, must be redistributed. The successful bidder of each series of Bonds, upon request, will be furnished with twenty-five (25) copies of the Notice of Bond Sale and Official Statement, without cost; additional copies will be furnished at a nominal charge.

Official Statement

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

Figures used in this Notice of Bond Sale and in the Official Statement through December 1, 1983, were obtained from the City of Wichita, Kansas Annual Financial Report for 1983, which Report has been audited by an outside firm of certified public accountants appointed by the Governing Body of the City of Wichita, Kansas.

BY ORDER OF THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS
THIS 1ST DAY OF MAY, 1984.

ROBERT G. KNIGHT
Mayor

ATTEST: DONALD C. GISICK
City Clerk

(SEAL)

Doc. No. 002148

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 Bldg., Topeka, KS, until 2:00 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened:

MONDAY, MAY 21, 1984

#26033

Department of Social and Rehabilitation Services, Topeka—**JANITORIAL SERVICES, OTTAWA**

#26035

University of Kansas, Lawrence—**IBM TYPEWRITER MAINTENANCE**

#57671

Kansas Highway Patrol, Topeka—**STEEL TANKS**

#57672

Kansas State University, Manhattan—**SEMI-BONELESS ROUNDS**

#57684

Department of Transportation—**GRADERS, various locations**

#57697

Kansas Judicial Center, Topeka—**AUTOMATIC MICROPHONE SYSTEM**

#57720

University of Kansas, Lawrence—**PRINTER AND ACCESSORIES**

#57759

University of Kansas, Lawrence—**TAPE STORAGE SYSTEM**

#57772

University of Kansas, Lawrence—**TELEPHONES****TUESDAY, MAY 22, 1984**

#A-4726(a)

Norton State Hospital, Norton—**INSULATE TUNNEL CONDENSATE RETURN LINES**

#A-4764 (Rebid)

Kansas Correctional Institute at Lansing, Lansing—**RENOVATION OF TOP FLOOR, "B" Building**

#A-4926

Youth Center at Topeka, Topeka—**REPLACE EXISTING SECLUSION ROOM DOORS, FRAMES AND LOCKING MECHANISMS, Mohawk Cottage**

#A-4935

Kansas State University, Manhattan—**CALVIN HALL ROOFING SYSTEM REPLACEMENT**

#57669

Kansas State University, Manhattan—**WOODEN LIBRARY CARD CATALOG CASES**

#57670

Kansas Technical Institute, Salina—**ELECTRONIC TESTING EQUIPMENT**

#57678

Kansas Correctional Industries, Lansing—**SEWING MACHINES, Hutchinson**

#57679

Kansas State Fair, Hutchinson—**DECORATION RENTAL FOR KANSAS STATE FAIR**

#57686

Department of Transportation, Chanute—**VACUUM STREET SWEEPER**

#57687

Department of Transportation—**PAINTING OF RADIO TOWERS, various locations**

#57688

Emporia State University, Emporia—**USED ARTICULATED WHEEL LOADER**

#57689

Kansas Fish and Game Commission, Pratt—**HERBICIDE**

#57694

Department of Administration, Buildings and Grounds Services, Topeka—**FURNISH AND INSTALL NEW RECEIVING DOORS, 503 Kansas Avenue, Topeka**

#57695

Department of Social and Rehabilitation Services, Topeka—**BLIND-MADE BROOMS**

#57696

Department of Transportation, Hutchinson—**PORTABLE WELDERS**

#57698

Department of Human Resources, Topeka—**CONTINUOUS MAILERS—K-BEN 4211**

#57712

Kansas State University, Manhattan—**WALK-IN STORAGE COOLER**

#57739

Pittsburg State University, Pittsburg—**ELECTRICAL WORK, Yates Hall**

#57763

Department of Social and Rehabilitation Services, Topeka—**MAILING MACHINE**

#57769

University of Kansas, Lawrence—**MICROCOMPUTER SYSTEM**

#57782

Fort Hays State University, Hays—**INJECT, SAND AND REFINISH TWELVE BOWLING LANES**

#57783

Department of Transportation, Topeka—**REPAIR BRIDGE No. 75-89-8. 64 (No. 096) KTA RAMP, over US-75, Shawnee County****WEDNESDAY, MAY 23, 1984**

#A-4797

Larned State Hospital, Larned—**REROOF FIRE STATION, GREENHOUSE, PORCHES on Rush, Sellers and Pinel Buildings, and ROOF REPAIRS on Jung Building**

#A-4916

Wichita State University, Wichita—**EXTERIOR PAINTING, Cessna Stadium Facility**

#A-4917

Wichita State University, Wichita—**PAINTING EXTERIOR, Levitt Arena**

#26024

Department of Transportation, Topeka—**REMOVAL OF WASTE AND REFUSE FROM SAFETY REST AREAS, various locations**

#26025

Department of Transportation, Salina—**REMOVAL OF WASTE AND REFUSE FROM COMFORT STATION PITS, various locations**

#26026

Department of Transportation, Norton—**REMOVAL OF WASTE AND REFUSE FROM SAFETY REST AREAS, various locations**

#26027

Department of Transportation, Chanute—**REMOVAL OF WASTE AND REFUSE FROM COMFORT STATION PITS, various locations**

(continued)

#26028
Department of Transportation, Hutchinson—REMOVAL OF WASTE AND REFUSE FROM SAFETY REST AREAS, various locations

#26029
Department of Transportation, Garden City—REMOVAL OF WASTE AND REFUSE FROM SAFETY REST AREAS, various locations

#26032
Statewide—DAIRY PRODUCTS
#57700

University of Kansas, Lawrence—PLAIN PAPER COPIER

#57701
University of Kansas, Lawrence—PLAIN PAPER COPIER

#57702
Larned State Hospital, Larned—MISCELLANEOUS GROCERIES

#57703
Kansas State University, Manhattan—CARPET AND INSTALLATION

#57705
Kansas Fish and Game Commission, Pratt—SEED, various locations

#57711
University of Kansas Medical Center, Kansas City—PORTABLE TV CAMERA, Wichita

#57713
Department of Health and Environment, Topeka—PLAIN PAPER COPIER

#57714
Fort Hays State University, Hays—GRINDER-MIXER
#57721

Kansas State University, Manhattan—MULTIFUNCTION WORK STATION

#57765
Wichita State University, Wichita—CRT TERMINALS
#57766

Kansas State University, Manhattan—CENTRIFUGE
#57785

Kansas State University, Manhattan—PHYSIOLOGICAL RECORDER

THURSDAY, MAY 24, 1984

#A-4725
Norton State Hospital, Norton—PROVIDE NEW BOILER INSTALLATION, Central Power Plant Facility
#A-4792

Winfield State Hospital and Training Center, Winfield—REROOF COMMISSARY
#A-4834(c)

Kansas State University, Manhattan—WILLARD HALL ROOFING REPLACEMENT
#A-4934

Kansas State University, Manhattan—MARLATT HALL ROOFING REPLACEMENT
#57722

Department of Transportation, Topeka—WATER TANK

#57723
Youth Center at Beloit, Beloit—LAWN MOWER
#57726

University of Kansas Medical Center, Kansas City—X-RAY ENVELOPES

#57731
Kansas State University, Manhattan—ELECTRICAL SUPPLIES

#57732
Kansas State University, Manhattan—MICROSCOPES
#57733
Kansas State University, Manhattan—LIQUID SCINTILLATION COUNTER

