

# KANSAS REGISTER

State of Kansas

**JACK H. BRIER**  
Secretary of State

Vol. 4, No. 1

January 3, 1985

Pages 1-16

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State of Kansas

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

Notice is hereby given that pursuant to 7 U.S.C. 136v, Dow Chemical Company, Midland, Michigan, has filed an application for a special local need registration for Tordon 22K Weed Killer (E.P.A. Reg. No. 464-323).

The purpose of the proposed special local need registration is to allow the use of this pesticide alone or in combination with 2,4-D to control annual and perennial broadleaf weeds such as field bindweed in grainland between crops of small grains. The proposed registration would also allow the use of Tordon 22K at a reduced rate in combination with 2,4-D to control broadleaf weeds on roadsides and other non-cropland areas. At present, this pesticide is registered for use alone or in combination with 2,4-D to control weeds on non-cropland sites.

Information submitted by the applicant is on file with the Kansas State Board of Agriculture. Anyone wishing to present written comments, data or other evidence in support of or in opposition to the proposed special local need registration may do so on or before January 31, 1985. Written comments, data or other evidence should be submitted to H. Dean Garwood, Division of Entomology, Kansas State Board of Agriculture, 109 S.W. 9th, Topeka, KS 66612.

H. DEAN GARWOOD  
Director, Entomology Division

Doc. No. 002762

State of Kansas

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

Notice is hereby given to all interested parties that the statutorily created Children and Youth Advisory Committee will meet Monday, January 14, 1985, at 1:30 p.m., in the Judicial Administrator's Conference Room, Judicial Center, 301 W. 10th, Topeka, KS.

GEORGENE WADE, Chairperson  
Children and Youth Advisory Committee

Doc. No. 002767

State of Kansas

**SOCIAL AND REHABILITATION SERVICES  
KANSAS CITIZENS ADVISORY COMMITTEE  
ON ALCOHOL AND OTHER DRUG ABUSE****NOTICE OF MEETING**

The quarterly meeting of the Kansas Citizens Advisory Committee on Alcohol and Other Drug Abuse will be January 11, 1985 in Topeka. The meeting will begin at 8:00 a.m. in the Topeka Room of the Holiday Inn South, 3802 S. Topeka. Items to be included on the agenda are appointments to the nominating committee for the election of chairperson-elect and recorder in April, legislative issues, long range planning, and the state association concept.

ROBERT C. HARDER  
Secretary of Social  
and Rehabilitation Services

Doc. No. 002765

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



PHONE: 913/296-3489

## State of Kansas

**SOCIAL AND REHABILITATION SERVICES  
STATE ECONOMIC OPPORTUNITY OFFICE****NOTICE OF HEARING ON PROPOSED 1985  
WEATHERIZATION ASSISTANCE PROGRAM**

In accordance with the Department of Energy regulations dated January 27, 1984, Part VI, Section 440.14, the State Economic Opportunity Office, a section of Adult Services within the Department of Social and Rehabilitation Services, will hold a public hearing Monday, January 14, 1985 at 9:00 a.m. The purpose of the hearing is to receive comments on the proposed Weatherization Assistance Program 1985 State Plan.

The hearing will be conducted in the Staff Development Building, Topeka State Hospital Grounds, 2700 W. 6th, Topeka, KS. Copies of the proposed State Plan may be obtained from the State Economic Opportunity Office upon request. Written comments should be mailed prior to the hearing date to the State Economic Opportunity Office, Biddle Building, 100 N.E., 2700 W. 6th, Topeka, KS 66606, 913/296-2458.

SUSAN M. RODGERS  
Administrator

Doc. No. 002766

## State of Kansas

**SECRETARY OF STATE****NOTICE**

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

Complete listings of state agencies, boards and commissions are included in the *Kansas Directory*. County officials are listed in the *Directory of County Officers*. Both directories are published by the Secretary of State's office and are available free of charge.

**EXECUTIVE APPOINTMENTS**

(Appointments filed November 1 through December 31, 1984)

[Eff.: effective date; Repl.: replaces; Reapp.: Reappointment; Exp.: Appointment expires.]

*Appointed by the Governor*  
**Bank Commissioner, State**

Eugene T. Barrett, Jr., 5601 N. 131st, Kansas City 66109. Eff. 12-1-84. Subject to Senate confirmation. Repl. Eugene C. Hegarty, resigned. Exp. 6-30-87.

**Child Support, Kansas Commission on**  
(New commission established by Public Law 98-378. All appointments effective December 1, 1984. Members serve at the pleasure of the Governor.)

Lynn Zeller Barclay, Box 683, Perry 66073.  
Peggy Browning, 7077 E. Central, Wichita 67206.  
Hon. James P. Buchele, District Court Judge,  
Shawnee County Courthouse, Topeka 66603.

Sen. Norma L. Daniels, 130 Miles Ave., Valley Center 67147.

Linda Elrod, Professor, Washburn University School of Law, Topeka 66604.

Sen. Robert G. Frey, 451 Harold Blvd., Liberal 67901.

Woody Houseman, 2913 S.E. Ohio, Topeka 66605.

Hon. Tracy Klinginsmith, District Court Judge, Jackson County Courthouse, Holton 66436.

Evelyn Leat, 911 N. 70th, Kansas City 66112.

Vic Miller, 1174 Fillmore, Topeka 66604.

Diane Nusbaum, P.O. Box 1147, Junction City 66441.

Larry Rute, 112 W. 6th, Room 202, Topeka 66603.

Dr. Howard Schwartz, Judicial Administrator, Judicial Center, Topeka 66612.

J. Charles Stevenson, Social and Rehabilitation Services, Room 603-N, State Office Building, Topeka 66612.

Rep. Robert J. Vancrum, 9004 W. 104th, Overland Park 66212.

Rep. Joan Wagon, 1606 Boswell, Topeka 66604.

Hon. Herbert Walton, District Court Judge, Johnson County Courthouse, Olathe 66061.

Aileen C. Whitfill, Social and Rehabilitation Services, Room 603-N, State Office Building, Topeka 66612.

**COUNTY AND DISTRICT OFFICES**

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

**Leavenworth County Attorney**

Frank E. Kohl, 1706 Thornton, Leavenworth 66048. Eff. 11-5-84. Repl. Robert Davis, resigned.

**Coffey County Commissioner, 5th District**

Glenn E. Birk, Gridley 66852. Eff. 11-2-84. Repl. Philip Birk, Jr., deceased.

**District Judge, 6th Judicial District**

Stephen Douglas Hill, 13 Morningside Dr., Paola 66071. Eff. 1-14-85. Repl. Charles M. Warren, resigned.

**Associate District Judge,****9th Judicial District, Pos. 1**

Richard B. Walker, 309 E. 3rd, Newton 67114. Eff. 12-18-84. Repl. John Thomas Reid, resigned.

**Appointed by the President of the Senate****Capitol Area Plaza Authority**

Sen. Jeanne Hoferer, 1916 Oakley, Topeka 66604. Eff. 12-10-84. Repl. Sen. Robert V. Talkington. Exp. 1-9-89.

JACK H. BRIER  
Secretary of State

(Published in the KANSAS REGISTER, January 3, 1985.)

