

# KANSAS REGISTER

State of Kansas

**BILL GRAVES**  
Secretary of State

Vol. 6, No. 10

March 5, 1987

Pages 289-328

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State of Kansas

DEPARTMENT OF REVENUE

REQUEST FOR BIDS FOR AN OIL AND GAS LEASE

The Director of Taxation will receive bids for the leasing of oil and gas rights in and to the portion of the Arkansas Riverbed, the property of the state of Kansas, described as follows:

That portion of the Arkansas River as it meanders thru Sections 27, 28, and 33; Township 27 South; Range 21 West; Ford County, Kansas; containing 133.50 acres, M/L.

The bidding will be considered upon the amount of bonus annual rental and the amount of royalty to be paid. Due to the cost of processing, no bids will be accepted for less than \$100 on small tracts of less than 100 acres.

Bids should be submitted upon forms obtained from the Director of Taxation, Sand and Oil Lease Section, 3rd Floor, Robert B. Docking State Office Building, Topeka 66612-0001.

Lease should be made on Form 88—(Producers) Kansas, Oklahoma, Colorado, 1956 Rev. W. for a term of five years. The successful bidder pays publication costs.

Bids will be opened at the office of the Director of Taxation at 2 p.m. Monday, April 6. The Director of Taxation reserves the right to reject any and all bids and to readvertise.

CAROL B. BONEBRAKE Director of Taxation

Doc. No. 005103

State of Kansas

NORTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 4

NOTICE OF MEETING

The Northwest Kansas Groundwater Management District No. 4 will meet at 10 a.m. C.S.T. Thursday, March 12, in the district office, 1175 S. Range, Colby. General administrative matters and other business will be discussed.

WAYNE A. BOSSERT Manager

Doc. No. 005104

State of Kansas

SECRETARY OF STATE

NOTICE

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I, BILL GRAVES, Secretary of State of the State of Kansas, do hereby certify that pursuant to the provisions of K.S.A. 1986 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 March 1, 1987 through March 31, 1987 shall be 10.44 percent.

In testimony whereof: I hereto set my hand and cause to be affixed my seal. Done at the City of Topeka, this 27th day of February, A.D. 1987.

BILL GRAVES Secretary of State

Doc. No. 005110

The Kansas Register is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One-year subscriptions are \$47.50. Single copies may be purchased, if available, for \$2 each. Second class postage paid at Topeka, KS. ISSN No. 0744-2254.

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PUBLISHED BY BILL GRAVES Secretary of State 2nd Floor, State Capitol Topeka, KS 66612-1594



Phone: (913) 296-3489

## State of Kansas

**BOARD OF TECHNICAL PROFESSIONS****NOTICE OF MEETING**

The State Board of Technical Professions will meet at 8:30 a.m. Friday, March 13, in the board office, Room 507, Landon State Office Building, 900 Jackson, Topeka. The meeting is open to the public.

BETTY ROSE  
Executive Secretary

Doc. No. 005109

## State of Kansas

**STATE BOARD OF INDIGENTS'  
DEFENSE SERVICES****NOTICE OF MEETING**

The State Board of Indigents' Defense Services will meet at 1 p.m. Friday, March 27, in Hearing Room 2, Kansas Judicial Center, 301 W. 10th, Topeka.

For further information contact Ron Miles, Director, Room 506, Landon State Office Building, 900 Jackson, Topeka 66612, (913) 296-4505.

RONALD E. MILES  
Director

Doc. No. 005113

## State of Kansas

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

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 Jackson, Room 102, Topeka, until 2 p.m. C.S.T. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

**MONDAY, MARCH 16, 1987**

#26816

Department of Revenue—POLICE TYPE  
UNIFORM COMPONENTS

#26984

Kansas Correctional Industries—TOILET SOAP  
BASE

#27071

Various state agencies—FROZEN COFFEE

#27511 Rebid

Kansas Fish and Game Commission—HEAVY  
EQUIPMENT WORK, Perry Wildlife Area

#68403

Department of Transportation—LUMBER AND  
PLYWOOD

**TUESDAY, MARCH 17, 1987**

#A-5267

Larned State Hospital—PROVIDE TESTING AND  
MAINTENANCE OF ELECTRICAL EQUIPMENT  
AND SYSTEMS

#A-5583

Kansas Neurological Institute—REPLACE

CONDENSATE PUMPS AND CHILLED OR  
CHILLED/HOT WATER PUMPS, Sunflower and  
Meadowlark lodges

#27589

Kansas State Industrial Reformatory—  
TABLEWARE-POLYCARBONATE

#68405

Winfield State Hospital and Training Center—BABY  
FOOD

#68406

Department of Transportation—PLANT MIX,  
Lawrence

#68407

Kansas State University—VEHICLES

#68408

Department of Transportation—SELF LEVELING  
AUTOMATIC LEVELS AND THEODOLITE,  
Chanute