#57734
Kansas State University, Manhattan—LAB APPARATUS

#57735
Department of Transportation, Garden City—50 TON SCREW JACKS

#57736
Kansas State University, Manhattan—CORN, MILO AND SOYBEAN MEAL

#57755
University of Kansas, Lawrence—CARPET, PAD AND INSTALLATION

#57756
Department of Social and Rehabilitation Services, Topeka—PUSHBROOM BRISTLES AND BRUSH FIBER

#57761
University of Kansas, Lawrence—ARRAY PROCESSOR

#57767
Secretary of State, Topeka—MICROFILM READER-PRINTER

#57768
Department of Administration Division of Information and Computer System, Topeka—COMPUTER TAPE SAFE

#57771
University of Kansas, Lawrence—SPECIMEN CASES, Winfield

#57774
Kansas State University, Manhattan—PLANT GROWTH CHAMBER

#57775
University of Kansas, Lawrence—MICROCOMPUTER SYSTEMS

#57778
Kansas State University, Manhattan—PVC PIPE, ACCESSORIES AND DITCH DIGGING, Garden City

#57779
Wichita State University, Wichita—FURNISH AND INSTALL TUBES AND TUBE SHEETS IN WATER HEATER

#57781
University of Kansas, Lawrence—CHINA
#57784

Kansas Correctional Industries, Lansing—PAINT SUSPENDING AGENT

FRIDAY, MAY 25, 1984

#57724
Department of Transportation—VARIOUS TYPES OF AGGREGATE, various locations
#57737

Department of Transportation, Salina—REROOF SLOPED ROOF, DEPARTMENT OF TRANSPORTATION SHOP

#57738
Department of Transportation—AIC AGGREGATE, various locations

#57740
Department of Transportation—AGGREGATE FOR MAINTENANCE BITUMINOUS REPAIR, various locations

(continued)

#57751

Kansas State University, Manhattan—PLANT GROWTH CHAMBER, various locations

#57752

Kansas State University, Manhattan—CONSTANT TEMPERATURE ROOM

#57753

Kansas Fish and Game Commission, Pratt—AERIAL SEEDING, various locations

#57754

Kansas State University, Manhattan—BEVERAGE SYRUP

#57757

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

#57758

Wichita State University, Wichita—CLOSED CIRCUIT TELEVISION SYSTEM

#57760

University of Kansas Medical Center, Kansas City—COMPUTERIZED PHARMACY SYSTEM

#57762

Kansas State University, Manhattan—CONFERENCE CHAIRS

#57776

Kansas State University, Manhattan—INFRARED GAS ANALYZER

#57777

University of Kansas, Lawrence—PRESSURE GENERATOR

#57780

Kansas State University, Manhattan—BLACKROOF COATING

THURSDAY, MAY 31, 1984

#A-4932

Kansas State University, Manhattan—VAN ZILE HALL RENOVATION

MONDAY, JUNE 4, 1984

#57693

Youth Center at Atchison, Atchison—TELECOMMUNICATIONS SYSTEM

MONDAY, JUNE 11, 1984

#26037

Kansas Fish and Game Commission, Pratt—LEASE OF LAND, Norton Wildlife Area

#57770

Department of Corrections, Topeka—LEASE OF FARM LAND, Reno County

WEDNESDAY, JUNE 20, 1984

#26018

Kansas Turnpike Authority, Wichita—AUTOMOBILE LIABILITY INSURANCE

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 002153

State of Kansas

ANIMAL HEALTH DEPARTMENT

TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board April 11, 1984. Effective May 1, 1984. Will expire May 1, 1985.)

Article 2.—BOVINE BRUCELLOSIS

9-2-32. Brucellosis—uniform methods and rules. The provisions of the brucellosis eradication uniform methods and rules, effective April 1, 1981, the amendments to brucellosis eradication uniform methods and rules, effective May 1, 1982, and the amendments to brucellosis eradication uniform methods and rules, effective August 15, 1983, approved by the United States department of agriculture, animal and plant health inspection service, as the minimum standards for achieving and maintaining certified and validated herds and certified and validated area status, are hereby adopted by reference, with the following exceptions:

- (a) Part I—P, Page 14—Official vaccinate; and
- (b) Part I—R, Page 16—Identification of vaccinates.

This regulation shall take effect on and after May 1, 1984. (Authorized by and implementing K.S.A. 47-608, 47-610, 47-657; effective, T-84-23, Aug. 30, 1983; effective, T-85-10, May 1, 1984.)

DR. GERALD D. GURSS
Livestock Commissioner

Doc. No. 002096

State of Kansas

COMMISSIONER OF INSURANCE

TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board April 11, 1984. Will expire May 1, 1985.)

Article 2.—LIFE INSURANCE

40-2-16. Life insurance and annuities; mortality tables; sexual distinctions; permits and prohibitions. (a) For any policy of insurance on the life of either a male or female insured delivered or issued for delivery in this state before January 1, 1989 and after the operative date for that policy form under K.S.A. 1983 Supp. 40-428(d-3), the Blended 1980 CSO and CET Mortality Tables A through G, adopted December 1983 by the National Association of Insurance Commissioners, may be substituted for the 1980 CSO or CET table, with or without ten year select mortality factors.

(b) It shall not be a violation of K.S.A. 1983 Supp. 40-2404(7) for an insurer to issue the same type of life insurance policy on both a sex distinct and sex neutral basis. (Authorized by K.S.A. 40-103; implementing K.S.A. 1983 Supp. 40-428(d-3); effective, T-85-11, Apr. 11, 1984.)

FLETCHER BELL
Commissioner of Insurance

Doc. No. 002097

State of Kansas

SOCIAL AND REHABILITATION SERVICES**TEMPORARY ADMINISTRATIVE REGULATIONS**

(Approved by the State Rules and Regulations Board
April 11, 1984. Effective May 1, 1984.
Will expire May 1, 1985.)

Article 5.—PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REIMBURSEMENTS FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

30-5-81. Scope of hospital services. (a) Each hospitals shall be medicare certified.

(b) Outpatient services shall be covered with the following limitations:

(1) Services shall be ordered by an attending physician who is not serving as an emergency room physician, except for those services related to emergency situations.

(2) Prosthetic devices shall replace all or part of an internal body organ including the replacement of these devices.

(3) Rehabilitative therapies shall be restorative in nature, shall be provided following physical debilitation due to acute physical trauma or physical illness and shall be prescribed by the attending physician.

(4) Services provided in the emergency department shall be emergency services.

(5) Elective surgery shall not be covered, except for sterilization operations or for participants in the EPSDT program.

(6) Ambulance services shall not be covered.

(c) Inpatient services shall be covered with the following limitations:

(1) Services shall be ordered by a physician.

(2) A physician hospital admittance profile, taking into consideration physician specialty and application, shall be kept on all physicians. The agency shall require prior authorization for hospital admission by any physician who, in the judgment of medical consultants, continues to admit patients to the hospital unnecessarily.

(3) Inpatient services shall be limited to those provided on days of stay that are determined to be medically necessary.

(4) Reimbursement shall not be made for services provided on days of discharge.

(5) Long term care services in swing beds shall be provided pursuant to 42 CFR 405.120 and 405.434, effective July 20, 1982.

(6) Therapeutic and diagnostic surgical services, and related services that can be performed on an outpatient basis, shall not be reimbursed on an inpatient basis unless medical necessity is documented.

