

KANSAS REGISTER

State of Kansas

JACK H. BRIER
Secretary of State

Vol. 5, No. 6

February 6, 1986

Pages 137-176

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State of Kansas
DEPARTMENT OF TRANSPORTATION
NOTICE TO CONTRACTORS

Notice is hereby given that advertisement of highway project Labette—50 X 0983-02—Burlington Northern Railroad crossing at 4th Street in Oswego, grading and surfacing (Federal Funds) is hereby withdrawn from advertisement as published in the Kansas Register, January 23 and January 30, 1986.

JOHN B. KEMP
 Secretary of Transportation

Doc. No. 003884

State of Kansas
SOCIAL AND REHABILITATION SERVICES
STATE PLANNING COUNCIL ON
DEVELOPMENTAL DISABILITIES SERVICES

NOTICE OF MEETING

The State Planning Council on Developmental Disabilities Services will meet from 9 a.m. to 4 p.m. Thursday, February 13, in the Staff Development Training Center, Topeka State Hospital Grounds, Topeka.

JOHN KELLY
 Executive Secretary

Doc. No. 003892

State of Kansas
STATE BANK COMMISSIONER
STATE BANKING BOARD
NOTICE OF MEETING

The State Banking Board will meet, in accordance with K.S.A. 74-3006, in the conference room of the State Banking Department, 700 Jackson, Suite 300, Topeka, at 10 a.m. Monday, February 24.

The board reviews matters coming before it relating to its supervisory authority set forth in K.S.A. 9-1801 *et seq.*

EUGENE T. BARRETT, JR.
 State Bank Commissioner

Doc. No. 003896

State of Kansas
ABSTRACTERS' BOARD OF EXAMINERS
NOTICE OF EXAMINATION

An examination to secure registration and become subject to license to engage in the business of making, compiling or completing and selling abstracts of title to real estate, in the state of Kansas, will be held by the Abstracters' Board of Examiners at the Marcus Center for Continuing Education, Wichita State University, 4201 E. 21st, Wichita, on Saturday, March 15, at 8 a.m.

All persons desiring to take the examination should submit an application and \$25 filing fee to the executive secretary, P.O. Box 218, Jetmore 67854, by March 8, 1986.

JOANNE CLARKE
 Executive Secretary

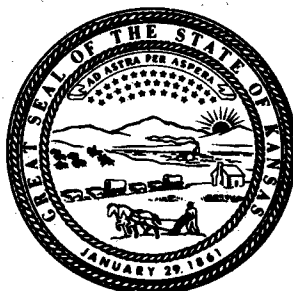
Doc. No. 003891

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PUBLISHED BY
 JACK H. BRIER
 Secretary of State
 2nd Floor, State Capitol
 Topeka, KS 66612-1594



PHONE: 913/296-3489

State of Kansas

DEPARTMENT OF REVENUE
LIQUOR LAW REVIEW COMMISSION

NOTICE OF MEETINGS

The Liquor Law Review Commission Subcommittee on Wholesalers will meet from 2:30 to 4:30 p.m., Friday, February 14 and Friday, February 21, in the secretary's conference room, Department of Revenue, 2nd Floor, State Office Building, Topeka.

The Liquor Law Review Commission Subcommittee on On Premises will meet at 7:30 a.m., Monday, February 17, in the secretary's conference room, Department of Revenue, 2nd Floor, State Office Building, Topeka.

The Liquor Law Review Commission will meet from 10 a.m. to 3 p.m., Monday, March 24, in Room 220-S, State Capitol, Topeka.

HERB ROHLEDER
Chairman

Doc. No. 003882

State of Kansas

STATE CORPORATION COMMISSION
MINED-LAND CONSERVATION AND
RECLAMATION BOARD

SCHEDULE OF 1986 BOARD MEETINGS

The schedule for the Mined-Land Conservation and Reclamation Board meetings for the year 1986 are as follows:

Date	Time	Location
February 13	9:00 a.m.	Pittsburg Memorial Auditorium
April 10	9:00 a.m.	Pittsburg Memorial Auditorium
June 12	9:00 a.m.	Pittsburg Memorial Auditorium
August 14	9:00 a.m.	Pittsburg Memorial Auditorium
October 9	9:00 a.m.	Pittsburg Memorial Auditorium
December 11	9:00 a.m.	Pittsburg Memorial Auditorium

A special notice will be mailed on any changes in location or time of meetings. Special meetings will be at the call of the chairman of the board or upon petition of three or more board members.

Field tours, site inspections or seminars for board members are scheduled for the day preceding each scheduled meeting. Attendance is optional. All meetings are conducted in conformity with provisions of the Kansas Open Meeting Act (K.S.A. 75-4317 *et seq.*).

JOYCE STOVER
Director

Doc. No. 003888

(Published in the KANSAS REGISTER, February 6, 1986.)

RETRACTION OF NOTICE OF BOND SALE
\$8,465,000
STREET AND STORM DRAINAGE
IMPROVEMENT BONDS
SERIES 1986
OF THE
CITY OF OVERLAND PARK, KANSAS

The governing body of the city of Overland Park, Kansas has determined that it is in the best interest of the city to cancel its scheduled sale of general obligation and special assessment bonds, notice of which was published in this newspaper January 23, 1986.

CITY OF OVERLAND PARK, KANSAS

Lynn House
Acting Finance Director/City Clerk
City Hall
8500 Santa Fe Drive
Overland Park, KS 66212
(913) 381-5252

Doc. No. 003899

State of Kansas

STATE CORPORATION COMMISSION

NOTICE OF HEARING

Matador Pipelines, Incorporated, in Docket No. 113,566-R, has filed an application to merge into Buffalo Pipeline Company, Incorporated, thereby transferring its certificate of convenience and authority to operate intrastate in Kansas as a pipeline common carrier and for authority to change the name of Buffalo Pipeline Company, Incorporated, to Koch Gathering Systems, Incorporated.

The application for merger, transfer and change of name has been set for hearing and will be heard before the State Corporation Commission on Thursday, February 20, at 9:30 a.m., in the commission's hearing room, 4th Floor, State Office Building, Topeka.

The commission's rule provides that anyone who has an interest may appear and represent himself or herself; however, an organization or corporation must be represented by an attorney who is a resident of Kansas and regularly admitted to practice in the courts of record of this state or by an attorney sponsored by Kansas counsel.

Copies of the application are on file with the State Corporation Commission in its offices in Topeka. Questions regarding the application may be directed to Mary Wettig, Assistant General Counsel, State Corporation Commission, (913) 296-3361, or to V. L. Wenger, Rate Supervisor, State Corporation Commission, (913) 296-4334.

MICHAEL LENNEN
Chairman

Doc. No. 003894

State of Kansas

SECRETARY OF STATE

NOTICE

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that pursuant to the provisions of K.S.A. 1985 Supp. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of February 1, 1986 through February 28, 1986 shall be 12.22 percent.

In testimony whereof: I hereto set my hand and cause to be affixed my seal. Done at the City of Topeka, this 31st day of January, A.D. 1986.

JACK H. BRIER
Secretary of State

Doc. No. 003898

State of Kansas

ATTORNEY GENERAL

Opinion No. 86-7

Courts—Supreme Court—Qualifications of Justices.

Courts—Court of Appeals—Qualifications of Judges. Robert C. Foulston, Chairman, Supreme Court Nominating Commission, Wichita, January 23, 1986.

An attorney who has been regularly admitted to practice law in the state of Kansas, and who has engaged in the active and continuous practice of law in Kansas or any other state for a period of at least 10 years prior to his or her appointment as a justice, is qualified to hold the office of justice of the Kansas Supreme Court, or judge of the Kansas Court of Appeals. Cited herein: K.S.A. 20-105; 20-3002. TRH

ROBERT T. STEPHAN
Attorney General

Doc. No. 003893

State of Kansas

OFFICE OF JUDICIAL ADMINISTRATION

SUPREME COURT DOCKET

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

Monday, February 17, 1986

9:30 a.m.

Case No.	Case Name	Attorneys	Originating County
58,213	State of Kansas, appellee,	Robert T. Stephan, Attorney General, Geary N. Gorup, Assistant District Attorney	Sedgwick
	v. George Michael Myers, appellant.	Ray E. Simmons, C. Warner Eisenbise	
58,484	State of Kansas, appellee,	Robert T. Stephan, Attorney General, Geary N. Gorup, Assistant District Attorney	Sedgwick
	v. James Junior Starbuck, appellant.	Daniel T. Brooks	
58,238	State of Kansas, appellee,	Robert T. Stephan, Attorney General, Geary N. Gorup, Assistant District Attorney	Sedgwick
	v. Thomas E. Van Cleave, appellant.	Jillian T. Waesche	
57,730	Bobby T. Dodds and Janice E. Dodds, appellants,	Roger L. Falk	Sedgwick
	v. Lamson Corporation,	Arthur S. Chalmers, Randy Trout,	
	v. AER X DUST, appellees.	John L. Carmichael, Frederick Haag	

1:30 p.m.

57,908	Pancake House, Inc., appellant, v. Owen Joseph Redmond, deceased, by and through the executrix of his estate, <i>et al.</i> , appellees.	John Terry Moore Greer Gsell, Roger Sherwood, Kurt A. Harper	Sedgwick
57,843	Unified School District No. 259, appellee, v. Blue Cross of Kansas, Inc., <i>et al.</i> , appellants.	William Dye David M. Schauner, Gerald L. Goodell	Sedgwick

Tuesday, February 18, 1986
9:30 a.m.

Case No.	Case Name	Attorneys	Originating County
57,817	State of Kansas, appellee, v. Joan E. Hodges, appellant.	Robert T. Stephan, Attorney General, Ted Baird, Assistant District Attorney	Wyandotte
58,240	Deborah K. Fudge, <i>et al.</i> , appellees, v. City of Kansas City, Kansas <i>et al.</i> , appellants.	Carl E. Cornwell Bryson R. Cloon Daniel B. Denk, Robert Watson, Patrick D. McAnany, Delmar Hanley	Wyandotte
58,565	Andrew John Bruggeman, <i>et al.</i> , appellants, v. Robert Neil Schimke, M.D., <i>et al.</i> , appellees.	Michael E. Callen Mary Beth Blake, Thomas W. Wagstaff, Michaela M. Nicolarsen	Wyandotte
58,118	Koch Engineering Company, appellant, v. Wayne C. Faulconer and Margaret A. Culp, appellees.	Bond, Bond & Coash, James M. Armstrong Ervin E. Grant, O. J. Connell, Jr.	Butler

1:30 p.m.

57,268	Fred Murray, <i>et al.</i> , appellants, v. State of Kansas, Department of Transportation, <i>et al.</i> , appellees.	Michael A. Preston Ronald D. Garrison	Wyandotte
57,581	Consolidated Beef Industries, Inc., <i>et al.</i> , appellees, v. James C. Schuyler and Harold Audsley, appellants.	Bernard J. Rhodes, Kristen Stroehmann Richard D. Simpson, Thomas H. Davis	Wyandotte

(continued)

Wednesday, February 19, 1986
9:30 a.m.

Case No.	Case Name	Attorneys	Originating County
58,002	State of Kansas, appellee, v. Carl R. Johnson, appellant.	Robert T. Stephan, Attorney General, Larry McClain, Assistant District Attorney Douglas J. Walker, Jr., Gunnard Nelson	Johnson
58,181	In Re Appeal of Board of County Commissioners of Johnson County, Kansas, <i>et al.</i>	John Ivan Philip S. Harness, Bruce F. Landeck	Johnson
57,059	Stephen L. Waite, appellee, v. Larry Adler and Midland National Bank of Newton, Kansas, appellants.	Frederick K. Starrett David C. Burns	Harvey
57,694	Clyde W. Wenger and Joan A. Wenger, v. Melvin W. Wenger and Viola Wenger, <i>et al.</i> , appellants.	Edward C. Hageman Danny R. Carpenter, Scott H. Creamer	Nemaha
1:30 p.m.			
57,398	John P. Hanna, <i>et al.</i> , appellees, v. Michael C. Hayes, <i>et al.</i> , appellants, v. Lloyd Buzzi, <i>et al.</i>	Haley E. Kampschroeder M. Dean Burkhead Peter K. Curran	Douglas
57,598	George Reed, appellee, v. Paul Hess, Anne Oliver Hess, and Maxine W. Oliver, appellants.	Lynn Martin Karl V. Shawver, Jr.	Miami

Thursday, February 20, 1986
9:30 a.m.

Case No.	Case Name	Attorneys	Originating County
57,077	In the matter of the estate of Birdie Kern.	Irvin Borenstein, Arthur M. Schwartz, Caleb Boone	Phillips
58,619	In the matter of the protest of Thomas D. Strayer, CPA, for taxes paid in the year 1982 in Graham County, Kansas.	Daniel C. Walter Allen Shelton Steven E. Worcester, County Attorney	Graham
57,658	The Home State Bank, Russell, Kansas, appellee, v. Save-Time Stores, Inc., <i>et al.</i> , appellants.	Michael S. Holland Stephen J. Bednar, Thomas Toepfer	Russell
57,098	Patrick Milford, appellant, v. First National Bank, appellee.	David L. Patton John E. Fierro	Ford

Consolidated with

57,518	First National Bank, appellee, v. Adrian Milford and Patrick Milford, appellants.	John E. Fierro David L. Patton	Ford
1:30 p.m.			
57,441	Oliver Redmond, appellant, v. The Sun Publishing Company, Inc., <i>et al.</i> , appellees.	James S. Phillips, Sr. Richard Dearth	Labette
58,003	Theodore A. Nirschl, appellant, v. Don Webb, d/b/a Webb Produce Company, appellee.	W. J. Fitzpatrick Monti L. Belot, Joseph R. Ebbert	Montgomery

Friday, February 21, 1986

9:30 a.m.

Case No.	Case Name	Attorneys	Originating County
58,286	State of Kansas, appellee, v. Henry O. Johnson, appellant.	Robert T. Stephan, Attorney General, Sue Carpenter, Assistant District Attorney	Shawnee
58,328	State of Kansas, appellant, v. Bennie Nioce, appellee.	Wendell Betts Robert T. Stephan, Attorney General, Michael A. Ireland, County Attorney	Jackson
Consolidated With			
58,530	State of Kansas, appellant, v. Emery L. Negonsott, appellee.	Robert T. Stephan, Attorney General, Phillip A. Burdick, County Attorney	Brown
58,885	In the matter of Roger D. Thompson, Respondent.	Robert L. Tabor Arno Windscheffel Louis F. Eisenbarth, Roger D. Thompson, <i>pro se</i>	Original
58,995	In the matter of Daniel D. Dwyer, Respondent.	Arno Windscheffel Calvin McMillian, Daniel D. Dwyer, <i>pro se</i>	Original

LEWIS C. CARTER
Clerk of the Appellate Courts

Doc. No. 003885

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES****NOTICE TO BIDDERS**

Sealed bids for items hereinafter listed will be received by the Director of Purchases, State Office Building, Topeka, until 2 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.

TUESDAY, FEBRUARY 18, 1986

#A-5280(a)

Larned State Hospital, Larned—FURNISH MOBILE S/S INSULATED FOOD CARTS, cafeteria building

#A-5482

University of Kansas, Lawrence—PROVIDE INTERIOR STAIR UPGRADE, Watson Library Facility

#26966

Statewide—RADIO TUBES, RECEIVING AND RECTIFICATION

#26976

University of Kansas Medical Center, Kansas City—ELECTROMEDICAL SUPPLIES (CLASS 16)

#26978

Statewide—AUTOMOTIVE SPARK PLUGS

#26980

Department of Administration, Buildings and Grounds Services, Topeka—LEASE OF DIGITAL PAGERS

#26989

Statewide—DESKTOP COMPUTER SYSTEMS

#26990

Statewide—MICROCOMPUTER PRINTERS

#64561

Kansas State University, Manhattan—FURNISH AND INSTALL MULTIUSER COMPUTER SYSTEM

#64592

Department of Human Resources, Topeka—MICROCOMPUTERS, various locations

WEDNESDAY, FEBRUARY 19, 1986

#A-5357

Youth Center at Topeka, Topeka—RAZE OLD POWER PLANT

#A-5460

Wichita State University, Wichita—OVERHAUL ABSORPTION CHILLER, Fairmount Towers

#A-5478

University of Kansas, Lawrence—PROVIDE ENERGY CONSERVATION MEASURES, McCollum Hall

#26931

Statewide—CEREALS

#26984

Kansas Correctional Industries, Lansing—TOILET SOAP BASE

#26985

Department of Administration, Buildings and Grounds Services, Topeka—ELEVATOR MAINTENANCE SERVICE

#26988

Statewide—WIPING RAGS

#64528

Kansas State School for the Deaf, Olathe—MISCELLANEOUS KITCHEN EQUIPMENT

#64529

Kansas State University, Manhattan—SHORTENING

#64530

University of Kansas, Lawrence—CEILING TILE AND GRID SYSTEM

#64534

Kansas State University, Manhattan—STEAM DRIVEN FEEDWATER PUMP

#64535

Department of Transportation, various locations—HYDRAULIC TRANSMISSION FLUID

#64536

Department of Transportation, Topeka—CEMENT TYPE III

#64537

University of Kansas Medical Center, Kansas City—TABLES AND CHAIRS, Wichita

THURSDAY, FEBRUARY 20, 1986

#A-5352

Department of Transportation, Topeka—INSULATE AND WEATHERPROOF AREA SHOP BUILDING (KDOT #1-3009), Kansas City

#A-5430

Department of Corrections, Reception and Diagnostic Center, Topeka—PROVIDE WINDOW MEMBERS REPLACEMENT, main building

#64542

Department of Transportation, Topeka—MOWER REPAIR PARTS

#64543

Department of Corrections, Topeka—PICKUP, El Dorado Honor Camp

#64544

Department of Transportation, Topeka—HERBICIDE

#64545

University of Kansas, Lawrence—LUMBER

#64546

Department of Transportation, Norton—CONCRETE SAW

#64551

Department of Administration, Division of Printing, Topeka—ENVELOPES—PRINTED

#64552

Kansas State University, Manhattan—TRACTOR

#64553

Kansas State School for the Deaf, Olathe—SPORT VAN

#64554

Kansas State University, Manhattan—LAB OVEN

#64560

University of Kansas Medical Center, Kansas City—MEDICAL GAS/ELECTRIC TRACK

FRIDAY, FEBRUARY 21, 1986

#A-4993

Norton State Hospital, Norton—ACCESS FOR HANDICAPPED, Administration Building

#A-5144

Department of Social and Rehabilitation Services, Topeka—FURNISH AND INSTALL REPLACEMENT EQUIPMENT FOR HEATING AND AIR CONDITIONING SYSTEMS, Kansas City

#64569

Department of Revenue, Topeka—CONTINUOUS FORMS—LETTERHEADS

#64570

Kansas State University, Manhattan—DORM FURNITURE

#64571
University of Kansas, Lawrence—VIDEO
EQUIPMENT

#64572
Wichita State University, Wichita—SPECTRUM
ANALYZER

#64574
University of Kansas, Lawrence—OFFICE
SUPPLIES

#64575
Kansas State University, Manhattan—SEDANS

#64577
Kansas State Industrial Reformatory,
Hutchinson—SINGLE HUNG ALUMINUM
REPLACEMENT WINDOWS

#64578
University of Kansas, Lawrence—IBM
COMPATIBLE MICROCOMPUTER SYSTEM

#64580
Parsons State Hospital and Training Center,
Parsons—DORM WARDROBES

#64581
Kansas State University, Manhattan—
DISASSEMBLE AND MOVE ANALYZING
MAGNET

#64584
Kansas State University, Manhattan—MEMORY
BOARDS FOR VAX 11/750 COMPUTER

#64585
Department of Transportation, Topeka—
PAVEMENT MARKING TAPE

#64587
Department of Administration, Division of
Information Systems and Communications,
Topeka—COMMUNICATION CONTROLLER—IBM
COMPATIBLE

#64588
Wichita State University, Wichita—DATA
MANAGEMENT

TUESDAY, FEBRUARY 25, 1986

#A-5000
Topeka State Hospital, Topeka—ROOFED PATIOS
AND PLAY PAD (Revised—1st Rebid)

#26975
Statewide—SUTURES AND SURGICAL SUPPLIES
(CLASS 12)

TUESDAY, MARCH 4, 1986

#26971
University of Kansas, Lawrence—AIRCRAFT
INSURANCE (DeHavilland Beaver)

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 003890

State of Kansas

LEGISLATURE

LEGISLATIVE BILLS INTRODUCED

The following lists the numbers and titles of bills and resolutions recently introduced in the Kansas Legislature.

Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N State Capitol, Topeka 66612, (913) 296-4096. There is a limit of 25 copies of any one item.

Bills Introduced January 23-29:

SB 445, by Joint Committee on Administrative Rules and Regulations: An act concerning weights and measures; relating to large-capacity scales; amending K.S.A. 1985 Supp. 83-219 and repealing the existing section.

SB 446, by Joint Committee on Administrative Rules and Regulations: An act concerning hazardous waste; relating to the transportation thereof; amending K.S.A. 65-3431 and repealing the existing section.

SB 447, by Joint Committee on Administrative Rules and Regulations: An act relating to public warehousemen; concerning grain purchase contracts; amending K.S.A. 1985 Supp. 34-2,111 and repealing the existing section.

SB 448, by Senators Johnston, Anderson, Daniels, Feleciano, Gannon, Hayden, Karr, Martin, Mulich, Norvell, Parrish, Steineger and Strick: An act relating to income taxation; providing a credit therefrom for expenditures relating to research and development of the extraction, development and utilization of hydrogen.

SB 449, by Senators Johnston, Anderson, Daniels, Feleciano, Francisco, Gaines, Gannon, Hayden, Karr, Martin, Mulich, Parrish, Steineger, Strick and Warren: An act relating to the investment of moneys in the state freeway fund; amending K.S.A. 68-2311 and repealing the existing section.

SB 450, by Committee on Assessment and Taxation: An act relating to property taxation; concerning property exempt therefrom; amending K.S.A. 1985 Supp. 79-201 and repealing the existing section.

SB 451, by Committee on Education: An act concerning school districts; authorizing increases in budgets of operating expenses for purchases of insurance; amending K.S.A. 72-7055 and repealing the existing section.

SB 452, by Committee on Education: An act concerning school districts and community colleges; authorizing the establishment of trust funds for the benefit of certain employees thereof.

SB 453, by Committee on Financial Institutions and Insurance: An act repealing K.S.A. 9-111d, concerning liability of depositor for lost or stolen machine-readable instrument.

SB 454, by Committee on Financial Institutions and Insurance: An act concerning credit property insurance; amending K.S.A. 16a-4-301 and repealing the existing section.

SB 455, by Committee on Financial Institutions and Insurance: An act relating to banks and banking; concerning the holding of real estate; amending K.S.A. 9-1102 and repealing the existing section.

SB 456, by Senator Martin: An act concerning cemeteries; relating to permanent maintenance funds; amending K.S.A. 17-1312f and repealing the existing section.

SB 457, by Committee on Financial Institutions and Insurance: An act relating to banks and banking; concerning deposit of security or bonds; requiring certain reports; amending K.S.A. 9-509 and 9-901a and K.S.A. 1985 Supp. 9-1722 and repealing the existing sections.

SB 458, by Senator Anderson: An act concerning sales taxation; exempting sales of food purchased with food stamps; amending K.S.A. 1985 Supp. 79-3606 and repealing the existing section.

SB 459, by Senators Montgomery and Allen: An act concerning vehicles; certain dealers' places of business; amending K.S.A. 1985 Supp. 8-2401 and repealing the existing section.

SB 460, by Senators Hoferer, Frey and Yost: An act concerning motor vehicles; providing prisoner of war license plates for surviving spouses of prisoners of war; amending K.S.A. 1985 Supp. 8-177c and repealing the existing section.

SB 461, by Senators Bogina and Burke: An act concerning cities; relating to limitations on bonded indebtedness; amending K.S.A. 1985 Supp. 10-308 and repealing the existing section.

SB 462, by Senator Bogina: An act concerning property taxation; authorizing the appointment of advisory hearing panels to assist county boards of equalization in hearing taxpayer appeals resulting from statewide reappraisal; amending K.S.A. 1985 Supp. 79-1605 and repealing the existing section.

SB 463, by Senators Bogina and Werts: An act concerning exemplary or punitive damages; relating to disposition thereof; amending K.S.A. 1985 Supp. 60-3402 and repealing the existing section.

SB 464, by Committee on Elections: An act concerning elections; relating to contributions by certain corporations and stockholders; amending K.S.A. 1985 Supp. 25-1709 and repealing the existing section.

SB 465, by Committee on Elections: An act concerning elections; relating to petition documents; amending K.S.A. 1985 Supp. 25-3602 and repealing the existing section.

SB 466, by Committee on Elections: An act concerning elections; relating to ballot forms; amending K.S.A. 25-618 and repealing the existing section.

SB 467, by Senators Montgomery and Allen: An act concerning income taxation; relating to modifications of Kansas adjusted gross income for the renting or selling of land to farmers.

SB 468, by Senator Yost: An act concerning certain liens on real property; abolishing liens for claims of contractors and subcontractors; amending K.S.A. 60-1111 and repealing the existing section; also repealing K.S.A. 60-1101 through 60-1110.

SB 469, by Senator Yost: An act concerning motor vehicles; personalized license plates; amending K.S.A. 1985 Supp. 8-132 and repealing the existing section.

SB 470, by Senator Yost: An act concerning certain motor vehicles; bond required for certain dealers; amending K.S.A. 1985 Supp. 8-2404 and repealing the existing section.

SB 471, by Committee on Assessment and Taxation: An act relating to property taxation; exempting farm machinery and equipment held as inventory.

SB 472, by Committee on Assessment and Taxation: An act relating to property taxation; concerning the valuation of certain personal property held as merchant's inventory; amending K.S.A. 79-1001a and repealing the existing section.

SB 473, by Committee on Judiciary: An act concerning judicial review and civil enforcement of state agency actions; amending K.S.A. 77-603, 77-606, 77-609, 77-613, 77-614 and 77-615 and K.S.A. 1985 Supp. 77-618 and repealing the existing sections.

SB 474, by Committee on Judiciary: An act relating to liens on personal property for materials and services; concerning the time limit for filing; amending K.S.A. 58-201 and repealing the existing section.

SB 475, by Committee on Judiciary: An act concerning crimes and punishments; relating to sentencing and the ordering of restitution; amending K.S.A. 1985 Supp. 21-4603 and repealing the existing section.

SB 476, by Committee on Judiciary: An act concerning the court of appeals; increasing the number of judges; amending K.S.A. 20-3002, 20-3005 and 20-3006 and repealing the existing sections.

(continued)

- SB 477, by Committee on Judiciary: An act concerning attorneys; relating to a client's money; repealing K.S.A. 7-119 and 7-120.
- SB 478, by Committee on Judiciary: An act concerning the Kansas administrative procedure act; amending K.S.A. 1985 Supp. 77-509, 77-511, 77-513, 77-515, 77-519, 77-520 and 77-525 and repealing the existing sections.
- SB 479, by Committee on Judiciary: An act concerning the Kansas administrative procedure act; relating to the application thereof; amending K.S.A. 1985 Supp. 77-502, 77-503, 77-508, 77-509 and 77-511 and repealing the existing sections; also repealing K.S.A. 1985 Supp. 44-1044.
- SB 480, by Committee on Judiciary: An act relating to civil procedure; amending K.S.A. 60-211, 60-213, 60-216, 60-217, 60-233, 60-234, 60-250, 60-254, 60-256, 60-301, 60-302, 60-303, 60-304, 60-308, 60-312 and 61-1805 and repealing the existing sections; also amending Form No. 2 and Form No. 3 in the appendix of forms following K.S.A. 60-269 and Form No. 1 in the appendix of forms following K.S.A. 61-2605.
- SB 481, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1987, for the Kansas public employees retirement system and department of revenue; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.
- SB 482, by Committee on Energy and Natural Resources: An act concerning the development of countywide water-wastewater management plans; providing duties and authorities for the secretary of health and environment relating thereto; amending K.S.A. 65-3308 to 65-3313, inclusive, and repealing the existing sections.
- SB 483, by Committee on Energy and Natural Resources: An act establishing the contamination cleanup fund; providing authority and duties of the secretary of the department of health and environment relating thereto; amending K.S.A. 65-3452 to 65-3456, inclusive, and repealing the existing sections; also repealing K.S.A. 65-171v and 65-171w.
- SB 484, by Committee on Energy and Natural Resources: An act concerning the membership of the state conservation commission; amending K.S.A. 2-1904 and repealing the existing section.
- SB 485, by Committee on Energy and Natural Resources: An act concerning hazardous waste; concerning standards for the transportation thereof; exempting certain generators thereof from payment of monitoring fees; amending K.S.A. 65-3431 and repealing the existing section.
- SB 486, by Committee on Energy and Natural Resources: An act requiring subdivision water and wastewater plans; prescribing duties and authorities for the secretary of health and environment relating thereto.
- SB 487, by Committee on Energy and Natural Resources: An act relating to water; concerning public water supply systems; amending K.S.A. 65-163 and repealing the existing section.
- SB 488, by Senator Talkington: An act amending the Kansas inheritance tax act; relating to liens imposed thereunder; amending K.S.A. 79-1569 and repealing the existing section.
- SB 489, by Senator Talkington: An act concerning cities; relating to the sale of certain real estate; amending K.S.A. 1985 Supp. 12-16,103 and repealing the existing section.
- SB 490, by Committee on Agriculture: An act concerning the Kansas pesticide law; establishing bond and insurance requirements; amending K.S.A. 2-2448 and 2-2467a and repealing the existing sections.
- SB 491, by Committee on Ways and Means: An act relating to the compensation of certain justices and judges of the judicial branch; providing certain increases; amending K.S.A. 75-3120f, 75-3120g, 75-3120h, and 75-3120m and repealing the existing sections.
- SB 492, by Senators Johnston and Talkington: An act authorizing and directing the Kansas turnpike authority to study the feasibility of constructing a turnpike project or a freeway including the methods of financing thereof; prescribing the location thereof; and making appropriations for the fiscal year ending July 1, 1987, for such purposes.
- SB 493, by Senator Daniels: An act concerning recreation commissions; relating to tax levies thereby; amending K.S.A. 1985 Supp. 12-1908 and repealing the existing section.
- SB 494, by Senator Werts: An act concerning counties; relating to economic development programs; amending K.S.A. 19-4103 and repealing the existing section.
- SB 495, by Committee on Energy and Natural Resources: An act concerning water; relating to the regulation of watercraft; amending K.S.A. 82a-902 and repealing the existing section.
- SB 496, by Committee on Energy and Natural Resources: An act concerning fish and game; relating to agents appointed to issue licenses and permits; amending K.S.A. 1985 Supp. 19-328 and repealing the existing section.
- SB 497, by Committee on Energy and Natural Resources: An act concerning fish and game; relating to the hunting of certain animals; amending K.S.A. 32-110a and 32-178 and K.S.A. 1985 Supp. 32-179 and repealing the existing sections; also repealing K.S.A. 32-177.
- SB 498, by Committee on Energy and Natural Resources: An act concerning criminal procedure; relating to violations of fish and game laws; amending K.S.A. 32-155a and K.S.A. 1985 Supp. 22-2202 and repealing the existing sections.
- SB 499, by Senators Ehrlich, Allen, Arasmit, Doyen, Steiner, Gaines, Cannon, Gordon, Harder, Hayden, Johnston, Karr, Martin, Mulich, Reilly, Steiniger, Strick, Thiessen, Walker, Warren and Winter: An act concerning cemetery merchandise contracts; amending K.S.A. 1985 Supp. 16-320 and repealing the existing section.
- SB 500, by Senator Doyen: An act concerning community colleges; providing for determination and distribution thereto of general state aid; amending K.S.A. 71-603, 71-604, 71-605, 71-609, 71-609a, 71-611, 71-612 and 71-613a, and repealing the existing sections.
- SB 501, by Senators Ehrlich and Walker: An act concerning the uniform controlled substances act; relating to the dispensing of schedule I substances; amending K.S.A. 65-4117 and 65-4123 and repealing the existing sections.
- SB 502, by Committee on Financial Institutions and Insurance: An act amending the uniform commercial code; relating to security interests; amending K.S.A. 84-9-302 and repealing the existing section.
- SB 503, by Senators Yost, Anderson and Francisco: An act concerning counties; relating to mental health and mental retardation services; amending K.S.A. 19-4002 and repealing the existing section.
- SB 504, by Senators Yost, Anderson, Francisco and Morris: An act concerning municipalities; relating to employee benefits contribution funds; amending K.S.A. 1985 Supp. 12-16,102 and repealing the existing section.
- SB 505, by Senators Yost, Anderson, Francisco and Morris: An act concerning counties; relating to insurance for county officials and employees; amending K.S.A. 19-212d and repealing the existing section.
- SB 506, by Senators Yost, Anderson, Francisco and Morris: An act concerning fire protection; relating to fire districts in certain counties; amending K.S.A. 1985 Supp. 19-3612e and repealing the existing section.
- SB 507, by Senators Yost, Anderson and Francisco: An act concerning the apportionment of moneys derived from the motor vehicles tax; amending K.S.A. 79-5110 and repealing the existing section.
- SB 508, by Senators Yost, Anderson and Francisco: An act concerning juveniles; relating to detention facilities and release therefrom; amending K.S.A. 38-554 and K.S.A. 1985 Supp. 38-1624 and repealing the existing sections.
- SB 509, by Committee on Judiciary: An act concerning crimes and punishment; relating to criminal damage to property; amending K.S.A. 1985 Supp. 21-3720 and repealing the existing section.
- SB 510, by Senator Hayden: An act concerning school districts; authorizing adoption by boards of education of supplemental salary plans; relating to waivers of certain rights by teachers; amending K.S.A. 72-5445 and 72-5446, and repealing the existing sections.
- SB 511, by Committee on Assessment and Taxation: An act relating to sales taxation; providing for the refund thereof upon sales of certain machinery and equipment; amending K.S.A. 79-3642 and repealing the existing section.
- HB 2720, by Committee on Energy and Natural Resources: An act concerning water; relating to the state water plan; amending K.S.A. 82a-909, 82a-910, 82a-911, 82a-913, 82a-915, 82a-918, 82a-919 and 82a-920 and repealing the existing sections; also repealing K.S.A. 82a-912, 82a-938 and 82a-939.
- HB 2721, by Committee on Energy and Natural Resources: An act concerning water; relating to the state water plan storage act; amending K.S.A. 82a-1301, 82a-1302, 82a-1305, 82a-1306, 82a-1307, 82a-1308a, 82a-1310a, 82a-1311a, 82a-1314, 82a-1315b and 82a-1317 and repealing the existing sections.
- HB 2722, by Committee on Energy and Natural Resources: An act concerning water; relating to minimum desirable streamflows; amending K.S.A. 1985 Supp. 82a-703c and repealing the existing section.
- HB 2723, by Representatives Smith, Barr and Laird: An act concerning cities; relating to the annexation of land thereby.
- HB 2724, by Representatives Smith, Barr, Brown, Francisco, Laird and Spaniol: An act concerning cities; relating to the incorporation thereof; amending K.S.A. 1985 Supp. 15-123 and repealing the existing section.
- HB 2725, by Representatives Smith, Barr, Brown and Laird: An act concerning certain township fire departments; relating to rescue service and emergency care; amending K.S.A. 80-1903 and repealing the existing section.
- HB 2726, by Representatives Smith, Barr and Laird: An act concerning townships; authorizing rescue services provided through township fire departments; amending K.S.A. 80-1423, 80-1424, 80-1425, 80-1426, 80-1427 and 80-1428 and repealing the existing sections.
- HB 2727, by Representatives Smith, Barr and Laird: An act concerning public building commissions; relating to leases by political subdivisions and state agencies; amending K.S.A. 12-1765 and K.S.A. 1985 Supp. 19-101a and repealing the existing sections.
- HB 2728, by Representatives Smith, Barr and Laird: An act concerning public building commissions; amending K.S.A. 12-1761 and K.S.A. 1985 Supp. 19-101a and repealing the existing sections; also repealing K.S.A. 12-1767.
- HB 2729, by Joint Committee on Administrative Rules and Regulations: An act concerning the pharmacy act of the state of Kansas; relating to unprofessional conduct; patient profile records; certain fees; registration by reciprocity; amending K.S.A. 65-1626, 65-1627, 65-1631, 65-1642 and 65-1645 and repealing the existing sections.
- HB 2730, by Joint Committee on Administrative Rules and Regulations: An act concerning the licensing of social workers; amending K.S.A. 75-5348, 75-5353, 75-5354, 75-5358 and 75-5360 and repealing the existing sections.
- HB 2731, by Joint Committee on Administrative Rules and Regulations: An act concerning psychologists; authorizing the establishment of specialties within the practice of psychology and providing for endorsement of psychologists in such specialties; amending K.S.A. 74-5341 and repealing the existing section.
- HB 2732, by Joint Committee on Administrative Rules and Regulations: An act relating to the practice of dentistry; concerning advertising; amending K.S.A. 65-1437 and repealing the existing section.
- HB 2733, by Joint Committee on Administrative Rules and Regulations: An act concerning alcoholic beverages; relating to the sale thereof; minimum quantity; amending K.S.A. 41-803 and K.S.A. 1985 Supp. 41-211 and repealing the existing sections.
- HB 2734, by Joint Committee on Administrative Rules and Regulations: An act relating to administrative rules and regulations; concerning the adoption of temporary rules and regulations; amending K.S.A. 1985 Supp. 77-422 and repealing the existing section.
- HB 2735, by Joint Committee on Administrative Rules and Regulations: An act concerning law enforcement officers; relating to psychological testing thereof; amending K.S.A. 74-5605 and 74-5618 and repealing the existing sections.
- HB 2736, by Committee on Public Health and Welfare: An act concerning the Kansas public employees retirement system; relating to visually impaired persons in training at and employed by sheltered workshops for the blind operated by the secretary of social and rehabilitation services; amending K.S.A. 74-4902 and 74-4927 and repealing the existing sections.
- HB 2737, by Representatives Hayden, Blumenthal, Braden, Gjerstad, Graeber, Lacey, Lowther and Turnquist: An act concerning insurance; relating to reimbursement or indemnity for treatment of alcoholism, drug abuse or nervous or mental conditions; amending K.S.A. 40-2,105 and repealing the existing section.
- HB 2738, by Committee on Energy and Natural Resources: An act concerning municipalities; relating to municipal energy agencies; amending K.S.A. 12-885, 12-886, 12-891, 12-895, 12-897, 12-8,108 and 12-8,109 and repealing the existing sections.
- HB 2739, by Committee on Energy and Natural Resources: An act concerning the construction of conservation structures; relating to the financing thereof; amending K.S.A. 1985 Supp. 2-1915 and repealing the existing section.
- HB 2740, by Committee on Insurance (by request): An act relating to insurance; concerning the conversion of a nonprofit medical and hospital service corporation to a mutual life insurance company.
- HB 2741, by Committee on Insurance (by request): An act concerning insurance; relating to investments of insurance companies; amending K.S.A. 40-2a17 and 40-2b17 and repealing the existing sections.
- HB 2742, by Representatives Sutter, Johnson, Justice, Love, Peterson, Reardon and Rosenau: An act concerning the board of public utilities in certain cities; amending K.S.A. 13-1224 and repealing the existing section.
- HB 2743, by Representatives R.H. Miller and Heinemann: An act concerning juveniles; relating to detention in jail; amending K.S.A. 75-5228 and K.S.A. 1985 Supp. 19-1919 and repealing the existing sections.
- HB 2744, by Representatives Barkis, Adam, Bowden, Brady, Branson, K. Campbell, Charlton, Dean, Fry, Grotewiel, Harder, Helgerson, Hensley, Johnson, Justice, Leach, Love, Luzzati, Mainey, Peterson, Reardon, Rezac, Rannels, Schmidt, Sughrue, Sutter, Turnquist, Wagon, Weaver, Webb, Whiteman and Wisdom: An act relating to the investment of moneys in the state freeway fund; amending K.S.A. 68-2311 and repealing the existing section.
- HB 2745, by Representatives Barkis, Adam, Blumenthal, Brady, Branson, K. Campbell, Charlton, Dean, Dillon, Fry, Green, Harder, Helgerson, Hensley, Johnson, Justice, Lacey, Laird, Leach, Love, Luzzati, Mainey, Peterson, Reardon, Rezac, Roper, Rannels, Schmidt, Shriver, Sughrue, Sutter, Teagarden, Turnquist, Wagon, Weaver, Webb and Wisdom: An act relating to income taxation; providing a credit therefrom for expenditures relating to research and development of the extraction, development and utilization of hydrogen.
- HB 2746, by Committee on Federal and State Affairs: An act relating to state officers and employees and candidates for state office; concerning conflicts of interest; requiring the disclosure and filing of statements of substantial interests; amending K.S.A. 1985 Supp. 46-929 and 46-248 and repealing the existing sections.
- HB 2747, by Committee on Public Health and Welfare: An act concerning the secretary of social and rehabilitation services; relating to the licensing of certain facilities in which one or more mentally ill, mentally retarded or other handicapped persons reside who need assistance in the taking of medication; amending K.S.A. 36-501 and K.S.A. 1985 Supp. 75-3307b and repealing the existing sections.
- HB 2748, by Committee on Communication, Computers and Technology: An act concerning the Kansas advanced technology commission; relating to the composition thereof; amending K.S.A. 74-5035 and repealing the existing section.
- HB 2749, by Committee on Commercial and Financial Institutions: An act relating to savings and loan associations; concerning the payment of dividends on guarantee stock; amending K.S.A. 17-5423 and repealing the existing section.
- HB 2750, by Committee on Commercial and Financial Institutions: An act relating to savings and loan associations; concerning the power to borrow, give security and issue notes, bonds, debentures or other obligations through a finance subsidiary; amending K.S.A. 1985 Supp. 17-5572 and repealing the existing section.
- HB 2751, by Committee on Commercial and Financial Institutions: An act relating to savings and loan associations; concerning guarantee stock thereof; voting by proxy; amending K.S.A. 17-5306 and 17-5425 and repealing the existing sections.
- HB 2752, by Representative Hayden: An act concerning operation or attempted operation of a motor vehicle; relating to certain tests for blood alcohol concentration; amending K.S.A. 1985 Supp. 8-1001, 8-1002, 8-1005 and 8-2118 and repealing the existing sections.
- HB 2753, by Representative Sallee (by request): An act concerning the Kansas prompt payment act; amending K.S.A. 75-6402 and repealing the existing section.