**State of Kansas  
DEPARTMENT OF TRANSPORTATION**

**NOTICE OF PUBLIC AUCTION  
AT SITE  
JANUARY 4, 1985, 9:00 A.M.**

The Kansas Department of Transportation will offer for sale at public auction the following land located and described as follows:

The tract of land is located at the intersection of Highway 281 and a county road located approximately 6.6 miles north of Medicine Lodge, Kansas on the east side of 281. The tract contains 2.5 acres, more or less.

A tract of land in the South half of the Northwest Quarter of Section 2, Township 31 South, Range 12 West of the 6th P.M., described as follows: BEGINNING at the Northeast corner of said South half of the Northwest Quarter Section; thence West, 578.5 feet along the North line of said South half of the Northwest Quarter Section, to a point 75.0 feet North at right angles to the centerline of highway US-281; thence Southeasterly, on a deflection of 142 degrees 18 minutes to the left, 213.5 feet parallel to said centerline; thence Southeasterly on a curve of 5804.7 feet radius to the right, arc distance of 316.0 feet to the existing Westerly right of way line of the county road; thence Northeasterly along said existing right of way line to a point on the East line, 193.8 feet South of the Northeast corner of said South Half of the Northwest Quarter Section; thence North along said East line to the place of beginning. The above contains 2.5 acres, more or less.

**BUYER WILL RECEIVE A QUITCLAIM  
DEED ONLY**

**TERMS OF THE SALE: CASH, CERTIFIED  
OR CASHIER'S CHECK**

**SELLER RESERVES THE RIGHT TO REJECT  
ANY AND ALL BIDS**

**NOT RESPONSIBLE FOR ACCIDENTS**

**JOHN B. KEMP  
Secretary of Transportation**

Doc. No. 002738

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

**NOTICE OF MEETING**

The Advisory Commission on Juvenile Offender Programs will meet Friday, January 11, 1985, in the Smith-Wilson Building Conference Room, 2700 W. 6th, Topeka, KS, at 10:00 a.m.

**ROBERT C. BARNUM  
Commissioner, Youth Services**

Doc. No. 002768

**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, JANUARY 14, 1985**

#26336-Rebid  
University of Kansas, Lawrence—POLICE  
OFFICERS' UNIFORMS

#26369  
Various Kansas state agencies—  
PRINTER-TERMINAL-VECTOR  
GRAPHICS-MICROCOMPUTERS SPARE PARTS  
#59405-A

Department of Health and Environment,  
Topeka—INSTALL WELLNESS CENTER  
SHOWERS

#60082-A  
Department of Social and Rehabilitation Services,  
Topeka—WHEELCHAIR LIFT, Albert  
#60322

Kansas State University, Manhattan—  
MICROCOMPUTER  
#60323

Wichita State University, Wichita—DISPLAY  
CONTROL UNIT  
#60324

Kansas State Penitentiary, Lansing—TYPE III  
CRUSHED AGGREGATE  
#60328

Kansas State Penitentiary, Lansing—CLOSED  
CIRCUIT VIDEO SECURITY SYSTEM  
#60343

University of Kansas Medical Center, Kansas  
City—CO<sub>2</sub> INCUBATOR, LAMINAR HOOD  
#60344

Kansas Highway Patrol, Topeka—GAS  
CHROMATOGRAPH  
#60350

University of Kansas, Lawrence—FUEL OIL  
#60356

Department of Transportation, Garden City—  
REPAIR PARTS-TRIUMPH CLIPPER

#60363

Adjutant General's Department, Topeka—FURNISH  
LABOR AND MATERIAL TO CONSTRUCT A  
VAULT

TUESDAY, JANUARY 15, 1985

#A-4821

Kansas State University, Manhattan—CONSTRUCT  
PLANT SCIENCE COMPLEX, PHASE II-  
GLASSHOUSES

#A-4949

Kansas Technical Institute, Salina—REROOF H. M.  
NEELY CENTER, Building #749

#A-5089 and #A-5210

Wichita State University, Wichita—REPLACE  
DISTRIBUTION LINES AND RISER, East Cooling  
Tower, Central Energy Plant

#A-5123

Kansas Technical Institute, Salina—REROOF  
CAFETERIA/CONFERENCE CENTER, Building  
#743

#A-5200

Wichita State University, Wichita—FURNISH AND  
INSTALL SOLUTION ECONOMIZER ON  
CHILLER UNITS, Central Energy Plant

#26376

Statewide—THERMAL AND SPIRIT MASTERS  
AND SPIRIT FLUID

#26377

Wichita State University, Wichita—RENTAL  
SERVICE FOR TOWELS, LINENS AND LAUNDRY  
SERVICE FOR MATTRESS PADS

#26379

Department of Social and Rehabilitation Services,  
Topeka—COTTON BATTS, Kansas Industries for the  
Blind, Kansas City

#60329

University of Kansas, Lawrence—  
MICROCOMPUTER, PRINTER

#60330

University of Kansas, Lawrence—CONFIGURE  
CAD SYSTEMS

#60337

Kansas State University, Manhattan—PICKUPS

#60338

University of Kansas Medical Center, Kansas  
City—TISSUE PROCESSOR, LAB HOOD

#60345

Department of Transportation, Topeka—  
SHOULDER AGGREGATE, Brown County

WEDNESDAY, JANUARY 16, 1985

#26370

Statewide—COFFEE AND TEA

#26380

Department of Social and Rehabilitation Services,  
Topeka—WIRE INNERSPRING MATTRESS UNITS,  
Kansas Industries for the Blind

#60333

University of Kansas Medical Center, Kansas  
City—SALE OF SCRAP FILM

#60335

Department of Corrections, Kansas Correctional  
Industries, Lansing—SALE OF USED MACHINERY

#60351

University of Kansas, Lawrence—PORT ACCESS  
DEVICE

#60352

University of Kansas, Lawrence—VAN

#60355

Kansas State University, Manhattan—PICKUP

#60357

Kansas State University, Manhattan—WORD  
PROCESSOR-EXXON COMPATIBLE

#60358

Department of Transportation, Topeka—GRAPHIC  
ARTS SUPPLIES

#60370

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

#60371

State Park and Resources Authority, Topeka—  
CUSTOM BELT BUCKLES

#60372

Kansas Fish and Game Commission, Pratt—  
FERTILIZER, West Mineral

THURSDAY, JANUARY 17, 1985

#26373

Statewide—BAKERY PRODUCTS

#58061-A

Department of Social and Rehabilitation Services,  
Topeka—SHARED LOGIC OFFICE AUTOMATION  
SYSTEM

#60362

Department of Social and Rehabilitation Services,  
Topeka—EVENT DRIVEN SOFTWARE

#60364

Kansas State University, Manhattan—  
MISCELLANEOUS GROCERIES

#60365

University of Kansas, Lawrence—ISOKINETIC  
EXERCISE MACHINE AND CYCLE ERGOMETER

#60366

Kansas Correctional Industries, Lansing—  
COMPACT SEDAN

#60367

Department of Social and Rehabilitation Services,  
Topeka—MICROFILM READER-PRINTER

