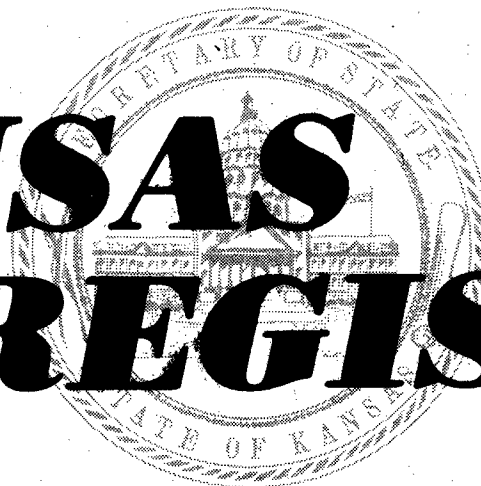


KANSAS REGISTER



State of Kansas

JACK H. BRIER
Secretary of State

Vol. 3, No. 43

October 25, 1984

Pages 1293-1324

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State of Kansas

LEGISLATURE
INTERIM AGENDA

Notice is hereby given to interested parties that the following legislative committee meetings have been scheduled during the period of October 29 through November 9, 1984.

DATE	ROOM	TIME	COMMITTEE	AGENDA
Oct. 29	531-N	10:00 a.m.	Special Committee on Public Health and Welfare	29th: (a.m.) Certificate of Need.
Oct. 30	531-N	9:00 a.m.		30th: Review of proposals.
Nov. 8	522-S	3:00 p.m.	House Standing Committee on Calendar and Printing	Review committee report and proposed changes in House of Representatives Rules.
Nov. 8	531-N	10:00 a.m.	Legislative Budget Committee	Proposals No. 31 and 32; Discussions on matters pending before the Committee.
Nov. 9	531-N	9:00 a.m.		
Nov. 8	519-S	10:00 a.m.	Special Committee on Judiciary	Committee discussion of Proposals No. 24, 28 and 50.
Nov. 9	519-S	9:00 a.m.		
Nov. 8	526-S	10:00 a.m.	House Standing Committee on Pensions, Investments, and Benefits	Review and discuss final recognitions of Proposal No. 37 (Insurance Guaranty Associations); No. 38 (Retirement Date for Sheriffs); No. 39 (Retirement Benefits for Teachers).
Nov. 9	526-S	9:00 a.m.		
Nov. 8	529-S	10:00 a.m.	Joint Committee on Special Claims Against the State	Hearings on claims filed to date.
Nov. 9	529-S	9:00 a.m.		
Nov. 9	527-S	9:30 a.m.	Legislative Coordinating Council	Legislative matters.

WILLIAM R. BACHMAN
Director of Legislative
Administrative Services

Doc. No. 002594

The *Kansas Register* is an official publication of the State of Kansas, published by authority of K.S.A. 1983 Supp. 75-430. The *Kansas Register* is published weekly by the Kansas Secretary of State; State Capitol; Topeka, Kansas 66612. One-year subscriptions are \$47.50; single copies may be purchased, if available, for \$2.00 each. Second class postage paid at Topeka, Kansas.

ISSN No. 0744-2254.

Postmaster. Send change of address form to Kansas Register; Secretary of State; State Capitol; Topeka, Kansas 66612.

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



PHONE: 913/296-2236

State of Kansas

SOCIAL AND REHABILITATION SERVICES**KANSAS TASK FORCE ON
PERMANENCY PLANNING****NOTICE OF MEETING**

The Kansas Task Force on Permanency Planning will meet November 2, 1984, at 10:00 a.m., in Hearing Room #2, Kansas Judicial Center, 301 W. 10th, Topeka, KS.

ROBERT C. BARNUM, Chairman
Kansas Task Force on Permanency Planning

Doc. No. 002601

**NORTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO. 4****NOTICE OF MEETING**

The November board meeting of the Northwest Kansas Groundwater Management District No. 4 is scheduled for November 1, 1984 in the district office, 1175 S. Range, Colby, KS. The meeting begins at 10:00 a.m. General administrative matters and other business will be discussed.

WAYNE A. BOSSERT
Manager

Doc. No. 002592

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. Saturday, November 17, 1984, in Room 232-N of the Administration Building at Marymount College, 2037 E. Iron Ave., Salina. The board will visit the Whiteford (Price) Archeological Site, also known as the Salina Indian Burial Pit, located three miles east of Salina just off old US-40, and then return to the meeting site where it will evaluate the Whiteford Site, 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:

Trinity Episcopal Church, 300 S. 5th, Atchison,
Atchison County
Charles W. Van De Mark House, 504 Washing-
ton, Clyde, Cloud County
Santa Fe Depot, 414 N. Main, Newton, Harvey
County
Granada (Fox) Theater, 809 Commercial,
Emporia, Lyon County
Antlers Hotel, 7th and Washington, Wellington,
Sumner County
(Old) First National Bank, Long and Lane,
Dighton, Lane County (Kansas Register only)
William Dalton House, 517 Lincoln, St. George,
Pottawatomie County (Kansas Register only)

JOSEPH W. SNELL
Executive Director

Doc. No. 002578

State of Kansas

PUBLIC DISCLOSURE COMMISSION**NOTICE OF HEARING
ON PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held Wednesday, November 14, 1984, at 10:30 a.m., in the Kansas Public Disclosure Commission's Conference Room, 109 W. 9th, Room 504, Topeka, KS to consider the adoption of proposed permanent rules and regulations of the Kansas Public Disclosure Commission.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Kansas Public Disclosure Commission, Room 504, 109 W. 9th, Topeka, KS 66612. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally, in regard to the adoption of the proposed regulations.

Following the hearing November 14, 1984, all written and oral comments submitted by interested parties will be considered by the Kansas Public Disclosure Commission as the basis for making changes to these proposed regulations.

Copies of the regulations and the fiscal impact statement may be obtained by writing the Kansas Public Disclosure Commission, Room 504, 109 W. 9th, Topeka, KS 66612.

The following is a brief summary of the Commission's proposals concerning the amendments of current regulations:

K.A.R. 19-21-3 and 19-29-2 are sections of Article 21 and Article 29 respectively of the Kansas Administrative Regulations relating to campaign finance. Revision of these sections is being made to delete statutory language, to clarify existing language, and to comply with 1984 legislative changes.

CAROL E. WILLIAMS
Administrative Assistant

Doc. No. 002589

State of Kansas

KANSAS WATER AUTHORITY**NOTICE OF MEETING**

The November meeting of the Kansas Water Authority will be held November 15 and 16 in the City Commission Boardroom, Wichita City Hall, 455 N. Main, Wichita. Meeting starting times will be 8:30 a.m. both days.

Items of discussion will include a recap of the formal public hearings on the State Water Plan and consideration of changes, proposed legislation to be submitted to the 1985 Legislature and consideration of the contents of the Authority's annual report.

An agenda will be available November 5. 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) 285-6154.

H. PHILIP MARTIN
Chairman

Doc. No. 002603

State of Kansas

ATTORNEY GENERAL**OPINION NO. 84-106**

Laws, Journals and Public Information—Records Open to Public—Lists of Names and Addresses; Prohibition Against Commercial Use. Representative Rex B. Hoy, 24th District, Shawnee Mission, October 11, 1984.

As amended by chapter 282, section 5, the provisions of chapter 187, section 11 of the 1984 Session Laws prohibit the selling, giving or receiving of lists of names and addresses derived from public records, for the purpose of selling or offering for sale any property or service to the persons listed therein, subject to three exceptions. Section 6 of chapter 187, as amended by section 3 of chapter 282 of the 1984 Session Laws, further requires that any person who obtains a list of names and addresses certify that: (1) he or she will not use the information for the purpose of selling or offering for sale any property or services, and (2) will not give, sell or otherwise make available the list to another person so that the latter may sell or offer for sale any property or service. Accordingly, a person may not make commercial use of information derived from such lists, either directly or through the sale of the lists themselves. Cited herein: K.S.A. 1983 Supp. 21-3913; 45-201 (both repealed, L. 1984, ch. 187); 74-2012, as amended by L. 1984, ch. 282, § 1; L. 1983, ch. 171, § 11; L. 1984, ch. 187, §§ 6, 11; L. 1984, ch. 282, §§ 3, 5. JSS

ROBERT T. STEPHAN
Attorney General

Doc. No. 002591

State of Kansas

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

A public hearing will be held Thursday, November 15, 1984, at 6:30 p.m., at the Convention Center, Wheat Lands Motor Inn, 1311 E. Fulton, Garden City, 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, Rt. 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 the proposed regulation. Copies of the regulations and fiscal impact statements may be obtained by writing to the agency in Pratt.

Regulation 23-2-15 is a new permanent regulation which specifies legal equipment for elk hunting. Carcass tag, informational card and application procedures are established.

Regulation 23-2-14 is a permanent regulation which is being amended to establish legal equipment for hunting antelope and deer.

Regulation 23-1-12 is a temporary-exempt regulation which authorizes the 1985 spring turkey season.

Regulation 23-8-2 is a permanent regulation, amended to govern certain acts in wildlife areas.

Regulation 23-1-10 is a permanent regulation, amended to establish legal equipment for hunting turkey and application procedures.

Regulation 23-11-1 is a permanent regulation which establishes guidelines for display of number and registration decals on vessels.

Regulation 23-11-3 is a permanent regulation which is being amended to authorize the issuance of registration decals upon issuance of an original certificate of number or upon renewal.

Regulation 23-4-1 is a temporary regulation which is proposed to be advanced to permanent status. This regulation provides authority for game protectors and deputy game protectors to issue warning citations or tickets at their discretion. The decision to warn or arrest will be based on the assessment of circumstances and such relevant factors the officer deems expedient.

A business meeting of the Fish and Game Commission is also scheduled for November 15, 1984 at the same location following the public hearing to discuss general business matters.

JOHN OSTMEYER
Chairman

Doc. No. 002583

State of Kansas

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

Below are applications which have been submitted to the Kansas Review Process. For those requiring review, comments should be sent to the Kansas Single Point of Contact, Judy Krueger, Kansas Department of Human Resources, Office of the Secretary, 401 Topeka Ave., Topeka, KS 66603. The due date for comments is indicated.

KS840912-001-10418WO—Application for \$1,473,000 loan to construct new water reservoir, pipeline to Yates Center, KS, erect new overhead storage tank, install 5,000 feet 6" feeder water lines, and construct new lagoon for Yates Center. Murl C. Corbet, Mayor, City of Yates Center, 117 E. Rutledge, Yates Center, KS 66783, 316/625-2252. Comments due by November 21, 1984.

KS841017-001-20102LY—Preapplication for \$1,821,440 to improve the Emporia Municipal Airport. The proposed improvements include the parallel taxiway to runway 18-36; the extension of the parallel taxiway to runway 18-36; the construction of runway 6-24 to include lighting and turnaround; and connecting taxiway to runway 6-24; also to improve drainage and marking. J. Brent McFall, City Manager, City of Emporia, City Hall, 522 Mechanic, P.O. Box 928, Emporia, KS 66801. Comments due by November 16, 1984.

The following grants were awarded:

Senator Bob Dole announced the award of \$9 million to the University of Kansas to build a comprehensive research and training center for the handicapped. The funding is part of the Department of Labor and the Department of Health and Human Services appropriations. Contact Francis D. Horowitz, Vice Chancellor for Research, Graduate Studies and Public Services, University of Kansas, Lawrence, KS 66045.

Independence, Inc. in Lawrence, KS was awarded \$339,273 to help provide microcomputer training to severely disabled Lawrence-area residents. Independence, Inc.'s main goal is to increase the employment potential of the disabled and improve their communications skills. Contact Mona McCoy, Executive Director, Independence, Inc., 1910 Haskell, Lawrence, KS 66044.

LARRY E. WOLGAST, Ed.D.
Secretary of Human Resources

Doc. No. 002602

State of Kansas

**EMERGENCY MEDICAL SERVICES
COUNCIL****NOTICE OF HEARING
ON PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held Friday, November 9, 1984, at 1:00 p.m., in the basement meeting room of the Salina Police Department, 255 N. 10th, Salina, KS, to consider the adoption of proposed permanent rules and regulations of the Emergency Medical Services Council.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Chairman of the Emergency Medical Services Council, 111 W. 6th, Topeka, KS 66603. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally, in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to express their views, it may be necessary to request each participant to limit oral presentation to not more than five minutes.

Following the hearing November 9, 1984, all written and oral comments submitted by interested parties will be considered by the Emergency Medical Services Council as the basis for making changes to these proposed regulations.

Summaries of the regulations follow. Copies of the regulations and the fiscal impact statement may be obtained by writing the Bureau of Emergency Medical Services, 111 W. 6th, Topeka, KS 66603.

The following is a brief summary of the proposed regulations:

K.A.R. 109-1-1 defines certain words and phrases used in the proposed regulations.