HB 2754, by Representative Sallee: An act concerning the public use of private land; providing exemptions from liability for the holder of such land for injuries occurring to persons using the land without charge for recreational purposes.

HB 2755, by Representatives Dillon, Blumenthal, Brown, Cloud, Douville, Fox, Hoy, Johnson, Justice, Kline, Louis, Love, Patrick, Peterson, Ramirez, Reardon, Roper, Rosenau, Sifers, Snowbarger, Sutter, Vancrum and Wisdom: An act relating to motor vehicles; allowing the use of certain adhesive film or glaze on windshields; amending K.S.A. 1985 Supp. 8-1749a and repealing the existing section.

HB 2756, by Committee on Public Health and Welfare: An act concerning preschool children; relating to reporting of certain conditions of such children to the secretary of health and environment; granting immunity to persons making reports; providing for confidentiality of information; declaring certain acts to be misdemeanors and classifying the crime and the penalties therefor.

HB 2757, by Representative Rezac: An act concerning improvement districts; relating to special assessments and the publication of notice thereof; amending K.S.A. 19-2763 and 19-2769 and repealing the existing sections.

HB 2758, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1987, for the department of transportation and Kansas highway patrol; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2759, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1987, for the youth center at Topeka, youth center at Beloit, youth center at Atchison, Kansas neurological institute, Lamed state hospital, Osawatimie state hospital, Rainbow mental health facility, Parsons state hospital and training center, Norton state hospital, Topeka state hospital and Winfield state hospital and training center; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2760, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1987, for the department of revenue—homestead property tax refunds, department of social and rehabilitation services, department of health and environment and department on aging; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2761, by Committee on Labor and Industry: An act concerning the employment security law; relating to benefits, disqualification for benefits, benefit claims procedures and collection of employer payments; penalties; expenditures from special employment security fund; amending K.S.A. 44-719 and 75-6210 and K.S.A. 1985 Supp. 44-704, 44-706, 44-709, 44-716a and 44-717 and repealing the existing sections; also repealing K.S.A. 1985 Supp. 44-710g and 44-710h.

HB 2762, by Representatives Smith, Acheson, Barr, Bunten, Hensley, Laird, Mainey and Runnels: An act concerning municipalities; relating to certain public building commissions.

HB 2763, by Committee on Commercial and Financial Institutions: An act relating to banks and banking; concerning detached auxiliary banking services facilities; amending K.S.A. 1985 Supp. 9-1111 and repealing the existing section.

HB 2764, by Committee on Transportation: An act relating to motor vehicles; concerning the height thereof; amending K.S.A. 1985 Supp. 8-1904 and repealing the existing section.

HB 2765, by Committee on Transportation: An act relating to motor vehicles; concerning the registration of a wrecker or tow truck; amending K.S.A. 1985 Supp. 8-143 and repealing the existing section.

HB 2766, by Representative Lowther: An act concerning school districts; relating to required transportation of pupils and affecting the computation of state aid therefor; amending K.S.A. 72-7039, 72-7047 and 72-9302, and repealing the existing sections.

HB 2767, by Representatives Lowther, Acheson, Apt, Aylward, Bideau, Braden, Duncan, Fuller, Hassler, Hayden, King, Knopp, Nichols, B. Ott, K. Ott, Roe, Rolfs, Sand and Wunsch: An act concerning sales taxation; exempting sales of food purchased with food stamps; amending K.S.A. 1985 Supp. 79-3606 and repealing the existing section.

HB 2768, by Representatives Harper, C. Campbell, Freeman, Fry, Guldner, Holmes, King, Laird, Moomaw, Neufeld, Polson, Rosenau and Teagarden: An act relating to electric cooperatives; concerning the powers thereof; amending K.S.A. 17-4604 and repealing the existing section.

HB 2769, by Representatives Knopp, Sand, Braden and Rolfs: An act relating to counties; concerning economic development programs; amending K.S.A. 19-4103 and repealing the existing section.

HB 2770, by Committee on Judiciary: An act concerning civil procedure; relating to the physician-patient privilege; amending K.S.A. 60-247 and repealing the existing section.

HB 2771, by Committee on Judiciary: An act relating to crimes and punishment; concerning traffic infractions and violations of municipal ordinances; amending K.S.A. 12-4402 and K.S.A. 1985 Supp. 8-2118 and 12-4305 and repealing the existing sections.

HB 2772, by Committee on Judiciary: An act concerning juveniles; relating to penalties for traffic offenses; amending K.S.A. 1985 Supp. 8-2117 and repealing the existing section.

HB 2773, by Committee on Judiciary: An act concerning juvenile offenders; relating to use of secure detention therefor; amending K.S.A. 1985 Supp. 38-1602, 38-1624 and 38-1632 and repealing the existing sections.

HB 2774, by Representative Foster: An act relating to property taxation; concerning the valuation of works of art.

HB 2775, by Representative Whiteman: An act concerning parentage proceedings; amending K.S.A. 1985 Supp. 38-1117 and repealing the existing section.

HB 2776, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1987, for the department of administration, state finance council, state park and resources authority, Kansas fish and game commission, state corporation commission and state historical society; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain disbursements and acts incidental to the foregoing.

HB 2777, by Representative Hayden: An act concerning records pertaining to vital statistics; relating to disclosure thereof; amending K.S.A. 65-2401 and 65-2422 and repealing the existing sections.

HB 2778, by Representative Teagarden (by request): An act concerning mobile and modular homes; relating to the use of certain materials in the construction thereof.

HB 2779, by Representatives Wunsch, Buehler, C. Campbell, DeBaun, Eckert, Guldner, Harper, Kline, Lowther, Moomaw, K. Ott, Neufeld, Polson, Ramirez, Roenbaugh, Rolfs, Sallee, Smith and VanCrum: An act relating to income taxation; excluding gain realized from real estate mortgage foreclosure, voluntary conveyance of mortgaged real estate and release from contracts for purchase of real estate from Kansas adjusted gross income; amending K.S.A. 79-32,117 and repealing the existing section.

HB 2780, by Representatives Cribbs and Love, Adam, Helgerson, Justice, Runnels and Solbach: An act concerning minority and women-owned businesses; providing for the awarding of certain state contracts to such businesses; granting powers to and imposing duties upon the secretary of economic development; providing for the enforcement of the act.

HB 2781, by Representatives Acheson, Barr, Bunten, Hensley, Laird, Mainey, Roy, Runnels, Smith and Wagon: An act concerning townships; relating to the construction and maintenance of township roads; amending K.S.A. 68-560 and repealing the existing section.

HB 2782, by Representatives Acheson, Barr, Bunten, Hensley, Laird, Mainey, Roy, Runnels, Smith and Wagon: An act concerning parks and recreation; relating to the posting of rules and regulations; amending K.S.A. 19-2803a and repealing the existing section.

HB 2783, by Representatives Acheson, Barr, Bunten, Hensley, Laird, Mainey, Roy, Runnels, Smith and Wagon: An act concerning criminal procedure; relating to the admission of certain evidence at a preliminary examination; amending K.S.A. 1985 Supp. 22-2902a and repealing the existing section.

HB 2784, by Representatives Acheson, Bunten, Mainey, Runnels and Wagon: An act concerning certain political subdivisions; relating to appointments made by governing authorities thereof; amending K.S.A. 12-2817 and 13-13a04 and K.S.A. 1985 Supp. 12-2816 and repealing the existing sections.

HB 2785, by Representatives Acheson, Bunten, Hensley, Laird and Wagon: An act concerning cities; relating to zoning; amending K.S.A. 12-709 and repealing the existing section.

HB 2786, by Representatives Acheson, Bunten, Hensley, Mainey, Runnels and Wagon: An act concerning Shawnee county; relating to the issuance of bonds for the financing of the county jail.

HB 2787, by Representatives Moomaw and Guldner: An act concerning owners of registered vehicles which unlawfully pass school buses; providing for imposition of civil penalties thereon.

SCR 1632, by Joint Committee on Administrative Rules and Regulations: A concurrent resolution concerning surface water quality standards; requesting the modification of K.A.R. 28-16-29c and 28-16-29d, as adopted by the secretary of the department of health and environment and filed with the revisor of statutes on November 26, 1985.

SCR 1633, by Committee on Financial Institutions and Insurance: A concurrent resolution concerning credit insurance; requesting the modification of K.A.R. 40-5-10, as adopted by the commissioner of insurance and filed with the revisor of statutes on December 4, 1985.

SCR 1634, by Committee on Education: A proposition to revise article 6 of the constitution of the state of Kansas, relating to education.

SR 1969, by Senator Arasmitz: A resolution congratulating and commending the Norton, Plainville and Victoria High Schools' Football teams and their coaches, Neil Melillo, Larry Friend and Doug Moeckel, on winning the 1985 Class 4A, 3A and 1-2A State Football Championships in Kansas.

SR 1870, by Senator Montgomery: A resolution congratulating and commending the Mission Valley High School boys' cross country team and their coach, Dennis Conner, on winning the 1985 Class 3A State Cross Country Championship in Kansas.

SR 1871, by Senator Ehrlich: A resolution congratulating the Great Bend High School Marching Band and all persons connected therewith for the band's performance in the December 30, 1985, Peach Bowl Parade in Atlanta, Georgia, and for their appearance at the pregame and half-time Peach Bowl activities on December 31, 1985.

SR 1872, by Senator Vidricksen: A resolution congratulating and commending Maure Weigel on being named 1985 Conservationist of the Year.

HCR 5031, by Joint Committee on Administrative Rules and Regulations: A concurrent resolution concerning standards for ambulance aircraft and equipment; requesting the modification of K.A.R. 109-4-3, as adopted by the emergency medical services council and filed with the revisor of statutes on November 26, 1985.

HCR 5032, by Joint Committee on Administrative Rules and Regulations: A concurrent resolution directing the Commissioner of Insurance to review and update the insurance code.

HCR 5033, by Representatives Harper, Hassler, Apt and Hayden: A concurrent resolution commending school districts which provide for strong programs in Kansas history and urging other school districts to strengthen their offerings therein; urging the state board of education to provide leadership and direction for the assistance of school districts in teaching Kansas history; and urging the state board of regents to incorporate into teacher training programs effective preparation for teaching Kansas history.

HCR 5034, by Representatives Heinemann, Hayden, Barkis, Braden, Chronister and Mainey: A concurrent resolution establishing the legislative commission on Kansas economic development.

HR 6163, by Representative Neufeld: A resolution recommending that legislation be enacted reducing the daily compensation of members of the legislature.

HR 6164, by Representatives Moomaw, Guldner, Braden, Crumbaker, Hayden, Heinemann, Holmes, Littlejohn, R. D. Miller, Neufeld, Roenbaugh, Schmidt, Shore and Sughrie: A resolution urging the United States Congress to address the problem of the cross-compliance provision of the 1985 Farm Bill.

HR 6165, by Representative Hensley: A resolution congratulating and commending the Kansas City Royals Baseball organization on their outstanding 1985 baseball season.

HR 6166, by Representative Littlejohn: A resolution congratulating and commending the Plainville High School football team and its coach, Larry Friend, on winning the 1985 Class 3A State Football Championship in Kansas.

HR 6167, by Representative Littlejohn: A resolution congratulating and commending the Mid-Continent League on winning the 1985 Class 4A, 3A and 1-2A State Football Championships in Kansas.

HR 6168, by Representative Apt: A resolution honoring the Marmaton Valley High School boys' basketball team for dedicating their winning game to teammate Jeff Falke.

HR 6169, by Representative Rezac: A resolution congratulating and commending the Mission Valley High School boys' cross country team and their coach, Dennis Conner, on winning the 1985 Class 3A State Cross Country Championship in Kansas.

HR 6170, by Representatives Williams, Baker, Bowden, Cribbs, Dean, Duncan, Foster, Francisco, Fuller, Gjerstad, Grotewiel, Helgerson, Jarchow, Luzzati, K. Ott, Potton, Spaniol and Webb: A resolution in memory of Herman Wilson Smith, Jr.

HR 6171, by Representative Cloud: A resolution congratulating and commending Mill Creek Grade School in Lenexa, Kansas, for celebrating Kansas' 125th birthday in such a festive manner.

HR 6172, by Representatives Friedeman and Buehler: A resolution congratulating the Great Bend High School Marching Band and all persons connected therewith for the band's performance in the December 30, 1985, Peach Bowl Parade in Atlanta, Georgia, and for their appearance at the pregame and half-time Peach Bowl activities on December 31, 1985.

HR 6173, by Representative Nichols: A resolution honoring Mrs. Elizabeth Layton for the poster she created to help Kansas celebrate its 125th birthday.

HR 6174, by Representative Flottman: A resolution commending Ralph Henderson for his years of service as a pharmacist in the Burden, Kansas, community.

HR 6175, by Representatives Vancrum, Blumenthal, Brown, Cloud, Douville, Fox, Hoy, Kline, Louis, Mayfield, D. Miller, Patrick, Sifers and Snowbarger: A resolution congratulating and commending Johnson County Community College on receiving a Secretary of Education Award for Outstanding Vocational Education.

Doc. No. 003897

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**NOTICE OF CALL FOR REDEMPTION
TO THE HOLDERS OF
THE CITY OF COLWICH, KANSAS
INDUSTRIAL REVENUE BONDS
SERIES A, 1974**

Notice is hereby given that pursuant to the provisions of Section 3 of Ordinance 175 of the city of Colwich, the above mentioned bonds maturing on September 1, 1986 and thereafter have been called for redemption and payment on March 1, 1986 at the principal Corporate Trust Office of The Fourth National Bank and Trust Company, Corporate Trust Division, 100 N. Broadway, Wichita, KS 67202.

On such redemption date, there shall become due and payable on each of the above mentioned bonds the redemption price thereof equal to 103 percent of the principal amount of each bond together with interest accrued to the redemption date. Payment will be made upon surrender of the bonds (with all unmaturing coupons attached).

Interest shall cease to accrue on the bonds so called for redemption from and after March 1, 1986.

Tax identification form number W-9 or an exemption certificate is required or tax will be withheld from payment.

Dated January 24, 1986

**THE FOURTH NATIONAL BANK &
TRUST CO., WICHITA, TRUSTEE**

Doc. No. 003883

(Published in the KANSAS REGISTER, February 6, 1986.)

**NOTICE OF BOND SALE
\$21,000,000
GENERAL OBLIGATION SCHOOL BONDS
SERIES 1986
OF
UNIFIED SCHOOL DISTRICT NO. 229
JOHNSON COUNTY, KANSAS
(BLUE VALLEY)**

Unified School District No. 229, Johnson County, Kansas will receive sealed bids at the District Office, 15020 Metcalf, P.O. BOX 23901, Stanley, Kansas (913/681-2866), until 7:30 p.m., C.S.T., Monday, February 10, 1986, for \$21,000,000 general obligation school bonds, series 1986, of the school district, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

Terms of the Bonds

The bonds will be dated March 1, 1986, and will mature serially on September 1 in the years and in the amounts set forth below. The bonds will consist of fully registered certificated or uncertificated bonds, each in the denomination of \$5,000 or integral multiples thereof not exceeding the principal amount of bonds maturing on the same maturity date. Interest will be payable March 1, 1987, and thereafter semiannually on September and March 1 (the interest payment dates).

The principal of the bonds will be payable 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 will be payable to the registered owners appearing on the books maintained by the bond registrar as of the 15th day of the month preceding each interest payment date (the record dates). The fees of the bond registrar for registration and transfer of the bonds will be paid by the school district.

The bonds will mature serially as follows:

Principal Amount	Maturity Date September 1
\$ 480,000	1988
520,000	1989
565,000	1990
615,000	1991
665,000	1992
725,000	1993
785,000	1994
850,000	1995
925,000	1996
1,005,000	1997
1,085,000	1998
1,180,000	1999
1,280,000	2000
1,390,000	2001
1,505,000	2002
1,635,000	2003
1,775,000	2004
1,925,000	2005
2,090,000	2006

Bonds maturing on September 1, 2002 and thereafter will be subject to redemption prior to maturity at the option of the school district, as a whole or in part, in inverse order of maturity (selection of bonds for partial redemption of bonds of the same maturity to be by such method as the bond registrar shall deem fair and appropriate) on September 1, 2001, or on any interest payment date thereafter, at the redemption price of 100 percent of the principal amount of bonds redeemed plus accrued interest to the redemption date.

Optional Bond Insurance

United States Fidelity and Guaranty Company has qualified the bonds for municipal bond insurance. The purchase of municipal bond insurance shall be at the sole option and expense of the successful bidder. Bids shall not be conditioned upon the issuance of a policy for insurance. Failure of the bonds to be so insured or of any policy of municipal bond insurance to be issued shall not in any manner relieve the successful bidder of his contractual obligations arising from the acceptance of his bid for the purchase of the bonds.

Conditions of Bids

Bids will be received for the bonds bearing such rate or rates of interest as may be specified by the bidder. The same rate will apply to all bonds of the same maturity. Each interest rate specified will be a multiple of 1/8 or 1/20 of 1 percent. The difference between the highest and lowest rates specified in any bid will not exceed 2.5 percent. No interest rate will exceed the maximum interest rate allowed by Kansas law, said rate being the 20 bond index of tax-exempt municipal bonds published in the weekly Credit

Markets in New York, New York, on February 6, 1986, plus 2 percent. No bid of less than par and accrued interest will be considered. Bids for less than the entire issue of bonds will not be considered.

Bid Form and Good Faith Deposit

Bids will be submitted on the official bid form furnished by the school district and will be addressed to the school district at District Office, 15020 Metcalf, P.O. Box 23901, Stanley, KS 66223, and will be plainly marked BOND BID. Each bid will specify the total interest cost to the school district on the basis of such bid and the average annual net interest rate on the basis of such bid. The net interest cost to the school district will be determined by subtracting the amount of the premium, if any, from the total interest cost and will be stated as a dollar amount in the bid. The school district will be entitled to rely on such dollar amount as stated in the bid as the basis of determining the lowest net interest cost bid. If there is any discrepancy between the said net interest cost and the average annual interest rate specified, the specified net interest cost will govern and the rates specified in the bid will be adjusted accordingly.

Each bid must be accompanied by a certified or cashier's check equal to \$420,000, made payable to Treasurer, Unified School District No. 229, Johnson County, Kansas. In the event a bidder whose bid is accepted will fail to carry out his contract to purchase the bonds, said deposit will be retained by the school district as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

Award of Bids

The sealed bids for the bonds shall be opened publicly and only at the time and place specified in this notice. The school district reserves the right to reject any and 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 school district.