#60368

Kansas State University, Manhattan—LABORATORY  
BENCHES AND CABINETS

FRIDAY, JANUARY 18, 1985

#60373

University of Kansas, Lawrence—  
MICROCOMPUTER

#60374

University of Kansas, Lawrence—  
MICROCOMPUTER

TUESDAY, JANUARY 22, 1985

#A-5113

University of Kansas Medical Center, Kansas  
City—SITE RENOVATION, Diagnostic Radiology,  
Bell Memorial Hospital Facility

FRIDAY, JANUARY 25, 1985

#26287-A

Statewide—FINE PAPER PRODUCTS: CUT AND  
WRAPPED AND PRINTING PAPERS

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 002770

State of Kansas  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF ARCHITECTURAL SERVICES

NOTICE OF COMMENCEMENT  
OF NEGOTIATIONS  
FOR TECHNICAL SERVICES

Notice is hereby given of the commencement of negotiations for a contract for air and water balancing for the following project:

Renovation of H.V.A.C. System  
District I Headquarters Building  
Kansas Department of Transportation  
121 W. 21st  
Topeka, KS

Interested individuals or firms in the balancing field must be certified by the National Environmental Balancing Bureau or the Associated Air Balance Council. Said individuals or firms must be engaged in balancing work on a full-time basis. Balance agencies of the same parent company as the designers or contractors of a particular project will not be considered for that project.

Submit qualifications with letter of interest. Any additional information, questions or expressions of interest should be directed to Myron Reed, Division of Architectural Services, 625 Polk, Topeka, KS 66603, (913) 233-9367, prior to January 18, 1985.

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

Doc. No. 002761

State of Kansas  
STATE CORPORATION COMMISSION

NOTICE PERTAINING TO  
MOTOR CARRIER HEARINGS  
BEFORE THE

STATE CORPORATION COMMISSION

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

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

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

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

Applications set for January 29, 1985—  
TOPEKA, KANSAS

*Application for Certificate of Convenience  
and Necessity:*

Joshua Swanger, dba ) Docket No. 144,130 M  
Josh's Wrecker Service )  
1919 Adams )  
Topeka, Kansas 66607 )

Applicant's Attorney: Clyde Christey, 1010 Tyler Street, Suite 110-L, Topeka, Kansas 66612

*Wrecked, disabled, repossessed and replacement motor vehicles and trailers,*

Between points and places in Shawnee County, Kansas.

Also,

Between points and places in Shawnee County, Kansas, on the one hand, and points and places in the state of Kansas, on the other hand.

\*\*\*\*\*

*Application for Contract Carrier Permit:*

S & A Oilfield Service ) Docket No. 144,133 M  
641 South Oklahoma )  
Liberal, Kansas 67901 )

Applicant's Attorney: Clyde Christey, 1010 Tyler Street, Suite 110-L, Topeka, Kansas 66612

*Oilfield chemicals,*

Between points and places in Kansas. Under contract with Eisenman Chemical Co., of Greeley, Colorado.

\*\*\*\*\*

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

Sabre Trucking, Inc. ) Docket No. 142,188 M  
301 West Central, )  
Suite 214 )  
Wichita, Kansas 67202 ) MC ID No. 119718

Applicant's Attorney: Paul Dugan, 2707 West Douglas, Wichita, Kansas 67213

*Crude oil, used in and for production, processing, treating, salvage, construction and for roads and drives on mineral lease premises, fresh water, salt water,*

TO, FROM, AND BETWEEN: All points and places in Ness, Hodgeman, Trego, Ellis, Graham, Gove, Barton, Rush, Lane, Logan, Pawnee, Stafford, Pratt, Kiowa, Edwards, Kingman, Harper, Barber, Comanche, Clark, Meade, Ford, Rooks, Russell, Finney, Scott, Rice, Ellsworth, Sheridan and Thomas counties.

\*\*\*\*\*

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

Daniel R. Fox and ) Docket No. 144,131 M  
Michaeline Fox, dba )  
Fox and Son )  
415 North 6th )  
P.O. Box 3 )  
Kiowa, Kansas 67070 )

Applicant's Attorney: Eugene Hiatt, 627 South Topeka Avenue, Topeka, Kansas 66603-3294

**Livestock,**

Between all points and places in Barber, Kiowa, Harper and Comanche counties, Kansas.

Also,

Between all points and places in Barber, Pratt, Kiowa, Harper and Comanche counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other hand.

\*\*\*\*\*

**Application for Local Cartage Certificate:**

Commercial Transportation, Inc. ) Docket No. 144,134 M  
458 East Donvan Street )  
Kansas City, Kansas ) MC ID No. 118161

Applicant's Attorney: None

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

in an area composed of two contiguous cities of the first class and municipalities contiguous thereto in the state of Kansas which has been designated as a commercial zone by the Interstate Commerce Commission.

\*\*\*\*\*

**Application set for January 31, 1985—  
TOPEKA, KANSAS**

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

Sherwin Fast, dba ) Docket No. 144,132 M  
Fast Transportation )  
R.R. 2 )  
Haven, Kansas 67543 )

Applicant's Attorney: None

**Grain, feeds, seeds, feed ingredients, fertilizer and salt,**

Between all points and places in Reno, Sedgwick, Saline, McPherson, Sumner and Harvey counties, Kansas.

Also,

Between all points and places in Reno, Sedgwick, Saline, McPherson, Sumner and Harvey counties, Kansas, on the one hand, and on the other, all points and places in the state of Kansas.

\*\*\*\*\*

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

Dick's Transfer, Inc. ) Docket No. 19,996 M  
P.O. Box 671 )  
Pittsburg, Kansas 66762 ) MC ID No. 100079

TO:  
James Goad, dba  
Joplin Pittsburg Express  
312 East Third Street  
Pittsburg, Kansas 66762

Applicant's Attorney: None

**Household goods,**

Between all points within a radius of 40 miles of Pittsburg, Kansas.

Also,

Between all points within said radius, on the one hand, and all points in Kansas outside of said radius, on the other.

\*\*\*\*\*

**Application for Extension of Certificate of Convenience and Necessity to Eliminate Radii Descriptions:**

James Goad, dba ) Docket No. 19,996 M  
Joplin Pittsburg Express )  
312 East Third Street )  
Pittsburg, Kansas 66762 ) MC ID No.

Applicant's Attorney: None

**Household goods,**

Between all points and places in Bourbon, Allen, Neosho, Labette, Cherokee and Crawford counties, Kansas.

Also,

Between all points and places in Bourbon, Allen, Neosho, Labette, Cherokee and Crawford counties, Kansas, on the one hand, and on the other, all points and places in the state of Kansas.

\*\*\*\*\*

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

Ramsey Oil Company, Inc. ) Docket No. 135,131 M  
P.O. Box 527 )  
Nickerson, Kansas 67561 ) MC ID No. 113077

Applicant's Attorney: Paul Dugan, 2707 West Douglas, Wichita, Kansas 67213

*Gasoline, diesel fuel, propane, packaged oils, anhydrous ammonia, liquid nitrogen and phosphoric acid,*  
To, from, and between all points and places in Reno, Harper, McPherson, Harvey, Sedgwick, Butler, Kingman, Barton and Rice counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other hand.