K.A.R. 109-2-1 through K.A.R. 109-2-9 are replacements for current K.A.R. 28-40-61 through 28-40-69. These new permanent regulations were necessitated by the establishment of the Emergency Medical Services Council as the regulatory authority, pursuant to K.S.A. 65-4316 as amended by L. 1984, ch. 244, sec. 13.

K.A.R. 109-2-8 adds several items of required equipment for ambulances and deletes several currently required items. Otherwise current regulations remain substantially unchanged.

DAVID NACHTIGAL
Chairman

Doc. No. 002577

State of Kansas

KANSAS WATER OFFICE**NOTICE OF MEETING**

The Kansas Water Office will hold a public meeting in Hutchinson, KS, November 7 at the Hutchinson Community College, Birch Room, at 1:30 p.m. The purpose of the meeting is to obtain the public's ideas and comments on proposed minimum desirable streamflow standards for the Arkansas River, from Kinsley to Hutchinson, Rattlesnake Creek, above Quivera National Wildlife Refuge and the Ninnescah River.

For additional information contact Joseph F. Harkins, Director, Kansas Water Office, 109 S.W. 9th, Suite 200, Topeka, KS 66612, 913/296-3185.

JOSEPH F. HARKINS
Director

Doc. No. 002581

State of Kansas

KANSAS WATER OFFICE**NOTICE OF HEARINGS**

The Kansas Water Office will hold two public hearings to obtain the public's views on the revised working draft of the State Water Plan. The hearings are scheduled as follows:

- November 8, 1:30 p.m., Hays, KS, at the Fort Hays Experiment Station Auditorium.
- November 9, 1:30 p.m., Topeka, KS, in the Statehouse, Room 313-South.

A copy of the revised working draft of the State Water Plan will be available for inspection prior to the hearings at the County Extension Office and Conservation District Office located in each county. An Executive Summary will also be available at these locations. Copies of either the Executive Summary or the entire Plan may be obtained from the Kansas Water Office.

For additional information contact Joseph F. Harkins, Director, Kansas Water Office, 109 S.W. 9th, Suite 200, Topeka, KS 66612, 913/296-3185.

JOSEPH F. HARKINS
Director

Doc. No. 002586

State of Kansas

KANSAS WATER OFFICE**NOTICE OF MEETING**

The Kansas Water Office will hold a public meeting in Pratt, KS, November 7, at the Pratt Community College Chemistry Lecture Hall, at 7:00 p.m. The purpose of the meeting is to obtain the public's ideas and comments on proposed minimum desirable streamflow standards for the Arkansas River, from Kinsley to Hutchinson, Rattlesnake Creek, above Quivera National Wildlife Refuge and the Ninnescah River.

For additional information contact Joseph F. Harkins, Director, Kansas Water Office, 109 S.W. 9th, Suite 200, Topeka, KS 66612, 913/296-3185.

JOSEPH F. HARKINS
Director

Doc. No. 002582

(Published in the KANSAS REGISTER, October 25, 1984.)

State of Kansas

DEPARTMENT OF TRANSPORTATION**NOTICE TO CONSULTING ENGINEERS**

The Kansas Department of Transportation (KDOT) is seeking to engage a qualified engineering firm for the supervision and inspection, in accordance with KDOT procedures, for the following projects:

Johnson County

435-46 K 1443-01/IR 435-3(286), construction of a new interchange at I-435 and Quivira Road.

435-46 K 2345-01/IR 435-3(331), reconstruction of I-435 from Quivira Road to Metcalf.

Wyandotte County

635-105 K 2198-01/IR 635-3(325), bridge overlay of the Humpyard bridges (40 and 41) in Kansas City.

7-105 K 1495-01/BHF 081-1(57), superstructure replacement of the Kansas River Bridge (77) at Bonner Springs.

Firms expressing interest in these projects must respond in writing and complete the Consulting Engineers Qualification Questionnaire (if not already prequalified) by November 21, 1984.

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

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

JOHN B. KEMP
Secretary of Transportation

Doc. No. 002595

(Published in the KANSAS REGISTER, October 25, 1984.)

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO CONTRACTORS

Notice is hereby given that sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, Kansas, until 10:00 a.m., November 15, 1984, and then publicly opened:

DISTRICT ONE—Northeast

Douglas—23 C-1804-01—2.6 miles north of Baldwin City, then east, 0.1 mile, bridge replacement. (Federal Funds)

Douglas—23 C-1805-01—3.0 miles east and 1.0 mile north of Baldwin City, then north, 0.1 mile, bridge replacement. (Federal Funds)

Douglas—23 U-0639-01—Haskell Avenue, 31st Street north to 23rd Street in Lawrence, 1.0 mile, grading and surfacing. (Federal Funds)

Johnson—56-46 K-1781-01—Cedar Creek Bridge No. 84, 0.4 mile southwest of Olathe on US-56, 0.3 mile, bridge replacement. (Federal Funds)

Johnson—635-46 K-2134-02—I-635 and I-35 interchange in the city of Overland Park, Stage I, 0.662 mile, grading, surfacing and four bridges. (Federal Funds)

Leavenworth—73-52 K-1779-01—Nine Mile Creek (southbound) Bridge 1.8 miles north of Wyandotte-Leavenworth County line on US-73, 0.2 mile, bridge replacement. (Federal Funds)

Nemaha—66 C-0653-01—2.5 miles north of Oneida, then north, 0.2 mile, bridge replacement. (Federal Funds)

Nemaha—66 C-1676-01—5.7 miles west and 6.8 miles north of Seneca, then north, 0.2 mile, bridge replacement. (Federal Funds)

Nemaha—66 C-1708-01—6.5 miles west and 8.0 miles north of Seneca, then north, 0.2 mile, bridge replacement. (Federal Funds)

Shawnee—70-89 K-0841-01—I-70 and Adams Street, traffic signal. (Federal Funds)

Wyandotte—70-105 K-2483-03—partial lighting at I-70 and 57th Street interchange, lighting. (Federal Funds)

DISTRICT TWO—Northcentral

Clay—14 C-1857-01—0.5 mile east and 1.3 miles north of Longford, then north, 0.2 mile, bridge replacement. (Federal Funds)

Cloud—15 C-1612-01—0.5 mile north and 1.0 mile east of Jamestown, then east, 0.2 mile, bridge replacement. (Federal Funds)

Saline—85 C-2036-01—Salina U.A.B., south to Magnolia Road, 0.9 mile, grading and surfacing. (Federal Funds)

DISTRICT FOUR—Southeast

Labette—50 C-1554-01—1.5 miles north of Parsons,

then north, 0.2 mile, bridge replacement. (Federal Funds)

DISTRICT FIVE—Southcentral

Cowley—18 C-1970-01—4.0 miles north and 0.1 mile east of Winfield, then east, 0.2 mile, bridge replacement. (Federal Funds)

Harvey—40 C-1652-01—2.7 miles southeast of Hesston, then southeast, 0.1 mile, bridge replacement. (Federal Funds)

Kingman—42-48 K-2018-01—Bridge Nos. 44, 46, 49, 50 and 51 west and east of Rago on K-42, bridge repair. (State Funds)

Rush—83 C-2012-01—0.2 mile east of Liebenthal, then east, 0.3 mile, bridge replacement. (Federal Funds)

Sedgwick—87 C-1946-01—Greenwich Road, 13th Street north to 29th Street north, 2.0 miles, surfacing. (Federal Funds)

Sedgwick—87 C-1207-01—junction of K-15, then east on 63rd Street, 0.6 mile, grading and surfacing. (Federal Funds)

Sedgwick—87 C-2037-01—0.3 mile north of Garden Plain, then north, 3.3 miles, surfacing. (Federal Funds)

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

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

JOHN B. KEMP
Secretary of Transportation

Doc. No. 002568

State of Kansas

BOARD OF TAX APPEALS

SUMMARIZED ORDERS OF STATE-WIDE IMPACT

Docket No. 3419-83-EQ
and

Docket No. 3380-83-EQ

Ad Valorem Tax—Challenge to the 1983 valuation guidelines promulgated by the Department of Revenue, Division of Property Valuation. In the matter of appeal of KAYS, Inc., Ellis Cable TV and Hays Cable TV and in the matter of the appeal of World Company, Sunflower Cablevision et al., dated September 24, 1984.

The taxpayers in the above captioned matters appealed to the Board of Tax Appeals asserting that the
(continued)

valuation guidelines promulgated by the Department of Revenue, Division of Property Valuation did not accurately reflect fair market value of their equipment as required by K.S.A. 79-503a, and further, that the valuation of their property did not comply with the uniformity and equality of taxation provisions required in Article XI, Section 1 of the Kansas Constitution. Taxpayers asserted the trending factors utilized by the valuation guidelines were developed using an inappropriate index and that the useful lives assigned to the taxpayers property was incorrect, in that the useful lives assigned failed to account for various technological and economic obsolescence factors in addition to the assets physical useful life.

The Board found that the index utilized to develop the trending factors (the Consumer Price Index minus 15%) was appropriate for taxpayers equipment. The Board found that the industry specific guidelines suggested by the taxpayers were inappropriate because these indices addressed price fluctuations in component parts, e.g. semi-conductors, resistors, capacitors, etc., rather than the final product, e.g. amplifier, modulator, etc. The Board concluded it was proper to use a general index when valuing broad categories of property on a mass appraisal basis.

The Board determined that the economic lives assigned by the Division of Property Valuation were incorrect; however, the Board determined the equipment included within the three categories established by the guidelines was correct. The economic lives were changed as follows:

Headend	15 year economic life
Subscriber Connection and Distribution Systems	12 year economic life
Program Origination	7 year economic life

The Board therefore ordered the Director of Property Valuation to revise the 1984 guidelines for valuation of cable television equipment as set out in its Order of September 24, 1984, so as to more nearly reach fair market value of taxpayers property for 1984. The Board, in a subsequent order, addressed the individual protest applications filed for 1983.

Docket No. 488-83-DT

Director of Taxation—Assessing additional inheritance tax. In the matter of the appeal of the Estate of Julia Schlegel, Order July 25, 1984, order denying rehearing September 4, 1984.

The decedent died testate on December 9, 1981, and an inheritance tax return was filed with the Kansas Department of Revenue on September 9, 1982. The Department assessed additional inheritance tax and the estate appealed. Appellant contends that the decedent's will provisions meet the requirements of K.S.A. 1983 Supp. 79-1538, which provides that no tax shall be chargeable upon any money to be applied in payment of inheritance taxes. Appellant contends the two conditions required by 79-1538 are first, that the will or other instrument direct the taxes to be paid other than as prescribed by statute, and second, that the will directs the tax be paid out of property other than the property given out of that particular section of

the will. The language of decedent's will reads, in part, as follows:

"All estate, inheritance, legacy, succession or transfer taxes imposed shall be paid by my executor out of my general estate with no right of reimbursement of any such property."

The will also contained directions that all the "rest, residue and remainder" of the estate is to be distributed in certain proportions to the same persons receiving specific bequests as set forth in the document.

Appellant contends, and the Department agrees, that the first condition of 79-1538 has been met. Appellant contends the second condition has also been met because the testator's will provides that the taxes are to be paid "out of my general estate" and that only after paying all of the previously enumerated bequests and legacies is the "rest, residue and remainder" to be divided among the named beneficiaries. Thus, the appellant maintains the will does direct the taxes be paid out of property other than that so given.

The Department has taken the position that decedent's will does not meet the second condition because the taxes are not paid out of property other than the property given under the will. The Department maintains that the language in the decedent's will which provides for payment "out of my general estate" or "from my estate," does not create property from which the tax can be paid other than that so given. The Department, therefore, maintains that the will does not comply with 79-1538 and the additional assessment is correct.

The Board concurs with the Department's position that both provisions of 79-1538 have not been met. In the instant case, the only assets available for payment of the taxes are those transferred by virtue of the will. While the inheritance taxes for the specific bequests can be charged to the "estate," i.e. the residuary estate, as property other than the property "so given," it is clear that the residuary bequests and devises cannot be afforded that same treatment, since no "other property" against which to charge the inheritance taxes due for those residuary bequests and devises. Thus, the Board held that the residuary bequests and devises were not eligible for the tax advantage provided in K.S.A. 1983 Supp. 79-1538, and must be taxed under the general rule, i.e. the beneficiaries are liable for the inheritance taxes on their respective shares. The Board, therefore, upheld the additional assessment of Kansas Inheritance Tax against the Estate of Julia Schlegel. Appellant has appealed the Board's decision to the Kansas Court of Appeals, Docket No. 84-57631-A.

FRED L. WEAVER
Chairman

Doc. No. 002584

State of Kansas

STATE FIRE MARSHAL**NOTICE OF HEARING
ON PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held Monday, November 12, 1984, at 10:00 a.m., in the conference room of the State Fire Marshal's Office, Suite 303, 503 Kansas Ave., Topeka, KS to consider the adoption of proposed permanent rules and regulations of the State Fire Marshal.