Delivery of the Bonds

The bonds will be sold subject to the unqualified approving opinion of Stinson, Mag & Fizzell, Bond Counsel, of Kansas City, Missouri, a copy of whose opinion will be printed on the reverse side of each certificated bond. Manually signed originals of the opinion will be furnished without expense to the purchaser of the bonds at the delivery thereof. The cost of the opinion of bond counsel and the expense of printing the bonds will be paid by the school district. Bond counsel's legal opinion will contain a statement to the effect that the bonds will constitute general obligations of the school district, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the school district, and that the interest on the bonds will be exempt from federal income taxation under present law. Bond counsel's opinion regarding the tax exempt status of the bonds will include references to H.R. 3838, recently passed by the United States House of Representatives. If

enacted in its present form, H.R. 3838 will impose, retroactively, additional restrictions on the issuance of tax-exempt bonds such as the bonds. Reference should be made to the official statement for a discussion of H.R. 3838 and the matters covered by such legal opinion.

The number and denominations of bonds and names of the registered owners to be shown on the bonds initially delivered must be submitted in writing by the successful bidder to the bond registrar not later than March 20, 1986.

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 will be made in immediately available funds. Delivery of the bonds will be made to the successful bidder on or before March 27, 1986, at such location as may be specified by the purchaser. The purchase price, including accrued interest from the date of the bonds to the date of delivery, will be paid at delivery or the good faith deposit will be forfeited.

CUSIP Identification Numbers

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

Bond Rating

The school district has applied to Moody's Investors Service, Inc., for rating on the bonds.

Assessed Valuation and Bonded Indebtedness

The total assessed valuation of the taxable tangible property within the school district for the year 1985 for the computation of limits upon bonded indebtedness is \$151,616,940. The total general obligation bonded indebtedness of the school district as of this date, including this \$21,000,000 proposed issue of bonds, is \$49,920,000.

Official Information

Additional copies of this notice of bond sale, the official bid form or further information may be obtained from George K. Baum & Company, 1004 Baltimore Ave., Kansas City, MO 64105, the school district's financial adviser.

Dated January 27, 1986.

UNIFIED SCHOOL DISTRICT NO. 229
JOHNSON COUNTY, KANSAS
By Diane Harris, Clerk
Board of Education

Doc. No. 003886

(Editor's note: The following bond sale has been canceled. The city of Wichita will be announcing another bond sale in a future issue of the Register.)

(Published in the KANSAS REGISTER, February 6, 1986.)

NOTICE OF BOND SALE
\$11,555,000
CITY OF WICHITA, KANSAS
GENERAL OBLIGATION BONDS
(SERIES 705 and SERIES 706)

Sealed bids will be received in the Office of the City Clerk, City Hall, 455 N. Main, Wichita, KS 67202-1679, until 10 a.m., Central Standard Time, February 18, 1986, and will be considered by the governing body of the city of Wichita, Kansas at its regular place of meeting in the City Commission Room in the City Hall, at which time and place all proposals will be publicly opened and read aloud, and considered for the purchase of all, but not less than all of each series of two series of general obligation bonds aggregating the principal sum of \$11,555,000, Series 705 in the principal amount of \$5,895,000 (the Series 705 Bonds); and Series 706 in the principal amount of \$5,660,000 (the Series 706 Bonds). The Series 705 Bonds and Series 706 Bonds will be jointly referred to as the bonds. No oral or auction bids will be considered.

Details of the Bonds—Series 705

The Series 705 Bonds shall be issued in the form of fully registered certificated bonds without coupons, each in the denomination of \$5,000 or in integral multiples thereof, not exceeding the principal amount of bonds maturing in each year. Interest on the Series 705 Bonds will be payable semiannually, commencing March 1, 1987 and each September 1 and March 1 thereafter. The Series 705 Bonds shall be dated March 1, 1986 and shall become due serially on September 1, in each of the years and in the principal amounts, as follows:

Date of Maturity	Amount
September 1, 1987	\$245,000.00
September 1, 1988	265,000.00
September 1, 1989	285,000.00
September 1, 1990	315,000.00
September 1, 1991	335,000.00
September 1, 1992	360,000.00
September 1, 1993	380,000.00
September 1, 1994	420,000.00
September 1, 1995	450,000.00
September 1, 1996	480,000.00
September 1, 1997	520,000.00
September 1, 1998	570,000.00
September 1, 1999	610,000.00
September 1, 2000	660,000.00

Details of the Bonds—Series 706

The Series 706 Bonds shall be issued in the form of fully registered certificated bonds without coupons, each in the denomination of \$5,000 or integral multiples thereof, not exceeding the principal amount of bonds maturing in each year. Interest on the Series 706 Bonds will be payable semiannually, commencing December 1, 1986 and each June 1 and December 1 thereafter. The Series 706 Bonds shall be dated March 1, 1986, and shall become due serially on December 1 and June 1 in each of the years and in the principal amounts, as follows:

Date of Maturity	Amount
December 1, 1986	\$285,000.00
June 1, 1987	280,000.00
December 1, 1987	285,000.00
June 1, 1988	280,000.00
December 1, 1988	285,000.00
June 1, 1989	280,000.00
December 1, 1989	285,000.00
June 1, 1990	280,000.00
December 1, 1990	285,000.00
June 1, 1991	280,000.00
December 1, 1991	285,000.00
June 1, 1992	280,000.00
December 1, 1992	285,000.00
June 1, 1993	280,000.00
December 1, 1993	285,000.00
June 1, 1994	280,000.00
December 1, 1994	285,000.00
June 1, 1995	280,000.00
December 1, 1995	285,000.00
June 1, 1996	290,000.00

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 trust office of the Chase Manhattan Bank, N.A., in the city and state of New York (the paying agent and bond registrar) to the registered owners thereof upon presentation of the bonds for payment and cancellation. Interest on the bonds shall be payable in lawful money of the United States of America, by check or draft of the paying agent and bond registrar to the registered owners appearing on the books maintained by the bond registrar as of the 15th day of the month next preceding the interest payment dates (the record dates). The fees of the bond registrar for registration and transfer of the bonds shall be paid by the city.

Redemption

Optional Redemption. The bonds maturing in the years 1996 and thereafter are subject to redemption prior to maturity at the city's option on or after the initial principal payment date in 1995, in whole at any time or in part in integral multiples of \$5,000, in inverse order of maturity and by lot within maturities, on any interest payment date at the redemption prices set forth below, plus accrued interest to the redemption date:

Redemption Dates	Redemption Prices
1995	102.00%
1996	101.50%
1997	101.00%
1998	100.50%
1999 and thereafter	100.00%

Special Mandatory Redemption. The bonds are subject to mandatory redemption and payment prior to maturity in whole or in part on March 1, 1989, at a redemption price equal to the principal amount thereof plus accrued interest to the date of redemption in inverse order of maturity (selection of bonds within the same maturity to be by lot by the city in such equitable manner as it may determine) from bond proceeds not expended for governmental purposes by January 1, 1989.

Notice of any call for redemption will be mailed to the registered owners of such bonds to be redeemed at the address shown on the registration books main-

tained by the bond registrar not less than 30 days prior to the date fixed for such redemption and payment. Interest will not be payable on the bonds to be redeemed after the redemption date if notice has been given and if sufficient monies have been deposited with the bond registrar on or prior to the redemption date to pay the principal of, applicable redemption premiums, if any, and interest on the bonds to be redeemed to the redemption date.

Interest rate

Proposals will be received on the bonds of each series bearing such rate or rates of interest not exceeding six 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 $\frac{1}{8}$ or $\frac{1}{20}$ of 1 percent. The difference between the highest interest rate bid and the lowest rate of interest bid shall not exceed 2 percent per annum. No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being the 20 bond index of tax exempt municipal bonds published by *Credit Markets* in New York, New York on the Monday next preceding the day on which the bonds are sold (February 17, 1986), plus 2 percent, and no bid of less than par and accrued interest will be considered. A bid for the purchase of less than all of each series of bonds or bid at a price less than par and accrued interest will not be considered.

Bid Form and Good Faith Deposit

Bids for each series shall be submitted on the official bid form furnished by the city and should be addressed to Donald C. Gisick, City Clerk, 455 N. Main, Wichita, KS 67202-1679, plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, and the net interest cost of the bid, and the average annual net interest rate, all certified by the bidder to be correct, and the city may rely upon the certificate of correctness of the bidder. No bid will be considered if made on other than the official bid form and no bid will be considered if such form is amended or modified. Each bid must be accompanied by a certified or cashier's check in the amount of 2 percent of the total par value of each series of bonds payable to the City Treasurer, City of Wichita, on which no interest will be allowed. The checks of unsuccessful bidders will be returned promptly. The 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

Each series of bonds will be sold separately. The sealed bid for each series of bonds shall be opened publicly and only at the time and place specified in this notice, and each series of bonds will be sold to the best bidder. The city reserves the right to reject any and all of the bids, and to waive any irregularities or

informalities. Unless all bids are rejected, the bonds of each series 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. In the event more than one bid is received at the same net interest cost, the successful bidder will be selected by lot.

Delivery and Payment

The bonds, duly printed, executed and registered, will be furnished and paid for by the city. Delivery of the bonds will be made on or before March 20, 1986, at any bank or trust company in New York, New York. Payment shall be made in immediately available federal reserve funds. The number, denomination of bonds, and the names and tax identification 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 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.

Pending Federal Legislation Concerning Tax Exempt Obligations

On December 17, 1985, the U.S. House of Representatives passed H.R. 3838, the Tax Reform Act of 1985. The bill presently is pending in the Senate. The bill in its present form imposes additional requirements which must be satisfied in order for interest on obligations issued by or on behalf of states and local governments to be exempt from federal income taxation. Such requirements generally are effective for all obligations issued after December 31, 1985, and thus, if the Bill becomes law in its present form, would be applicable to the bonds.

The city has covenanted in the bond ordinances to take all actions necessary to comply with the provisions of the Bill in order to maintain the federal tax-exempt status of the interest on the bonds. In the opinion of bond counsel, assuming continuing compliance by the city with such covenant, interest on the bonds would continue to be exempt from federal income taxation if the Bill becomes law in its present form, except that for taxable years beginning after 1987, the interest on the bonds would be included in adjusted net gain for purposes of the minimum tax imposed on property and casualty insurers under Section 1023 of the Bill.

The Bill is subject to change, and, if it becomes law, may contain requirements which differ from those contained in the Bill in its present form. Therefore, there can be no assurance that the city will be able to comply with such requirements. The failure or inability

(continued)

ity of the city to comply with the requirements of the Bill could jeopardize the tax exempt status of the bonds. Bondholders should be aware that in such event, the bonds are not callable, nor will the interest rate on the bonds be adjusted to reflect the loss of the tax exemption.

Legal Opinion

The bonds will be sold subject to the unqualified approving opinion of Gaar and Bell, 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 expenses of printing the bonds and legal opinion will be paid by the city. The Series 705 legal opinion will site in part substantially that the bonds will constitute general obligations of the city, payable as to both principal and interest from the collection of special assessments which have been levied on benefited property, but any portion of said special assessments not so paid will be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city; 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. The Series 706 legal opinion will state in part substantially that the bonds will constitute general obligations of the city, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city, and that, under existing law, the interest on said bonds is exempt from present federal income taxation and the bonds are exempt from intangible personal property taxes levied by Kansas cities, counties and townships. Both opinions shall also state that based on continuing compliance with the covenant of the city to comply with the provisions of the Bill, the bonds would continue to be exempt from federal income taxation if the Bill becomes law in its present form except that for taxable years beginning after 1987, the interest on the bonds would be included in adjusted net gain for purposes of the minimum tax imposed on property and casualty insurers under Section 1023 of the Bill. A manually signed original of each 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 and a certificate relating to the completeness and accuracy of the official statement and notice of bond sale.

Purpose of Issues

The bonds are being issued for the purpose of constructing certain internal improvements in the city of Wichita, Kansas, as follows:

Series 705	
Paving projects in the amount of	\$3,762,715
Sewer projects in the amount of	1,307,249
Water main projects in the amount of	799,797
Sidewalk projects in the amount of	25,239
Series 706	
Paving projects in the amount of	\$2,733,672
Sewer projects in the amount of	1,913,094
Traffic signalization project in the amount of	11,393
Sidewalk and bike trail projects in the amount of	157,557
Bridge projects in the amount of	275,000
Public improvement projects in the amount of	569,284

Security

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

CUSIP Identification Numbers

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

Assessed Valuation

The assessed valuation of all taxable tangible property within the city of Wichita, Kansas, for the year 1985, is as follows:

Equalized assessed valuation of taxable tangible property	\$ 980,243,519
Estimated tangible valuation of motor vehicles	\$ 211,594,313
Equalized assessed tangible valuation for computation of bonded indebtedness limitations ..	\$1,191,837,832

Bonded Indebtedness

The total bonded indebtedness of the city of Wichita, Kansas, as of March 1, 1986, is \$245,615,000, which amount excludes all revenue and refunding bonds, but includes temporary notes in the amount of \$27,525,000 and the two series of bonds described in this notice of bond sale in the aggregate amount of \$11,555,000. Of the currently issued and outstanding temporary notes of the city, \$11,555,000 will be retired out of the proceeds of the bonds herein offered for sale.

Rating of the Bonds

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

Other Pending Bond and Temporary Note Issues

Neither the city of Wichita, nor Unified School District No. 259 (Wichita Public School System), contemplates the issuance of any additional general obligation bonds within the next 30 days. Sedgwick County, Kansas anticipates the sale of approximately \$11.5 million of general obligation bonds within the next 30 days.

Redistribution of Notice and Official Statement

Authorization is given to redistribute this notice of bond sale and the official statement, but the entire notice of bond sale and official statement, and not portions thereof, must be redistributed. The successful bidder, upon request, will be furnished with 50 copies of the notice of bond sale and official statement, without cost; additional copies will be furnished at a nominal charge.

Official Statement

This notice of bond sale and the official statement has been prepared under the authority of the governing body of the city of Wichita, Kansas. Additional copies of this notice of bond sale, copies of the official statement, or further information may be received from the office of the City Treasurer, City Hall, 455 N. Main, Wichita, KS 67202-1679, 316/268-4109.

Figures used in this notice of bond sale and in the official statement through December 31, 1985 were obtained from the city of Wichita, Kansas, financial records as of December 31, 1985, which report will be audited by an outside firm of certified public accountants appointed by the governing body of the city of Wichita, Kansas.

BY ORDER OF THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS
THIS 28TH DAY OF JANUARY, 1986

By: R. C. Brown, Mayor

Attest: Donald C. Gisick, City Clerk

Doc. No. 003889

State of Kansas**DEPARTMENT OF ECONOMIC
DEVELOPMENT****NOTICE OF HEARING ON
THE 1986 KANSAS SMALL CITIES
CDBG PROGRAM**

A public hearing on the proposed final statement of community development objectives and projected use of funds for the Kansas Small Cities Community Development Block Grant (CDBG) Program for 1986 will be held at 10 a.m. Tuesday, February 18, in the State Office Building basement conference room, 10th and Harrison, Topeka.

Written comments on the proposed final statement will be received for consideration in preparation of the final statement by the Kansas Small Cities CDBG Program (Room 201, 503 Kansas Ave., Topeka 66603) through February 28, 1986.

A more detailed presentation of CDBG grant selection (rating and ranking) criteria will be available upon request from KDED, 503 Kansas Ave., Room

201, Topeka 66603, (913) 296-3004, and at the public hearing in Topeka on February 18.

I. Purpose

This proposed final statement of community development objectives and projected use of funds concerns the 1986 distribution of approximately \$11 to \$15 million in community development block grant (CDBG) funds from the U.S. Department of Housing and Urban-Rural Recovery Act of 1984 (amended 1974 HCD Act). As the designated state administering agency in Kansas, the Kansas Department of Economic Development (KDED) will distribute the CDBG funds to units of general local government (cities and counties) in the non-entitled areas of Kansas. Until the full impact of the Balanced Budget and Deficit Control Act of 1985 (Gramm-Rudman) is known, the state will, for planning purposes, use the figure of \$12.4 million for federal allocation estimation. These figures may change depending on congressional action.

II. Use of Funds**A. 1984 Program**

The first year KDED administered the CDBG program, a total of 435 grant applications were received. Approximately \$16.5 million was distributed among 82 grants awarded to 79 local governments and leveraged approximately \$40 million of non-CDBG funding.

The state allocated 62 percent of the funding for public facility projects in 1984, 10 percent for housing rehabilitation projects, 27 percent for economic development projects, and 1 percent for projects to meet urgent community development needs.

In the community improvement portion of the 1984 Kansas program, 267 applications which met threshold requirements were received of which 43 or 16.1 percent were funded. Applications were received from 213 cities with populations less than 5,000; 34 or 15.9 percent were successful. Thirty-one applications were received from cities of over 5,000 population; 6 or 19.4 percent were successful. The remaining 23 applications were from counties; 3 or 13 percent were successful.

The community improvement grant projects included 42 percent water, 7 percent sewer, 7 percent street improvement, 4 percent housing rehabilitation, 25 percent combined projects and 12 percent miscellaneous (drainage, public building rehabilitation, etc.) projects.

The 13 economic development grant projects totaling \$4,476,000 in CDBG funds were awarded to create and retain 1,744 jobs primarily for low and moderate income persons.

The state discretionary category projected funding for planning hazardous waste investigation, imminent threat, and other projects which were selected for discretionary funding. Twenty-six project awards were made within this category totaling approximately \$1.6 million.

(continued)

In relationship to the three broad national objectives for use of CDBG funds, the 1984 Kansas program fund distribution was 97.4 percent for LMI benefit and 2.6 percent for urgent need.

B. 1985 Program

The Kansas 1985 Small Cities Program was basically the same type of competition application process as in 1984. In 1985 Kansas was allocated \$16.9 million. The major change was in program administration. A computer based management information system was used to assist in the rating and ranking of the grantees and resulted in a process which corrected problems encountered in 1984.

In 1985, having completed the community improvement round of applications (212), economic development rounds (69) and planning and technical assistance round (11), a total of 292 applications have been received. The state received and distributed approximately \$16.8 million among 73 grants in 1985.

In 1985, Kansas adopted the following goals and objectives for the program. The state enforced and supported the national purpose of the program and agreed to assure that 51 percent of the funds spent would be directed to projects benefiting low and moderate income persons. In fact, 96.6 percent of the funds expended have met the 51 percent benefits test. Other goals adopted by the state were:

Goal 1. To improve local economy and the economic well-being of the people of Kansas.

The state's efforts in economic development utilized approximately 35.6 percent of the state's allocation in support of economic development projects which produced jobs retained or new for the state.

Goal 2. To provide funding for community improvements that:

(1) eliminate conditions which are detrimental to the public health and safety, or (2) meet other essential community development needs. The summary of community improvement grants indicates 54.6 percent of the CI funds were directed toward projects of housing rehabilitation, community centers, water and sewer projects, storm drainage and other programs improving the infrastructure serving Kansas communities. All of this was directed toward improving the quality of life for numerous LMI people in the state.

Goal 3. To provide funding for projects that may need an immediate state response or that addressed specific state priorities.

Although more funds were available if needed, the state has provided funding for only one disaster which required a state response of this nature. \$148,000 was provided for a storm sewer collapse placing residents of a two block area in imminent danger. Of the funds, 9.8 percent were used for discretionary including imminent threat funding.

The following summary details the 1985 allocation of community development block grants by project type.

Number of Awards	Project Type	Award Amount	Percent of Total
4	Housing Rehabilitation	\$ 779,600	4.6
12	Building	1,850,950	11.0
4	Sewer	1,229,866	7.3
11	Water	2,949,757	17.6
5	Drainage—Storm Sewer *	1,330,858	7.9
5	Street	974,002	5.8
22	Economic Development	5,982,000	35.6
5	Planning	67,062	.4
5	Miscellaneous **	1,650,000	9.8
73		\$16,814,095	100.0

* Includes 1 Imminent Threat Award

** Includes 1 Small Lakes Project

National Objective Categories	Number of Projects	CDBG Dollars	Percent of Total
1. Low/Moderate Income	71	\$16,266,100	96.6
2. Slum/Blight	1	400,000	2.5
3. Urgent Need	1	148,000	.9
	73	\$16,814,100	100.0

III. Citizen Participation

The Secretary of the Kansas Department of Economic Development appointed the Community Development Block Grant Advisory Task Force to advise the department in the development of the 1986 CDBG Program. The individuals appointed represented a balance between elected and appointed local and state officials and community development professionals who had worked with the CDBG Program under HUD administration. A broad range of Kansas community development interests and needs were represented. The Task Force held a public meeting on December 5, 1985.