\*\*\*\*\*

(continued)

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

Don's Body Shop, Inc. ) Docket No. 144,154 M  
207 West Cedar Street )  
Olathe, Kansas 66061 )

Applicant's Attorney: James R. Hubbard, Watson, Ess,  
Marshall & Enggas, 130 N. Cherry, P.O. Box 550,  
Olathe, Kansas 66061

*Wrecked, disabled, repossessed and replacement  
motor vehicles and trailers,*

Between all points and places in Atchison, Jackson,  
Jefferson, Leavenworth, Shawnee, Wyandotte,  
Douglas, Johnson, Osage, Franklin, Miami, Coffey,  
Anderson and Linn counties, Kansas.

Also,

Between all points and places in Atchison, Jackson,  
Jefferson, Leavenworth, Shawnee, Wyandotte,  
Douglas, Johnson, Osage, Franklin, Miami, Coffey,  
Anderson and Linn counties, on the one hand, and on  
the other, all points and places in the state of Kansas.

\*\*\*\*\*

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

Ellsworth Motor Freight ) Docket No. 135,640 M  
Lines, Inc. )  
2120 N. 161st E. Avenue )  
Tulsa, Oklahoma 74112 ) MC ID No. 107223

Applicant's Attorney: Larry E. Gregg, Jandera, Gregg  
and Barker, 641 Harrison Street, P.O. Box 1979,  
Topeka, Kansas 66601

*Cement and fly ash,*

Between points in the state of Kansas.

\*\*\*\*\*

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

Tri-R Delivery, Inc. ) Docket No. 144,153 M  
4810 High Drive )  
Kansas City, MO 64151 )

Applicant's Attorney: Clyde Christey, 1010 Tyler  
Street, Suite 110-L, Topeka, Kansas 66612

*General commodities (except classes A and B  
explosives, household goods, commodities in  
bulk and equipment requiring special equipment  
because of size or weight,*

Between all points and places in Johnson, Wyan-  
dotte, Leavenworth, Atchison, Shawnee and Douglas  
counties, KS.

Restricted, however, to shipments weighing less  
than 500 pounds.

\*\*\*\*\*

WILLIAM E. GREEN  
Administrator  
Transportation Division

Doc. No. 002772

State of Kansas

**OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER NO. 84-78**

**CONCERNING CORRECTIONS IN THE ORDER  
ALLOCATING A STATE CEILING FOR CERTAIN  
PRIVATE ACTIVITY BONDS**

On January 1, 1985, Section (D)(7) of Executive  
Order No. 84-77 is hereby amended to read as follows:

(7) Notwithstanding the provisions of paragraph (6)  
of this Section (D):

- (a) if the Approval Date for an issue of Private  
Activity Bonds is after November 15 of each  
calendar year after 1984, such Private Activ-  
ity Bonds must be issued on, or within 30  
calendar days after, the Approval Date; and
- (b) if the Approval Date for an issue is after  
December 1 of each calendar year after 1984,  
such Private Activity Bonds must be issued  
on, or within 15 calendar days after, the Ap-  
proval Date.

On and after December 17, 1984, Section (E) of  
Executive Order No. 84-77 is hereby amended to read  
as follows:

- (E) Notwithstanding the provisions of Sections  
(D)(6), (D)(7) and (F) of this Order, and Para-  
graphs (E) and (F) of Executive Order No. 84-  
74, on or before December 31, 1984, and De-  
cember 31 of each calendar year thereafter, an  
Issuer which has received approval to issue  
Private Activity Bonds pursuant to this Order of  
Executive Order No. 84-74 may elect to carry  
forward its unused issuing authority by means  
of a statement, signed by a duly authorized  
official of such Issuer and the Secretary. Such  
statement shall be filed with the Internal Reve-  
nue Service in the manner prescribed by regu-  
lations promulgated under Section 103(n) of the  
Code and with the Secretary. An Issuer may  
elect to carry forward such issuing authority  
only for Student Loan Bonds or a project de-  
scribed in Section 103(b)(4) or (b)(5) of the  
Code. In no event shall such carryforward be  
effective for a period longer than permitted by  
Section 103(n) of the Code and the regulations  
promulgated thereunder.

On January 1, 1985, Section (D)(7) of Executive  
Order No. 84-77 is superceded by Section (D)(7) of  
this Order and the force and effect of said Section is  
hereby rescinded.

On and after December 17, 1984, Section (E) of  
Executive Order No. 84-77 is hereby superceded by  
Section (E) of this Order and the force and effect of  
said Section is hereby rescinded.

This document shall be filed with the Secretary of  
State as Executive Order No. 84-78.

Dated December 28, 1984.

JOHN CARLIN  
Governor

Attest: JACK H. BRIER  
Secretary of State

Doc. No. 002773



## State of Kansas

## ATTORNEY GENERAL

## Opinion No. 84-119

**Criminal Procedure—Aid to Indigent Defendants—Entitlement to Compensation.** Ronald E. Miles, Director, Board of Indigents' Defense Services, Topeka, December 13, 1984.

Pursuant to K.S.A. 1983 Supp. 22-4501 *et seq.*, the State Board of Indigents' Defense Services has the authority to deny authorization of claims for compensation in cases where the attorneys seeking compensation were appointed without regard to the applicable system for providing legal services to indigent defendants as established by the board. Cited herein: K.S.A. 1983 Supp. 22-4501; 22-4503; 22-4507; 22-4522; 22-4523. MFC

## Opinion No. 84-120

**Counties and County Officers—Sheriff—Qualifications for Office.** Karen Barefield, Ottawa County Attorney, Minneapolis, December 13, 1984.

By the terms of K.S.A. 1983 Supp. 19-801b, an individual who has pleaded guilty and has been convicted of a charge of driving under the influence of intoxicating liquor under the laws of another state is ineligible to be nominated, elected or appointed to the office of sheriff in this state. K.S.A. 1983 Supp. 19-801b disqualifies persons who have been convicted or have pleaded guilty to a violation of any "federal or state laws or city ordinances relating to gambling, liquor or narcotics" from holding the office of sheriff.

The expungement of such a conviction does not alter the fact of the conviction nor remove the disability from office holding occasioned by such a conviction as provided in K.S.A. 1983 Supp. 19-801b.

The nomination or election of an ineligible person gives the person so nominated or elected no claim nor title to the office. Cited herein: K.S.A. 19-801b; K.S.A. 19-801c; K.S.A. 1983 Supp. 19-804; 21-4619, as amended by L. 1984, ch. 39, § 35; K.S.A. 25-3901, 41-311, 41-2703, 41-2708, K.S.A. 1983 Supp. 77-201, *Second*. MFC

## Opinion No. 84-121

**Taxation—Mortgage Registration—Mortgage Registration Fee.** Robert H. Diehl, Ellis County Attorney, Hays, December 13, 1984.