All interested parties may submit written comments at any time prior to the hearing by addressing them to Legal Counsel, Office of the State Fire Marshal, Suite 303, 503 Kansas Ave., Topeka, KS 66603. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally, in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit oral presentation to not more than five minutes.

Following the hearing November 12, 1984, all written and oral comments submitted by interested parties will be considered by the State Fire Marshal as the basis for making changes to these proposed regulations.

Summaries of the regulations follow. Copies of the regulations and the fiscal impact statement may be obtained by writing the Legal Counsel, State Fire Marshal, Suite 303, 503 Kansas Ave., Topeka, KS 66603.

The following is a brief summary of the proposed regulations:

K.A.R. 22-1-1 provides the mechanism for state fire marshal approval of local modifications of nationally recognized fire or building codes when a municipality adopts a national code as a municipal ordinance. Proposed amendments clarify the language and intent of the regulation but offer no substantive change in the effect of the regulation.

K.A.R. 22-1-2 is a proposed new regulation which updates the editions of building codes which are deemed equivalent to the Kansas fire prevention code by K.S.A. 31-134a.

K.A.R. 22-3-1 adopts by reference the life safety code, N.F.P.A. pamphlet no. 101, 1981 edition. The proposed amendment deletes sections of the code which cover the staff to children ratio of child day-care centers. This deletion eliminates a conflict with the regulations of the Kansas Department of Health and Environment.

K.A.R. 22-4-1 adopts by reference N.F.P.A. pamphlet no. 495 concerning explosive materials. The proposed amendment adopts the 1982 edition to replace the 1973 edition.

K.A.R. 22-6-5 governs sale dates for fireworks. The proposed amendment clarifies the regulation so that it unquestionably applies to fireworks sold at any location, not just at temporary stands.

K.A.R. 22-10-13 adopts by reference N.F.P.A. pamphlet no. 96 for commercial cooking equipment

duct systems. The proposed amendment adopts the 1984 edition to replace the 1980 edition.

K.A.R. 22-10-15 and **22-10-16** are proposed new regulations covering portable fire extinguishers and automatic extinguishing systems. The content of the regulations is substantially the same as that of K.A.R. 22-13-3 and 22-13-4 which are proposed to be revoked. Moving the regulations is an attempt to consolidate all extinguisher regulations in the same subsection, 22-10.

K.A.R. 22-11-1, **22-11-2**, and **22-11-7** adopt by reference the 1967 edition of the life safety code for adult care homes and hospitals. All three regulations are proposed to be revoked. Hospitals and adult care homes will thus, be subject to the 1981 edition of the Life Safety Code as adopted by K.A.R. 22-3-1. Federal requirements which necessitated use of the 1967 edition no longer exist.

K.A.R. 22-11-5 requires fire protection for health care facilities. The proposed amendment clarifies the applicability of the regulation to all health care facilities.

K.A.R. 22-11-6 covers maternity centers. The proposed amendment updates internal references to the life safety code and other regulations.

K.A.R. 22-11-8 governs fire protection for adult care homes, adult family homes and boarding care homes. The proposed amendments bring the definitional section into harmony with the definitions used by the Kansas Department of Health and Environment.

K.A.R. 22-13-3 and **22-13-4** are to be revoked. See the discussion above in K.A.R. 22-10-15 and 22-10-16.

K.A.R. 22-13-2 and **22-13-5** through **22-13-33** prescribe fire protection measures for places of assembly. All are proposed to be revoked and replaced with K.A.R. 22-13-35.

K.A.R. 22-13-35 is a proposed new regulation which would adopt by reference N.F.P.A. pamphlet no. 102, 1978 edition, to cover assembly seating, tents and air-supported structures.

K.A.R. 22-10-1 is a proposed new regulation which would adopt by reference N.F.P.A. pamphlet no. 52, 1984 edition, which covers the use of natural gas as a motor fuel.

EDWARD C. REDMON
State Fire Marshal

Doc. No. 005825

(Published in the KANSAS REGISTER, October 25, 1984.)

State of Kansas

BOARD OF REGENTS

**NOTICE OF INTENT
TO ISSUE REVENUE BONDS**

TO: ALL PERSONS CONCERNED AND INTERESTED

You are hereby notified that the Board of Regents of the State of Kansas did on October 19, 1984 duly adopt a Resolution declaring it necessary to and authorizing the issuance and sale of refunding revenue bonds of the Board of Regents of the State of Kansas, in an amount not to exceed \$1,700,000 for the purpose of refunding its outstanding Wichita State University, Wichita, Kansas Academic and Service Building Revenue Bonds, Series 1971.

You are hereby further notified that unless an action to contest the legality of the proposed refunding revenue bonds of the Board of Regents of the State of Kansas shall be filed in a court of law within 30 days of the date of publication of this Notice, the right to contest the legality of any refunding revenue bonds issued in compliance with the aforesaid Resolution and other proceedings duly and legally had and taken by said Board of Regents prior to the date of publication of this Notice, and the right to contest the validity of the provisions of such proceedings, shall cease to exist, and no court shall thereafter have the authority to inquire into such matters; and that after the expiration of said 30 days from the date of publication of this Notice, no one shall have any right to commence an action contesting the validity of such refunding revenue bonds or the provisions of such proceedings of the Board of Regents and all such refunding revenue bonds shall be conclusively presumed to be legal and no court shall thereafter have the authority to inquire into such matters.

Dated October 19, 1984.

BOARD OF REGENTS OF
THE STATE OF KANSAS

By: Wendell E. Lady
Chairman

Attest: Stanley J. Koplik
Executive Officer

Doc. No. 002593

State of Kansas

COMMISSIONER OF INSURANCE

**NOTICE OF HEARING
ON PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held November 15, 1984 at 10:00 a.m. in the Kansas Insurance Department, 420 S.W. 9th, Topeka, KS to consider the adoption of proposed permanent regulations and one temporary regulation of the Insurance Department.

Copies of the full text of the regulations and the fiscal impact statements may be obtained by writing to the Commissioner of Insurance, 420 S.W. 9th, Topeka,

KS 66612. The following is a summary of the regulations:

K.A.R. 40-1-20: This regulation is being amended by adding two statutory citations to the "implementing" section.

K.A.R. 40-2-16: This regulation will permit the use of blended mortality tables on a permanent basis. This regulation is now in effect on a temporary basis and was adopted as a result of the "Norris decision."

K.A.R. 40-4-29: The amendments to this regulation are editorial and necessary for clarification.

K.A.R. 40-4-34: This regulation adopts the most recent NAIC Coordination of Benefits Guidelines.

K.A.R. 40-4-36: This regulation sets forth the notice requirements imposed pursuant to Senate Bill No. 704 (1984).

K.A.R. 40-7-13: These amendments consist of changes in the agent's qualification procedures which will provide for a more orderly administration and improve consistency between the Life and Property and Casualty examinations.

K.A.R. 40-10-1: The amendments to this regulation recognize the statewide application of firefighters' relief taxes pursuant to House Bill No. 3090.

K.A.R. 40-10-2: Requires firefighters' relief associations to submit information regarding population and assessed valuation as contemplated by House Bill No. 3090.

K.A.R. 40-10-5: Clarifies the application of K.S.A. 40-1707 to the purchase of group term, group permanent or individual permanent life insurance.

K.A.R. 40-10-6: Clarifies the application of K.S.A. 40-1707 to the purchase of group term, group permanent or individual permanent life insurance.

K.A.R. 40-10-15: This regulation establishes the process that will be followed in calculating the distribution of firefighters' relief funds pursuant to House Bill No. 3090.

K.A.R. 40-15b-1: This regulation adopts, by reference, the NAIC model universal life insurance regulation.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Commissioner of Insurance, 420 S.W. 9th, Topeka, KS 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing.

FLETCHER BELL
Commissioner of Insurance

Doc. No. 002585

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. Interested bidders may call (913) 296-2377 for additional information.

MONDAY, NOVEMBER 5, 1984

#26292

Kansas State University, Manhattan—
PHOTOGRAPHIC FILM PROCESSING

#26296

Statewide—MICROCOMPUTER WITH MOUSE
TECHNOLOGY

#59717

Emporia State University, Emporia—FURNISH
AND INSTALL PUBLIC ADDRESS SYSTEM

#59719

Department of Transportation, various locations—
TRUCKS

#59720

University of Kansas Medical Center, Kansas
City—HOSPITAL HIGH LIGHT 35MM PROJECTOR
AND ANALYZER W/CART AND REMOTE
CONTROL

#59723

Department of Revenue, Topeka—CONTINUOUS
CARBONLESS FORMS

#59734

Kansas State University, Manhattan—PLOTTER

#59735

University of Kansas, Lawrence—COMPUTER
TERMINALS

#59758

Kansas State Penitentiary, Lansing—MEN'S
CLOTHING

#59759

State Board of Agriculture, Topeka—ELECTRONIC
SCALES

#59760

Emporia State University, Emporia—LIQUID
SCINTILLATION SYSTEM

TUESDAY, NOVEMBER 6, 1984

#26191 (Supplement)

University of Kansas Medical Center, Kansas
City—INFUSION PUMPS AND SETS

#26301

Statewide—DAIRY PRODUCTS

#59724

University of Kansas Medical Center, Kansas
City—SINGLE-PHOTON BONE MINERAL
ANALYSIS SCANNING SYSTEM

#59725

University of Kansas, Lawrence—TWO-WAY RADIO
EQUIPMENT

#59726

Department of Human Resources, Topeka—
CONTINUOUS MAILERS—K-CNS 100

#59731

Fort Hays State University, Hays and Department of
Corrections, Topeka—VANS, Hays and Toronto

#59732

Department of Administration, Division of Printing,
Topeka—BROWN KRAFT ENVELOPES

#59733

University of Kansas, Lawrence—
MICROCOMPUTER

#59736

University of Kansas, Lawrence—
MICROCOMPUTER

#59737

Kansas Correctional Industries, Lansing—
VEHICLES

#59744

Kansas Fish and Game Commission, Pratt—
VEHICLE SIRENS

#59761

University of Kansas Medical Center, Kansas City—
FRACTION COLLECTOR

#59762

University of Kansas Medical Center, Kansas City—
CARPET AND INSTALLATION

#59763

University of Kansas Medical Center, Kansas City—
ECG/HEART RATE MODULE, STORAGE SCOPE,
MAINFRAME AND PRESSURE MODULE

WEDNESDAY, NOVEMBER 7, 1984

#26293

Department of Transportation, Topeka—
JANITORIAL SERVICE, Hutchinson

#26299

Kansas State University, Manhattan—ROAD
STONE, Southeast Experiment Stations, Parsons and
Mound Valley

#59738

Kansas State Penitentiary, Lansing—COMPATIBLE
WORD PROCESSOR

#59739

University of Kansas Medical Center, Kansas City—
COMPUTER GENERATED SLIDE SYSTEM

#59750

Kansas State University, Manhattan—BIOLOGICAL
SAFETY CABINET

#59751

University of Kansas Medical Center, Kansas City—
MEDICAL LAB STYLE LABELS AND COLOR
CODED FOOD LABELS

#59754

Department of Transportation, Salina—MRA-A, C, E,
AND F AGGREGATE, Geary County

#59764

Department of Social and Rehabilitation Services,
Topeka—COTTON DRILL AND STRIPED TICKING
FABRICS, Kansas Industries for the Blind, Topeka
and Kansas City

THURSDAY, NOVEMBER 8, 1984

#26300

University of Kansas Medical Center, Kansas City—
FROZEN JUICES

#59745

Kansas State University, Manhattan—
FISH—FROZEN

#59746

Wichita State University, Wichita—TERMITE
CONTROL SERVICE

#59752

University of Kansas, Lawrence—
MICROCOMPUTER

(continued)

#59753

Department of Transportation, Chanute—PLANT
MIX, BITUMINOUS MIXTURE, COMMERCIAL
GRADE, Pittsburg

#59765

Kansas State University, Manhattan—AIR
CONDITIONING EQUIPMENT

#59766

University of Kansas Medical Center, Kansas City—
IRMA BOARD

#59767

Department of Transportation, Salina—JOINT
FILLER

#59768

University of Kansas Medical Center, Kansas City—
DEFIBRILLATORS

#59776

Department of Social and Rehabilitation Services,
Topeka—FORK LIFT

#59777

Kansas Neurological Institute, Topeka—VAN

#59778

Kansas State Penitentiary, Lansing—BLANKETS

#59779

Department of Social and Rehabilitation Services,
Topeka—BLIND-MADE PRODUCTS, Kansas
Industries for the Blind

#59780

Kansas Correctional Industries, Lansing—
CONSTRUCT WASTE STORAGE POND,
Leavenworth County

#59784

Kansas State University, Manhattan—LOCK SETS,
CYLINDERS AND KEYS

FRIDAY, NOVEMBER 9, 1984

#26281

University of Kansas Medical Center, Kansas City
and various state agencies—MISCELLANEOUS
HOSPITAL SUPPLIES (CLASS 09)

#59769

University of Kansas, Lawrence—LICENSE OF
DATA MANAGEMENT SOFTWARE

#59781

Department of Transportation, Salina—SIGNAL
HEADS

#59786

Kansas State Penitentiary, Lansing—OFFICERS'
UNIFORM SHIRTS

TUESDAY, NOVEMBER 13, 1984

#26295

Kansas Neurological Institute, Topeka—PEST
CONTROL SERVICE

MONDAY, NOVEMBER 19, 1984

#59775

Department of Social and Rehabilitation Services,
Topeka—TELECOMMUNICATIONS SYSTEM, Salina

MONDAY, NOVEMBER 26, 1984

#26291

Kansas Fish and Game Commission, Pratt—
NON-DRILLING OIL AND GAS LEASE, Barber
county

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 002590

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURAL SERVICES**

**NOTICE OF COMMENCEMENT
OF NEGOTIATIONS
FOR ARCHITECTURAL SERVICES**

Notice is hereby given of the commencement of negotiations for a contract for architectural services for the design and construction administration of 21 cold storage buildings in 21 cities across Kansas for the State Adjutant General. Buildings are to be unheated pre-engineered metal warehouse type structures. The estimated project cost is \$850,000.