(7) Reimbursement shall not be made for elective inpatient admissions from 12:00 a.m. (midnight) Thursday through 11:59 p.m. Saturday. Urgent, emergency, and obstetrical admissions during this period shall be reimbursable. Any procedure which can be completed within a 24 hour period shall be excluded

from the non-admissions policy of Thursday midnight through 11:59 p.m. Saturday.

(8) Inpatient services shall be subject to a utilization review to determine medical necessity at the time of admission and on a continued stay basis. Utilization review of all inpatient services shall be conducted by the hospital unless exempted by the division of medical programs. Utilization reviews conducted by a hospital or qualified contractor may be subject to further review by the division of medical programs.

(9) Certain non-Kansas hospitals may be required to submit documentation of medical necessity if the stay exceeds the 75th percentile of number of days, as indicated in the most recent edition of the "professional activity study hospitals" (PAS) north central region edition, based on the primary diagnosis and as appropriate on any secondary or multiple diagnosis.

(10) Psychiatric services in an acute general hospital shall be limited to a specific number of days per admission, as specified by the division of medical programs, unless an extended length of stay has been authorized by the division of medical programs prior to the last day of the specified limit.

(11) Psychotherapy, directed by a psychiatrist or approved hospital staff under the direction of a psychiatrist, shall be provided to each psychiatric patient on a daily basis.

(12) Acute detoxification services shall not exceed eight days.

(13) Substance abuse treatment services shall not exceed 30 days.

(14) Inpatient acute care related to substance abuse treatment services shall be limited to those patients who are in need of acute detoxification or a drug and alcohol treatment program approved by the division of medical programs.

(15) Elective surgery shall not be covered, except for sterilization operations or for participants in the EPSDT program.

(d) The effective date of this regulation shall be May 1, 1984. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c; effective May 1, 1981; amended May 1, 1982, modified, L. 1982, ch. 469, May 1, 1982; amended May 1, 1983; amended, T-84-7, March 29, 1983; amended, T-84-11, July 1, 1983; amended May 1, 1984; amended, T-85-9, May 1, 1984.)

30-5-83. Scope of services for ambulatory surgical centers. Coverage shall be limited to non-elective surgical services, except for sterilization operations or for participants in the EPSDT program. The effective date of this regulation shall be May 1, 1984. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c; effective May 1, 1981; amended May 1, 1983; amended May 1, 1984; amended, T-85-9, May 1, 1984.)

30-5-88. Scope of physician services. Except as set forth below, the program covers medically necessary services (recognized under Kansas law) provided to program recipients by physicians who are licensed to practice medicine and surgery in the jurisdiction where the service is provided. The following services

(continued)

shall be excluded from coverage under the program, except as noted: (a) Visits. The following types of visits shall be excluded:

(1) Office visits when the only service provided is an injection or some other service for which a charge is not usually made;

(2) non-psychiatric office visits which exceed 12 per calendar year, except as set forth in (3) below;

(3) for EPSDT participants, non-psychiatric office visits which exceed six per calendar quarter;

(4) psychiatric office visits which exceed an average of 24 hours of individual therapy or 24 hours of group therapy or any combination of these per calendar year unless the recipient is a participant in the EPSDT program and:

(A) Psychiatric services do not exceed three hours per month; or

(B) are being rendered pursuant to a plan approved by the agency. Prior authorization for the plan shall be required. The plan shall not exceed a two year period and shall be subject to a reimbursement limit established by the secretary. Quarterly progress reports shall be submitted to the division of medical programs;

(5) Inpatient hospital visits in excess of those allowable days for which the hospital is paid or would be paid if there were no spenddown requirements; and

(6) nursing home visits in excess of one per month unless medical necessity is documented.

(b) Consultations. Consultations shall be excluded as follows:

(1) Consultations which are absent a written report;

(2) inpatient hospital consultations in excess of one per condition per 10 day period unless written documentation confirming medical necessity is attached to the claim; and

(3) other consultations in excess of one per condition per 60 day period unless written documentation confirming medical necessity is attached to the claim.

(c) Surgical procedures. Surgical procedures shall be excluded as follows:

(1) Procedures that are experimental, pioneering, cosmetic, or designated as non-covered;

(2) services of a surgical assistant when surgery is determined not to require an assistant;

(3) in-patient procedures which are limited to out-patient coverage unless medical necessity is documented; and

(4) elective surgery, except for sterilization operations or for participants in the EPSDT program.

(d) Miscellaneous procedures. Miscellaneous procedures shall be excluded as follows:

(1) Diagnostic radiological and laboratory services unless the services are medically necessary to diagnose or treat injury, illness or disease;

(2) physical therapy unless:

(A) Performed by a physician or registered physical therapist under the direction of a physician; and

(B) prescribed by the attending physician.

(3) medical services of medical technicians unless the technicians are under the direct supervision of a physician; and

(4) inpatient services which were provided on days of hospital stay which are determined to not be medically necessary.

(e) Family planning services and materials. Family planning services and materials shall be excluded as follows:

(1) Family planning services and materials unless:

(A) The services are provided by a physician, family planning clinic, or county health department;

(B) written informed consent is obtained as necessary; and

(C) the scope of services provided are in compliance with applicable federal and state statutes and regulations.

(2) reverse sterilizations.

(f) Concurrent care. Concurrent care shall be excluded unless the patient:

(1) Has two or more diagnoses involving two or more systems; and

(2) the special skills of two or more physicians are essential in rendering quality medical care. The occasional participation of two or more physicians in the performance of one procedure shall be recognized. Each physician involved shall submit that physician's usual charge only for that portion of the procedure for which the physician is actually responsible.

(g) Psychological services for an individual entitled to receive these services as a part of care or treatment from a facility already being reimbursed by the program or by a third party payor shall be excluded.

(h) Services provided by physician extenders shall be excluded, except as listed below:

(1) Nursing home visits;

(2) recertifications;

(3) routine annual medical history and physical;

(4) subsequent day hospital visits;

(5) routine standard home visit; and

(6) standard office visit.

(i) The effective date of this regulation shall be May 1, 1984. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-9, May 1, 1984.)

30-5-101. Scope of chiropractic services. (a) General provisions of program coverage. Chiropractic services provided by chiropractors who are licensed to practice in the jurisdiction in which the services are provided shall be available to program recipients.

(b) Program limitations and exclusions.

(1) The recipient shall be limited to one practitioner's care for a given diagnosis.

(2) Spinal manipulations shall be limited to neuromuscular skeletal conditions.

(3) A progress report shall be submitted after the first 60 days following the date of the first visit, and every 60 days thereafter. This report shall contain the history of the present illness, the diagnosis, type or mode of treatment, the treatment program, and the prognosis.

(4) Office visits for diagnosis and treatment in excess of 12 per calendar year shall not be covered, except as set forth in (5) below.

(continued)

(5) For participants of the EPSDT program, office visits for diagnosis and treatment in excess of six per calendar quarter shall not be covered.

(c) The effective date of this regulation shall be May 1, 1984. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c; effective May 1, 1981; amended May 1, 1983; amended, T-84-11, July 1, 1983; amended May 1, 1984; amended, T-85-9, May 1, 1984.)

Article 10.—ADULT CARE HOME PROGRAM OF THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

30-10-12. Reimbursement. (a) General.