In addition to oral and written testimony presented at the Task Force meeting, KDED has considered all written comments received in preparation of this statement.

A public hearing on the final statement will be held on February 18, at 10 a.m. Comments in response to the final statement will be considered in developing the Final Statement of Community Development Objectives and Projected Use of Funds 1986.

IV. Kansas Community Development Goals and Objectives

A. National Purpose

The state confirms and endorses the national purpose of the program which is to develop viable communities by funding activities which serve to achieve one or more of the three national objectives.

(1) Activities Which Benefit Low and Moderate Income Persons

Activities will meet this objective if 51 percent of the persons benefiting from the activity are of low and moderate income. The term "low-and-moderate income persons" has the same meaning as "lower income families" in Section 8 HUD assisted housing programs.

(2) Activities Which Aid in the Prevention or Elimination of Slums or Blight

An activity will meet this objective if it occurs in and is designed to upgrade an area or community which:

- (a) Meet the state statutory definition of blight; and
- (b) Occurs where there is a substantial number of deteriorated or dilapidated buildings or improvements throughout the area; and
- (c) Displays characteristics of physical distress which, if relieved, would prevent further deterioration into slum or blighted conditions.

(3) **Activities Designed to Meet Community Development Needs Having a Particular Urgency**

Activities will meet this objective if they:

- (a) Address needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community which conditions are of recent origin or which became urgent within 18 months of certification; and
- (b) No other financial resources are available within the appropriate time frame to meet the need.

B. Kansas Goals and Objectives

The state has identified the following goals and objectives for the 1986 Kansas Small Cities (CDBG) Program:

Goal 1. To improve local economy and the economic well-being of the people of Kansas.

Objectives:

- (a) To encourage private investment which will result in: (1) creation of new jobs and income generation and (2) the expansion of the tax base.
- (b) To encourage the creation and retention of viable businesses which employ and serve the local population.
- (c) To promote a strong local government role in maintaining and improving the basic community infrastructure which is essential to the well-being of the community and its economy.
- (d) To facilitate eligible economic activities with interim CDBG financing and to expand the impact of the CDBG grant funds in Kansas.

Goal 2. To provide funding for community improvements that:

- (1) eliminate conditions which are detrimental to the public health and safety, or (2) meet other essential community development needs.

Objectives:

- (a) To improve existing public facilities.
- (b) To provide new facilities when warranted by recent documented population growth, or when essential needs exist.
- (c) To improve housing conditions and ensure fair housing opportunities, especially for persons of low and moderate income.

Goal 3. To provide funding for projects that may need an immediate state response or that address specific state priorities.

Objectives:

- (a) To help local communities recover from natural disasters or alleviate a major threat to public health or safety.
- (b) To fund priority projects that address critical community needs for which no other funds are available, some of which may not have been adequately addressed by the rating system.
- (c) To assist the efforts of local government in providing funds for comprehensive planning and capital improvements planning, so that development strategies ensure efficient and equitable use of resources.

V. Small Cities Community Development Block Grant—1986—Schedule

1. Public Hearing Process			
a. Publication in the Kansas Register		February 6, 1986	
b. Press Release on Public Hearing		February 3, 1986	
c. Public Hearing		February 18, 1986	
2. Submit Final Statement to HUD	(On or Before)	March 31, 1986	
3. CDBG Application Workshop		March 17-31, 1986	
4. Interim Financing (noncompetitive)	Applications Received	April 1 through September 1, 1986	
5. Community Improvement Application	Time Frame	On or about	
a. Application Deadline		June 2, 1986	
b. Award Announcement		August 8, 1986	
6. Planning Application Time Frame		On or about	
a. Application Deadline		September 8, 1986	
b. Award Announcement		October 31, 1986	
7. Economic Development Application Time Frames			
	Round I	Round II	Round III
Application Deadline	May 5, 1986	August 11, 1986	November 3, 1986
Award Announcements	June 20, 1986	October 3, 1986	December 19, 1986
8. Discretionary Award	Announcement (On or before)		December 19, 1986

VI. Projected use of Funds—1986 Program

The total amount of small cities CDBG funds allocated to Kansas for FY 1986 will be in a range of \$11 to \$15 million. The state will use no more than \$100,000 plus 2 percent of the total amount for state administration of the program. No more than 20 percent of the total state grant will be used for administrative, planning and technical assistance costs at both the state and local levels.

Grant funds may be used only for activities which are eligible under the Kansas Community Development Block Grant Program as defined by Title I, Section 105 of the Housing and Community Development Act of 1974, as amended. A project will consist of activities that directly relate to each grant type.

A. Grant Categories

The grant categories coincide with the state goals and objectives and will be funded according to the allocation goals. The dollar amounts present below are based on a grant to the state of \$12.4 million in federal funds. This amount may vary depending on final federal determination of the 1986 Small Cities Program.

(continued)

Category Type	Approximate Amount	Allocation Goals
1. Community Improvement	\$4.9 m to \$7.4 m	40-60%
2. Economic Development	\$3.7 m to \$6.2 m	30-50%
3. State Discretionary	\$1.2 m	10%
a. Planning—(1% of total state grant)		
b. Urgent Need		
c. Discretionary		

A formal system will be used to evaluate, select and fund applications for grants. The selection criteria are designed to facilitate an objective assessment of the community and economic development needs of the area and the applicant's ability to carry out the project in an effective and timely manner.

B. Competitive Selection System

(1) Community Improvement and Planning Allocations

Community improvement and planning grant applications will be evaluated, scored and ranked according to criteria designed to measure community need and effort, project quality and impact, and to assure benefit to low-and-moderate income persons. Points will be awarded in accordance with the predetermined selection criteria as stated in the general requirements.

Rating Points—Community Improvement Grants

0	1. Threshold Requirements
250	2. Community Need/Effort Factors
450	3. Project Quality and Impact
300	4. Benefit to Low-and-Moderate Income Persons
<hr/>	
1000	

Rating Points—Planning Grants

0	1. Threshold Requirements
250	2. Community Need/Effort Factors
750	3. Project Strategy and Results
<hr/>	
1000	

The funding ceiling for community improvement grants is \$1,000 per capita (1980 census) with a maximum of \$300,000 per grant. (See Eligible Applicants, General Requirements.) Planning grants will have a \$30,000 CDBG funding ceiling with a 25 percent local match requirement.

(2) Economic Development Grants

Economic development grant applications will be evaluated, scored and ranked according to criteria designed to measure community need, project impact, project feasibility and to assure benefit to low-and-moderate income persons. Points will be awarded in accordance with the predetermined selection criteria as stated in the general requirements.

Rating Points—Economic Development Grant Type

0	1. Threshold Requirements
100	2. Community Need
450	3. Project Impact
450	4. Project Feasibility
<hr/>	
1000	

The funding ceiling for economic development grants is established at \$400,000.

C. Noncompetitive Selection System

The noncompetitive selection system is made up of the following elements:

(1) Interim Finance Grants

Program objective: To facilitate eligible economic activities with interim CDBG financing and to expand the impact of CDBG grant funds in Kansas.

(a) Program Definition—Interim Financing

The interim financing program will be administered to make up to \$3 million available for interim financing for CDBG eligible economic activities including acquisition of plant and equipment and facility construction within job creating projects. Interim financing will not be used for working capital or refinancing of current obligations.

Eligible projects must meet all CDBG program requirements and be completed in 12 months or less.

Eligible applicants will be cities or counties who in turn make loans to businesses. Loans must be secured by an irrevocable letter of credit from a viable financial institution to assure schedule repayment.

Special emphasis is given to small business expansion activities.

(b) "Necessary or Appropriate"

No CDBG funds will be awarded to an economic development applicant unless the grantee can affirm that the proposed assistance is "necessary or appropriate" to carry out an economic development project. (Section 105(a)(17) of the Act). This can be considered similar to a "but for" statement. At the time of application, the applicant must document and submit to the state that projects assisting non-profit as well as for-profit firms have met the necessary or appropriate criteria. During monitoring visits, the state will verify the locality's documentation. There are several kinds of necessary or appropriate statements which could apply to the project.

(i) Necessary

—A full statement demonstrating the necessity of public financing through the existence of a financing gap making the project impossible without public funds.

—The applicant should also note the amount awarded to a project must be the very *least* amount necessary to close the project's financing gap or make it economically feasible. In addition, where other public (federal, state or local) funds are available for the project, they should substitute for and/or be used to reduce the CDBG request.

—A statement demonstrating that private investment in the project is contingent upon CDBG funding—e.g. the location

or relocation of the business concern is wholly dependent upon the use and availability of CDBG funds as an incentive for the proposed project.

(ii) **Appropriate**

—A statement demonstrating that it is in the public interest and appropriate to utilize public funds because the project would not be economically feasible if private funds must be substituted for CDBG funding. The result would be the loss of a business or industry and the associated jobs. The statement must be fully documented and supported by cash flow analysis and projects.

—Provide evidence so the state can determine whether the level of assistance provided is commensurate with the public benefit received, i.e. the cost of the activity in relation to the number of jobs created or retained.

(c) **Loan Repayment Guarantee**

All loans will be guaranteed by an irrevocable letter of credit from a viable financial institution payable to the local unit of government.

(d) **Recapture of Program Income**

(i) For the purpose of the Interim Financing Program, the state recognizes the right of the local government to retain program income when the activity to be funded is the same as contained in the interim financing grant agreement. It is expected, however, that the loan principal and any interest earned will be returned to the state. Local government contracts with businesses will provide for payment of program income to the state with accountability to the local government for such payments. Repayment shall be made within 30 days of project completion or on a specified date certain whichever is earlier. The state decision regarding construction completion shall be final.

(ii) Use of program income generated by grants for interim financing:

Program income returned to the state from repayment of interim financing activities will be deposited in a separate revolving fund established to carry out economic development activities. Up to 2 percent may be used for state administrative expenses.

(e) **Grant Size**

The maximum grant size shall be \$500,000 and the minimum grant size shall be \$100,000. The use of CDBG funds will be limited to the extent necessary as appropriate to accomplish the local economic development fund objectives of the project.

(f) **Grant Awards**

Grant awards will be made when the application conditions have been met.

(2) **State Discretionary Grants**

(a) **Urgent Need Grants**

Applications may be submitted at any time through January 30, 1987. See general requirements for application details. Grant awards will be made on a first-come basis so long as funds are available in this category and all eligibility regulations are met.

(b) **State Discretionary Grants**

Discretionary grants may be made by the Governor from among applications submitted within the competitive grant selection system. These applications may meet special, unusual or urgent community needs that are not addressed by the competitive selection system or which demonstrate creative approaches that may serve as a model for other communities within the state. All grants made will primarily benefit LMI persons.

D. Eligible Applicants

Eligible applicants under the Small Cities Program are defined as general purpose units of government—all counties and all cities which are not participants in the HUD/CDBG entitlement program areas of Kansas.

E. 51% Assurance

The state of Kansas will assure that at least 51 percent of the state's small cities allocation will be used to support activities which will benefit low and moderate income persons over the next two year program period.

F. State Compliance Criteria

General Administration. The following administrative and financial guidelines apply to the Kansas Small Cities CDBG Program.

- (1) **General Requirements.** Specific details of each grant category are published in the 1986 general program requirements.
- (2) **Project Administrative Cost.** Due to the wide disparity in project administrative cost, such costs will be individually negotiated at the time of contract signing.
- (3) **National Objectives and Eligible Activities.** The three national objectives are incorporated into the applicant selection criteria for the community development programs and only activities eligible under Section 105 of the Act will be eligible for funding by Kansas Department of Economic Development.
- (4) **Negotiated Funding.** The state reserves the right to negotiate with applicants and to deny partial or total funding of any application in a given funding period.
- (5) **Use of Undistributed Funds.** In the event that undistributed project funds from 1986 remain on January 31, 1987, those funds will be pooled. The

(continued)

- highest ranked community improvements applicant(s) will receive a grant offer if pooled funds equal or exceed the amount(s) requested. If pooled funds do not equal the amount(s) requested, the state may elect to negotiate with the top ranked applicant(s) or to carry the funds into the next program year.
- (6) Program income. Principal and interest returned to a grantee as the result of a community development/economic development project may be retained by the grantee and reused for the same community development/economic development activity. The same activity is the activity from which program income is described in the application materials submitted by the local government as approved by the state. (Activity is defined as providing loans for the purpose of economic development or housing rehabilitation by a grantee under the provisions of Section 105 of the HCD Act of 1974, as amended, according to the guidelines set out by the state for the reuse of program income.) If program income is retained by the grantee, the following guidelines must be used:
- (a) Program income retained by the grantee can only be used to capitalize a revolving loan fund for further community development/economic development activities or specific public facility improvements directly related to economic development. Federal regulations on program income reuse will apply through contract close-out and apply during the term of any subsequent CDBG contract.
 - (b) Principal and interest can be retained if the grantee submits a plan and strategy for program income reuse which is determined by the state to meet program guidelines.
 - (c) The plan and strategy must address the following:
 - (i) The plan must address in detail with community development/economic development eligible activities the funds will be used for.
 - (ii) Establish policy, decision making and administrative procedures for the use of program income, and commit to ensure that administrative costs will not exceed 10 percent of the total program income funds.
 - (iii) Describe the arrangements for financial management of the program income.
 - (iv) A commitment to ensure that at least 51 percent of the income must be used to benefit LMI persons; and
 - (v) How changes to the reuse plan will be made (any changes must be approved by KDED).
- (7) Preferential Status—Economic Development Competition. Grantee's with economic development projects returning program income who would allow the program income to be returned to the state, for the state revolving fund, will be afforded preferential status in future economic development funding cycles. Grantees qualifying for preferential status would be awarded 150 points in economic development competition.
- (8) State Use of Program Income. Program income received by the state would be used to fund a state community development revolving fund. Revolving funds would be distributed in the same manner as prescribed each year in the final statement. This being the first year of the revolving fund, the state anticipates insufficient funds to allocate and, therefore, will only capitalize the fund.
 - (9) Distribution of Recaptured Funds. Recaptured funds will be distributed in the same manner as undistributed funds which are pooled at the end of January each year.
 - (10) Minimumization of Relocation. The state of Kansas will minimize residential and commercial relocation and will require the applicant to explain its plans for minimizing relocation within its application. The effectiveness of the local strategy will be reviewed in all applications.
 - (11) Applicant Appeals. Applicants may meet with state staff to review their application and program scores. When an applicant appeals a program score the following procedures will be observed:
 - (a) Appeals will be granted only on the basis of miscalculation of numerical factors.
 - (b) An unsuccessful applicant has 30 days after receipt of denial to submit a written appeal to the CDBG Program Administrator, Kansas Department of Economic Development.
 - (c) The state must answer the appeal in writing within 20 days.
 - (d) In the event an unsuccessful applicant disagrees with the response from the CDBG Program Administrator, a further appeal may be made to the Secretary of Economic Development within 30 days.
 - (12) Single Purpose Projects. For the purposes of community improvements, planning and grants funded under state discretionary categories, only single purpose projects is defined as one or more activities which collectively will address a deficiency. The relationship of the activities in a public facilities project must be of a singular nature and address a specific deficiency. The project must include only activities that are directly related and benefit the LMI population of the target area.
 - (m) Definitions

Undistributed funds: Undistributed funds are those block grant funds remaining at the end of January not having been distributed according to the original allocation.

Recaptured funds: Those funds a state gets back from its recipients in the form of unused portions of grant awards.

Program Income: The principle and interest derived from the completion of a community development project.

CHARLES J. SCHWARTZ
Secretary of Economic Development

Doc. No. 003887

State of Kansas
STATE CORPORATION COMMISSION

**NOTICE OF
 MOTOR CARRIER HEARINGS**

Applications set for hearing are to be heard at 9:30 a.m. before the State Corporation Commission, State Office Building, 4th Floor, Topeka, 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, 66612, (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 February 27, 1986

Application for Abandonment of Certificate of Convenience and Necessity:

Winfield Bus Service, Inc.) Docket No. 36,769 M
 1421 Olive)
 Winfield, KS 67156) MC ID No. 100381

Applicant's Attorney: None

Application for Abandonment of Certificate of Convenience and Necessity:

Liquid Transportation Co.) Docket No. 55,249 M
 P.O. Box 190)
 Medicine Lodge, KS 67104) MC ID No. 100508

Applicant's Attorney: None

Application for Transfer of Certificate of Convenience and Necessity:

Terry L. Allen, dba) Docket No. 142,168 M
 Veterans Cab Co.)
 313 Delaware St.)
 Leavenworth, KS 66048) MC ID No. 119814

TO:
 Fred Lange, dba
 Veteran & Yellow Cab Co.
 313 Delaware St.
 Leavenworth, KS 66048

Applicant's Attorney: None

Passengers and their baggage,

Between all points and places in Leavenworth County in Kansas, on the one hand, and all points and places in the state of Kansas east of Highway 81 and Interstate 35, on the other hand.

Further restricted to use of passenger vehicles for drivers and passengers.

Application for Transfer of Certificate of Convenience and Necessity:

Alvin P. Arens, dba) Docket No. 137,845 M
 Pete's Taxi Service)
 1½ Main)
 Fort Scott, KS 66701) MC ID No. 116224

TO:
 Laura Bradley
 1230 Scott
 Fort Scott, KS 66701

Applicant's Attorney: None

Passengers and their baggage,

Between points in Bourbon and Crawford counties, Kansas, on the one hand, and on the other, points and places in Kansas.

Application for Transfer of a Portion of Certificate of Convenience and Necessity:

B & B Fluid Service, Inc.) Docket No. 57,677 M
 North Highway 270)
 P.O. Box 909)
 Hugoton, KS 67951) MC ID No. 100539

TO:
 Great Plains Fluid Services, Inc.
 118 W. Lincoln
 Box 764
 Greensburg, KS 67054

Applicant's Attorney: Eugene Hiatt, 627 S. Topeka Ave., Topeka, KS 66603-3294

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

To, from and between all points and places in the state of Kansas, and all points and places in the counties of Comanche, Kiowa, Edwards, Pawnee, Rush, Barton, Stafford, Pratt and Barber.

Application for Certificate of Convenience and Necessity:

Clyde Garrison, dba) Docket No. 149,006 M
 Garrison Trucking)
 1720 Mike's Drive)
 Garden City, KS 67846)

Applicant's Attorney: William Barker, 3401 S.W. Harrison, Topeka, KS 66611

Livestock,

Between Kearny, Grant, Stevens, Finney, Haskell, Seward, Gray, Meade, Hodgeman, Ford and Clark counties, Kansas, on the one hand, and on the other, all points and places in Kansas.

(continued)

Application for Certificate of Convenience and Necessity:

L.L.L. Transport, Inc.) Docket No. 149,011 M
 Route 2)
 Brookfield, MO 64628)
 Applicant's Attorney: John Jandera, 1610 S.W. Topeka Ave., Topeka, KS 66612

Bulk commodities,

Between points in Doniphan, Atchison, Leavenworth, Wyandotte, Johnson and Douglas counties, Kansas.

Also,

Between above counties, on the one hand, and on the other, points and places in Kansas.

Application for Certificate of Convenience and Necessity:

Right Way Moving, Inc.) Docket No. 149,016 M
 3400 S. Topeka)
 Topeka, KS 66611)

Applicant's Attorney: Michael Lewis, P.O. Box 2578, 1122 S.W. 10th, Topeka, KS 66601

Household goods,

Between all points and places in Shawnee County, Kansas.

Also,

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

Applications set for March 6, 1986

Application for Certificate of Convenience and Necessity:

Whitfield Sand & Concrete, Inc.) Docket No. 149,010 M
 Route 4)
 10th & Ridgeway Streets)
 Pratt, KS 67124)

Applicant's Attorney: John Jandera, 1610 S.W. Topeka Ave., Topeka, KS 66612

Grain, dry fertilizer, dry fertilizer ingredients, dry anhydrite and dry gypsum,

Between the Kansas counties of Greeley, Wichita, Scott, Lane, Ness, Rush, Barton, Rice, McPherson, Marion, Chase, Lyon, Greenwood, Butler, Harvey, Reno, Stafford, Pawnee, Hodgeman, Finney, Kearney, Hamilton, Stanton, Grant, Haskell, Gray, Ford, Edwards, Kiowa, Pratt, Kingman, Sedgwick, Elk, Chautauqua, Cowley, Sumner, Harper, Barber, Comanche, Clark, Meade, Seward, Stevens and Morton.