In order to be considered, individuals or firms must be on file with the Division of Architectural Services. Any architect or architectural firm not on file but having a Kansas office staffed by one or more architects licensed by the State Board of Technical Professions may contact Jack Nelson, Division of Architectural Services, 625 Polk, Topeka, KS 66603, (913) 233-9367 to achieve eligibility. All expressions of interest must be received not later than November 9, 1984 and only eligible individuals or firms will be considered.

JOHN B. HIPPI, AIA
Director, Division of
Architectural Services

Doc. No. 002576

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT**

**NOTICE OF HEARING
ON PROPOSED TEMPORARY
AND PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held November 13, 1984, at 11:30 a.m., in the Executive Conference Room of the Department of Health and Environment, Building 740, Forbes Field, Topeka, KS to consider the adoption of proposed temporary and permanent rules and regulations of the Hemophilia Program.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Secretary of Health and Environment, Forbes Field, Topeka, KS 66620. All interested parties will be given a reasonable opportunity at the hearing to present their views orally in regard to the proposed regulations.

Following the hearing November 13, 1984, all written and oral comments submitted by interested parties will be considered by the Secretary of Health and Environment as the basis for making changes to these proposed regulations.

Summaries of the regulations follow. Copies of the regulations and the fiscal impact statement may be obtained by writing the Department of Health and Environment, Forbes Field, Topeka, KS 66620.

The following is a brief summary of the proposed regulations:

K.A.R. 28-4-410 is a proposed new regulation designed to facilitate the implementation by the Secretary of Health and Environment of Ch. 217, Sec. 2, 3, 4, of the Laws of 1984 which requires the Secretary to establish a program for the care and treatment of persons suffering from hemophilia who meet certain eligibility requirements.

BARBARA J. SABOL
Secretary of Health
and Environment

Doc. No. 002587

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT**

**NOTICE OF HEARING
ON PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

The Kansas Department of Health and Environment hereby gives notice that a public hearing will be held at 11:00 a.m., November 16, 1984 in the Topeka-Shawnee County Health Department Conference Room, 1615 W. 8th, Topeka, KS, to consider a proposal to amend regulation **K.A.R. 28-43-11**, regarding fees for permitting, monitoring and inspecting salt solution mining operations. The proposed amendments are identical to the temporary regulations that are now in effect. The temporary regulations supercede the permanent regulations adopted by the Secretary prior to April 15, 1984.

Oral and written testimony will be accepted at the hearing. Persons unable to attend may mail their comments to the Kansas Department of Health and Environment, Bureau of Oil Field and Environmental Geology, Forbes Field, Bldg. 740, Topeka, KS 66620, telephone 913/862-9360, on or before November 21, 1984. Copies of the proposed regulations will be available at the hearing or may be obtained in advance upon request from the above. Fiscal impact statements are also available.

Draft copies of the proposed regulations are also available for public inspection at the following locations:

KDHE, District Office, 202 Century Plaza Bldg.,
111 W. Douglas, Wichita, KS

KDHE, District Office, One West Ash, Chanute, KS

KDHE, District Office, 302 W. McArtor Road,
Dodge City, KS

KDHE, District Office, 1014 Cody, Hays, KS

KDHE, District Office, 2501 Market Place, Suite D
& E, Salina, KS

BARBARA J. SABOL
Secretary of Health
and Environment

Doc. No. 002596

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT**

**NOTICE OF HEARING
ON PROPOSED TEMPORARY
AND PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held November 13, 1984, at 10:00 a.m., in the Executive Conference Room of the Department of Health and Environment, Building 740, Forbes Field, Topeka, KS to consider the adoption of proposed temporary and permanent rules and regulations of the Crippled and Chronically Ill Children's Program.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Secretary of Health and Environment, Forbes Field, Topeka, KS 66620. All interested parties will be given a reasonable opportunity at the hearing to present their views orally in regard to the proposed regulations.

Following the hearing November 13, 1984, all written and oral comments submitted by interested parties will be considered by the Secretary of Health and Environment as the basis for making changes to these proposed regulations.

Summaries of the regulations follow. Copies of the regulations and the fiscal impact statement may be obtained by writing the Department of Health and Environment, Forbes Field, Topeka, KS 66620.

The following is a brief summary of the proposed amendments to the regulations:

K.A.R. 28-4-400 was amended to clarify several of the definitions in this section.

K.A.R. 28-4-401 was amended to clarify the language of this section.

K.A.R. 28-4-402 was amended to clarify the responsibility of the Secretary to applicants and recipients.

K.A.R. 28-4-403 was amended to change the uniform standards for financial eligibility.

K.A.R. 28-4-404 was amended to clarify the language of this section.

K.A.R. 28-4-405 was amended to change the qualifications of certain service providers and to delete requirements for reimbursement and terminations of service.

K.A.R. 28-4-405a was proposed to replace the deleted reimbursement requirements in K.A.R. 28-4-405.

K.A.R. 28-4-405b was proposed to replace the deleted termination of service section of K.A.R. 28-4-405.

K.A.R. 28-4-406 was amended to clarify the order of priority for conditions eligible for treatment.

K.A.R. 28-4-407 was amended to change the system of priorities for assistance.

BARBARA J. SABOL
Secretary of Health
and Environment

Doc. No. 002588

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT****NOTICE OF HEARING
ON PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

The Kansas Department of Health and Environment hereby gives notice that a public hearing will be held at 10:00 a.m., November 16, 1984 in the Topeka-Shawnee County Health Department Conference Room, 1615 W. 8th, Topeka, KS, to consider a proposal to amend regulation K.A.R. 28-45-11, regarding fees for permitting, monitoring and inspecting hydrocarbon storage wells and well systems. The proposed amendments are identical to the temporary regulations that are now in effect. The temporary regulations supercede the permanent regulations adopted by the Secretary prior to April 15, 1984.

Oral and written testimony will be accepted at the hearing. Persons unable to attend may mail their comments to the Kansas Department of Health and Environment, Bureau of Oil Field and Environmental Geology, Forbes Field, Bldg. 740, Topeka, KS 66620, telephone 913/862-9360, on or before November 21, 1984. Copies of the proposed regulations will be available at the hearing or may be obtained in advance upon request from the above. Fiscal impact statements are also available.

Draft copies of the proposed regulations are also available for public inspection at the following locations:

KDHE, District Office, 202 Century Plaza Bldg., 111 W. Douglas, Wichita, KS

KDHE, District Office, One West Ash, Chanute, KS

KDHE, District Office, 302 W. McArtor Road, Dodge City, KS

KDHE, District Office, 1014 Cody, Hays, KS

KDHE, District Office, 2501 Market Place, Suite D & E, Salina, KS

BARBARA J. SABOL
Secretary of Health
and Environment

Doc. No. 002598

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT****NOTICE OF HEARING
ON PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

The Kansas Department of Health and Environment hereby gives notice that a public hearing will be held at 1:00 p.m., November 16, 1984 in the Topeka-Shawnee County Health Department Conference Room, 1615 W. 8th, Topeka, KS, to consider a proposal to amend regulation K.A.R. 28-44-11, regarding fees for plan approval and for monitoring and inspection of buried petroleum products storage tanks. The proposed amendments are identical to the temporary regulations that are now in effect except for a fee increase from \$2.50 per tank to \$3.00 per tank. The temporary regulations supercede the permanent regulations adopted by the Secretary prior to April 15, 1984.

Oral and written testimony will be accepted at the hearing. Persons unable to attend may mail their comments to the Kansas Department of Health and Environment, Bureau of Oil Field and Environmental Geology, Forbes Field, Bldg. 740, Topeka, KS 66620, telephone 913/862-9360, on or before November 21, 1984. Copies of the proposed regulations will be available at the hearing or may be obtained in advance upon request from the above. Fiscal impact statements are also available.

Draft copies of the proposed regulations are also available for public inspection at the following locations:

KDHE, District Office, 202 Century Plaza Bldg., 111 W. Douglas, Wichita, KS

KDHE, District Office, One West Ash, Chanute, KS

KDHE, District Office, 302 W. McArtor Road, Dodge City, KS

KDHE, District Office, 1014 Cody, Hays, KS

KDHE, District Office, 2501 Market Place, Suite D & E, Salina, KS

BARBARA J. SABOL
Secretary of Health
and Environment

Doc. No. 002597

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT****NOTICE OF HEARING
ON PROPOSED TEMPORARY
AND PERMANENT
ADMINISTRATIVE REGULATIONS**

The Kansas Department of Health and Environment hereby gives notice that a public hearing will be held at 10:00 a.m., Monday, November 19, 1984 in the auditorium of the Topeka-Shawnee County Health Department, 1615 W. 8th, Topeka, KS to receive oral or written testimony concerning amendment of Kansas Administrative Regulations 28-35-133 through 28-35-144, K.A.R. 28-35-152 through 28-35-166, K.A.R. 28-35-211 through 28-35-234, K.A.R. 28-35-261 through 28-35-263, K.A.R. 28-35-273 through 28-35-289, K.A.R. 28-35-331 through 28-35-338, and the adoption of new regulations 28-35-145 through 28-35-147. These amendments, proposed as both temporary and permanent, are intended to update certain areas concerning radiation protection such as providing new definitions; waste disposal and record keeping requirements; requirements for sealed source users in the healing arts; calibration requirements for teletherapy units; survey instrument calibration, pocket dosimeter calibration, and training requirements for radiographers and radiographers assistants; quality assurance programs for radiographers; and an exposure history availability requirement for terminated employees. In addition, the new regulations would allow fees to be collected by the Kansas Department of Health and Environment for licensees and registrants of the department. The temporary regulations will become effective on December 1, 1984 or as soon thereafter as they are approved by the State Rules and Regulations Board and filed with the Revisor of Statutes as temporary regulations, and the permanent regulations will become effective May 1, 1985.

Any persons wishing to present testimony may do so at the hearing either orally or by presenting written testimony to the hearing officer. The written testimony will not be read aloud to those in attendance at the hearing. Written testimony will also receive consideration if mailed and received by the department November 21, 1984.

Copies of the proposed regulations and a statement of financial impact due to these proposed regulations may be obtained or reviewed at the Bureau of Air Quality and Radiation Control, Radiation Control Section, Building 321, Forbes Field, Topeka, KS 66620, telephone (913) 862-9360, ext. 288.

K.A.R. 28-35-133 through 28-35-338 concerning the licensing and use of radioactive materials and the registration and use of radiation producing devices are amended as follows:

K.A.R. 28-35-133 and 28-35-134. Persons protected and persons regulated and exempted. These regulations spell out the purposes of the regulations and the persons to whom the regulations in this part apply.

K.A.R. 28-35-135. Definitions. Several definitions

have been added to those already in existence in order to update the regulations with current terminology.

K.A.R. 28-35-136 through 28-35-139. Communications, Records, Inspections, and Testing and Surveys. Spells out requirements to licensees with regard to communications, surveys, inspections and record keeping responsibilities. Most changes are in regulatory style, not substance of regulations.

K.A.R. 28-35-140. Exemptions. This regulation concerns those who are exempted from certain regulatory requirements provided health and safety considerations are met.

K.A.R. 28-35-141. Additional requirements. Regulatory style changes.

K.A.R. 28-35-142. This regulation is revoked.

K.A.R. 28-35-143. Appendix A-Transport groupings of radionuclides. Legend at end of table has been rearranged.