Based on existing decisions, the federal courts would construe the Kansas mortgage registration fee to be "a stamp tax or similar tax" within the meaning of 11 U.S.C.A. § 1146(c). Consequently, this tax may not be imposed upon a mortgage of real property which is given pursuant to a reorganization plan that has been confirmed under the federal bankruptcy code. Cited herein: K.S.A. 79-3101, K.S.A. 1983 Supp. 79-3102, K.S.A. 79-3104, 11 U.S.C.A. § 1146(c). RJB

## Opinion No. 84-122

**Cities and Municipalities—Code for Municipal Courts—Clerk of the Municipal Court; Establishment**

**of Office; Appointment; Powers and Duties.** Mayor Jacqueline Carter, Ensign, December 13, 1984.

The common law doctrine of incompatibility of offices precludes one person from simultaneously holding the offices of city council member and clerk of the municipal court in a city of the third class having a mayor-council form of government. Cited herein: K.S.A. 12-4208. TRH

## Opinion No. 84-123

**Cities, Third Class—Election, Appointment and Removal of Officers—Election of Officers; Terms; Vacancies.** Mayor Jacqueline Carter, Ensign, December 13, 1984.

Where there are three simultaneous vacancies on the city council of a third class city, the mayor must appoint an elector to fill the first vacancy with the consent of the two remaining council members. Thereupon, that appointee having taken office, the mayor should proceed to fill the second vacancy, with the consent of a majority of all council members (including the member just appointed), and so on, until all vacancies are filled. Cited herein: K.S.A. 15-105, 15-210. TRH

## Opinion No. 84-124

**Laws, Journals and Public Information—Records Open to Public—Rosters of Inmates Not Subject to Exception for Criminal Investigation Records.** Senator Ben Vidricksen, 24th District, Salina, December 17, 1984.

Subject to certain exceptions, disclosures of criminal investigation records is not required by the Kansas Open Records Act, pursuant to L. 1984, ch. 282, § 4(a)(1). One such exception involves rosters of inmates in jails or correctional facilities [L. 1984, ch. 187, § 3(b)], leaving such rosters subject to the general provisions of the act which require records to be open. Inmate rosters are required by statute to be kept (K.S.A. 19-1904), and the practice of failing to record the names of persons arrested and placed in jail would constitute a violation of both this statute and, indirectly, the open records act. Cited herein: K.S.A. 19-1904, 21-2501a, L. 1984, ch. 187, §§ 3, 8; L. 1984, ch. 282, § 4. JSS

## Opinion No. 84-125

**Corporations—Savings and Loan Association; Incorporation and Organization—Use of Words "Banking" and "Bank" in Advertising and Title.** Marvin S. Steinert, Savings and Loan Commissioner, Topeka, December 19, 1984.

Pursuant to K.S.A. 17-5601, the savings and loan commissioner has broad authority to authorize state chartered associations to engage in activities permitted to federal associations should the commissioner deem such activity reasonably required to preserve and protect the welfare of state associations and to promote competitive equality between state and federal associations. The ability of a federally chartered

(continued)

association to adopt a corporate title, as well as the activity of advertising, are regulated by the Federal Home Loan Bank Board (FHLBB) at 12 C.F.R. §§ 543.1 and 563.27. As a result of these regulations and board interpretations, federal associations may use the word "banking" in their corporate titles, although the word "savings" must also be used. They may also use the words "banking" (as in "Do Your Banking With Us") and "bank" ("Bank With Us") in their advertising, provided also that the institution is identified as a savings association. In view of the power to engage in these activities which has been granted to federal associations, the savings and loan commissioner may utilize K.S.A. 17-5601 to equalize the powers of state associations with federal ones. However, for the reasons set forth in Attorney General Opinion No. 84-87, the commissioner may not authorize, nor may a state association use, the word "bank" in its title. Cited herein: K.S.A. 9-1715, 9-2011, 17-2244, 17-5101, 17-5222, 17-5601, 12 U.S.C.A. § 1726, P.L. 97-320, 12 C.F.R. §§ 543.1, 547.1, 561.1, 563.27. JSS

#### Opinion No. 84-126

**Infants—Juvenile Offenders Code—Records of Juveniles in NCIC system.** Dennis W. Moore, Johnson County District Attorney, Olathe, December 19, 1984.

The names of juveniles aged 16 or 17 years of age who have committed a public offense may be entered into the NCIC system. Cited herein: K.S.A. 1983 Supp. 38-1607, 38-1608. BLH

#### Opinion No. 84-127

**Banks and Banking—Banking Code; Deposit of Public Moneys—Securities for Deposits of Public Funds; Revenue Bonds.**

**Waters and Water Districts—Rural Water Districts—Issuance of Revenue Bonds.** Eugene T. Barrett, Jr., State Bank Commissioner, Topeka, December 19, 1984.

A bank may, for purposes of securing deposits of public funds, pledge revenue bonds issued by a quasi-municipal corporation, provided that approval is given by the state bank commissioner. An exception is made in the case of bonds secured by revenues of a utility which has been in operation less than three years, with the use of such bonds not permitted for pledging purposes (K.S.A. 9-1402(e)(1)). Pursuant to a rule and regulation of the bank commissioner (K.A.R. 17-14-1), the term "utility" is defined using the definition found at K.S.A. 1983 Supp. 10-1201, which includes publicly-owned facilities of a revenue-producing character which supply water. In that a rural water district organized pursuant to K.S.A. 82a-612 *et seq.* is a quasi-municipal corporation which operates publicly-owned water supply facilities and may issue revenue bonds therefor, K.S.A. 9-1402(e) is applicable to those districts whose systems have not been in operation for three years. Cited herein: K.S.A. 9-1402, 10-101, K.S.A. 1983 Supp. 10-1201, K.S.A. 82a-616, K.S.A. 1983 Supp. 82a-619, 82a-625, K.A.R. 17-14-1. JSS

#### Opinion No. 84-128

**Cities and Municipalities—Public Utilities—Acquisition and Operation of City Plants.**

**Cities of the Third Class—Miscellaneous Provisions—Natural Gas Production and Sale.** Mayor Robert G. Miller, Edgerton, December 19, 1984.

K.S.A. 12-842 imposes no restrictions as to the class of consumers who may be served by a municipal gas utility; nor does that statute prohibit such a utility from serving persons outside the boundaries of the city. However, a municipal gas utility must obtain a certificate of need from the Kansas Corporation Commission in order to provide service more than three miles from the corporate limits of the city.

K.S.A. 15-1117 *et seq.* authorize any city of the third class situated in a recognized and established natural gas field to drill for, produce and sell natural gas. No restrictions are imposed on the authority of a third class city to sell any natural gas produced, and such a city may sell natural gas to any prospective purchaser, provided the city does not convey gas through pipelines in such a manner as to become subject to regulation by the Kansas Corporation Commission as a "public utility." Cited herein: K.S.A. 12-842, 15-1117, 66-104, 66-131. TRH

#### Opinion No. 84-129

**Counties and County Officers—Planning and Zoning—Penalties for Violations; Responsibility to Prosecute.** Philip S. Harness, Johnson County Counselor, December 19, 1984.