(1) Facilities with a current signed provider agreement shall be paid on a reasonable cost related basis for services furnished to eligible beneficiaries. Payment shall be for the type of medical or health care required by the beneficiary as determined by:

(A) The attending physician's certification upon admission;

(B) the utilization review committee, as provided for in K.A.R. 30-10-9; or

(C) independent professional review teams, as provided for in K.A.R. 30-10-8.

However, payment for services shall not exceed the type of care the provider is certified to provide under the medicaid/medican program. The agency has the right to verify the type of care required by the beneficiary prior to and after payment. No payment shall be made for care or services determined to be the result of unnecessary utilization and no payment shall be made in excess of reasonable cost or reasonable charges consistent with efficiency, economy, and quality of care.

(2) Payment for routine services and supplies shall be included in the per diem reimbursement and such services and supplies shall not be otherwise billed or reimbursed. Routine services and supplies are defined in K.A.R. 30-10-12(b)(2).

(3) Payment for ancillary services shall be in accordance with K.A.R. 30-10-12(b)(3).

(4) Payment for a work activity program in an ICF-MR facility shall be included in the per diem reimbursement.

(A) Work activity program/contract cost limitations shall include the disallowance of the following items:

(i) Client salaries and FICA match;

(ii) All material costs, including sub-contracts;

(iii) all contract service expenses (cost of securing contracts);

(iv) 50% of the cost of the following items:

(aa) Cost of equipment lease;

(bb) maintenance of equipment;

(cc) purchase of small tools under \$100.00; and

(dd) depreciation of production equipment.

(B) Each ICF-MR provider with a work activity program shall not be required to offset the income earned from work contracts, nor shall the agency participate in losses from those contracts. Losses are defined as the excess of costs (as defined in 30-10-

12(a)(4)(A)) over income that is applicable to and earned from work activity contracts.

(5) Payment shall be limited to providers who have current, signed provider agreements with the agency and who accept, as payment in full, the amount paid in accordance with the fee structure established by the medicaid/medikan program.

(b) Definitions.

(1) Provider of services. Providers of services are facilities certified as participants pursuant to K.A.R. 30-10-2, 30-10-3, and 30-10-4.

(2) Routine services and supplies. All services and supplies provided in an adult care home shall be considered routine services and supplies except those services or supplies specifically defined as ancillary services pursuant to K.A.R. 30-10-12(b)(3) or those services or supplies which are authorized by the agency on an individual basis for an exceptional need prior to the services or supplies being provided.

(3) Ancillary services and other medically necessary services. Ancillary services in an adult care home are those special services or supplies for which charges are made in addition to routine services. These services are billed as separate items when the service or supplies are required. These include:

(A) Reasonable transportation expenses necessary to secure routine and non-emergency medical services. Prior authorization by the local appropriate agency office shall be required for non-emergency services. Emergency medical service shall not require prior authorization. However, adequate documentation for the emergency shall be required when requesting payment; and

(B) oxygen. The purchase of oxygen gas shall be reimbursed to the oxygen supplier through the social and rehabilitation services' fiscal agent.

(4) Reasonable cost-related reimbursement for providers. The agency shall make reimbursement only after first obtaining a cost statement prepared pursuant to the requirements in K.A.R. 30-10-13(a)(1) which, upon audit or review by the agency, is determined by the agency to justify reimbursement.

(A) Reasonable cost includes all necessary and proper costs, arising from arms length transactions, incurred in rendering the care and services in accordance with generally accepted accounting principles, subject to limitations pursuant to K.A.R. 30-10-13(b) and K.A.R. 30-10-13(d).

(i) Costs related to patient care. This includes all necessary and proper costs, arising from arms length transactions in accordance with generally accepted accounting principles, which are appropriate and helpful in developing and maintaining the operation of patient care facilities and activities. Specific items of expense shall be limited pursuant to K.A.R. 30-10-13.

(ii) Costs not related to patient care. Costs not related to patient care are costs which are not appropriate or necessary and proper in developing and maintaining the adult care home operation and activities. Such costs are not allowable in computing reimbursable costs.

(continued)

(aa) Costs resulting from fines and any related expenses shall not be considered related to patient care.

(bb) If a provider appeals the agency's intended action and the final decision is in favor of the agency, costs related to the appeal shall not be considered related to patient care.

(cc) If a provider appeals the agency's intended action and the final decision is in favor of the provider, costs related to the appeal shall be considered related to patient care.

(dd) If a provider initiates civil court action against the agency and the final decision is in favor of the agency, costs related to the court action shall not be considered related to patient care.

(ee) If a provider initiates civil court action against the agency and the final decision is in favor of the provider, costs related to the court action shall be considered related to patient care.

(ff) If a provider appeals the agency's action or initiates civil action against the agency and the final decision is only partially in favor of the provider, only ½ the costs related to the appeal or court action shall be considered related to patient care.

(iii) When a provider chooses to pay an amount in excess of the going price for supplies or services, in absence of clear justification for the premium, the agency shall exclude excess costs in determining allowable cost under the medicaid/medikan program.

(iv) Costs applicable to services, facilities, and supplies furnished to the facility by related parties. Related parties exist any time one party has the ability to influence another party of the transaction to the extent that one or more of the transacting parties might be prevented from fully pursuing its own separate interests. Transactions between related parties are not considered to have arisen through arms length negotiations.

(aa) Costs applicable to services, facilities, and supplies furnished to the facility by related parties shall not exceed the lower of the cost to the related party or the price of comparable services, facilities, or supplies purchased elsewhere, except as provided under subparagraph (bb) of this paragraph.

(bb) Sale of adult care homes between family members which meet certain requirements. Sale of adult care homes between family members shall be treated as a bona fide sale if the following requirements are met: the family members are related to one another by blood or marriage except between spouses; the provider can demonstrate to the satisfaction of the agency that the primary business purpose for the sale is other than increasing the per diem rate; the transfer is recognized and reported by all parties as a sale for federal income tax purposes; the seller is not associated with the facility in any way after the sale other than as a passive creditor; the buyer is actively engaged in the operation of the facility after the sale with earnings of the facility accruing to at least one buyer primarily as salaries, or self-employment income, and not as leases, rents or other passive income; this exception has not been utilized during the previous 10 years on this facility; and the provider is not a publicly

held corporation as defined by the securities and exchange commission. However, the provider corporate entities involve family-owned corporations if the family members related by blood or marriage control the corporations through ownership of 50% or more of the voting stock.

If the conditions of this subparagraph are met, the cost basis of the facility for the purpose of computing allowable depreciation expense shall be pursuant to K.A.R. 30-10-13(b)(4)(C)(iv) for a bona fide sale arising from an arms length transaction. Interest costs to be allowed shall be the lower of the amount paid to the seller on a purchase contract or the comparable amount that would be paid to a recognized lending institution in the area with the capability of entering into a transaction of the required magnitude.

(cc) Sale of adult care homes between family members which do not meet certain requirements. Sales of adult care homes between family members which do not meet the requirements to be treated as a bona fide sale, as set forth in subparagraph (bb) above, because of the 10 year provision, shall be treated as follows. The cost basis of the assets purchased, for the purpose of computing allowable depreciation expense, shall be the same as that defined in K.A.R. 30-10-13(b)(4)(C)(iv) for a purchaser who cannot demonstrate that a bona fide sale was made. Interest costs to be allowed shall be computed by applying the rate determined in accordance with subparagraph (bb) above to the smaller of the following amounts: the actual amount borrowed or the seller's cost basis in the assets purchased less accumulated depreciation.