K.A.R. 28-35-144. Appendix B-Tests for special form licensed material. Regulatory style changes.

K.A.R. 28-35-145 through 28-35-147. License and registration fees, license and registration fee requirements, schedule of fees. These regulations establish rules for whom fees apply to, and the cost of fees based on the type of license or amendment requested or the type of radiation producing devices at installations.

K.A.R. 28-35-152 through 28-35-166. These regulations deal with the registration of radiation producing devices. Only the regulatory style of the regulations have been amended.

K.A.R. 28-35-211 through 28-35-234. These regulations have been revoked.

K.A.R. 28-35-211a through 28-35-234a. These regulations establish the requirements that protect personnel from excessive exposure to radiation. Major changes include eliminating the disposal requirements for scintillation fluids which contain minute amounts of radioactive tracer material and increasing the total amount of tritium and carbon-14 a licensee can dispose into the sanitary sewage system on a yearly basis. Most of these regulations are adopted by reference from 10 CFR (Nuclear Regulatory Commission Regulations); however, some have been cleaned up in order to make them conform to the newer regulatory style.

K.A.R. 28-35-211a. Persons to whom these standards apply. This regulation explains the purpose of the subsequent regulations in this part.

K.A.R. 28-35-211b. General provisions. Definitions used in 10 CFR, that have been adopted by reference, are cross-referenced to certain terminology used elsewhere in the K.A.R.'s.

K.A.R. 28-35-212a. Occupational dose limits from external exposure. Adopts by reference 10 CFR sections 20.101, 20.102 and 20.104(a), as in effect on July 1, 1984.

K.A.R. 28-35-213a. Exposure of individuals to concentrations of radioactive materials in controlled areas. Adopts by reference 10 CFR section 20.103 and 20.104(b), as in effect on July 1, 1984.

K.A.R. 28-35-214a. Permissible levels of radiation in

(continued)

uncontrolled areas. Adopts by reference 10 CFR section 20.105(a) and (b), as in effect on July 1, 1984.

K.A.R. 28-35-215a. Release of concentrations in effluents to uncontrolled areas. Adopts by reference 10 CFR section 20.106(a) through (f), inclusive, as in effect on July 1, 1984.

K.A.R. 28-35-216a. Leak tests. Regulatory style changes.

K.A.R. 28-35-217a. Personnel monitoring. Adopts by reference 10 CFR section 20.202, as in effect on July 1, 1984.

K.A.R. 28-35-218a. Bioassays. Adopts by reference 10 CFR section 20.108, as in effect on July 1, 1984.

K.A.R. 28-35-219a. Cautions signs and labels. Adopts by reference 10 CFR section 20.203(a), (b), (c), (1), (d), (e) and (f), as in effect on July 1, 1984. This regulation also has a labeling requirement for radiation producing machines.

K.A.R. 28-35-220a. Entrance or access point control devices. Adopts by reference 10 CFR section 20.203(c)(2) through (f), inclusive, as in effect on July 1, 1984.

K.A.R. 28-35-221a. Procedures for picking up, receiving and opening packages. Adopts by reference 10 CFR section 20.205, as in effect on July 1, 1984.

K.A.R. 28-35-222a. Security of sources of radiation in uncontrolled areas. Adopts by reference 10 CFR section 20.207, as in effect on July 1, 1984.

K.A.R. 28-35-223a. Waste disposal: general requirements. This section spells out the requirements for disposal of radioactive materials. A new section has been added to exempt certain small concentrations of radioactive materials from consideration for disposal as radioactive materials. These exempted concentrations of materials must still be disposed of in accordance with the applicable rules and regulations regarding their hazardous or chemical properties.

K.A.R. 28-35-224a. Disposal by release into sanitary sewerage systems. Adopts by reference 10 CFR section 20.303, as in effect on July 1, 1984.

K.A.R. 28-35-225a. Alternative disposal procedures. Adopts by reference 10 CFR section 20.302(a) as in effect on July 1, 1984.

K.A.R. 28-35-226a. Treatment or disposal by incineration. Adopts by reference 10 CFR section 20.305, as in effect on July 1, 1984.

K.A.R. 28-35-227a. Records. This regulation spells out record keeping requirements for licensees and registrants. Most changes are in regulatory style.

K.A.R. 28-35-228a. Reports of theft or loss of sources of radiation. Adopts by reference 10 CFR section 20.402(a)(1), (a)(2)(ii) and (b) through (d), inclusive, as in effect on July 1, 1984.

K.A.R. 28-35-229a. Notification of incidents. Adopts by reference 10 CFR section 20.403(a), (b), (c), and (d)(2), as in effect on July 1, 1984.

K.A.R. 28-35-230a. Reports of overexposure and excessive levels and concentrations. Adopts by reference 10 CFR section 20.405(a) and (b), as in effect on July 1, 1984.

K.A.R. 28-35-231a. Vacating installations. No changes, only regulation number has been changed for consistency.

K.A.R. 28-35-232a. Appendix A; Protection factors for respirators. Adopts by reference 10 CFR Part 20 Appendix A, as in effect on July 1, 1984.

K.A.R. 28-35-233a. Appendix B; Concentrations in air and water above natural background. Adopts by reference 10 CFR Part 20 Appendix B, as in effect on July 1, 1984.

K.A.R. 28-35-234a. Appendix C; Quantities. Adopts by reference 10 CFR Part 20 Appendix C, as in effect on July 1, 1984.

K.A.R. 28-35-261. Persons required to meet the requirements of this part. The changes in this part are in regulatory style.

K.A.R. 28-35-262. Interstitial, intracavitary, and superficial applications. Major additions in this part involve the use of surveys to insure that sources are removed from the patient, quarterly inventory requirements for sealed sources, and specifications for acceptable leak test results.

K.A.R. 28-35-263. Teletherapy. The major addition to this regulation involves full calibration and spot check measurements to be performed at the required intervals for teletherapy units.

K.A.R. 28-35-273. This regulation is revoked.

K.A.R. 28-35-274. Applicability of this part. This regulation has been modified in regulatory style only.

K.A.R. 28-35-275. Limits on levels of radiation for radiographic exposure devices and storage containers. This regulation has been modified in regulatory style only.

K.A.R. 28-35-276. Locking sources of radiation. Paragraph has been added to insure that the source is in a shielded position and locked prior to moving exposure devices, source changers or storage containers.

K.A.R. 28-35-277. Storage precautions. Regulatory style changes only.

K.A.R. 28-35-278. Radiation survey instruments. Additional requirements for survey instrument calibrations have been added. These additional requirements are relatively minor in nature.

K.A.R. 28-35-279 through 28-35-281. Leak testing, repair, tagging, opening, modification and replacement of sealed sources; quarterly inventory; utilization logs. Regulatory style changes only.

K.A.R. 28-35-282. Limitations. Additional requirements for the training of radiographers' assistants, requirements for the physical presence of a radiographer when a radiographer's assistant is working with radioactive material, and a two year record keeping requirement for training records has been incorporated into this regulation.

K.A.R. 28-35-283. Operating and emergency procedures. A requirement for an emergency procedure to cover off-scale dosimeters, if found, by the licensee or registrant.

K.A.R. 28-35-284. Personnel monitoring control. A new section has been added requiring pocket dosimeters to be checked for correct response to radiation, at yearly intervals.

K.A.R. 28-35-285 and 28-35-286. Security and Posting. Regulatory style changes only.

(Published in the KANSAS REGISTER, October 25, 1984.)

K.A.R. 28-35-287. Radiation surveys and survey records. New language has been introduced to have radiographers perform more thorough surveys of exposure devices after each exposure. Additional requirements are included to ensure that quarterly inspection and maintenance of equipment is performed.

K.A.R. 28-35-288. Special requirements and exemptions for enclosed radiography. This regulation has been updated to provide for closed radiography areas which use x-rays, ensuring that these areas meet the safety requirements of FDA regulations or K.A.R. 28-35-214a. Also new to this regulation are certain criteria applicable to personnel who use these facilities. Certain warning lights and audible alarms are now required for permanent radiography facilities utilizing high radiation area entrance control, along with testing requirements for these warning devices.

K.A.R. 28-35-289. The following subjects shall be included in training radiographers. One additional requirement has been added to the training requirement subject for radiographers: Case histories of radiography accidents.

K.A.R. 28-35-331 through 28-35-333. Persons required to meet the requirements of this part; Posting of notices to workers; Instructions to workers. Regulatory style changes only.

K.A.R. 28-35-334. Notification and reports to individuals. A new section has been added which requires that employers supply a terminated employee with his radiation exposure history, at the request of that employee.

K.A.R. 28-35-335 through 28-35-338. Presence of representatives of licenses or registrants and workers during inspection; Consultation with workers during inspection; Requests by workers for inspections; Inspections not warranted, informal review. Regulatory style changes only.

BARBARA J. SABOL
Secretary of Health
and Environment

Doc. No. 002599

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT**

PUBLIC NOTICE

A Certificate of Need application from Sunset Partnership, Inc. for the development of a 90-bed Skilled Nursing Facility in Wyandotte County, KS, at a cost of \$2,328,000, has been reviewed and approved by the Kansas Department of Health and Environment. This Certificate of Need shall become effective November 4, 1984 unless appealed to the District Court of Wyandotte County and shall be valid for one year.

BARBARA J. SABOL
Secretary of Health
and Environment

Doc. No. 002600

**NOTICE OF BOND SALE
CITY OF PAOLA, KANSAS
\$385,000
GENERAL OBLIGATION BONDS
SERIES B, 1984**

The City of Paola, Kansas will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, PAOLA, KANSAS, until 4:30 P.M., Central Standard Time on

TUESDAY, NOVEMBER 13, 1984

for the purchase of Three Hundred Eighty Five Thousand Dollars (\$385,000.00) par value General Obligation Bonds, Series B, 1984 (the "Bonds") of the City, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The Series B, 1984 Bonds initially issued will be dated as of November 1, 1984 and shall mature on November 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 semi-annually, commencing May 1, 1986, and each November 1 and May 1 thereafter. The principal of, and premium, if any, on the Bonds shall be payable in lawful money of the United States of America, at the principal office of the Treasurer of the State of Kansas, (the Paying Agent and Bond Registrar) to the registered owners thereof upon presentation of the Bonds for payment and cancellation. Interest on the Bonds shall be payable in lawful money of the United States of America, by check or draft of the Paying Agent to the registered owners appearing on the books maintained by the Bond Registrar as of the preceding April 15 and October 15 (the Record Dates). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the City.

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

Principal Amount	Maturity Date
\$30,000.00	1986
30,000.00	1987
35,000.00	1988
35,000.00	1989
40,000.00	1990
40,000.00	1991
40,000.00	1992
45,000.00	1993
45,000.00	1994
45,000.00	1995

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

(continued)

rate specified shall be in an even multiple of one-eighth ($1/8$ th) or one-twentieth ($1/20$ th) of one percent (1%). The difference between the highest and lowest rates specified in any bid shall not exceed two percent (2%). No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being two percent (2%) above the "Bond Buyer's 20 Bond Index," published in the *Weekly Bond Buyer* on November 12, 1984, and no bid of less than par and accrued interest will be considered. Bids for less than the entire issue of Bonds will not be considered.

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City at CITY HALL, CITY OF PAOLA, KANSAS 66071, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct, and the City will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and shall be payable to the City of Paola, Kansas. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

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

The number, denomination of Bonds and names of the initial registered owners shall be submitted in writing by the successful bidder to the Bond Registrar not later than November 23, 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 December 15, 1984, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

The Bonds will constitute General Obligations of the City, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable, tangible property within the territorial limits of the City. The Series B, 1984 Bonds are being issued for the purpose of paying the cost of constructing certain street and sewer improvements in the City.

The sealed bids for the Bonds shall be opened publicly and only at the time and place specified in this Notice. The City reserves the right to reject any and/or all of the bids, and to waive any irregularities. Unless all bids are rejected, the Bonds will be

awarded to the bidder whose proposal results in the lowest net interest cost to the City, and the net interest cost will be determined by deducting any amount of any premium paid from the aggregate amount of interest upon all of the Bonds from their date until their respective maturities.

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

Equalized assessed valuation of taxable, tangible property	\$11,972,629
Assessed tangible valuation of motor vehicles ..	2,112,994
Motor vehicle dealers' inventory	102,028
Equalized tangible valuation for computation of bonded indebtedness limitations	\$14,187,651

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

The total general obligation bonded indebtedness, including temporary notes, of the City of Paola, Kansas, at the date hereof, including this proposed issue of Bonds in the amount of \$385,000.00 is in the amount of \$1,988,000.00.

Additional copies of this Notice of Bond Sale or further information may be received from the City of Paola, Paola, Kansas 66071.

Dated October 25, 1984.