K.S.A. 19-2912 and L. 1984, ch. 96, § 8 provide that certain acts in violation of county zoning regulations are misdemeanors punishable by a fine. The responsibility for prosecuting misdemeanor offenses in the county lies with the county or district attorney as a matter in which the county is interested. A board of county commissioners may seek civil remedies, such as injunction, to prevent violations of zoning regulations. Cited herein: K.S.A. 19-702, as amended by L. 1984, ch. 100, § 1; 19-2912; 19-2654; 22a-104, as amended by L. 1984, ch. 100, § 4; L. 1984, ch. 96, § 8. MFC

#### Opinion No. 84-130

**Crimes and Punishment—Crimes Affecting Public Trust—Unlawful Use of Names and Addresses Derived from Public Records.** David R. Heger, Assistant Miami County Attorney, Paola, December 19, 1984.

Section 5 of chapter 282 of the 1984 Session Laws of Kansas prohibits a person from receiving any list 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. However, lists of names derived from public records may be used for purposes other than that prohibited by the statute. Thus, a person may use names derived from public records for the purpose of publishing a plat book in which the legal descriptions of property and the

owners' names are given, without violating section 5 of chapter 282. Cited herein: L. 1984, ch. 282, § 5. RJB

ROBERT T. STEPHAN  
Attorney General

Doc. No. 002760

**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.

**KS841220-001-13294KS**—Health and Human Services application for \$132,364 to provide effective planning for the Kansas HSA II Area, to meet problems in health facilities and manpower and increasing cost of health care. Contact Robert Stocking, Health Systems Agency of Northeast Kansas, Inc., 1195 S.W. Buchanan, Suite 101, Topeka, KS 66604; 913/233-3385. Comments due by January 18, 1985.

**KS841220-002-84024KS**—Department of Education application for \$131,357 to provide for several levels of family involvement in planning, conducting and monitoring school transitions for young handicapped children. Contact Dr. Susan Fowler, University of Kansas, Bureau of Child Research, 223 Haworth, Lawrence, KS 66045; 913/864-3050. Comments due by January 18, 1985.

**KS841220-003-USPOSSC**—Request for direct development from the United States Postal Service to replace the existing Southeast Station located at 512 S. Christine, Wichita, KS. Contact Harold Asner, Manager, Real Estate Branch, United States Postal Service, 5700 Broadmoor, Suite 920, Mission, KS 66202-2462. Comments due by February 1, 1985.

The National Institute of Handicapped Research has issued proposed funding priorities for FY 1985: 1. Research and Training Centers; 2. Rehabilitation Engineering Centers; 3. Research and Development Projects; and 4. Knowledge, Dissemination and Utilization Projects. Contact Betty Jo Berland, NIHR, Department of Education, 400 Maryland Ave., S.W., Room 3070, Washington, D.C. 20202; 202/732-1139.

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

Doc. No. 002771

**State of Kansas**

**STATE BANK COMMISSIONER**

**TEMPORARY ADMINISTRATIVE REGULATIONS**

(Approved by the State Rules and Regulations Board  
December 19, 1984. Will expire May 1, 1985.)

**Article 17.—FUTURES CONTRACTS**

**17-17-2. Hedging.** Hedging is defined as a purchase or sale made not primarily for income or profit but as protection against a known risk. (Authorized by K.S.A. 9-1713; implementing K.S.A. 1983 Supp. 9-1101, as amended by 1984 Senate Bill No. 524; effective, T-85-20, July 2, 1984; amended, T-85-32, Dec. 19, 1984.)

**Article 18.—INVESTMENT IN SHARES OF  
OPEN-END INVESTMENT COMPANIES**

**17-18-1. Open-end investment company; definition.** To qualify as an open-end investment company, a company must either be registered with the federal securities and exchange commissioner under the federal investment company act of 1940 and the federal securities act of 1933, or be a privately offered company sponsored by an affiliated commercial bank. (Authorized by K.S.A. 9-1713; implementing K.S.A. 1983 Supp. 9-1101, as amended by L. 1984, ch. 48, sec. 4(21); effective, T-85-32, Dec. 19, 1984.)

**17-18-2. Limitation on the purchase of shares.** Any state bank may purchase, for its own account, shares of open-end investment companies which are purchased or sold at par, if the portfolios of such companies consist solely of securities which are eligible for purchase by state banks, pursuant to K.S.A. 17-11-1. (Authorized by K.S.A. 9-1713; implementing K.S.A. 1983 Supp. 9-1101, as amended by L. 1984, ch. 48, sec. 4(21); effective, T-85-32, Dec. 19, 1984.)

**17-18-3. Adoption of policy by bank.** The board of directors shall establish a written investment policy containing procedures, standards and controls in order to ensure the investments made by the bank are proper for the bank's portfolio. The investment policy shall include the following:

- (1) Specific authorization for the purchase of shares in open-end investment companies;
- (2) Prior approval of the board of directors for the initial purchase of shares in a specific company;
- (3) Monthly review of investments in each investment company in order to determine whether each investment continues to be appropriate for the bank's portfolio.

(Authorized by K.S.A. 9-1713; implementing K.S.A. 1983 Supp. 9-1101, as amended by L. 1984, ch. 48, sec. 4(21); effective, T-85-32, Dec. 19, 1984.)

**17-18-4. Limitation on investments.** Any bank may purchase and hold shares in an open-end investment company without limitation if the portfolio of the company consists wholly of investments in which the bank could invest directly without limitation pursuant

(continued)

to K.S.A. 9-1101(7). Shares of companies whose portfolios contain investments which are subject to the limits of K.S.A. 9-1101(7) may only be held in an amount not in excess of 15% of capital stock and surplus.

Any bank investing in shares of more than one open-end investment company shall also ensure that its pro rata holdings in any security subject to the 15% limitation is not in excess of that limitation by reason of being combined with the bank's pro rata holdings in that security held by all other open-end investment companies in which the bank has invested. (Authorized by K.S.A. 9-1713; implementing K.S.A. 1983 Supp. 9-1101, as amended by L. 1984, ch. 48, sec. 4(21); effective, T-85-32, Dec. 19, 1984.)

EUGENE T. BARRETT, JR.  
State Bank Commissioner

Doc. No. 002763

## State of Kansas

### DEPARTMENT OF REVENUE

#### TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board  
December 19, 1984. Will expire May 1, 1985.)

#### Article 51.—TITLES AND REGISTRATION

**92-51-22. Registration period beginning date; fee due.** The date of the assignment or reassignment of a manufacturer's certificate of origin or certificate of title shall be the beginning date of a registration period. The registration fee shall be due on that date, but may be paid at any time during a period of not to exceed 30 days after the assignment or reassignment. If the registration fee is not paid within the period of time prescribed by this regulation, the penalty for the late payment of the fee shall be computed from the date of the assignment or reassignment. (Authorized by K.S.A. 74-2011, K.S.A. 1983 Supp. 8-134; implementing K.S.A. 8-127, K.S.A. 1983 Supp. 8-143, as amended by L. 1984, ch. 33, sec. 1; effective, E-82-26, Dec. 16, 1981; effective May 1, 1982; amended, T-85-40, Dec. 19, 1984.)