(v) Rates for existing adult care homes. The agency shall, at least annually, on the basis of the cost information supplied by the provider and retained for cost auditing, determine per diem rates. The agency shall compare the cost information for each provider with other providers similar in size, scope of service and other relevant factors to determine the allowable cost per diem rate. To establish a rate for each provider, the agency shall add to the allowable cost per diem rate a factor for inflation and efficiency. The agency may, for the for-profit providers, add a factor for return on equity. After the rate is established for a provider, the agency shall provide a detailed listing of the computation of that rate to the provider. If the provider agreement is terminated or transferred for any reason prior to one year after the rate effective date of the provider is established, the rate shall be re-computed by the agency to reflect the actual duration of the rate. The agency shall establish payment rate structures, to be limited by percentile maximums, based on the cost information supplied by the providers. The rate effective date for existing facilities shall be in accordance with paragraph (xii) of this section.

(aa) Skilled nursing facilities. The payment rate for skilled nursing care or intermediate care shall not exceed the rate or rates charged in the adult care home for comparable services for patients or residents not under the medicaid/medikan program.

(bb) Intermediate care facilities. The payment rate shall not exceed the rate or rates charged in the adult

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care home for comparable services for patients or residents not under the medicaid/medikan program.

(cc) Intermediate care facilities for the mentally retarded and persons with related conditions. The payment rate shall not exceed the rate or rates charged in the adult care home for comparable services for residents not under the medicaid/medikan program. The payment rate for intermediate care services shall not exceed the upper limit as determined in paragraph (bb) above for intermediate care facilities.

(dd) Intermediate care facilities for mental health. The payment rate shall not exceed the rate or rates charged in the adult care home for comparable services for patients or residents not under the medicaid/medikan program. The payment rate for intermediate care services shall not exceed the upper limit as determined in paragraph (bb) above for intermediate care facilities.

(vi) Rates for new construction. The rate or rates for newly constructed adult care homes or adult care homes with bed additions of more than 33% shall be based on a projected cost report filed within 90 days after the opening of the newly constructed facility and submitted in accordance with paragraph (xi) of this section. Limitations established for existing facilities (see paragraph (v) above) shall apply to the new facility. The rate effective date for new providers shall be in accordance with subparagraph (xii)(aa) of this section.

(vii) The rate or rates for existing facilities which have received certification for a different level of care.

(aa) The rate or rates for providers which were participants in the program as an intermediate care facility and are now certified as a skilled nursing facility shall have their rate or rates based on a projected cost report filed within 90 days of the change in certification level and submitted in accordance with paragraph (xi) of this section. Limitations established for skilled nursing facilities shall be applied to the facility.

(bb) The rate or rates for providers which were participants in the program as a skilled nursing facility and are now certified as an intermediate care facility shall have their rate or rates determined by using the existing cost report for the facility and applying the limitation applied to the intermediate care facilities.

(viii) Change of ownership. When an arms length transaction between unrelated parties, excluding family members, results in a change of ownership, the rate or rates shall be based on a projected cost report filed within 90 days of the change of ownership and submitted in accordance with paragraph (xi) of this section. Limitations established for existing facilities shall apply to the facility with a change of ownership. The rate effective date for new providers shall be in accordance with subparagraph (xii)(bb) of this section.

(ix) When per diem rates are based upon projected or historical cost data and, when audited by the agency, are found to contain errors, a direct cash settlement shall be required between the agency and the provider for the amount of money overpaid or underpaid. Per diem rates for providers may be increased or decreased as a result of a desk audit or field

audit on provider's cost reports. Written notice of these per diem rate changes and the audit findings due to a field audit shall be sent to the provider.

(x) Out-of-state providers. Rates for out-of-state providers certified to participate in the Kansas medicaid/medikan program shall be the rate or rates reimbursed by the state of location, subject to the rate limitations of the Kansas medicaid/medikan program.

(xi) Projected cost reports. If a provider is required to submit a projected cost report for one of the reasons described in paragraphs (vi), (vii), or (viii) of this section, that provider's rate or rates shall be based on a proposed budget with costs projected on a line item basis, as if submitting a cost report for the provider's most immediate future 12 month period. The projected cost report shall be reviewed for reasonableness and appropriateness by the agency before the rate or rates are established, during the projection period, and again upon receipt of the provider's historical cost report for the same time period as the projected cost report. Those projected cost report items which are determined to be unreasonable or which contain deviations from the historical cost report shall, upon audit, be handled in accordance with paragraph (ix) of this section. Failure to file a historical cost report within three months after the end of the time period covered by a projected cost report shall result in an automatic rate adjustment to the lowest rate or rates in the state for the projected time period with settlement handled pursuant to paragraph (ix) of this section. Nothing in this paragraph shall relieve the provider from the requirement to submit historical cost reports on a timely basis consistent with the provider's fiscal year.

(xii) Rate effective date for existing facilities. The effective date of a new rate, based on information and data on the adult care home cost report, shall be the first day of the second calendar month following the month of receipt in the agency, if the cost report is complete. If a request must be made of the provider for additional information, the cost report shall not be considered complete until the requested information is received.

(aa) Rate effective date for a new provider. The rate effective date for a new provider, as defined in paragraph (vi) of this section, shall be the date of certification by the department of health and environment and pursuant to 42 CFR section 442.13, effective October 1, 1981. The interim rate determined from the projected cost report filed by the provider shall be established with the fiscal agent within 45 days after receipt of a complete and workable cost report. The effective date of the final rate, determined after audit of the historical cost report filed for the projection period, shall be the date of certification by the department of health and environment.

(bb) Rate effective date for a new provider resulting from a change in ownership. The effective date for a new provider, as defined in paragraph (viii) of this section, shall be the date of certification by the department of health and environment and pursuant to 42 CFR section 442.13, effective October 1, 1981. The

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per diem rate paid to the old provider shall be used as an interim rate for the new provider until a new interim rate based on the provider's projected cost report can be determined. The new interim rate shall be established with the fiscal agent within 45 days after receipt of a complete and workable cost report. Failure to file a projected cost report within 90 days from the date of certification, or an approved 30 day extension, shall result in the rate being reduced to the lowest rate in the state for the level of care for which the provider is certified. The effective date of the final rate, determined after audit of the historical cost report filed for the projection period, shall be the date of certification by the department of health and environment. The retroactive adjustment shall be for the same period of time covered by the interim rate except that no adjustment shall be made for the period of time that the lowest rate in the state is in effect.

(c) Payment to participating providers. Each participating provider shall be paid, at least monthly, for routine services and supplies rendered to eligible beneficiaries provided that:

(1) The agency is billed on the turn around document furnished by the fiscal agent;

(2) the agency is billed before the fifth day of each month. If the fifth day of the month falls on a weekend, or on a holiday, the next working day shall be considered the fifth day of the month;

(3) the turn around document is verified by the administrator of the facility or designated key staff member; and

(4) the claim is filed no more than six months after the time the services were rendered pursuant to K.S.A. 39-708a.

(d) Reserve days. Payment shall be available for days in which the resident is absent from an adult care home and for which it is necessary to reserve a bed in a skilled nursing facility, intermediate care facility, intermediate care facility for the mentally retarded, or intermediate care facility for mental health during a temporary absence in a hospital for acute conditions or during a temporary absence for therapeutically indicated home visits (defined to include visits with relatives and friends and leaves to participate in state-approved therapeutic or rehabilitative programs).