CITY OF PAOLA, KANSAS

By: Jill Ann Holmes

City Clerk

Doc. No. 002574

(Published in the KANSAS REGISTER, October 25, 1984.)

NOTICE OF BOND SALE
\$243,601.77
GENERAL OBLIGATION BONDS
CITY OF HESSTON, KANSAS
SERIES 1984-A

Sealed bids will be received in the Office of the City Clerk, at the City Building, City of Hesston, Kansas 67062, until 6:00 p.m. Central Standard Time on Monday, November 5, 1984, and will be considered by the Governing Body of the City of Hesston, Kansas, at its regular place of meeting in the City Building, in the City of Hesston, Kansas, at 6:00 p.m. Central Standard Time on November 5, 1984, at which time and place all bids will be publicly opened, read aloud, and considered for the purchase of a series of General Obligation Bonds designated Series 1984-A, in the principal amount of \$243,601.77. No oral or auction bids will be considered.

Details of the Bonds

The Bonds shall be issued in the form of fully registered certificated bonds without coupons, each in the denomination of \$5,000.00 (except for one Bond which shall be in the amount of \$3,601.77) or integral multiples thereof, not exceeding the principal amount of Bonds maturing in each year. Interest on the Bonds will be payable semi-annually, commencing May 1, 1985, and each November 1 and May 1 thereafter. The

Bonds shall be dated November 1, 1984, and shall become due serially on November 1 in each of the years and in the principal amounts, as follows:

<i>Date of Maturity</i>	<i>Total</i>
November 1, 1985	\$23,601.77
November 1, 1986	\$20,000.00
November 1, 1987	\$25,000.00
November 1, 1988	\$25,000.00
November 1, 1989	\$25,000.00
November 1, 1990	\$25,000.00
November 1, 1991	\$25,000.00
November 1, 1992	\$25,000.00
November 1, 1993	\$25,000.00
November 1, 1994	\$25,000.00

Place of Payment

The principal of, and premium, if any, on the Bonds shall be payable in lawful money of the United States of America, at the principal office of the Treasurer of the State of Kansas (the "Paying Agent" and "Bond Registrar") to the registered owners thereof upon presentation of the Bonds for payment and cancellation. Interest on the Bonds shall be payable in lawful money of the United States of America, by check or draft of the Paying Agent and Bond Registrar to the registered owners appearing on the books maintained by the Bond Registrar as of the 15th day of the month next preceding the Interest Payment Dates (the "Record Dates"). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the City.

Interest Rate

Proposals will be received on the Bonds bearing such rate or rates of interest not exceeding five (5) different interest rates as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth ($1/8$ th) or one-twentieth ($1/20$ th) of one percent (1%). The difference between the highest interest rate bid and the lowest rate of interest bid shall not exceed two percent (2%) per annum. No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being the "Twenty Bond Index" of tax exempt municipal bonds published by the *Weekly Bond Buyer* in New York, New York, on the Monday next preceding the day on which the Bonds are sold, plus two percent (2%). A bid for the purchase of less than all of the Bonds or a bid at a price less than par and accrued interest will be considered.

Bid-Form and Good Faith Deposit

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City and should be addressed to Jean Krehbiel, City Clerk, City Building, Hesston, Kansas 67062, and plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual net interest rate, all certified by the bidder to be correct, and the City will be entitled to rely upon the certificate of correctness of the bidder. No bid will be considered if made on other than the Official Bid Form and no bid will be considered if

such form is amended or modified. Each bid must be accompanied by a certified or cashier's check in the amount of two percent (2%) of the total par value of the Bonds payable to the City Treasurer, City of Hesston, on which no interest will be allowed. The checks of unsuccessful bidders will be returned promptly. The check of the successful bidder or the proceeds thereof will be held as security for the performance of the contract to purchase the Bonds, but in the event that the successful bidder shall fail to comply with the terms of the bid, the check or the proceeds thereof shall then be forfeited and retained by the City as and for liquidated damages.

Award of the Bonds

The sealed bids for the Bonds shall be opened publicly and only at the time and place specified in this Notice, and the Bonds will be sold to the best bidder. The City reserves the right to reject any and/or all of the bids, and to waive any irregularities or informalities. Unless all bids are rejected, the Bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the City, and the net interest cost will be determined by deducting the amount of any premium bid from the aggregate amount of interest upon all of the Bonds from their date until their respective maturities. If there is a discrepancy between the lowest net interest cost and the average annual interest rate specified, the net 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 December 15, 1984, at any bank in the State of Kansas or Kansas City, Missouri, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser. Payment for the Bonds shall be made in immediately available federal reserve funds. The number, denomination of Bonds, and the names and tax ID numbers of the initial registered owners to be initially printed on the Bonds must be submitted in writing by the successful bidder to the Bond Registrar at least ten (10) business days prior to the date of delivery of the Bonds. In the absence of such information, the City will deliver the Bonds in the denomination of each maturity registered in the name of the successful bidder.

Legal Opinion

The Bonds will be sold subject to the unqualified approving opinion of CURFMAN, HARRIS, STALLINGS, & SNOW, Bond Counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each Bond. The cost of this legal opinion and the expense of printing the Bonds and legal opinion will be paid by the City. Said legal opinion will state in part substantially that the Bonds will constitute general obligations of the City, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property within the ter-

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(Published in the KANSAS REGISTER, October 25, 1984.)

**NOTICE OF BOND SALE
CITY OF OLATHE, KANSAS
\$3,075,587.58
GENERAL OBLIGATION BONDS
SERIES 174
(INTERNAL IMPROVEMENTS)**

The City of Olathe, Kansas will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, 100 WEST SANTA FE, OLATHE, KANSAS, until 11:00 o'clock A.M., C.S.T., on

TUESDAY, OCTOBER 30, 1984

for the purchase of Three Million Seventy-Five Thousand Five Hundred Eighty Seven and 58/100 dollars (\$3,075,587.58) par value General Obligation Bonds (the "Bonds") of the City, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The Series 174 Bonds initially issued will be dated as of November 1, 1984, and shall mature on November 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, except Bond #1 in the amount of \$5,587.58, or integral multiples thereof not exceeding the principal amount of Bonds maturing in each year. Interest will be payable semiannually, commencing May 1, 1985, and each November and May 1 thereafter. The principal and interest on the Bonds shall be payable in lawful money of the United States of America, at the Office of the Treasurer of the State of Kansas, (the Paying Agent and Bond Registrar) to the registered owners thereof. Interest on the Bonds shall be payable in lawful money of the United States of America, by check or draft of the Paying Agent to the registered owners appearing on the books maintained by the Bond Registrar as of the preceding April 15 and October 15 (the Record Dates). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the City.

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

<i>Principal Amount</i>	<i>Maturity Date</i>
\$285,587.58	November 1, 1985
310,000.00	November 1, 1986
310,000.00	November 1, 1987
310,000.00	November 1, 1988
310,000.00	November 1, 1989
310,000.00	November 1, 1990
310,000.00	November 1, 1991
310,000.00	November 1, 1992
310,000.00	November 1, 1993
310,000.00	November 1, 1994

Proposals will be received on the Bonds bearing such rate or rates of interest not exceeding eight (8) different interest rates, as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-

ritorial limits of the City, and that, under existing law, the interest on said Bonds is exempt from present federal income taxation and the Bonds are exempt from intangible personal property taxes levied by Kansas cities, counties and townships. A manually signed original of such opinion will be furnished without expense to the purchaser of the Bonds at the delivery thereof. The purchaser will be furnished with a complete transcript of proceedings evidencing the authorization and issuance of the Bonds, and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity.

Purpose of Issue

The Bonds are being issued for the purpose of paying for the cost of the construction of certain improvements in the City of Hesston, Kansas, consisting of grading, curbing, guttering and paving a portion of Pine, Pacific, Lancaster and Smith Streets, enlarging, surfacing, grading and constructing erosion control structures for the west branch of Dry Creek, and improving the system of waterworks of the City.

CUSIP Identification Numbers

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

Assessed Valuation

The assessed valuation of all taxable tangible property within the City of Hesston, Kansas, for the year 1984, is as follows:

Equalized assessed valuation of taxable, tangible property	\$18,323,563.00
Estimated tangible valuation of motor vehicles (1983)	1,085,736.00
Estimated tangible valuation of motor vehicle dealers' inventory	10,320.00
Assessed Valuation of farm machinery and equipment	0
Assessed valuation of business aircraft (1981)	67,500.00
Equalized assessed tangible valuation for computation of bonded debt limitations	\$19,487,119.00

Bonded Indebtedness

The total bonded indebtedness of the City of Hesston, Kansas, at the date hereof, including this \$243,601.77 proposed issue of Bonds, is in the amount of \$2,023,601.77. In addition, the City has outstanding Temporary Improvement Notes in the amount of \$540,500.00, of which \$254,550.00 will be retired from the proceeds of this proposed bond issue and other proceeds on hand.

Official Statement

Additional copies of this Notice of Bond Sale, or further information may be received from the office of the City Clerk, City of Hesston, Kansas 67062.

**BY ORDER OF THE GOVERNING BODY
OF THE CITY OF HESSTON, KANSAS,
this 8th day of October, 1984.**

Joe Swartzendruber, Mayor
Attest: Jean Krehbiel, City Clerk

eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). The difference between the highest and lowest interest rate specified in any bid shall not exceed two percent (2%). No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being two percent (2%) above the "Bond Buyer's 20 Bond Index," published in the *Weekly Bond Buyer* on Monday, October 29, 1984, and no bid of less than par and accrued interest will be considered. Bids for less than the entire issue of Bonds will not be considered.

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City at CITY OF OLATHE, KANSAS, CITY HALL, P.O. BOX 768, OLATHE, KANSAS 66061, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct, and the City will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and shall be payable to City Clerk, City of Olathe, Kansas. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

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

The number, denomination of bonds and names of the initial registered owners shall be submitted in writing by the successful bidder to the Bond Registrar not later than November 20, 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 December 4, 1984, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

The Bonds will constitute General Obligations of the City, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable, tangible property within the territorial limits of the City. The Series 174 Bonds are being issued for the purpose of permanently financing the cost of various internal improvements in the City.

The sealed bids for the Bonds shall be opened publicly and only at the time and place specified in this Notice. The City reserves the right to reject any and/or all of the bids, and to waive any irregularities.

Unless all bids are rejected, the Bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the City, and the net interest cost will be determined by deducting any amount of any premium paid from the aggregate amount of interest upon all of the Bonds from their date until their respective maturities.

Assessed valuation figures of the City of Olathe, Kansas for the year 1984, are as follows:

Equalized assessed valuation of taxable, tangible property	\$1,209,473,216.00
Assessed tangible valuation of motor vehicles	\$ 23,505,309.00
Equalized tangible valuation for computation of bonded indebtedness limitations	\$1,232,978,525.00

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

The total General Obligation bonded indebtedness of the City of Olathe, Kansas, at the date hereof, including this proposed issue of Bonds in the amount of \$3,075,587.00 is in the amount of \$24,964,587.58. The City of Olathe, Kansas has Temporary Notes outstanding in the total amount of \$3,064,700.00 which will be redeemed and paid from the proceeds of this proposed issue of Bonds and from other funds available to the City.

Additional copies of this Notice of Bond Sale, and copies of the City's Official Statement relating to the Bonds or further information may be received from the Clerk of the City and from Zahner and Company, Kansas City, Missouri, the City's Financial Advisor.

Dated October 16, 1984.

CITY OF OLATHE, KANSAS

By: H. Pevehouse
City Clerk

Doc. No. 002575

State of Kansas

OFFICE OF JUDICIAL ADMINISTRATION

COURT OF APPEALS DOCKET

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

KANSAS COURT OF APPEALS

HEARING ROOM NO. 2, THIRD FLOOR, KANSAS JUDICIAL CENTER
301 WEST TENTH, TOPEKA, KANSASBefore PARKS, P.J., BRISCOE, J., and JEROME HARMAN,
Chief Judge, Retired, Assigned.