Also,

Between the above Kansas counties, on the one hand, and on the other, points in Kansas.

Application for Certificate of Convenience and Necessity:

David Lieber, dba) Docket No. 149,004 M
 David Lieber Trucking)
 Route 1)
 Osage City, KS 66523)
 Applicant's Attorney: None

Grain,

Between points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

C & N Trucking, Inc.) Docket No. 149,003 M
 Route 3, Box 114)
 Girard, KS 66743)

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Dry bulk commodities (except flour),

Between all points and places in Republic, Cloud, Ottawa, Salina, Ellsworth, Rice, Reno, Kingman and Harper counties and all counties east thereof in the state of Kansas.

Also,

Between the above described territory, on the one hand, and points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Forbes Contracting, Inc.) Docket No. 149,002 M
 Route 3, Box 165A)
 Pittsburg, KS 66762)

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Dry bulk commodities (except flour),

Between all points and places in Republic, Cloud, Ottawa, Salina, Ellsworth, Rice, Reno, Kingman and Harper counties and all counties east thereof in the state of Kansas.

Also,

Between the above described territory, on the one hand, and points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

S.E.K. Auto Sales, Inc.) Docket No. 149,013 M
 3126 Main)
 Parsons, KS 67357)

Applicant's Attorney: None

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

Between all points and places in Labette County, Kansas.

Also,

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

Application for Certificate of Convenience and Necessity:

Parsons Auto Parts, Inc.) Docket No. 149,012 M
Route 4, Box 18)
Parsons, KS 67357)

Applicant's Attorney: None

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

Between all points and places in Labette County, Kansas.

Also,

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

Application for Certificate of Convenience and Necessity:

David J. Wheat, dba) Docket No. 149,008 M
Dave's Salvage)
300 E. 5th)
Augusta, KS 67010)

Applicant's Attorney: None

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

Between all points and places in Butler County, Kansas.

Also,

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

Applications set for March 11, 1986

Application for Certificate of Convenience and Necessity:

Bryan Brunswig, Dennis) Docket No. 149,001 M
Donovan, and James)
P. Dieker, dba)
B & Double D Trucking)
Route 1, Box 87A)
Offerle, KS 67563)

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Grain, dry feed, dry feed ingredients, hay, salt and seeds,

Between points and places in Wyandotte, Shawnee, Saline, Barton, Hodgeman, Pawnee, Stafford, Reno, Edwards, Ford, Kiowa, Pratt, Kingman, Meade, Clarke, Comanche, Barber and Harper counties, Kansas.

Also,

Between points and places in the above described territory, on the one hand, and points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Wm. J. Smith, dba) Docket No. 149,009 M
Smith Trucking)
Route 1, Box 5)
Lecompton, KS 66050)

Applicant's Attorney: None

Grain, feed ingredients and dry fertilizer,

Between all points and places in Shawnee, Douglas, Lyon, Sedgwick, Jefferson and Wyandotte counties, Kansas.

Also,

Between all points and places in Shawnee, Douglas, Lyon, Sedgwick, Jefferson and Wyandotte 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:

Lester D. Kubick) Docket No. 136,697 M
HC 64, Box 156)
Ellsworth, KS 67439) MC ID No. 106259

TO:

Lester D. Kubick and
Robert Kubick, dba
Kubick Trucking
HC 64, Box 156
Ellsworth, KS 67439

Applicant's Attorney: Erle Francis, 719 Capitol Federal Building, Topeka, KS 66603

Grain, salt, hay, fertilizer (dry) and farm machinery,

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

Application for Extension of Certificate of Convenience and Necessity:

Lester D. Kubick and) Docket No. 136,697 M
Robert Kubick, dba)
Kubick Trucking)
HC 64, Box 156)
Ellsworth, KS 67439) MC ID No. 106259

(continued)

Applicant's Attorney: Erle Francis, 719 Capitol Federal Building, Topeka, KS 66603

Grain, salt, hay, fertilizer (dry), farm machinery and livestock,

Between all points and places in the counties of Ellis, Russell, Lincoln, Ottawa, Ellsworth, Saline, Rice, McPherson and Reno.

Also,

Between all points and places in the above named counties, on the one hand, and all points and places in Kansas, on the other.

Application for Certificate of Convenience and Necessity:

Duane L. Keim, dba) Docket No. 149,015 M
Duane Keim Trucking)
Route 2)
Burlingame, KS 66413)

Applicant's Attorney: Larry Gregg, 3401 S.W. Harrison, Topeka, KS 66611

Hay, seed, feed, grain and related products, and farm products,

Between points in Wabaunsee, Shawnee, Douglas, Wyandotte, Johnson, Lyon, Osage, Franklin, Coffey and Anderson counties, Kansas, on the one hand, and on the other, all points and places in Kansas.

Application for Certificate of Convenience and Necessity:

Metro Companies, Inc.) Docket No. 149,014 M
2327 Savannah)
P.O. Box 17194)
Wichita, KS 67217)

Applicant's Attorney: Brad Murphree, 400 N. Woodlawn, Suite 1, Wichita, KS 67208

General commodities (except classes A and B explosives, household goods and commodities in bulk),

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Nielson Transmission) Docket No. 149,007 M
Service, Inc.)
1757 S. Meridian)
Wichita, KS 67213)

Applicant's Attorney: None

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

Between all points and places in Sedgwick County, Kansas.

Also,

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

Applications set for March 13, 1986

Application for Extension of Certificate of Convenience and Necessity:

Abe R. Thiessen, dba) Docket No. 139,415 M
Pioneer Truck Line)
Route 1, Box 148)
Inman, KS 67546)

Applicant's Attorney: None

Processed feeds and agriculture products,

Between all points and places within the state of Kansas.

Fertilizer,

Between all points and places in Ford, Douglas, Sedgwick and Reno counties on the one hand, and the state of Kansas, on the other.

Petroleum products,

Between all points and places in Phillips, Montgomery, Butler and Sedgwick counties in Kansas, on the one hand, and the state of Kansas, on the other.

Application for Certificate of Convenience and Necessity:

Dale Hermon, dba) Docket No. 149,017 M
Hermon Farms)
15320 Moonlight Road)
Olathe, KS 66061)

Applicant's Attorney: None

Grain and insulation,

Between all points and places in the state of Kansas.

Application for Transfer of Certificate of Convenience and Necessity:

Glen E. Troutman) Docket No. 62,732 M
1720 N. A St.)
Wellington, KS 67152) MC ID No. 100640

TO:

Merlin Troutman, Sr., dba
Troutman Trucking Co.
1203 S. A Street
Wellington, KS 67152

Applicant's Attorney: None

Unprocessed grains,

Between all points and places within a 75-mile radius of Kingman, Kansas.

Also,

Between all points and places within a 75-mile radius of Kingman, Kansas, on the one hand, and all points and places in the state of Kansas, on the other hand.

Application for Extension of Certificate of Convenience and Necessity:

Merlin Troutman, Sr., dba) Docket No. 62,732 M
 Troutman Trucking Co.)
 1203 S. A Street)
 Wellington, KS 67152) MC ID No. 100640

Applicant's Attorney: None

Grain and feed ingredients,

Between all points and places in Rice, McPherson, Stafford, Harvey, Reno, Pratt, Sedgwick, Kingman, Barber, Harper, and Sumner counties; that portion of Comanche County east of Kansas Highway 1 and U.S. Highway 183; that portion of Kiowa County east of Kansas Highway 183; that portion of Edwards County east of U.S. Highway 183 and U.S. Highway 56; that portion of Pawnee County east of U.S. Highway 183; that portion of Barton County south of Kansas Highway 4 and east of U.S. Highway 281; that portion of Ellsworth County south of U.S. Highway 156 and U.S. Highway 140; that portion of Marion County south of U.S. Highway 56 and west of U.S. Highway 56/77; that portion of Butler County west of U.S. Highway 54/77 and south of Kansas Highway 96 and that portion of Cowley County west of the Cowley-Elk county line, south of Kansas Highway 38 and east of Kansas Highway 15.

Also,

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

Application for Extension and Consolidation of Certificates of Convenience and Necessity:

Vic Adams, Inc.) Docket No. 78,097 M
 P.O. Box 253) Docket No. 34,227 M
 Yates Center, KS 66783) Docket No. 31,559 M
) Docket No. 27,049 M
) Docket No. 29,257 M
) MC ID No. 100173

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Ice,

From Lyon County, on the one hand, to points in Coffey County, on the other hand.

Salt,

From Reno and Ellsworth counties, on the one hand, to points and places within Osage and Franklin counties, on the other hand.

Machinery,

Between points and places in Wyandotte, Sedgwick and Osage counties.

Also,

Between points and places in Wyandotte, Sedgwick and Osage counties, on the one hand, and points and places in the state of Kansas, on the other hand.

Hay, grain, feed, feed ingredients, fertilizer and seeds,

Between points and places within Osage, Franklin, Miami, Chase, Sedgwick and Sumner counties.

Also,

Between points and places in the above described territory, on the one hand, and points and places in the state of Kansas, on the other hand.

Livestock,

Between points and places in Morris, Osage, Franklin, Miami, Lyon, Marion, Chase, Coffey, Anderson, Linn, Reno, Harvey, Woodson, Allen, Bourbon, Sedgwick, Butler, Greenwood, Kingman, Wilson, Neosho, Crawford, Elk, Sumner, Cowley, Chautauqua, Montgomery, Labette and Cherokee counties.

Also,

Between points and places in the above described territory, on the one hand, and points and places in the state of Kansas, on the other hand.

Building and fencing materials,

Between points and places in Sedgwick County.

Also,

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

General commodities (except classes A and B explosives, household goods, flour and liquid bulk commodities),

Between all points and places in Greenwood, Woodson, Allen, Bourbon, Elk, Wilson, Neosho, Crawford, Shawnee, Chautauqua, Montgomery, Labette, Cherokee, Cowley, Butler, Coffey, Anderson, Linn and Lyon counties.

Also,

Between all points and places in the above described territory, on the one hand, and all points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Clinton H. Jenkins, dba) Docket No. 149,018 M
 Jenkins Farm & Hay)
 Route 1, Box 59)
 Reading, KS 66868)

Applicant's Attorney: William Barker, 3401 S.W. Harrison, Topeka, KS 66611

Grain, dry feed, dry feed ingredients, dry fertilizer, dry fertilizer ingredients, livestock, machinery, and building materials (restricted against the transportation of building materials in bulk),

Between points in Wabaunsee, Shawnee, Osage, Morris, Lyon, Chase, Coffey and Greenwood counties, Kansas, on the one hand, and on the other, all points and places in Kansas.

(continued)

Application for Certificate of Convenience and Necessity:

Wolcott and Lincoln, Inc.) Docket No. 149,005 M
Route 1)
Wellington, KS 67152)

Applicant's Attorney: Tom Schwinn, 204 S. Washingt-
ton Ave., Box 549, Wellington, KS 67152

Grain,

Between all points and places in the following area: That portion of Haskell County east of U.S. Highway 83; that portion of Finney County east of U.S. Highway 83; that part of Lane County south of State Highway 96; that part of Ness County south of State Highway 96; that part of Pawnee County west of U.S. Highway 183 to its intersection with U.S. Highway 156 and north of U.S. Highway 50; that part of Edwards County south of U.S. Highway 50 and north of U.S. Highway 54; all of Kiowa County; that part of Comanche County west and north of U.S. Highway 183; all of Clark County; all of Meade County; that portion of Seward County north of U.S. Highway 160; and all of Ford, Grant and Hodgeman counties, Kansas.

Also,

Between points and places in the area described above and points and places beginning in Sumner County, south on I-35 or U.S. Highway 81 to their intersection with U.S. Highway 166, then east on U.S. Highway 166 to Cowley County, Kansas.

Application for March 25, 1986

Application for Extension of Certificate of Convenience and Necessity:

Beaver Express Service,) Docket No. 132,099 M
Inc., dba)
Beaver Express)
P.O. Box 1147)
Woodward, OK 73801) MC ID No. 100685

Applicant's Attorney: John Jandera, 1610 S.W. Topeka Ave., Topeka, KS 66612

General commodities (except commodities in bulk and household goods),

(A)(1) Between Wichita, Kansas and Hardtner, Kansas serving all intermediate points; from Wichita over Kansas Highway 2 to its intersection with U.S Highway 281, then over U.S. Highway 281 to Hardtner and return over the same route.

(2) Between Anthony, Kansas and the Oklahoma-Kansas state line serving all intermediate points; from Anthony over Kansas Highway 179 to the Oklahoma-Kansas state line, and return over the same route.

(3) Between Wichita, Kansas and the Oklahoma-Kansas state line serving all intermediate points; from Wichita, Kansas over U.S. Highway 81 to the Oklahoma-Kansas state line, and return over the same route.

(4) Between Wichita, Kansas and Udall, Kansas, serving all intermediate points; from Wichita over

Kansas Highway 15 to Udall and return over the same route.

(5) Between the intersection of U.S. Highway 81 and Kansas Highway 55 and the intersection of Kansas Highway 55 and U.S. Highway 77, over Kansas Highway 55, serving all intermediate points.

(6) Between Wichita, Kansas and the Kansas-Oklahoma state line, serving all intermediate points; from Wichita over Kansas Highway 254 to its intersection with U.S. Highway 77, then over U.S. Highway 77 to the Kansas-Oklahoma state line, and return over the same route.

(7) Between Caldwell, Kansas and Arkansas City, Kansas, serving all intermediate points; from Caldwell over U.S. Highway 166 to Arkansas City and return over the same route.

(8) Between El Dorado, Kansas and the Kansas-Oklahoma state line over I-35 and return over the same route, serving all intermediate points.

(B) Authority is expressly approved to join routes granted in this Route and Docket to permit through service, to, from and between all points authorized to be served.

Application for Extension of Certificate of Convenience and Necessity:

Nationwide Traffic) Docket No. 144,422 M
Services, Inc.)
2800 Nicholson)
Kansas City, MO 64102) MC ID No. 117076

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

General commodities (except classes A and B explosives and household goods),

Between points and places in Kansas on and east of U.S. Highway 183.

WILLIAM E. GREEN
Administrator
Transportation Division

Doc. No. 003895

State of Kansas

STATE FIRE MARSHAL

PERMANENT ADMINISTRATIVE
REGULATIONS

(Effective May 1, 1986)

Article 2.—REGULATORY STANDARD FOR
TANK VEHICLES FOR FLAMMABLE AND
COMBUSTIBLE LIQUIDS

22-2-1. Tank vehicles for flammable and combustible liquids. National fire protection association pamphlet no. 385, chapters 1 through 7, including the appendices, 1985 edition, is hereby adopted by reference, except that the state fire marshal shall have the authority to make modifications, to allow extensions of time for corrections, and to exempt requirements of pamphlet no. 385, if the exemption would not present an immediate life safety hazard. (Authorized by and implementing K.S.A. 1984 Supp. 31-133; effective May 1, 1981; amended May 1, 1986.)

Article 3.—LIFE SAFETY CODE

22-3-1. Life safety code. (a) National fire protection association pamphlet no. 101, chapters 1 through 32, including all appendices, 1985 edition, is hereby adopted by reference, except chapter 22, sections 10-7.1.1.1 and 11-7.1.1.1 and the first sentences of sections 11-8.1.1.1 and 11-9.1.1.1.

(b) Upon application by a person aggrieved by the requirements of this regulation, the state fire marshal may grant a variance from these requirements or allow additional time for the person to comply with the requirements. The requested variance shall be granted only if, after an opportunity to investigate, the state fire marshal finds that the condition, structure, or activity in noncompliance does not pose an immediate life safety hazard. The finding by the state fire marshal shall be made in writing to the applicant. (Authorized by and implementing K.S.A. 1984 Supp. 31-133; effective May 1, 1980; amended May 1, 1982; amended May 1, 1985; amended May 1, 1986.)

Article 4.—EXPLOSIVE MATERIALS

22-4-1. Explosive materials. (a) National fire protection association pamphlet no. 495, chapters 1 through 9, including appendices a, b, c and d, 1985 edition, is hereby adopted by reference.

(b) Upon application by a person aggrieved by the requirements of this regulation, the state fire marshal may grant a variance from the requirements or allow additional time for the person to comply with the requirements. The variance shall be granted only if, after an opportunity to investigate, the state fire marshal finds that the condition, structure or activity in noncompliance poses no immediate life safety hazard. The finding by the state fire marshal shall be made in writing to the applicant. (Authorized by and implementing K.S.A. 1984 Supp. 31-133; effective May 1, 1980; amended May 1, 1985; amended May 1, 1986.)

Article 5.—FIRE REPORTING
REQUIREMENTS

22-5-1. Reporting of incidents and casualties. (a) The chief of any organized fire department, regular or volunteer, or the chief law enforcement officer where no fire department exists shall submit the following reports to the state fire marshal for each incident occurring in the chief's municipality or fire district territory:

(1) An incident report for each incident where a response is made, regardless of whether an actual fire occurred;

(2) casualty reports for each civilian casualty (injury or death) that occurs as the result of any fire or explosion; and

(3) casualty reports for each firefighter casualty (injury or death) that occurs while acting in an official role as a firefighter.

(b) Each report shall be submitted by the 20th of the month following the incident.

(c) After January 1, 1984, Kansas uniform fire incident reporting system (K-FIRS) incident and casualty report forms shall be the only approved report forms, except that: (1) a municipality or fire district territory that can provide a machine readable medium which has been approved in writing by the state fire marshal may report by the machine readable medium; and (2) only the incident and casualty report forms will be accepted from a fire department after the fire department has complete training on the forms. (Authorized by and implementing K.S.A. 1984 Supp. 31-133(a)(6); effective May 1, 1980; amended May 1, 1982; amended May 1, 1986.)

22-5-6. Hospitals which treat burn patients and doctors or other health-care providers who treat burn patients at any location other than a hospital shall report all second- and third-degree burn wounds to the state fire marshal on forms provided by the state fire marshal. Reports must be mailed no later than the Monday following the date of the first treatment of any wound. (Authorized by and implementing L. 1985, Ch. 128, Sec. 1 (6); effective May 1, 1986.)

Article 6.—FIREWORKS

22-6-5. Sale; days permitted. Any person, firm or corporation shall not sell fireworks to individuals at temporary retail stands or other locations, or deliver retail fireworks purchased by mail order, before the 27th day of June and after the 5th day of July. (Authorized by and implementing K.S.A. 1984 Supp. 31-133; effective Jan. 1, 1973; amended May 1, 1985; amended May 1, 1986.)

22-6-9. Discharge of fireworks. A person shall not ignite or discharge fireworks within 1,000 feet of any hospital, sanitarium or infirmary; into, under or on a car or vehicle, whether moving or standing still; or on a public roadway or the right-of-way adjoining a public roadway. Fireworks shall not be discharged within 50 feet of any retail fireworks stand or facility where fireworks are stored. (Authorized by and implement-

(continued)

ing K.S.A. 1984 Supp. 31-133; effective Jan. 1, 1973; amended May 1, 1986.)

22-6-10. Public exhibitions; written permission. National fire protection association pamphlet no. 1123, chapters 1 through 5, except that part of section 1-3 which defines the terms "fireworks" and "common fireworks," including appendices a, b, and d, 1982 edition, is hereby adopted by reference. Fireworks to be used for exhibition purposes at public places, such as fairs and public celebrations, may be sold and fired, provided that the handling and firing is done in accordance with the requirements of pamphlet no. 1123, and provided that written permission is obtained from the fire chief, the mayor of a city where no fire department exists, or the sheriff. (Authorized by K.S.A. 1984 Supp. 31-133; effective Jan. 1, 1973; amended May 1, 1986.)

22-6-12. Illegal fireworks. Fireworks not permitted by the provisions of K.A.R. 22-6-7 shall be illegal to be sold, possessed, manufactured or transported. (Authorized by and implementing K.S.A. 1984 Supp. 31-133; effective Jan. 1, 1973; amended May 1, 1986.)