(1) The following conditions shall be met in any instance in which a bed is reserved during a temporary absence in a hospital for acute conditions:

(A) Payment shall be available only for the days during which there is a likelihood that the reserved bed would otherwise be required for occupancy by some other resident.

(B) The local agency office shall have approved the recipient's hospitalization for an acute condition prior to each period of hospitalization.

(C) The periods of hospitalization for acute conditions shall not exceed 10 days per any single hospital stay or 21 days per state mental institution admission for residents from an intermediate care facility for mental health.

(D) The recipient shall intend to return to the same facility after hospitalization.

(E) The hospital shall provide a discharge plan for the recipient.

(2) The recipient's plan of care shall provide for therapeutic home visits.

(A) Payment for therapeutic home visits for eligible recipients residing in intermediate care facilities for the mentally retarded or for mental health shall not exceed 21 days per calendar year (including travel). If additional days are required to obtain or retain employment, participate in a job readiness training program or alleviate a severe hardship, the requesting authority shall send the request for additional days and supporting documentation to the fiscal agent for a decision.

(B) Payment for therapeutic home visits for all eligible recipients residing in intermediate care facilities, or skilled nursing facilities shall not exceed 12 days per calendar year (including travel). If additional days are required to alleviate a severe hardship, the requestor shall send the request for additional days and supporting documentation to the fiscal agent for a decision.

(3) These regulations shall not prohibit any recipient from leaving a facility if the recipient so desires.

(4) Payments made for unauthorized reserve days shall be reclaimed by the agency.

(5) The provider shall notify the local agency office of any routine absence from the facility by recipients of the medicaid/medican program prior to the period of hospitalization or therapeutic home visit. In case of emergency admission to a hospital, notification shall be submitted to the local agency office no later than five days following admission.

(6) No payment for reserve days shall be made until authorization has been given by the local agency office in writing to the provider. A copy of the authorization shall be attached to the turn around document.

(e) Patient's liability. The patient's liability shall be the amount determined by the local agency office in which a medicaid/medican recipient or the recipient's agent applies for care. This amount shall be determined under the guidelines of the Kansas public assistance manual. The recipient's share shall begin on the first day of the month until it is used up.

(f) Payment for skilled utilization review services. The agency shall reimburse each provider for reasonable cost of skilled utilization reviews. Skilled utilization reviews shall be performed by at least a physician and registered nurse.

(1) Services of the physician or physicians shall be reimbursed at a cost not to exceed rates set by the secretary. Actual travel distance from the physician's office to the adult care home and return may be claimed at the current state mileage rate. Other travel expenses shall not be authorized.

(2) Services of the licensed registered nurses and other professionals shall be reimbursed at a cost not to exceed rates set by the secretary. Actual travel distance from the nurse's or professional's residence to the adult care home and return may be claimed at the current state mileage rate. Other travel expenses shall not be authorized.

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(3) Billing for the services shall be on the billing form for skilled utilization review committee services and shall be submitted to the agency as soon after the review as possible.

(4) Adequate records to substantiate reasonable cost shall be maintained.

(5) When the skilled utilization review committee activities apply to more than the medicaid/medican program, the agency shall pay only the portion of cost applicable to the medicaid/medican program.

(6) When skilled utilization review services are performed by a medical society, hospital, professional standards review organization, or by a group for more than one facility, an approved plan and agreement with the agency shall be in effect before reimbursement can occur.

(g) Provider's records available for inspection and audit. All records of each provider used in support of costs, charges and payments for services and supplies shall be subject to inspection and audit by the agency, United States department of health and human services, and the United States general accounting office.

(h) The effective date of this regulation shall be May 1, 1984. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c; effective, E-74-43, Aug. 16, 1974; effective, E-74-44, Aug. 28, 1974; effective May 1, 1975; amended, E-76-34, July 1, 1975; amended May 1, 1976; amended Feb. 15, 1977; amended, E-78-35, Dec. 30, 1977; amended May 1, 1978; amended, E-79-20, Aug. 17, 1978; amended May 1, 1979; amended, E-80-13, Aug. 8, 1979; amended May 1, 1980; amended, E-81-25, Aug. 27, 1980; amended May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-9, May 1, 1984.)

ROBERT C. HARDER

Secretary of Social and Rehabilitation Services

Doc. No. 002095

(Published in the KANSAS REGISTER, May 10, 1984.)

SENATE BILL No. 662

AN ACT concerning motor vehicles; permits for oversize and overweight; amending K.S.A. 8-1911 and repealing the existing section.

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

Section 1. K.S.A. 8-1911 is hereby amended to read as follows: 8-1911. (a) The secretary of transportation with respect to highways under the secretary's jurisdiction and local authorities with respect to highways under their jurisdiction may, in their discretion, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this act or otherwise not in conformity with the provisions of this act upon any highway under the jurisdiction of the party granting such the permit and for the maintenance of which said such party is responsible. *Provided*, Any permit authorized under this section may be for a single trip on a highway or route or for continuous operation on a highway or route. No permit shall be required to authorize the moving, or operating upon any highway of farm tractors, combines, fertilizer dispensing equipment or other farm machinery, or machinery being transported to be used for terracing or soil or water conservation work upon farms, or vehicles owned by counties, cities and other political subdivisions of the state, unless such moving or operation occurs at any time from a half hour after sunset to a

half hour before sunrise. *Provided*, The equipment referred to in the preceding proviso shall not be permitted to, except that this sentence shall not authorize travel on interstate highways. *Provided*, however, That. Application for any such permit to operate such a vehicle or combination of vehicles over on the highways under the jurisdiction of the secretary of transportation, may be made by telephoning said the secretary for such the permit. The secretary of transportation may then issue or withhold such the permit by sending a collect telegram or making a collect telephone call to the applicant notifying the applicant thereof, and if such the permit is granted, the applicant shall execute, in triplicate, a permit on a serially numbered form prescribed by and showing any information required provided by the secretary (including that described. Such form shall require information specified in subsections (b) and (c) of this section) and. The provisions of subsections (c), (d) and (e) of this section shall apply to such the permit, and the original copy of such the permit executed by the applicant as prescribed by the secretary or the copy of the telegram if the permit is granted by telegraph, shall accompany the vehicle or combination of vehicles in lieu of the regular permit herein after mentioned and shall be a valid permit for such operation and movement of the vehicle or combination of vehicles until the regular written permit executed by the secretary is issued and received; however, such. Application by telephone shall be followed by the mailing to the secretary (within twenty-four (24) , within 24 hours, after its execution) of the second copy of the permit executed by the applicant, which mailing shall constitute a written application as herein required; and. The third copy of the permit shall be retained in the files of by the applicant.

If it is determined by the secretary of transportation that any person, who has executed a permit as authorized by the last preceding proviso, has not complied with the applicable provisions of this section and the rules and regulations of the secretary of transportation pertaining relating thereto, said the secretary may withdraw the privilege of executing such permits from such the person.

(b) The application for any such the permit shall specifically describe the vehicle or combination of vehicles and load to be operated or moved and the particular highways highway or highway route for which the permit to operate is requested, and whether such permit is requested. Any permit authorized under this section may be for a single trip or for continuous operation. The application shall specify the requested duration of the permit.