Monday, October 29, 1984

Case No.	Case Name	Attorney	County
9:00 a.m.			
56,129	Richard Snell, Lucille Deever, Clifford Holmes, Ronald Coffman, Kenneth Coffman, Lynda Polzen, Nancy Rose & Gary Holmes, appellants, v. Jay Johnson, appellee.	Matthew B. Works.	Shawnee
56,563	Julie Haycox, appellant, v. Bruce Pettigrew, appellee.	Emerson Pomeroy. Kenneth F. Crockett.	Shawnee
56,238	Postal Savings & Loan Assoc., appellee, v. Marion K. Freel & Charlene A. Freel, appellants.	Darcy D. Williamson. Stanley E. Oyler.	Shawnee
56,012	Hayes House of Music, appellant, v. David Ruhlan, appellee.	O. W. Bobo III.	Shawnee
56,305	Elvin A. Butts & Virginia L. Butts, appellants, v. Harold L. Butts, <i>et al.</i> , appellees.	Gary R. Terrill. John A. McKinnon. John Toland.	Allen
1:30 p.m.			
56,476	Thacher, Inc. & Phil Thacher, Individually & as Trustee for the Knowles Trust, appellants, v. The City of Topeka, a Municipal Corporation & the Urban Renewal Agency of the City of Topeka, appellees.	Donna A. Worley.	Shawnee
56,874	Holton Transport, Inc., appellant, v. State Corporation Commission of the State of Kansas, appellee, Trans-Oil, Ltd., Intervenor.	Elsbeth Schafer.	Shawnee
56,233	Wayne Lewis, d/b/a Lewis Excavating, appellant, v. Wanamaker Baptist Church, appellee.	D. S. Huits. John Jay Rosacker; John L. Richeson.	Shawnee
56,345	Edward E. Brown & Bill J. Meyer, appellees, v. Donald A. Dain, appellant.	Louis F. Eisenbarth. Jerold E. Berger. Lawrence T. Buening, Jr.	Shawnee

Tuesday, October 30, 1984

9:00 a.m.

- 56,112 State of Kansas, appellee, Atty. Gen.; Frank Caro, Asst. D.A. Shawnee
- v.
- 56,573 Carl E. Pendleton, appellant. John J. Ambrosio. Shawnee
- Elmer D. Chilson, d/b/a Chilson Masonry, & Merchants National Bank of Topeka, Ks., appellees, Patricia A. Reeder.
- v.
- 56,455 Capital Bank of Miami, Fla., appellant. Steve R. Fabert. Shawnee
- Forrest E. Lindsay, appellee, Patrick R. Barnes.
- v.
- 56,379 U. R. Zeller, appellant. Emily Kofron. Shawnee
- North Plaza State Bank, Plaintiff/appellee, Arthur E. Palmer; Don Conroy, Defendant/Third Party Plaintiff/appellant, Jack Quinlan.
- v.
- 56,380 Quality Excavating, Inc. James G. Keller. Jefferson
- Meril D. Vanderpool & Rebecca Vanderpool, appellants, Steven C. Montgomery
- v.
- Richard D. Higgs & Pamela M. Higgs, appellees. Thomas W. Regan.

1:30 p.m.

- 56,350 Stephen Reid, appellant, Hal E. DesJardins. Shawnee
- v.
- 56,098 Helen Roberts Reid, appellee. Camille Nohe. Shawnee
- Farmers Ins. Co., Inc. & Shelter Ins. Companies (formerly MFA Ins. Companies) appellees, John A. Bausch.
- v.
- Prudential Property & Cas. Ins. Co., appellant. M. Duane Coyle.
- 56,260 Clyde H. Meacham, Jr., appellee, Thomas E. Wright. Shawnee
- v.
- Chris Hutton, appellant. Eric Kjorlie.
- 56,726 Stormont Vail Hospital, appellee, Thomas L. Bell. Shawnee
- v.
- Gregory C. Winton & Kesne C. Winton, appellant. Frederick J. Patton II.

Wednesday, October 31, 1984

9:00 a.m.

- 56,788 State of Kansas, appellee, Atty. Gen.; Gene Olander, D.A.; Randy M. Hendershot, Asst. D.A. Shawnee
- v.
- 56,456 Roy Leach, appellant. L. J. Grant. Shawnee
- Franklin Dee Williams & Richard D. Davis, appellants, Richard D. Davis; Franklin Dee Williams.
- v.
- Board of County Commissioners, Shawnee County, Velma Paris, Winifred L. Kingman, Richard A. Maner & Asst. County Counselor, Joseph W. Zima & District Attorney, Shawnee County, Gene M. Olander & Robert T. Stephan, Attorney General of the State of Kansas, appellees. Bruce E. Miller, Asst. A.G.; Gene M. Olander, D.A.; Randy M. Hendershot, Asst. D.A.; Joseph W. Zima.

(continued)

- 55,763 State of Kansas, appellee, Atty. Gen.; Shawnee
Gene Olander, D.A.
- v.
Delbert R. Brown, appellant. Kenneth F. Crockett.
- 55,991 Mid-America Aerospace, Inc., appellee, Betsy B. Patrick; Shawnee
v.
Department of Human Resources, Arnold Berman.
appellant.
- 56,349 Morton Buildings, Inc., appellee, John D. Gatz. Shawnee
v.
Dept. of Human Resources, appellant. Arnold Berman;
A. J. Kotich;
Annette Gurney.
- 1:30 p.m.
- 56,403 John M. Ehr, appellant, Arnold Berman; Shawnee
A. J. Kotich;
Dale Bell.
- v.
Jerrico, Inc., d/b/a Long John Silver's, Gary D. McCallister.
appellee.
- 56,616 State of Kansas, appellee, Atty. Gen.; Shawnee
C. William Ossman, Asst. D.A.
- v.
J. David Logan, appellant. John C. Humpage.
- 56,631 Lilburn Breckenridge, appellant, Charles D. Sauer; Shawnee
Tim J. Larson.
- v.
Earl Hindman, Administrator, Shawnee C. William Ossman, Asst. D.A.
County Jail, appellee.
- 56,032 State of Kansas, *ex rel.*, Robert T. Jeffrey Southard, Asst. A.G. Shawnee
Stephan, Attorney General, appellee.
- v.
J. F. Straw, d/b/a Heritage Exchange, John C. Frieden.
appellant.

KANSAS COURT OF APPEALS
COURT OF APPEALS COURTROOM, 2ND FLOOR, KANSAS JUDICIAL CENTER
301 WEST TENTH, TOPEKA, KANSAS

Before FOTH, C.J.; TERRY L. BULLOCK, District Judge, Assigned;
and FRED WOLESSEL, District Judge, Retired, Assigned.

Monday, October 29, 1984

9:00 a.m.

- 56,393 Edward L. Tindell, appellant, James S. Willard. Jefferson
v.
Donita L. Tindell, appellee. Lawrence P. Ireland.
- 56,581 State of Kansas, appellee, Atty. Gen.; Douglas
Margaret Lindeberg-Johnson, Asst.
D.A.
- v.
Robert G. Underwood, appellant. Wesley M. Norwood.
- 56,376 State of Kansas, appellee, Atty. Gen.; Douglas
Jerry L. Harper, D.A.
- v.
Robert Maxwell, appellant. Martha J. Coffman-Gallagher.
- 56,170 Santa Fe Trail Education Association, David M. Schauner. Osage
appellant.
- v.
Board of Education, U.S.D. 434, Osage Fred W. Rausch.
County, Ks., appellee.

56,538 Hildred Cyr, appellant, David M. Schauner. Franklin
 v.
 Board of Education, U.S.D. No. 289, John L. Richeson.
 Franklin County, Ks., appellee.

1:30 p.m.

56,443 Charles P. Ward, appellant, David H. Heilman. Morris
 v.
 Springfield Life Ins. Co., appellee. Charles Green.

56,447 Nancy B. Oehme, appellant, Dan H. Myers. Riley

v.
 Frederick W. Oehme, appellee. Charles D. Green.

56,160 Melissa Cochran, by and through her next friend, Tim Cochran, her father, appellant, Donn J. Everett. Riley

v.
 John Rheaume & Christine Rheaume, appellees. Stanley E. Oyler.

56,217 Joe Odgers, appellant, Ronald Barta. Republic

v.
 Loyd Blosser, appellee. David D. Swenson.

Tuesday, October 30, 1984

9:00 a.m.

56,471 State of Kansas, appellee, Atty. Gen.; Osage
 Calvin Williams, Co. Atty.

v.
 Clarence Grandstaff, appellant. Clyde M. Burns.

56,402 Union Cemeteries Assoc., appellant, Edwin P. Carpenter. Saline

v.
 City of Salina, Ks., appellee. L. O. Bengtson.

56,152 Janet F. McGrew, appellee, William Rex Lorson; Saline
 Mickey W. Mosier.

v.
 Lewis Franklin Hickman, appellant. Robert G. German.

56,122 State of Kansas, *ex rel.*, Sec., State Dept. of Social & Rehabilitation Services, appellee, Phillip Burdick. Jackson

v.
 Donnes Twin, a/k/a Donnes Seymour, appellant. Drew Frackowiak.

56,459 Hall Brothers Const. Co., Inc., appellant, Keith W. Sprouse. Pottawatomie

v.
 Board of Commissioners of Pottawatomie County, Ks., appellee. John Watt, Co. Atty.

1:30 p.m.

56,496 State of Kansas, appellee, Atty. Gen.; Geary
 Steven L. Opat, Co. Atty.

v.
 Glenn E. Bishop, appellant. Michael P. McKone.

56,415 In the Matter of the Estate of Gennade V. Engels, deceased, David R. Troup; Geary
 Robert D. Ochs;

Steven L. Opat;
 Dennis C. Sauter.

56,552 City of Junction City, Ks., appellee, Gregory K. Barker, City Geary
 Prosecutor.

v.
 Katherine Lee Whealdon, appellant. Dennis C. Sauter.

55,486 Helen Joyce Olson, appellant, Walter P. Robertson. Geary

v.
 Alfred Walter Olson, appellee. Alfred Walter Olson, *pro se.*

(continued)

Wednesday, October 31, 1984

9:00 a.m.

- | | | | |
|--------|--|---|--------|
| 56,611 | In the Matter of the Marriage of Lois S.C. Diane Haag & Larry F. Haag. | Thomas A. Krueger.
Don C. Krueger. | Lyon |
| 56,490 | Linda S. Downes, appellee,
v.
Iowa Beef Processors, Inc., appellant. | Gary Jordan. | Lyon |
| 56,163 | Myron L. Van Gundy, appellant,
v.
Lyon County Zoning Board & Lyon County Zoning Board of Appeals, appellee. | Michael W. Merriam.
Steven L. Davis.
Philip E. Winter. | Lyon |
| 56,567 | State of Kansas, appellee,
v.
Edward F. Coatney, appellant.
State of Kansas, appellee,
v.
Jeannet A. Cannon, appellant. | Atty. Gen.;
William C. O'Keefe, Co. Atty.
Steven P. Deiter. | Nemaha |
| 56,151 | Graham Enterprises, Inc., appellant,
v.
Elmer Gleue & Jim Young & Gregory R. Gleue & Penny Gleue, his wife, appellees. | Gordon R. Olson.
Charles D. Sauer;
Steven L. Boyce;
Kurt A. Harper.
Steven Smith. | Coffey |

1:30 p.m.

- | | | | |
|--------|--|--|-----------|
| 56,035 | Dale Plank, appellant,
v.
Stauffer Communications, Inc., Stauffer Media Systems, Inc., Kenneth Bronson & Shawnee News Star, appellees. | Frederick R. Smith.
John Stauffer;
James C. Wright. | Crawford |
| 56,395 | Bernice Schlichting, appellee,
v.
Mr. & Mrs. Gary C. Davis, appellants. | Robert V. Talkington. | Woodson |
| 56,488 | State of Kansas, appellee,
v.
Jesse L. Burriss, appellant. | William N. Lacy.
Atty. Gen.;
Edwin VanPetten, Co. Atty. | Wabaunsee |
| 56,509 | State of Kansas, appellant,
v.
Edwin A. Harrison & Jimmy Edward Hersman, appellees. | Clyde M. Burns.
Atty. Gen.;
C. L. Laman, Co. Atty.
Lawrence R. Uri, Jr.;
Paul N. Buchanan;
A. J. Focht. | Cloud |

KANSAS COURT OF APPEALS

COURT OF APPEALS COURTROOM, 3RD FLOOR, OLD SEDGWICK COUNTY COURTHOUSE
541 NORTH MAIN, WICHITA, KANSASBefore REES, P.J., MEYER, J. and JOHN W. BROOKENS,
District Judge, Retired, Assigned.

Monday, October 29, 1984

9:00 a.m.