22-6-13. Illegal fireworks; seizure; disposal. (a) Fireworks which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of the provisions of these regulations shall be subject to seizure by the state fire marshal, any deputy state fire marshal, any law enforcement official, the chief of any organized fire department, whether the fire department is regular or volunteer, or any member of a fire department who has been duly authorized by the chief.

(b) Fireworks seized under this section may be disposed of by summary destruction at any time subsequent to 30 days from the seizure or 30 days from the final termination of proceedings under the provisions of section 22-6-14, whichever is later. (Authorized by and implementing K.S.A. 1984 Supp. 31-133; effective Jan. 1, 1973; amended May 1, 1986.)

22-6-14. Same; petition by owner; determination; order. (a) Any person whose fireworks are seized under the provisions of section 22-6-13 may, within 10 days after the seizure, submit a written petition to the state fire marshal requesting the return of the fireworks seized upon the grounds that the fireworks were illegally or erroneously seized. Upon the filing of the petition, the state fire marshal shall immediately notify any involved local enforcement agency.

(b) If any petition filed requests a hearing, the state fire marshal or his representative shall hear the person within 30 days after the receipt of the petition. The state fire marshal shall give not less than 10 days written notice of the hearing. The hearing shall be held in accordance with K.S.A. 31-141. The state fire marshal shall file a decision within 15 days after the hearing.

(c) If a hearing is not requested, the state fire marshal shall file his decision within 15 days after the filing of the petition.

(d) Notice of the state fire marshal's decision shall

be sent to the petitioner and any involved local enforcement agency.

(e) The state fire marshal may order the fireworks seized under these regulations disposed of, or, if illegally or erroneously seized, returned to the petitioner. (Authorized by and implementing K.S.A. 1984 Supp. 31-133; effective Jan. 1, 1973; amended May 1, 1986.)

Article 7.—FLAMMABLE AND COMBUSTIBLE LIQUIDS

22-7-1. Flammable and combustible liquids. (a) National fire protection association pamphlet no. 30, chapters 1 through 9, including appendices a, b, c, d and e, 1984 edition, is hereby adopted by reference.

(b) Upon application by a person aggrieved by the requirements of this regulation, the state fire marshal may grant a variance from the requirements or allow additional time for the person to comply with such requirements, if, after an opportunity to investigate, the state fire marshal finds that the condition, structure or activity in noncompliance poses no immediate life safety hazard. The finding shall be made in writing to the applicant. (Authorized by and implementing K.S.A. 1984 Supp. 31-133; effective, E-80-16, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1983; amended May 1, 1986.)

22-7-5. Automotive and marine service stations. (a) National fire protection association pamphlet no. 30A, 1984 edition, chapters 1 through 9, except section 4-4, paragraphs 4-4.1 through 4-4.3 and section 8-1, paragraphs 8-1.2.1 through 8-1.5, is hereby adopted by reference.

(b) Upon application by a person aggrieved by the requirements of the regulation, the state fire marshal may grant a variance from such requirements or allow additional time for such person to comply with the requirements, if, after an opportunity to investigate, the state fire marshal finds that the condition, structure or activity in noncompliance poses no immediate life safety hazard. The finding shall be made in writing to the applicant. (Authorized by and implementing K.S.A. 1984 Supp. 31-133; effective May 1, 1986.)

Article 8.—LIQUEFIED PETROLEUM GASES

22-8-7. Regular inspections of certain vehicles. (a) Each LP/gas powered vehicle used for public transportation, or the transporting of school children, shall be inspected on a regular basis and at least once every three years in accordance with the check list of written procedures to be followed when inspecting an LP gas powered motor vehicle.

(b) Inspections shall be conducted by a person who holds a valid check list certificate from the state fire marshal. Records of the inspections shall be kept by the vehicle's owner and shall be made available for inspection upon request.

(c) Vehicles bearing a check list seal issued prior to May 1, 1983, shall be inspected prior to August 15, 1986. Vehicles bearing a check list seal issued on or after May 1, 1983, shall be inspected not later than the

date which is three years after the date of issuance of the check list seal. (Authorized by and implementing K.S.A. 1984 Supp. 31-133; effective May 1, 1986.)

Article 10.—INSTALLATION AND CERTIFICATION STANDARDS FOR EXTINGUISHING DEVICES

- 22-10-1. Certification standards, definitions.** (a) "Business" means any person or firm who inspects, services or installs portable fire extinguishers or automatic fire extinguishers for commercial cooking equipment. "Business" does not include any person or authorized agent of the person who installs a portable fire extinguisher for protection of the person's own property or business or any individual acting as a representative or employee of a certified business.
- (b) "Certificate" means a written document issued by the state fire marshal that authorizes a business to perform the act or acts permitted by these regulations.
- (c) "Certified firm" means a business having a valid registration certificate issued by the state fire marshal.
- (d) "Charge" means to fill and make ready for use a portable fire extinguisher or fixed extinguishing system cylinder or container.
- (e) "Class" or "classes" mean the specific function or functions that a business is authorized to perform under these regulations.
- (f) "Department of transportation (DOT) cylinder" means a cylinder manufactured and tested in compliance with specifications of the United States department of transportation.
- (g) "Engineered system" means a fixed extinguishing system that requires individual calculation and design to determine the flow rates, nozzle pressure, quantities of extinguishing agent and the number and types of nozzles and their placement in a specific system.
- (h) "Firm" means any person, partnership, corporation, association or business which installs, services, charges, recharges or inspects any portable fire extinguisher or fixed extinguishing system, unless otherwise exempted.
- (i) "Fixed extinguishing system" means an automatic fire extinguisher for commercial cooking equipment.
- (j) "Hydrostatic testing" means the pressure testing of cylinders and containers by approved hydrostatic methods.
- (k) "Portable fire extinguisher" means a device that contains chemical fluids, powder, or gases for extinguishing fires and has a label of approval attached by a nationally recognized testing laboratory.
- (l) "Pre-engineered system" means a fixed extinguishing system with predetermined flow rates, nozzle pressures, and quantities of extinguisher agents.
- (m) "Recognized testing laboratory" means a nationally recognized testing agency approved by the state fire marshal which is staffed by qualified personnel, properly equipped to conduct the particular test in question, and regularly engaged in conducting

tests and furnishing inspection examinations and tests of the most recent production of the listed product.

(n) "Registration certificate" means a certificate issued by the state fire marshal to a business indicating the class or classes of acts that the business is authorized to do.

(o) "Self-contained cooking equipment" means a unit of cooking equipment manufactured with a grease collection and vapor removal apparatus as an integral part of the unit and provided with or designed for the installation of a fixed extinguishing system.

(p) "Service" means to conduct a "thorough check" of a portable fire extinguisher or fixed extinguishing system including charging, maintaining, recharging, repairing, testing or tagging necessary to insure that the portable fire extinguisher or fixed extinguishing system will operate properly.

(q) "Test" means to subject any portable fire extinguisher or fixed extinguishing system to the procedure necessary to insure its proper operation or installation. (Authorized by and implementing K.S.A. 1984 Supp. 31-133, 31-133a; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983; amended May 1, 1986.)

22-10-12. Portable fire extinguishers. National fire protection association pamphlet no. 10, chapters 1 through 6, including appendices a, b, c, d, e, f and g, as amended, 1984 edition is hereby adopted by reference. (Authorized by and implementing K.S.A. 1984 Supp. 31-133, 31-133a; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983; amended May 1, 1986.)

22-10-13. Commercial cooking equipment duct system. National fire protection association pamphlet no. 96, 1984 edition, chapters one through 10, including appendix a, except paragraph 7-2.1.1.2, is hereby adopted by reference, with the exception that existing systems with electrically heated equipment, other than deep fat fryers, need not be automatically shut off upon activation of the extinguishing system. (Authorized by and implementing K.S.A. 1984 Supp. 31-133, 31-133a; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983; amended May 1, 1985; amended May 1, 1986.)

22-10-14. Dry chemical extinguishing systems. National fire protection association pamphlet no. 17, chapters 1, 2, 4, 6 and 7, except section 4-4, including appendices a and b, 1985 edition, is hereby adopted by reference, except that existing systems with electrically heated equipment, other than deep fat fryers, need not be automatically shut off upon activation of the extinguishing system. (Authorized by and implementing K.S.A. 1984 Supp. 31-133, 31-133a; effective, E-82-3, Jan. 21, 1981; effective May 1, 1981; amended May 1, 1982; amended, T-83-31, Oct. 25, 1982; amended May 1, 1983; amended May 1, 1986.)

(continued)

**Article 11.—ADULT CARE HOMES, HOSPITALS,
RESIDENTIAL CARE FACILITIES AND
MATERNITY CENTERS**

22-11-5. Health care facilities; fire protection. (a)

Each health care facility shall have fire protection available from an organized fire department.

(b) Each health care facility which is not located in an area served by a fire department may establish a contract with a nearby fire department to furnish fire protection.

(c) Telephone service to the department furnishing fire protection shall be provided. (Authorized by and implementing K.S.A. 1984 Supp. 31-133, 31-147; effective Jan. 1, 1973; amended May 1, 1985; amended May 1, 1986.)

22-11-6. Maternity centers. (a) Definitions.

(1) "Code" means the 1985 edition of the national fire protection association pamphlet no. 101, the life safety code.

(2) "Maternity center" means a facility licensed as a maternity hospital which provides delivery services for normal, uncomplicated pregnancies for not more than three women at any one time.

(3) "Grade level" means a floor which is level with the surrounding ground and from which it is not necessary to traverse over stairs to exit.

(b) Location. (1) The labor and delivery room or rooms of a maternity center shall be located on the grade level floor of the building.

(2) If the state fire marshal determines that sufficient additional precautions have been taken, the marshal may permit labor and delivery rooms to be located on floors above grade level. Such additional precautions shall include: (A) Fire-resistive or protected noncombustible building construction;

(B) a properly installed and maintained sprinkler system;

(C) properly designed ramp access from the floor on which labor and delivery rooms are located, to grade level;

(D) a one-hour fire-rated wall separating the maternity center from other occupants when located in a building with mixed occupants; and

(E) other precautions necessary to provide a reasonable degree of life safety.

(c) The interior finish of the maternity center shall have a flame spread of 75 or less (class B).

(d) The maternity center shall provide fire extinguishers in accordance with K.A.R. 22-10-12.

(e) The maternity center shall have a supervised manual and automatic fire alarm system. Properly installed smoke detectors which are interconnected to the fire alarm system shall be strategically placed throughout the maternity center.

(f) The maternity center shall have an emergency lighting system which automatically provides illumination in the event of an interruption of electrical service.

(g) The maternity center shall have at least two approved exits from each floor. Each exit that is not obvious shall be provided with an approved, lighted exit sign.

(h) Each maternity center shall have a written evacuation plan. Each staff member shall be informed of and shall have access to the plan. (Authorized by and implementing K.S.A. 1984 Supp. 31-133; effective May 1, 1981; amended May 1, 1985; amended May 1, 1986.)

22-11-8. Life safety code adopted; one- and two-bed adult care homes, one- and two-bed adult family homes, three- and four-bed boarding care adult care homes, and boarding care homes for the mentally retarded. (a) National fire protection association, life safety code, pamphlet no. 101, 1985 edition, chapter 21, pertaining to residential board and care occupancies, is hereby adopted by reference. The provisions of chapter 21 shall apply to one- and two-bed adult care homes, one- and two-bed adult family homes, three- and four-bed boarding care adult care homes, and boarding care homes for the mentally retarded.

(b) A life safety code inspection of a home shall be performed by the state fire marshal or an authorized representative under K.S.A. 31-137 upon request from the Kansas department of health and environment.

(c)(1) Ambulatory residents who are able to walk without the aid of another person but are unable to move from place to place without the use of a device such as walker, crutches, wheel chair or wheeled platform shall be housed on the ground level of a home, provided handicap accommodations for exiting are present.

(2) Fully ambulatory residents who do not require the use of a device such as a walker, crutches, wheel chair or wheeled platform may be housed on any level of a home.

(3) Non-ambulatory persons shall not be allowed as residents.

(4) As used in this paragraph "ambulatory" means physically and mentally capable of getting in and out of bed and walking in a normal path to safety in a reasonable period of time without the aid of another person. "Non-ambulatory" means physically or mentally incapable of getting in and out of bed and walking a normal path to safety without the aid of another person.

(d) The following fundamental fire and life safety requirements shall be imposed in all one- and two-bed adult care homes, one- and two-bed adult family homes, three- and four-bed boarding care adult care homes and boarding care homes for the mentally retarded, in addition to chapter 21 of the life safety code:

(1) Emergency lighting shall be provided to insure illumination for evacuation in case of a power failure.

(2) Fire alarms, smoke detectors and fire extinguishers shall be maintained in an operable condition at all times.

(3) Fire drills shall be conducted as frequently as necessary, and at least once every three months, to insure orderly egress in case of an emergency.

(4) Each exit, and each route to each exit, shall be clearly marked so that all residents will readily know the direction of egress from any point within the building.

(5) Each exit shall be arranged and maintained to

provide free, unobstructed egress. Locks or fastening devices shall not be installed to prevent free escape from inside of the building.

(6) Each building shall be constructed, arranged, equipped, maintained and operated to avoid danger to the lives and safety of its residents from fire, smoke, fumes and panic during emergency situations. (Authorized by and implementing K.S.A. 1984 Supp. 31-133 and 31-147; effective May 1, 1983, amended May 1, 1984; amended May 1, 1985; amended May 1, 1986.)

Article 15.—CHILD CARE FACILITIES

22-15-7. Juvenile detention centers. (a) A juvenile detention center is a facility where juveniles below 18 years of age are housed in incarcerated conditions, with or without locked exit doors, and with or without locked security room doors.

(b) Juvenile detention centers one story in height shall be constructed of one-hour protected noncombustible construction or two-hour fire resistive construction. Juvenile detention centers two stories or more in height shall be constructed of at least two-hour fire resistive construction. In existing facilities now in operation and not conforming to new construction standards, a waiver of construction standards may be granted by the state fire marshal, if the state fire marshal believes that reasonable life safety from fire is attained.

(c) At least two approved exits shall be provided from each floor. The exits shall be doors leading directly outside at ground level, or enclosed stairs leading directly to the outside. In existing facilities, an outside fire escape constructed according to the standards of the uniform building code or national fire protection association may be used as one exit if it is not possible to provide two enclosed stairs to the outside. Exits shall be remote from each other with no dead end corridors in new construction. Dead end corridors in existing facilities shall be allowed only with the approval of the state fire marshal.

(d) Exit stairs shall be enclosed with one-hour rated construction with at least one-hour B label doors at each floor opening in two-story facilities. Exit stairs shall be enclosed with two-hour rated construction with one and one-half-hour B label doors at each floor opening in facilities of three or more stories. Stairs not required as exits shall be of the same construction as exit stairs except that, when connecting no more than two floors, a single one-hour B label door is acceptable at either the top or bottom of stairs to prevent spread of fire or smoke from one floor to the other. All stairway doors shall be self closing.

(e) Hazardous areas shall be enclosed with at least one-hour construction, with doors appropriate to the degree of hazard, but not less than 1¾ inch thick solid wood core. Hazardous areas include boiler or furnace rooms, laundry and soiled linen rooms, and major combustible storage rooms.

(f) All sleeping or security rooms shall be equipped with 1¾ inch solid wood core doors or an equivalent metal door. Doors may have no more than 100 square

inches of vision panel glazed with wired glass in steel frame. Open screening or bars in corridor walls or doors are not permitted.

(g) Facilities for 11 or more persons shall have approved manual pull fire alarm system.

(h) Rooms with locked doors shall not be located on a dead end corridor.

(i) *Locks:* (1) When electric locks are used, they shall be the type that can be unlocked at any time by the use of a key.

(2) When doors are lockable, the staff on duty shall carry a key at all times, and all doors within the same building shall be keyed to a common key.

(3) All locks on sleeping room or security room doors shall be the dead bolt type.

(j) *Electrical:* (1) In each new facility, wiring shall meet the national electric code, 1984 edition. Wiring shall not be exposed except in conduit, and all wiring shall be in safe condition and properly fused. Extension cords shall not be used.

(2) Corridors and exit stairs shall be lighted at all times at one foot candle power at floor level. Emergency lighting shall be provided at each facility in event of power failure and shall be installed in compliance with the national electric code, 1984 edition.

(3) Exits shall be identified by either internally illuminated exit signs or, when automatic emergency lighting is provided, by internally or externally illuminated signs. At all times, five foot candle power illumination shall be on the face of the sign.

(k) There shall be at least one staff member, with a key, on duty at all times and awake on each occupied floor.

(l) Interior finish shall be class A (0-25 flame spread) material. Drapes and curtains shall be flame retardant. Carpet shall be certified tested by ASTM-E-84 test and be rated 75 or below in flame spread, smoke density and fuel contribution. Carpet pad shall not be foam type. Mattresses and pillows shall not be foam filled. Furniture shall not be foam filled except in sitting areas completely separated from sleeping areas.

(m) An operational fireplace shall be: (1) properly constructed and vented with lined chimney;

(2) equipped with spark screen; and

(3) supervised at all times when in use.

(n) Flammable liquids or gasoline powered equipment shall not be stored within the building. When stored on the grounds in a separate building, the building shall be locked when not in use.

(o) Smoking areas shall be posted and provided with ash trays. Each waste container in or near smoking areas shall be noncombustible and self closing.

(p) A fire extinguisher shall be provided on each floor within 75 feet travel distance. Each extinguisher shall be ABC type with at least 2A rating.

(q) A fire evacuation plan shall be provided for each staff member. Fire training drills shall be conducted at least quarterly for staff members.

(r) An existing building, housing detention occupancies, established prior to the effective date of this code, may have its use continued if it conforms or is

(continued)

made to conform to the provisions of this code, if in the opinion of the authority having jurisdiction, reasonable life safety against the hazards of fire, explosion and panic is provided and maintained. (Authorized by and implementing K.S.A. 1984 Supp. 31-133; effective May 1, 1979; amended May 1, 1986.)

Article 17.—SALE AND DISTRIBUTION OF EARLY WARNING, FIRE SUPPRESSION OR FIRE ALARM DEVICES

22-17-2. Approval of devices. (a) An early warning, fire suppression or fire alarm device shall not be sold, offered for sale, or distributed within the state of Kansas without prior approval of the state fire marshal.

(b) Each early warning, fire suppression and fire alarm device shall be listed by and bear the label of a nationally-recognized testing laboratory unless the requirement is waived by the state fire marshal. (Authorized by and implementing K.S.A. 1984 Supp. 31-133; effective May 1, 1975; amended May 1, 1986.)

Article 21.—CHRISTMAS DECORATIONS

22-21-1. A person shall not sell an electrical Christmas decoration which is not listed by, nor bears the label of, a nationally-recognized testing laboratory, unless the specific type of decoration is exempted by the state fire marshal. (Authorized by and implementing K.S.A. 1984 Supp. 31-133; effective May 1, 1986.)

EDWARD C. REDMON
State Fire Marshal

Doc. No. 003855

State of Kansas

STATE CONSERVATION COMMISSION

PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1986)

Article 1.—WATER RESOURCES COST-SHARE PROGRAM

11-1-2. Definitions. (a) "Actual cost" means charges to the landowner by the contractor for conservation practices and their components.

(b) "Computed cost" means the total number of units multiplied by the county average cost for conservation practices and their components.

(c) "Conservation" means the development, use, and management of soil, water, and related resources in a way that will restore, enhance, protect, and maintain the quality and quantity of the natural resources.

(d) "Conservation district" means a sub-division of state government with its own governing body created under K.S.A. 2-1901 *et seq.* as a special purpose district to develop and carry out a conservation program within its boundaries. The boundaries of each Kansas district are coterminous with the respective boundaries of the state's 105 counties.

(e) "Conservation standards" means standards for various types of soils and land uses, including criteria,

techniques, and methods for control of erosion and sediment, the control of critical areas, and the control and management of water, all as prescribed by section IV, "USDA Soil Conservation Service (SCS) Technical Guide" indexed by TG Notice KS-129, August 1985.

(f) "Cost-share" means assumption by the state of a proportional share of the actual cost or computed cost, whichever is less, of installing conservation structures.

(g) "Cost-share level" means that percentage of the total cost of installing a structure that is to be paid by the state under the program.

(h) "County average cost" means the county-wide average cost per unit for installing a structure.

(i) "Critical area" means a severely eroded sediment-producing area that requires special treatment to establish and maintain vegetation in order to stabilize soil conditions.