**92-51-25. Prerequisites for applications for title on used, foreign vehicles.** (a) In securing a certificate of title on a used, foreign vehicle, the applicant shall surrender to the county treasurer:

(1) A form evidencing that the vehicle identification number has been verified by the Kansas highway patrol; and

(2) (A) The foreign title in the applicant's name and an affidavit of date of entry;

(B) A foreign title which has been properly assigned to the applicant; or

(C) A foreign title which has been properly assigned to a registered dealer of the state in which the title was issued and which has been properly reassigned by the dealer of that state to the Kansas resident.

(b) If the foreign state does not have a title law, the

applicant shall present a notarized bill of sale from the person from whom the vehicle was purchased and a foreign registration receipt. The foreign registration receipt shall be:

(1) In the applicant's name;

(2) Properly assigned to the applicant; or

(3) Reassigned by a registered dealer of the issuing state. The foreign registration receipt and the notarized bill of sale shall be surrendered to the county treasurer. (Authorized by K.S.A. 74-2011, K.S.A. 1983 Supp. 8-134; implementing K.S.A. 8-135, as amended by L. 1984, ch. 31, sec. 1, L. 1984, ch. 25, sec. 11; effective, E-82-26, Dec. 16, 1981; effective May 1, 1982; amended, T-85-40, Dec. 19, 1984.)

**92-51-30. Application for refund of registration fee.** Any owner of a motor vehicle eligible for a refund of the registration fee shall file an application for the refund with the Kansas department of revenue, division of vehicles, state office building, Topeka, Kansas 66626, or the department's designee. At the same time, the applicant shall relinquish to the division of vehicles the registration plate and any attachment issued in connection with the registration, unless the plate has been relinquished to the county treasurer pursuant to K.A.R. 92-55-3. Application for refund shall be in the form prescribed by the division. (Authorized by K.S.A. 74-2011, K.S.A. 1983 Supp. 8-134; implementing K.S.A. 1983 Supp. 8-143, as amended by L. 1984, ch. 33, sec. 1; effective, E-82-26, Dec. 16, 1981; effective May 1, 1982; amended, T-85-40, Dec. 19, 1984.)

**92-51-36. Farm truck and farm truck tractor registrations; vehicle lettering requirements.** Each farm truck and farm truck tractor registered for a gross weight of more than 54,000 pounds shall have painted or permanently affixed on both sides of the motor vehicle the words "farm vehicle—not for hire." The words shall have letters not less than two inches in height and not less than one-fourth inch in stroke. (Authorized by K.S.A. 74-2011; implementing K.S.A. 1983 Supp. 8-143, as amended by L. 1984, ch. 33, sec. 1; effective, T-85-40, Dec. 19, 1984.)

**92-51-37. Lost or stolen personalized license plates; reissuance of different combination plates.** If one or both of the personalized plates are lost or stolen, the vehicle owner shall make application for new plates with a different combination of numbers or letters. If only one plate is lost or stolen, the remaining plate shall be surrendered to the division of vehicles. (Authorized by and implementing K.S.A. 1983 Supp. 8-132, as amended by L. 1984, ch. 29, sec. 2; effective, T-85-40, Dec. 19, 1984.)

HARLEY T. DUNCAN  
Secretary of Revenue

Doc. No. 002774

## State of Kansas

**BOARD OF REGENTS****TEMPORARY ADMINISTRATIVE REGULATIONS**

(Approved by the State Rules and Regulations Board December 19, 1984. Will expire May 1, 1985.)

**Article 13.—STUDENT ASSISTANCE PROGRAMS**

**88-13-4. Applicant eligibility.** To be eligible for a tuition grant offer, or state scholarship offer, or both, a person shall demonstrate to the executive director of the board that the applicant: (a) is a resident of the state of Kansas according to the residency statutes and administrative regulations applicable to the institutions under the control of the board;

(b) is initially accepted or enrolled at an eligible Kansas postsecondary institution;

(c) is an undergraduate who has never received a baccalaureate degree;

(d) has financial need as determined by an analysis of information submitted on the American College Testing Service Family Financial Statement 1985-86, which is hereby adopted as the board's family financial statement;

(e) for a state scholarship, has attained the academic standard of a cumulative 3.0 grade point average for all postsecondary academic terms or semesters. The average shall be calculated on a 4.0 scale where an A equals four points; and

(f) for a tuition grant, has attained the academic standard of a cumulative 2.0 grade point average for all postsecondary academic terms or semesters. The average shall be calculated on a 4.0 scale where an A equals four points. (Authorized by K.S.A. 72-6112, 72-6815; implementing K.S.A. 72-6112, 72-6815; effective, E-76-57, Dec. 12, 1975; effective, E-77-5, March 19, 1976; effective Feb. 15, 1977; amended, T-85-6, Feb. 15, 1984; amended May 1, 1984; amended, T-85-14, May 3, 1984; amended, T-85-39, Dec. 19, 1984.)

**88-13-11. College certification.** Upon the enrollment of grantees, each eligible postsecondary institution shall certify to the board that each grantee attending its institution: (a) is providing a minimum of \$450 from the grantee's own work and resources;

(b) is not receiving more financial aid than the grantee's unmet need;

(c) is a full-time undergraduate student in good standing who is responsible for paying full tuition and required fees;

(d) has met the state scholarship academic standard of a cumulative 3.0 grade point average for grantees participating in the state scholarship program;

(e) has met the tuition grant academic standard of a cumulative 2.0 grade point average for grantees participating in the tuition grant program;

(f) has reported accurate parent or student income data, as verified by a copy of the income tax return for the most recent tax year or through other verification of income if an income tax return will not be filed; and

(g) for an independent grantee, that the grantee

meets the U.S. education department guidelines for an independent student as in effect on October 26, 1983 and that the college has on file a valid statement of financial independence which shall be certified by a notarized signature of the applicant's parent or legal guardian. (Authorized by K.S.A. 72-6111, 72-6814; implementing K.S.A. 72-6107, 72-6111, 72-6810, 72-6814; effective, E-76-57, Dec. 12, 1975; effective, E-77-5, March 19, 1976; effective Feb. 15, 1977; amended, T-85-6, Feb. 15, 1984; amended May 1, 1984; amended, T-85-14, May 3, 1984; amended, T-85-39, Dec. 19, 1984.)

WILLIAM R. KAUFFMAN  
General Counsel

Doc. No. 002775

**KANSAS FACTS****KANSAS GOVERNMENT IS STABLE  
AND PROGRESSIVE**

"When anything is going to happen in this country, it happens first in Kansas."

—William Allen White

The state government of Kansas is based in Topeka, which has served as the state capital since 1861. Topeka was named the permanent capital only after a great deal of disagreement.

The first capital of Kansas was Fort Leavenworth, where territorial Governor Andrew Reeder had his headquarters. Other state capitals during the territorial period were Shawnee Mission, Pawnee, Leecompton, Minneola, Leavenworth and Lawrence. Some of those towns served as the capital several times—the capital changed whenever the territorial leaders decided to move it.

Kansas became a state January 29, 1861. In November of that year an election was held to decide on a capital and Topeka was selected over Lawrence and several other cities. In later years there were several attempts to move the capital to a more central location, but none came close to succeeding.