Upon proper application stating the description and registration of each power unit the secretary of transportation shall issue permits for a three-month period, from May 15 to August 15, for custom combine operators at the rate of \$5 per power unit. Each application shall be accompanied by information as required by the secretary and shall permit movement of vehicles not to exceed 12' in width and not overweight to travel on designated interstate highways as requested by the operator.

(c) The secretary of transportation or local authority is authorized to may issue or withhold such the permit at the secretary's or local authority's discretion; or, if such permit is issued, to or may limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or may otherwise to limit or prescribe conditions of operations of such vehicle or combination of vehicles, when necessary to assure against undue damage to the road foundations, surfaces or structures, and. The secretary or local authority may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(d) Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such the permit; and no. It shall be unlawful for any person shall to violate any of the terms or conditions of such special permit.

(e) The secretary of transportation shall charge and collect a fee of five dollars (\$5) \$5 for each special permit issued under the

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authority of this section: ~~Provided, That, except~~ no such fee shall be charged for permits issued for vehicles owned by counties, cities and other political subdivisions of the state. The fees ~~so collected by the secretary received under this section~~ shall be paid into remitted to the state treasurer who shall deposit the same in the state treasury and shall be credited by the state treasurer to the state highway fund. The secretary may adopt rules and regulations prescribing the methods of for payment and collection of ~~such the~~ fees.

(f) If any local authority does not desire to exercise the powers conferred on it by this section to issue or deny permits then such a permit from ~~such the~~ local authority shall not be required to operate any such vehicle or combination of vehicles on highways under the jurisdiction of such local authority, but in no event shall the jurisdiction of ~~such the~~ local authority be construed as extending to any portion of any state highway, any city street designated by the secretary of transportation as a connecting link in the state highway system or any highway within the national system of interstate and defense highways, which highways and streets, for the purpose of this section, shall be under the jurisdiction of the secretary of transportation.

(g) A housetrailer or mobile home which exceeds the width as provided in subsection (c) of K.S.A. 1983 Supp. 8-1902 may be moved on the highways of this state upon by obtaining a permit as provided herein in this section, if the driver of the vehicle pulling ~~such the~~ housetrailer or mobile home has a valid driver's license and if ~~such the~~ driver carries with him or her evidence that ~~such the~~ housetrailer or mobile home, and the vehicle pulling it, are covered by motor vehicle liability insurance with limits of not less than ~~one hundred thousand dollars (\$100,000)~~ \$100,000 for injury to any one (1) person, and ~~three hundred thousand dollars (\$300,000)~~ \$300,000 for injury to persons in any one (1) accident, and ~~twenty-five thousand dollars (\$25,000)~~ \$25,000 for injury to property.

Sec. 2. K.S.A. 8-1911 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 February 29, 1984.

SENATE concurred in HOUSE amendments April 3, 1984.

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

Passed the HOUSE as amended April 2, 1984.

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

APPROVED April 16, 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 4th day of May, 1984.

JACK H. BRIER
Secretary of State.

(SEAL)

KANSAS FACTS

A LAND OF TOURIST DELIGHTS

Numerous interesting places and special events make Kansas a fine attraction for tourists. Out-of-state visitors, as well as Kansans seeking things to do close to home, will find a wide variety of special places and activities. Some of the more unusual are: the world's largest hand-dug well; a barbed wire museum; a collection of Sigmund Freud's papers; the International Pancake Race; and an Indian Peace Treaty pageant.

Highlighting the attractions in Kansas are the following:

PLACES TO VISIT

The *Dyche Museum of Natural History* at the University of Kansas is a popular tourist attraction in Kansas. The Dyche Museum offers such displays as dinosaur bones, a real working beehive, and a full-life "diorama" featuring stuffed animals. Dyche Hall, which houses the museum, is on the National Register of Historic Places.

The *Pony Express Station* near Hanover is the only original and unaltered pony express station still standing in the United States. The Hollenberg Ranch Station, as it was called, was located on the Oregon Trail. G. H. Hollenberg built and owned the Hollenberg Ranch, and founded the town of Hanover. The Hollenberg Station is now owned by the State of Kansas and houses a museum.

Historic Wichita Cowtown is an authentic reproduction of a frontier town of 100 years ago. Located on the bank of the Big Arkansas River, Cowtown displays a number of buildings, most of which are open to visitors. Five buildings are original and over a century old, and others are restorations or reproductions. All faithfully include fixtures, tools, utensils, and clothing of the time. Buildings on display, representing both homes and businesses of a century ago, include: church, drugstore, blacksmith shop, saloon, newspaper office, dress shop, doctor's office, jail, Munger Home, honeymoon cottage and others. Also on the Cowtown grounds are a restaurant for public dining and private gatherings, and souvenir shops. Displays are open to the public daily during the summer and on some days during the spring and fall.

The Kansas town of Abilene is well-known as the home and final resting place of famous General and President of the United States, Dwight D. Eisenhower. The *Eisenhower Center*, a popular tourist attraction, includes the Eisenhower Family Home, the Museum and Library, a Visitors' Center, and the Place of Meditation where Eisenhower is buried. The family home is on its original site and contains original furnishings belonging to the family. The center was developed by the Eisenhower Foundation with private contributions. Since 1966, the General Services Administration of the federal government has run the center, with the operation being financed by an admission fee at the museum. The museum contains thousands of mementos of Eisenhower's military career and Presidency. The Library features exhibits,

(continued)

and has research facilities for scholars. In the Visitors' Center a free movie about Eisenhower's life and the Presidential Library is shown regularly.

The only *Museum of Independent Telephony* in the United States is located in Abilene. Featured in the museum are a collection of rare old phones dating from 1875 and a large research library. Admission is free and guided tours are available.

Dodge City, once the "Cowboy Capital of the World," has several interesting features. The highlight is an authentic reproduction of Old Front Street as it appeared in 1872 at the foot of Boot Hill cemetery. The display includes the famous Long Branch Saloon, and gun fights are staged during the summer. Other attractions in Dodge City are the Boot Hill Western Museum, the Beeson Museum, and the home of Colonel R. J. Hardesty, an early day cattle baron.

Lindsborg, rich in Swedish heritage and tradition, has a unique Main Street with a European flavor. The McPherson County Old Mill Museum complex includes the restored, century old, Smoky Valley Roller Mill, in operational condition, the Swedish Pavilion from the St. Louis World's Fair, and a large variety of early frontier collections. The Mill and Pavilion are both on the National Register of Historic Places. Bethany Lutheran Church, home of Bethany College, contains a century-old hand carved railing and Birger Sandzen murals. Coronado Memorial Park gives a spectacular view of the entire Smoky Valley. There are many quaint shops and art galleries in Lindsborg, and many Ethnic festivals and cultural events, most notably the famous annual Messiah Festival, are held in Lindsborg.

The *Brookville Hotel*, built in 1870, is nationally famous for its family style fried chicken and its old-fashioned atmosphere.

The *State Capitol* in Topeka is one of the most beautiful state capitols in the country. The building features extensive murals, elaborate frescoes and beautiful woodwork. The chambers of the Senate and House of Representatives are outstanding examples of 19th century decor. There are a number of historic attractions throughout the building, and other state buildings such as the Judicial Center and the State Office Building can also be viewed in Topeka. The State Historical Society has a free museum open to the public.