(j) "Enduring water conservation structure" means a practical and effective device or measure or combination of the two which, when applied to land will reduce the loss of soil, water, or nutrients to other land, streams, or lakes and can be expected to function usefully for an extended period of years.

(k) "Erosion" means the wearing away of the land surface by running water, wind, ice and other geological agents.

(l) "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and that has come to rest on the earth's surface.

(m) "Units" means cubic yards, acres, linear feet and other measurements used in determining costs of structures. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; implementing K.S.A. 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; effective, E-81-26, Sep. 10, 1980; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended T-86-43, Dec. 18, 1985; amended May 1, 1986.)

11-1-3. Availability. (a) Each Kansas conservation district shall be notified of the amount of money allocated by the state conservation commission and credited to that district for cost-sharing with the owners of private and public land for the installation of enduring water conservation structures. The initial allocation will be based upon the number of rural acres within the district, water quality needs, and the water quantity needs. The commission shall establish a time period for the conservation district to recommend commitment of the cost-sharing grants to owners of land.

(b) With the allocation of credit to each district, the state conservation commission shall furnish a list of enduring water conservation structures which may be offered, subject to the judgment of the district's board of supervisors, to the owners of land in each district for installation with state cost-sharing. This list shall also prescribe a maximum cost-share level. Each district may set priorities for the use of or may offer fewer than

the full list of structures for cost-sharing eligibility in that district and may prescribe less than the commission's maximum cost-share level. The district may also prescribe a maximum payment to an individual landowner. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; implementing K.S.A. 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; effective, E-81-26, Sep. 10, 1980; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended T-86-43, Dec. 18, 1985; amended May 1, 1986.)

Article 2.—HIGH PRIORITY COST-SHARE PROGRAM

11-2-1. Availability. (a) The high priority cost-share program shall address priority water quantity and water quality problems identified in each of the 12 major river basins in Kansas.

(b) The definition of terms contained in K.A.R. 11-1-2 shall apply to the regulations in article 2. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; implementing K.S.A. 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-2-2. Criteria. The criteria to determine the relative priority of water quality and quantity problems in each river basin shall be determined by the commission with recommendations from basin advisory committees, conservation districts, watershed districts, and other entities involved in water quantity and water quality. The criteria shall address high priority problems in rural flood management, agriculture water conservation and agricultural runoff. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; implementing K.S.A. 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-2-3. Procedures. (a) The appropriated funds shall be allocated by basin, with financial accounting performed by the commission.

(b) A basin high priority program shall be established and each conservation district that has land in the priority area shall be notified of the amount of funds allocated to each basin, the priority areas involved, and land treatment practices that are designated for each priority.

(c) Based on the commission's high priority program, each conservation district shall establish and implement a high priority program for the basin or portion of the basin in the district. The program shall identify enduring water conservation structures eligible for cost-sharing, county-average costs of the structure, district maximum cost-share level, and the district officials authorized to certify cost-share forms.

(d) Each district shall publicize information about the program, shall accept applications from landowners and shall, if approval is recommended, forward each application to the commission.

(e) Each application shall be approved or disapproved by the commission and the landowner shall be notified of the commission action through the district office.

(f) When the approved structure is completely installed, the district shall certify to the commission the total cost of the structure and that the structure was installed in accordance with applicable conservation standards.

(g) The appropriate cost-share amount shall be paid to the landowner by the commission. The warrant for payment shall be transmitted to the landowner through the district office. Total payments to the landowners shall not exceed the amount of money allocated to the basin by the commission.

(h) Each conservation district shall provide all information required and shall report all actions pertaining to the high priority cost-share program on forms supplied by the commission. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; implementing K.S.A. 2-1915, as amended by L. 1985, Ch. 342, Sec. 9, T-86-43, Dec. 18, 1985; effective May 1, 1986.)

Article 3.—WATERSHED DAM CONSTRUCTION PROGRAM

11-3-1. Definitions. (a) "Chief engineer" means the chief engineer, division of water resources, state board of agriculture.

(b) "Commission" means the state conservation commission.

(c) "Detention dam" means a single purpose dam designed for temporary storage of floodwaters and for its controlled release.

(d) "District" means a watershed district, drainage district or any other special purpose district that has been organized and incorporated according to appropriate statutes and has power to levy taxes and power of eminent domain.

(e) "General plan" means a preliminary engineering report describing the characteristics of the project area, and the nature and methods of dealing with the soil and water problems within the project area. The plan shall include maps, descriptions and other data as necessary for the location, identification and establishment of the character of the work to be undertaken and any other data and information as the chief engineer may require.

(f) "Grade stabilization dam" means a structure designed to control the erosion of a watercourse.

(g) "Permit" means the formal document issued by the chief engineer or other issuing agency to the district authorizing the construction of the project.

(h) "Project" means the construction of a new detention or grade stabilization dam. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; implementing K.S.A. 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-3-2. Application. Any organized watershed district, with a general plan approved by the chief engineer, or a drainage district or other special purpose district with a general plan reviewed by the chief engineer, shall apply on forms supplied by the commission for state cost-share assistance funds appro-

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priated for construction of detention and grade stabilization dams. Applications shall be due at the commission office by April first to be included in the evaluation process for possible funding during the next fiscal year. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; implementing K.S.A. 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-3-3. Permit to construct. A copy of the permit to construct, issued by the chief engineer, shall be submitted to the commission before the allocation of funds to the project and before the district advertises for bids. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; implementing K.S.A. 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-3-4. Allocation of funds. (a) An evaluation team consisting of designees from state and federal water related agencies shall be appointed by the commission.

(b) The team shall evaluate each application according to criteria established by the commission and shall recommend to the commission a rank ordering of applications. Funding allocations shall be made by the commission.

(c) The commission shall establish the cost-share assistance level and may establish a maximum assistance per structure or district. An amount shall be designated for construction of detention dams in drainage or other special purpose districts.

(d) The district shall be notified by the commission when the application is approved for funding and the amount approved. The district may then initiate procedures to contract for construction of the project. The district shall be notified of applications not approved and may request the commission to hold the application on file or to return the application to the district.

(e) The project shall be advertised for bidding after the notification of approved funding and after the required permits have been issued.

(f) Competitive bidding shall be employed prior to contract awards.

(g) The construction of the project shall conform to applicable requirements of federal, state and local laws, ordinances, and regulations.

(h) Adequate and separate accounting and fiscal records shall be maintained to reflect the receipts and expenditures of all funds of the project.

(i) The district shall submit project documents and information as required by the commission.

(j) The district shall construct or cause the project to be constructed to final completion in accordance with the plans and specifications or modifications approved by the chief engineer and the application approved by the commission. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; implementing K.S.A. 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-3-5. Contract. (a) The commission and the district shall enter into a contract for state assistance of approved structures. The contract shall become a

fund-obligating document and shall include contractual provisions required by the commission and the state.

(b) Each contract shall terminate at the end of the fiscal year in which appropriation was made, unless extended by written notice from the commission. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; implementing K.S.A. 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-3-6. Partial payments. Partial payments of appropriated funds shall be made to the district no more often than once each month. The partial payment shall be requested on forms furnished by the commission. All partial payments shall be documented by the district as directed by the commission. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; implementing K.S.A. 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-3-7. Notification of completion. (a) The district shall notify the commission and chief engineer when the project is complete and ready for final inspection.

(b) The notification to the commission shall include:

(1) The date of completion of the project;

(2) An itemized list of all costs of construction, engineering, geological investigations and inspections; and

(3) A request for final payment of state funds for the project on forms provided by the commission. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; implementing K.S.A. 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-3-8. Modifications to construction plan. Modification of or change orders regarding the original construction plans shall require the prior approval of the chief engineer and notification to the commission. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; implementing K.S.A. 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; T-86-43; Dec. 18, 1985; effective May 1, 1986.)

11-3-9. Supplemental application procedures. (a) The district shall promptly report, in writing to the commission, all increases in cost, and all proposed additions, deletions and modifications of the project.

(b) A supplemental application may be submitted on forms supplied by the commission for costs of construction and engineering exceeding the approved funding. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; implementing K.S.A. 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-3-10. Annual inspection. An annual inspection of the completed structure shall be made and an inspection report shall be filed on forms provided by the commission. A copy of the inspection report shall be distributed to the commission and chief engineer. Corrective maintenance or repair shall be imple-

mented by the district when needed. (Authorized by K.S.A. 2-1904, 2-1915; as amended by L. 1985, Ch. 342, Sec. 9; implementing K.S.A. 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

Article 4.—STATE GRANTS FOR CONSTRUCTION OR RENOVATION OF MULTIPURPOSE SMALL LAKES

11-4-1. Definitions. (a) "Authorized representative" means the individual designated by the sponsor to be responsible for all correspondence. The authorized representative shall be the point of contact for the proposed project.

(b) "Commission" means the state conservation commission.

(c) "Cost-share limit" means the limitation of state funds as established by statute for class I, class II, and class III projects.

(d) "Land treatment" means a combination of conservation practices identified by the primary use of land or water that protect the resource base. For purposes of this program, the definition is expanded to include enduring measures, installed or rebuilt in accordance with conservation district standards, that are effective in reducing transportation of sediment and pollutants to the structure to be constructed or renovated.

(e) "Phase I letter of interest" means an initial written request from a sponsor for a determination as to whether a proposed project is eligible for the multipurpose small lakes program.

(f) "Phase II letter of intent" means a letter providing the necessary information for establishing the funds required for the proposed project. Project plans, budgets and schedules shall be developed in sufficient detail to support funding required and perform benefit cost analyses. An approved general plan, submitted with the letter of intent, shall supply detailed information to allow comparison with other projects. The signed letter of intent and supporting documentation shall be reviewed by the state water related agencies. A rank ordering of the proposed projects shall be established by the commission from the information provided in the letter of intent and recommendations from the reviewing agencies.

(g) "Phase III application" means the application for the appropriated funds for the project. This development phase shall result in preparation of construction documents including technical specifications, contract documents, bidding plans and procedures, and documentation showing that required permits, titles or options on the necessary lands and easements have been obtained.

(h) "Program" means the multipurpose small lakes program.

(i) "Project" means proposed construction or renovation of a multipurpose small lake by the sponsor including acquisition of land rights, installation of land treatment structures, dams and recreation facilities.

(j) "Renovation" means the act of restoring an ex-

isting structure to safe and efficient functioning for the original purpose or new purpose or purposes. (Authorized by and implementing L. 1985, Ch. 342, Sec. 2; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-4-2. Letter of interest. (a) Each prospective sponsor shall submit a phase I letter of interest to the commission to determine if the proposed project will qualify for the program. The letter of interest shall be submitted on a form furnished by the commission.

(b) The letter of interest shall be reviewed by the commission and the sponsor shall be notified in writing of the status of the proposed project. A copy of the letter of interest shall be furnished by the commission to the reviewing agencies. (Authorized by L. 1985, Ch. 342, Sec. 2; implementing L. 1985, Ch. 342, Sec. 2 and 7; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-4-3. Letter of intent. (a) The phase II letter of intent may be submitted by the sponsor following receipt of a letter from the commission that the proposed project is eligible for possible funding. The letter of intent, submitted on forms furnished by the commission, shall include an approved general plan. Proposed projects involving community development block grant funds shall include an application for these funds. The sponsor shall include an agricultural impact statement and resources inventory when five acres or more of agricultural land is taken under the power of eminent domain.

(b) The original letter of intent, plus one copy for each reviewing agency, shall be submitted to the commission no later than the first Monday in June to be considered in the next fiscal year budget request. (Authorized by L. 1985, Ch. 342, Sec. 2; implementing 1985, Ch. 342, Sec. 2 and 7; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-4-4. Review process. (a) Each state water related agency shall review the letter of intent. Agencies in the review process shall include, but not be limited to:

- (1) Department of health and environment;
- (2) Department of economic development;
- (3) Division of water resources, state board of agriculture;
- (4) Fish and game commission;
- (5) Historical society;
- (6) Park and resource authority;
- (7) State conservation commission;
- (8) Water office;
- (9) Any other agency designated by the commission.

(b) The review comments shall be summarized by the commission in the rank ordering process. The project shall be recommended for funding by the commission or shall be returned to the sponsor with reasons for rejection. (Authorized by L. 1985, Ch. 342, Sec. 2; implementing L. 1985, Ch. 342, Sec. 2 and 7; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-4-5. Funding. Each project recommended for funding through the review process and approved by the commission shall be included as a line item in the

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commission's budget request. (Authorized by L. 1985, Ch. 342, Sec. 2; implementing L. 1985, Ch. 342, Sec. 2 and 7; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-4-6. Application. (a) After funds have been appropriated by the legislature for the project, the sponsor shall submit to the commission the phase III application for funds to construct the project. The application shall be on forms furnished by the commission.

(b) The sponsor shall be responsible for securing all required permits before a state contract can be authorized. A copy of each permit shall be furnished to the commission. (Authorized by L. 1985, Ch. 342, Sec. 2; implementing L. 1985, Ch. 342, Sec. 2 and 7; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-4-7. State contract. (a) The commission and sponsor shall enter into a state contract for cost-share assistance in construction of funded projects. The state contract shall become a fund-obligating document for the state and shall include contractual provisions required by the commission and the state.

(b) Each state contract shall terminate at the end of the fiscal year in which appropriation was made. Any state contract may be extended by written notice from the commission. (Authorized by L. 1985, Ch. 342, Sec. 2; implementing L. 1985, Ch. 342, Sec. 2 and 7; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-4-8. Procedures. (a) Each engineering plan submitted to the chief engineer shall reflect professional responsibility with regard to economical design and construction and shall conform to or exceed the construction requirements of the chief engineer.

(b) Each sponsor shall have acquired fee simple title or such other estate or interest in the site of the project, including necessary easements and right-of-ways, to assure undisturbed use and possession for the purpose of construction, operation and maintenance for the life of the project.

(c) The sponsor shall advertise the project for bidding after required permits have been issued and the state contract signed.

(d) The sponsor shall use competitive bidding procedures prior to contract awards.

(e) The construction of the project shall conform to applicable requirements of federal, state and local laws, ordinances, and regulations.

(f) The sponsor shall maintain adequate and separate accounting and fiscal records to reflect the receipt and expenditure of all funds on the project.

(g) The sponsor shall submit documents and information as required by the commission.

(h) The sponsor shall construct the project or cause it to be constructed to final completion in accordance with the application and the plans and specifications or modifications approved by the chief engineer. (Authorized by L. 1985, Ch. 342 Sec. 2; implementing L. 1985, Ch. 342, Sec. 2 and 7; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-4-9. Partial payments. Partial payments of appropriated state funds shall be made by the commission to the sponsor no more often than once each

month. The partial payment shall be requested by the sponsor on forms furnished by the commission. All claims shall be documented by the sponsor as directed by the commission. (Authorized by L. 1985, Ch. 342, Sec. 2; implementing L. 1985, Ch. 342, Sec. 2 and 7; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-4-10. Notification of completion. (a) The sponsor shall notify the commission and the chief engineer when the project is complete and ready for final certification by the chief engineer. The notification of completion shall be on forms supplied by the commission and shall include:

(1) The date of completion of the project;

(2) An itemized list of construction, engineering, geological investigations, inspections and other eligible costs of the project; and

(3) A request for final payment of funds for the project.

(b) Final disbursement of the funds due from appropriated state funds shall be made after receipt of certification of approval of the work from the chief engineer. (Authorized by L. 1985, Ch. 342, Sec. 2; implementing L. 1985, Ch. 342, Sec. 2 and 7; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-4-11. Modifications to construction plan. Modification of or change orders regarding the original construction plan shall require the prior approval of the chief engineer and notification to the commission. When the sponsor is being assisted in contract administration by an agency other than the commission, the procedures established by the agency shall be used. (Authorized by L. 1985, Ch. 342, Sec. 2; implementing L. 1985, Ch. 342, Sec. 2 and 7; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-4-12. Amendment to costs of project. (a) The sponsor shall notify the commission of all increases in costs, and of all proposed additions, deletions and modifications of the project.

(b) An amendment to the application for state funds may be submitted to the commission for costs of construction, engineering and landrights above the approved application funding. The amendment shall be submitted on forms furnished by the commission and shall be fully documented. The amendment to the application shall be submitted as authorized by the commission.

(c) After review by the commission, an approved amendment for increased funding shall be either:

(1) Funded from appropriations made available for necessary amendments; or

(2) Included as a line item request in the commission budget.

(d) Amendments to project costs not approved shall be returned to the sponsor with reasons for rejection. The sponsor may appeal the non-approved amendment in writing and by requesting a hearing with the commission. (Authorized by L. 1985, Ch. 342, Sec. 2; implementing L. 1985, Ch. 342, Sec. 2 and 7; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-4-13. Maintenance. The sponsor shall provide maintenance of the completed structure throughout its

designed life. (Authorized by and implementing L. 1985, Ch. 342, Sec. 2; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-4-14. Annual inspection. An annual inspection of the completed structure shall be made and an inspection report shall be filed on forms provided by the commission. The inspection shall be made by a person experienced in dam design and construction. A copy of the inspection report shall be distributed to the commission and chief engineer. Corrective maintenance or repair shall be implemented by the sponsor when needed. (Authorized by and implementing L. 1985, Ch. 342, Sec. 2; T-86-43, Dec 18, 1985; effective May 1, 1986.)

Article 5.—COST-SHARING FOR LAND TREATMENT ABOVE MULTIPURPOSE SMALL LAKE PROJECTS

11-5-1. Availability. (a) A land treatment program shall be established by the commission for accelerated installation or rebuilding of enduring land treatment in the drainage area for each multipurpose small lakes project to adequately protect the project from siltation and pollution.

(b) The conservation district or districts in which the drainage area is located shall develop a land treatment plan and implementation schedule.

(c) The accelerated land treatment shall be completed within the time period established by the commission.

(d) Land treatment funds appropriated for the project shall be used only in the project drainage area.

(e) The definition of terms contained in K.A.R. 11-1-2 shall apply to the regulations in article 5. (Authorized by L. 1985, Ch. 342, Sec. 2; implementing L. 1985, Ch. 342, Sec. 2 and 8; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-5-2. Standards. Cost-share assistance shall be furnished for enduring land treatment structures installed in accordance with conservation standards. (Authorized by L. 1985, Ch. 342, Sec. 2; implementing L. 1985, Ch. 342; Sec. 2 and 8; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-5-3. Land treatment contracts. (a) Three types of contracts for accelerated land treatment shall be available in each project drainage area and in the conservation plan. Contracts shall be on forms supplied by the commission.

(b) The contract types are:

(1) An annual contract between a landowner and the commission;

(2) A long-term contract between a landowner and the commission; and

(3) A contract between the sponsor or co-sponsor and the commission to construct detention or grade stabilization structures or other structures necessary to control siltation and pollution.

(c) The following requirements shall apply to long term contracts between the landowner and the commission:

(1) The length of the long-term contract shall be determined by the commission;

(2) A long-term contract shall not be entered into on land that is under another program using long-term contracts or agreements for conservation land treatment; and

(3) An annual status review of the progress of the long term contract shall be submitted to the commission by June 1st of each year until the contract is complete or terminated. (Authorized by L. 1985; Ch. 342, Sec. 2; implementing L. 1985; Ch. 342, Sec. 2 and 8; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

11-5-4. Disbursement of funds. (a) Conservation districts shall report all actions pertaining to land treatment cost-share program on forms supplied by the commission.

(b) Recommended applications for eligible land treatment shall be forwarded to the commission for review and approval or disapproval.

(c) Upon completion of installation of each approved land treatment practice, the district shall certify to the commission that the land treatment practice is installed in accordance with applicable conservation standards and shall include the total cost of the land treatment practice.

(d) Cost-share payments shall be made to the landowner upon completion of the installation of the land treatment practice and components in accordance with conservation standards.

(e) Warrant for payment of the cost-share shall be sent to the conservation district for transmittal to the landowner.

(f) Total payments to landowners in the project drainage area shall not exceed the funds appropriated for land treatment.

(g) The landowner shall be responsible for the operation and proper maintenance of the enduring land treatment.

(h) Contracts with the sponsor or co-sponsor for detention or grade stabilization structures shall be subject to the administrative regulations established in Article 3, 11-3-1 through 11-3-10. (Authorized by L. 1985, Ch. 342, Sec. 2; implementing L. 1985, Ch. 342, Sec. 2 and 8; T-86-43, Dec. 18, 1985; effective May 1, 1986.)

KENNETH F. KERN

Executive Director

State Conservation Commission

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