A progressive yet cautious spirit has always characterized the government of Kansas. The state has led the country in many important areas. Kansas government has changed to meet contemporary needs; yet it has retained those things which are "tried and true" and which continue to be necessary, effective and efficient.

Kansas is one of the few states in the nation that does not issue revenue bonds to finance general government activities. A "cash-basis law" requires that the State operate strictly on the money available. Bond issues are allowed for capital improvements, such as major roads and buildings.

Kansas leaders have never been afraid to try new ways of doing things. The state pioneered in the use of the direct primary election. It was Senator Joseph L. Bristow, the first United States Senator nominated in Kansas under that system, who introduced in Congress the resolution which put direct election of U.S.

(continued)

Senators into the U.S. Constitution. Prior to that time Senators were not elected by the people, but were chosen by the state Legislatures.

Kansas was the first state to create a Legislative Council to carry on legislative functions when the lawmaking body is not in session.

State government operations are located in several main buildings in Topeka:

The *Capitol* houses the Governor, Lieutenant Governor, Secretary of State, Division of the Budget, Department of Administration main offices, and the State Library. The Legislature meets in the Capitol and each Senator and Representative has an office there. Offices directly attached to the Legislature are also in the building.

The *State Office Building*, a 12-story structure completed in 1957, is located adjacent to the Capitol. The Office Building houses a number of state agencies. A 544-foot underground tunnel connects the building with the Capitol.

The *Kansas Judicial Center*, completed in 1978, is a modern building which houses the offices of the state courts and the Attorney General.

In the event of a national emergency or disaster, the Governor and other state officials would be evacuated to the *State Defense Building* about 2 miles south of the Capitol. The Defense Building, completed in 1977, is specially designed for use in any disaster. The building has an emergency operations center, its own generator, water supplies, and blast resistance and radiation shielding. Offices of the Kansas National Guard and the Emergency Preparedness Division are located there.

Several *other buildings* in Topeka have been leased or purchased by the State of Kansas as needed to house state agencies.

A number of state agencies also have *local offices in communities throughout the state*.

Kansas has the traditional three branches of government.

### LEGISLATIVE

The State Senate and the House of Representatives make up the *Legislative Branch*. There are 40 Senators and 125 Representatives, all elected by the voters of Kansas. Each Senator represents approximately 58,982 people and each House member represents about 18,874 Kansans. Senators serve four-year terms and representatives serve for two years. The Legislature, which meets annually has the responsibility to create, amend or repeal state laws, appropriate money to be spent by state government, revoke or amend rules and regulations of state agencies and departments and approve or disapprove proposed amendments to the state and federal constitution.

A "Legislative Improvement Award" was presented to the Kansas Legislature in 1976. The award was given by Legis 50/The Center for Legislative Improvement " . . . to recognize the progress made in strengthening the legislative institution in order to provide better representation for the people of the state of Kansas."

Since the late 1960's, the Legislature has made great

progress towards becoming a truly efficient and effective lawmaking body.

One major reform enacted in recent years is the lengthening and expanding of legislative sessions to allow more time and flexibility. Sessions are now limited to 90 days in even-numbered years and are unlimited in odd-numbered years, although generally they are held to 90 days.

Organizational meetings are now held every other year, following election of new legislators; before the session begins. Legislative officers are chosen at that time, and the meetings give freshman lawmakers a chance to get oriented.

Pre-filing of legislative bills between sessions, carry-over of bills from one session to the next in non-election years, and committee meetings between sessions are reforms which have helped to increase flexibility and provide better workload distribution.

Restructuring and improvement of support services have been vital elements in the legislative revamping. All legislators now have offices in the Capitol available throughout the year, and clerical services are provided during sessions. The legislative leaders have full-time administrative and clerical staffs. The Revisor of Statutes' Office, the Division of Legislative Administrative Services and other support offices have been strengthened.

Increased pay for legislators has made service in the lawmaking body more attractive to and possible for qualified citizens.

Strong ethics legislation has been adopted to regulate legislative lobbying by special interest groups.

### EXECUTIVE

The *Executive Branch* includes the elected state officers provided for in the Kansas Constitution: Governor, Lieutenant Governor, Secretary of State, Attorney General, and the ten members of the State Board of Education. Other elected state officers are the Commissioner of Insurance and State Treasurer. All serve four-year terms.

All offices in the Executive Branch are either directly or indirectly controlled by one of the elective officers, or are special agencies created by the Legislature to function independently within state government.

The Executive Branch offices exist to enforce or carry out the laws enacted by the Legislative Branch.

The structure of the executive branch has evolved over the years to its present form. Governors and legislatures have made changes as necessary through executive re-organization orders, constitutional amendments, and legislation.

Major state agencies are now headed by cabinet-level secretaries. In recent years, the efficiency of state government has been increased by combining similar agencies and abolishing antiquated, unnecessary ones.

In 1978, the Legislature adopted a "Sunset Law," which automatically abolishes specified state agencies at certain times. When an agency is due to be abolished, it may only be continued by receiving renewed statutory authority. The Legislature has the power to



abolish any state agency (except constitutional offices) at any time.

Kansas was the third state in the country to establish a position of Ombudsman for Corrections. The Ombudsman serves as a liaison between the Department of Corrections and the inmates of the correctional institutions. He investigates complaints and works with corrections authorities to resolve problems.

A Kansas Energy Office was established to deal with modern energy problems.

A Public Disclosure Commission administers recent laws which mandate strict ethics in government.

The Legislative Division of Post Audit was created to audit each state agency periodically to review the legality, efficiency and appropriateness of the agency's operations. Post Audit is responsible to the Legislature and reports its findings and recommendations to that body.

The Crime Victims Reparations Board, created in 1978, provides compensation to certain victims of crime.

JUDICIAL

The state's *Judicial Branch*, which interprets state laws, is headed by the Supreme Court, with a Chief Justice and six justices. The Supreme Court is the highest court in Kansas. The Court of Appeals is a middle court between the Supreme court and the District courts. The Court of Appeals has a Chief Judge and six judges, and there are 31 district courts throughout Kansas presided over by 70 judges. Each

judicial district also has associate district judges and/or district magistrate judges, as prescribed by law.

Supreme Court Justices and Court of Appeals Judges are appointed by the Governor. Each time a vacancy exists the Supreme Court Nominating Commission submits names of several qualified nominees for the Governor to pick from. The justices stand for retention by public vote every six years, and the judges do the same every four years. The Justices and Judges must retire at age 70 or as soon thereafter as they finish serving their term.

District Judges, Associate District Judges, and District Magistrate Judges are elected locally. Most are selected on a non-partisan ballot, although some districts have opted for partisan elections.

LOCAL GOVERNMENT

Kansas has 105 counties and 625 incorporated cities. Eighteen cities operate under the commission form of government; 11 have a mayor-council-manager system; 29 have a commission-manager system; and 557 operate under the mayor-council plan.

Local government in Kansas has some colorful history. In the early days of statehood, "county seat wars" took place. Being named the county seat could help to insure the future of a town, so there was a great deal of competition for that designation. During the county seat wars, records were stolen, ballot boxes were tampered with, and shooting and bloodshed took place. In Stevens County six men were killed and the militia was sent in to restore order.

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