- | | | | |
|--------|--|---|----------|
| 56,594 | State of Kansas, appellee,
v.
Kelly E. Mosier, appellant. | Atty. Gen.;
John C. Roberts, Asst. D.A. | Sedgwick |
| 56,083 | State of Kansas, appellee,
v.
Jose Ortega, Sr., appellant. | Kim D. Steele.
Atty. Gen.;
John C. Roberts, Asst. D.A.
David Michael Rapp. | Sedgwick |

- 56,125 State of Kansas, appellee,
v.
Pamela D. Shears, appellant.
- 56,270 Thomas E. Kaylor & Leslie L. Kaylor, &
Don Wood Homes, Inc., appellees,
v.
Thurman W. Smith, J. D. Wintz, P. L.
Kalberer, Robert Bieker, & Stephen E.
Robison, appellants.
- 56,110 Recollection Resources, Ltd., a Kansas
Corporation, & Robert B. Garvey,
appellants,
v.
First National Bank & Trust Co. of
El Dorado, a Kansas Banking Corporation,
& the Estate of Philip Hamm, appellee.
- 1:30 p.m.*
- 56,078 John Stasse, a/k/a John Sherlock,
appellant,
v.
Jerry Wiley, Sheriff of Sumner County,
Kansas, appellee.
- 56,016 Craig Wamsley, Lynda Wamsley, Rhonda
Wamsley, by her father & next friend,
Duane Wamsley, & Duane Wamsley,
individually, appellants,
v.
Donald Wamsley & Marie Wamsley,
appellees.
- 54,635 Bud Palmer & Carl McCoy, d/b/a
Broadway Furniture, appellees,
v.
The First National Bank of Kingman, a
Kansas Banking Corporation, appellant.
- 56,333 Lowene Rathbun, Claimant, appellee,
v.
Cessna Aircraft Co., Hartford Accident &
Ind. Ins. & Kansas Workers Comp. Fund,
appellant.
- Atty. Gen.;
G. Gordon Atcheson.
- Roger L. Falk.
Roger Sherwood;
Jeffery L. Carmichael.
- Stephen M. Joseph.
- Stephen M. Joseph.
- Butler
- James L. Hargrove;
O. J. Connell, Jr.
- Russell E. Grant.
- Sumner
- Jim Pringle, Co. Atty.
- Charles E. Watson
- Sumner
- Harold A. Pfalzgraf.
- Larry T. Solomon.
- Kingman
- Robert E. Nugent III.
- Larry Shoaf;
Roger M. Theis.
- Sedgwick
- James B. Zongker;
Vincent L. Bogart.

Tuesday, October 30, 1984

9:00 a.m.

- 56,671 Mark E. Arnold, appellant,
S.C.
- State of Kansas, appellee.
- 56,432 Universal Modular Structures Inc.,
appellant,
v.
Mary K. Forrest, appellee.
Universal Modular Structures Inc.,
appellant,
v.
Johnnie Darr, Sheriff of Sedgwick
County, Kansas, appellee.
- Christopher G. Costello.
- Marion
- Atty. Gen.;
Douglas B. Westerhaus, Co. Atty.;
Edwin M. Wheeler.
- Stuart R. Collier for appellant.
- Sedgwick
- Marvin C. Pendergraft.
- David Blakemore, County
Counselor.

(continued)

- 55,671 Branine, Inc., appellee,
v.
David R. McCoy, Mary L. McCoy,
Glenna E. Kasten, a/k/a Glenna E. Joy, &
Railroad Savings & Loan Association,
appellants,
v.
Kenneth Seager, Sharon West &
Columbian National Title Ins. of Wichita,
Inc., appellees,
- 56,320 State of Kansas, appellee,
v.
Johnny Ray Maxwell, appellant.
- 55,907 In the Matter of the Estate of Lily May
Short, deceased.
- 56,277 Cheyenne Exploration, Inc., *et al.*,
appellants,
v.
Billy L. Ingram, *et al.*, appellees.
- 56,530 Rhonda Wolf, Administrator of the Estate
of Alvin Thomas Wolf, Jr., deceased, *et
al.*, appellee,
v.
Johnny Lee Huddleston, a/k/a Johnny Lee
Teague, & Kansas Fire & Cas. Co.,
appellants.
- 56,210 George Alan Likes & Linda Maire Likes,
appellees,
v.
Lee R. Cox, appellant.
- (56,429) Gary Grippen, appellant,
(56,430) v.
(56,431) Board of Education, U.S.D. 428, Barton
CON. County, Ks., appellee.
- Keith Richey.
Orval L. Fisher.
John Terry Moore.
Atty. Gen.;
Gregory L. Waller, Asst. D.A.
Roger L. Falk.
Robert L. Taylor for appellants.
Bill R. Cole for appellee.
- Dorf J. Knappenberger.
Michael S. Holland;
Dale J. Paulsen;
Gary W. Davis.
Norman G. Manley.
H. E. Jones.
Morgan Metcalf.
Martin R. Ufford;
Christopher J. Redmond.
Diane L. Hull.
Robert L. Bates.
- Sedgwick
Sedgwick
Reno
Stafford
Butler
Butler
Barton

1:30 p.m.

Wednesday, October 31, 1984

9:00 a.m.

- 56,661 Curtis Rich, appellee,
v.
Brenda L. Rich, appellant.
- 56,273 Lillie P. Lovelace, appellee,
v.
Peter E. Lovelace, appellant.
- 56,101 Freda Sepulveda, appellant,
v.
Duckwall-Alco Stores, Inc., Elwood C.
Tobias, Gertrude L. Wassberg, City of
Lyons, Ks., a Municipal Corporation,
appellees.
- 56,223 Leonard Drach, appellee,
v.
Lavern Ely, *et al.*, appellants.
- Eric Svoboda.
Andrew B. Fletcher.
Richard H. Rumsey.
Stephen B. Plummer.
Thomas E. Keefe.
Arthur C. Hodgson.
Richard Brown;
Jerry M. Ward;
Casey R. Law;
Turner & Boisseau.
Timothy R. Keenan;
Donald D. Good.
Casey R. Law.
- Sedgwick
Sedgwick
Rice
Stafford

- | | | | |
|-----------|---|--|----------|
| 56,218 | Dennis J. Lyne, appellant.
v.
Rick Neufeldt & Tim Karstetter,
appellees. | Richard J. Rome.

David G. Shriver;
Casey R. Law. | Reno |
| 1:30 p.m. | | | |
| 56,713 | T. A. Points, appellant,
v.
Cessna Fluid Power Division & Hartford
Ins. Co., appellees. | Richard A. Boeckman.

Randall E. Fisher. | Reno |
| 56,440 | Delbert Saffer, appellant,
v.
Bituminous Ins. Co., appellees. | Jack O. Bowker.

Douglas D. Johnson. | Reno |
| 56,384 | State of Kansas, appellee,
v.
John Waldo Jones, appellant. | Atty. Gen.;
Timothy J. Chambers, Co. Atty.

G. C. Hagan. | Reno |
| 56,537 | Robert L. Ruse, Claimant,
v.
Sedgwick County, Respondent &
Self-Insured, appellees.
Roberta L. Ruse, Claimant,
v.
State of Kansas, Respondent, & State
Self-Insurance Fund, Ins. Carrier,
appellants & Kansas Workers' Comp.
Fund, appellee. | Artie Vaughn.

E. L. Kinch.

Robert L. Peter.

Brock R. McPherson. | Sedgwick |

**KANSAS COURT OF APPEALS
WYANDOTTE COUNTY COURTHOUSE, DIV. #5 COURTROOM
KANSAS CITY, KANSAS**

Before **ABBOTT, P.J.**, **C. FRED LORENTZ**, District Judge, Assigned;
and **HARRY G. MILLER**, District Judge, Retired, Assigned.

Monday, October 29, 1984

9:00 a.m.

- | | | | |
|----------------|---|---|-------------|
| 56,701 | In the Matter of the Marriage of Ingeborg
Maria Barringer & Dean Charles
Barringer. | David M. Jancich for appellee.

Keith Martin for appellant. | Johnson |
| 56,220 | Thomas Baddeley, <i>et al.</i> , appellant,
v.
Passport Travel, Inc. & Landmark Hotel
& Casino, appellees. | Michael L. Hodges.

Thomas B. Alleman;
Bruce E. Moore. | Johnson |
| 56,632 | Rea Ann Dowell, appellant,
v.
R. W. Radke & Associates, P.A., & Paul
G. Sims, appellees. | James D. Howell, Jr.

Sally H. Harris. | Johnson |
| 56,327 | John Wallace, appellant,
v.
City Investors, Inc., B. A. Karbank & Co.,
<i>et al.</i> , appellees. | John M. Solbach.

Jerome V. Bales;
John Ivan. | Johnson |
| 56,414 | David M. Kimzey, appellant,
v.
Interpace Corporation, Inc., appellee. | Lloyd Burke Bronston.

Richmond M. Enochs. | Wyandotte |
| 1:30 p.m. | | | |
| 56,799
S.C. | State of Kansas, appellee,
v.
Michael Treat, appellant. | Atty. Gen.;
Robert Davis, Co. Atty.

John C. Humpage. | Leavenworth |

(continued)

56,622	Garry E. Williams, appellee, v. Herb Maschner, appellant.	David C. Van Parys. Charles E. Simmons.	Leavenworth
56,466	Katherine A. Wilder, appellant, v. City of Leavenworth, Kansas, appellee.	Mary Catherine Jackson. Robert D. Beall.	Leavenworth
56,397	Oleta Jordan, appellant, v. Russell Drugs, Inc., appellee.	Ed Schneeberger. John C. Tillotson.	Leavenworth

Tuesday, October 30, 1984

9:00 a.m.

56,053	Jack Knight, appellant, v. Allstate Ins. Co., appellee.	James F. Foster. O. P. Peterson, Jr.; Glenn E. McCann.	Wyandotte
56,822	State of Kansas, appellee, v. Jimmie Childress, appellant.	Atty. Gen.; Wesley K. Griffin, Asst. D.A.	Wyandotte
56,823	State of Kansas, appellee, v. Jimmie Childress, appellant.	Atty. Gen.; Wesley K. Griffin, Asst. D.A.	Wyandotte
56,586	Broadway National Bank, appellant, v. Athletic Supplies, Inc., Marilyn Farmer Giangreco, an Individual, & Marilyn Farmer Giangreco, d/b/a Athletic Supplies, Inc., appellees.	Paul M. Dent. Howard L. Lyden. Ron Bodinson.	Franklin
56,437	Voyageur's Ltd. & Nathan Scarritt, Jr., appellants, v. Voyageur's Pack & Portage Shop, Inc., a Kansas Corporation, Steve T. Eckenberger & Ronald Alvarez, appellees.	Ron Bodinson. Jerry Hess.	Johnson
56,731	Leroyce S. Carr II, appellee, v. Unit No. 8169/Midwestern Distribution & Excalibur Ins. Co., appellant.	Leroyce S. Carr II, <i>pro se</i> . Arthur W. Douville.	Shawnee

1:30 p.m.

56,326	In re: The Adoption of Michael Edward Smith, a Minor Child.	Chris Flattery & Wayne M. Stallard for appellant. Louis S. Wexler, P.A. for appellee.	Johnson
56,358	Margaret J. Lorenz, appellee, v. Great Commonwealth Life Ins. Co., appellant.	Robert J. Bednar. Robert D. Caplinger.	Atchison
55,986	Julian L. Geiger & Marilyn K. Geiger, Husband & Wife, appellants, v. Luverne Glenn, Earl Bearce (tenant), appellees.	Robert J. Bednar. Phillip A. Burdick.	Brown
56,684	William L. Lemesany, appellant, v. Donald Rayton & Robyn Rayton, appellees.	Tim Degginger. Mark Parkinson.	Douglas

Wednesday, October 31, 1984

9:00 a.m.

(56,132) (56,133) CON.	State of Kansas, appellee,	Atty. Gen.; Kevin P. Moriarty.	Johnson
	v. Cecile K. Park, appellant.	David R. Gilman.	
56,720	City of Shawnee, appellee,	Michael R. Santos, Asst. City Atty.	Johnson
	v. Paul L. Skahan, appellant.	Paul L. Skahan, <i>pro se</i> .	
56,596	Gerald L. Reddell, <i>et al.</i> , appellants,	Michael T. Halloran.	Johnson
	v. American Cas. Co., <i>et al.</i> , appellees.	Patrick McAnany.	
56,577	The Shawnee State Bank, a corporation, appellee,	Roy S. Bennett, Jr.	Johnson
	v. A.R.U. Investments, Inc., <i>et al.</i> , Defendants, & COSO Development Co., a Kansas Partnership, Intervenor, appellants.	Bruce F. Landeck.	
56,282	Edna Fraker, appellant,	Gregory A. Dean.	Johnson
	v. Dwight Cowles American Legion Post #370, appellee.	Glenda Lyons.	

1:30 p.m.

56,500	Bettie Ellen Whitney, appellant,	Gary Robert Mathews.	Johnson
	v. Robert Dale Whitney, appellee.	James Sheeley.	
56,407	Arthur Sussman, appellant,	Robert W. Harris.	Johnson
	v. Continental Cas. Co., appellee.	Margaret W. Fabian.	
56,143	S. C. Boggess III, appellee,	Frank D. Covell.	Johnson
	v. Sturgis Equip. Co. of K.C., a corporation, appellant.	Bruce F. Landeck.	
56,536	Southwestern Bell Tel. Co., appellee,	Ruth A. Sears; H. David Barr.	Johnson
	v. Trans-World Sewing Machine Co., Inc., appellant.	Elwyn L. Cady, Jr.; Louis A. Silks, Jr.	

LEWIS C. CARTER
Clerk of the Appellate Courts

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Topeka, Kansas 66612

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