The world-famous *Menninger Foundation* in Topeka is a psychiatric center for professional education, research, treatment and prevention of mental illness. The main building of the foundation's west campus is fashioned after Independence Hall. It contains a unique collection of papers and objects related to psychiatry, including one of the largest accumulations of Sigmund Freud's papers in the country.

Historic *Fort Scott* in extreme eastern Kansas is an authentic military fort which played a role in the nation's westward expansion. The fort was established in 1842 as part of a series of forts intended to help maintain peace between the Indians to the west and the white men to the east. Fort Scott, which covers 14 acres with 19 structures thereon, is a National Historic

Park and has been restored by the National Park Service.

The *Safari Museum* in Chanute honors the late Osa and Martin Johnson, noted for their outstanding contributions in wildlife, photography, and exploration. The museum dedicated to them contains trophies and souvenirs of their African trips.

The infamous Dalton family of desperados made a bloody raid on the city of Coffeyville, October 5, 1892, in an attempt to rob two banks simultaneously. Death Alley and the graves of two of the gang can be seen. The *Dalton Museum*, open daily, displays mementos of the famous gun battle and western memorabilia.

The *Emmett Kelly Museum* at Sedan honors the world-famous circus clown who was born in that town.

"*Little House on the Prairie*," near Independence, is a recreated log cabin on the actual site where Laura Ingalls Wilder lived as a child. Wilder wrote the nine children's books which provide the basis for the "Little House on the Prairie" television series. The cabin, a one-room schoolhouse and an early-day rural post office are located on the site 13 miles southwest of Independence.

Fort Larned was established in 1859 by the U.S. Army to protect travelers and commerce on the Santa Fe Trail. The Fort also served as a military base for action against hostile Indians, and later as a center for peaceful relations with the tribes. The Fort Larned National Historic Site, located six miles west of Larned, is administered by the National Park Service. The site is open to tourists all year.

Located just off I-70, *Fort Riley* is one of the nation's most important military installations. It is the home of the famous 1st Infantry Division, the "Big Red One." The historic 100,000 acre military reservation has many beautiful limestone buildings, barracks and homes. Also located at Fort Riley is the first Territorial Capitol of Kansas, maintained by the state as a public museum housing artifacts important in the taming of the Old West. Also on the grounds of the Fort are the U.S. Cavalry Museum, a herd of buffalo, and quarters which General Custer used when he was stationed at the Fort.

The *Greyhound Hall of Fame* in Abilene pays tribute to famous racing dogs and personalities connected with the sport. It features a miniature race track and other displays. Abilene is also the site of the National Greyhound Association Meet, the "world series" of greyhound racing.

The *Brown Grand Theatre*, Concordia, opened as an Opera House in 1907. Built at a cost of \$40,000, it was elegantly decorated in white, green and gold with 535 "electric bulbs." The theatre showed motion pictures from 1925-1974, during which time the inside was repainted pink and blue. The building fell into disrepair, but in 1973 it was named a National Historic Site. From 1973 to 1980, a committee of interested people worked to restore the Brown Grand, with funding from private contributions and government grants. It was reopened in 1980 and is once again an elegant theatre which presents a variety of live entertainment.

(continued)

Fort Leavenworth is the oldest army post in continuous existence west of the Mississippi River. It was established in 1827 for protection against Indians and as a starting point for wagon trains. The fort is now the site of the world famous U.S. Command and General Staff College. Points of interest include the Post Museum, with an exhibit of 19th Century horse-drawn vehicles; Bell Hall, home of the Command and General Staff College; the French cannon; the U.S. Disciplinary Barracks; and the National Cemetery. The Leavenworth Federal Penitentiary is also located in the area.

Located on I-70 at Colby is the *Thomas County Museum*, also known as the Kuska Museum after the founders of its major collection, Nellie and Joseph Kuska. The museum exhibits an outstanding collection of American and European antique items acquired by the Kuska's, including dolls, glass, ceramics, furniture, paintings, textiles, clothing, silver, clocks and collectibles, and also has a gallery devoted to the history of Thomas County. The Kuska collection is valued at \$2 million.

Two award-winning zoos are located in Kansas: the *Sedgwick County Zoo* and the "World-Famous Topeka Zoo."

The Sedgwick County Zoo in Wichita has six major exhibit areas with more than 1,000 animals. It has the only underwater hippo viewing tank in the world, and conducts an extensive educational program. The zoo has been featured in *National Geographic* and *Smithsonian* magazines.

The "World-Famous Topeka Zoo" features a tropical rain forest which was the first of its type in the world, and which is unique in the number and variety of animals it has. The Topeka Zoo has about 500 animals of 200 different species, and it is open to the public every day of the year.

SPECIAL EVENTS

One of the most interesting events in Kansas is the *International Pancake Race* in Liberal each Shrove Tuesday (the day before Ash Wednesday). The race is run in competition with Olney, England—home of the original Pancake Race. Legend has it that over 500 years ago a housewife was using up cooking fats (forbidden during Lent) to bake pancakes on Shrove Tuesday. When the bell tolled calling all to the shriving service, in her haste she forgot to remove her apron and ran to the church with skillet still in hand. Her neighbors, not to be outdone, got into the act the next year and carried their skillets to church. The race has been run ever since, with Liberal joining in 1950. Female competitors wearing housedresses, aprons and headscarves run an S-shaped course, carrying skillets and flipping their pancakes twice.

The oldest continuous annual event in Kansas is the *Old Soldiers and Sailors Annual Reunion* in Erie each July. First held in 1873, it is now sponsored by the American Legion Post 102. With a rodeo on Tuesday and Wednesday nights, the highlight of the week is the traditional "Bean Feed" on Friday night.

An *Indian Peace Treaty Pageant* is staged every three years in the autumn, at Memorial Peace Park in

Medicine Lodge. A cast of 1,000 presents the pageant in memory of peace treaties negotiated by the United States with five hostile Plains Indian tribes in 1867.

The *National Junior College Basketball Tournament* is played in Hutchinson each March.

The *Annual Kansas Barbed Wire Swap and Sell Session* meets in May in La Crosse.

A *Bluegrass Festival and Flat-Picking Championship Contest* is held in Winfield the third weekend in September.

There is *Horse Racing* at Eureka Downs in Eureka during the spring, summer and early fall.

Bethany College in Lindsborg is world-famous for its *Messiah Festival* held annually during Holy Week since 1882.

Neewollah (Halloween spelled backwards) is an annual week-long celebration in Independence. Held the last week in October, it is the largest local celebration in Kansas. Events include a giant parade, a carnival, street acts, concerts, Queen pageants, dances, and a campers' rally.

At Baldwin, a *Maple Leaf Festival* is held the third weekend in October.

The *Biblesta* at Humboldt is an annual parade which portrays Biblical scenes in floats. It is held the first Saturday in October.

The annual *Kansas State Fair* is held at the Fairgrounds in Hutchinson in mid-September. Attractions include exhibits, games, rides, agricultural shows, and concerts by popular musical performers.

An *After Harvest Czech Festival* is held annually, the last Saturday in July, at Wilson, the "Czech Capital of Kansas."

The annual *Scott County Easter Pageant* at Scott City is a special religious program presented by volunteers in the area. It is staged out of doors on each Good Friday evening.

Numerous county fairs and community festivals attract large crowds during the summer months. The fairs feature farm exhibits, culinary and sewing competitions, rides, games and displays.

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