**WEDNESDAY, MARCH 18, 1987**

#A-5652

Department of Transportation—CONSTRUCT  
PRE-FAB DOME CHEMICAL STORAGE  
BUILDING, Osborne

#A-5635

Department of Transportation—CONSTRUCT  
PRE-FAB DOME CHEMICAL STORAGE  
BUILDING, Iola

#A-5654

Department of Transportation—CONSTRUCT  
PRE-FAB DOME CHEMICAL BUILDING, Great  
Bend

#A-5655

Department of Transportation—CONSTRUCT  
PRE-FAB DOME CHEMICAL BUILDING, Wichita

#A-5739

State Park and Resources Authority—BOAT RAMP  
AT HILLSDALE LAKE, Miami County

#68213-A

Department of Transportation—MRA AGGREGATE,  
Pottawatomie County

#68420

Kansas Fish and Game Commission—LOAD, HAUL  
AND DUMP BROKEN CONCRETE, Bennington

#68421

Wichita State University—REMOVE AND  
REPLACE SIDEWALK

#68422

Kansas Correctional Industries—LIQUID FILLING  
MACHINE

#68423

Department of Transportation—TRACTOR MOWER,  
Norton

#68424

Department of Transportation—MOWER REPAIR  
PARTS, Salina and Chanute

#68443

University of Kansas Medical Center—LAB  
FREEZER/INCUBATOR

**THURSDAY, MARCH 19, 1987**

#26494

Department of Transportation—MAINTENANCE  
OF HIGHWAY LIGHTING, Lyon County

#27590

Larned State Hospital—LIQUID LAUNDRY  
SUPPLIES

#68425

University of Kansas—VEHICLES

(continued)

#68427

Department of Social and Rehabilitation  
Services—CONTINUOUS FORM: "FOOD STAMP  
TURNAROUND"

#68429

Department of Transportation—NON-METALLIC  
DRUMS

#68434

Department of Transportation—CORRUGATED  
METAL PIPE, Cherokee County

#68435

Department of Administration, Buildings and  
Grounds Services—THERMOSTATS AND COVERS

#68441

Kansas State University—LAB INCUBATOR

#68442

University of Kansas—LAB OSCILLATOR

**FRIDAY, MARCH 20, 1987**

#68436

Kansas State University—ALUMINUM WINDOWS

#68437

University of Kansas—VAN

#68439

Kansas State University—DENSITOMETER

#68440

University of Kansas—SPECTROFLUORIMETER

#68444

Kansas State University—METAL CABINETS AND  
SINK TOPS

#68445

Department of Transportation—FURNISH AND  
INSTALL UNIT HEATERS, Osage City and Topeka

**TUESDAY, MARCH 24, 1987**

#27042

University of Kansas Medical Center—MIST  
INHALATORS

**TUESDAY, MARCH 31, 1987**

#27587

Emporia State University—NATURAL GAS

**WEDNESDAY, APRIL 1, 1987**

#26973

Department of Administration—AIRCRAFT  
INSURANCE

**THURSDAY, APRIL 2, 1987**

#25944

Kansas Turnpike Authority—USE AND  
OCCUPANCY INSURANCE-BRIDGE PROPERTY  
DAMAGE INSURANCE

**MONDAY, APRIL 6, 1987**

#27593

Kansas Fish and Game Commission—LEASE OF  
LAND, Tuttle Creek Wildlife Area

**FRIDAY, MAY 1, 1987**

#68433

State Corporation Commission—RECLAMATION  
PROJECT FOR FUEL DYNAMICS, INC., Crawford  
County

**NICHOLAS B. ROACH**  
Director of Purchases

Doc. No. 005114

## State of Kansas

**KANSAS JUDICIAL COUNCIL****NOTICE OF MEETINGS**

The Kansas Judicial Council and its advisory committees will meet at the following times and dates in Room 259, Kansas Judicial Center, 301 W. 10th, Topeka.

Date	Committee	Time
March 6	Probate Law	9:00 a.m.
March 20	Judicial Council	9:00 a.m.
March 27	Family Law	9:30 a.m.

**ROBERT MILLER**  
Chairman

Doc. No. 005108

(Published in the KANSAS REGISTER, March 5, 1987.)

**NOTICE OF REDEMPTION**  
**CITY OF CLIFTON, KANSAS**  
**INDUSTRIAL REVENUE BONDS**  
**SERIES 1976**

**(REPUBLIC VALLEY CABLE, INC.)**

Notice is hereby given that pursuant to Section 3 of Ordinance No. 332 of the city of Clifton, Kansas, First National Bank and Trust Co. of Salina, as trustee and paying agent, will redeem on April 1, 1987 for the city \$9,000 principal amount of the Series 1976 industrial revenue bonds of the city of Clifton (Republic Valley Cable, Inc.) at a price equal to the principal amount thereof plus accrued interest thereon to April 1, 1987, plus a premium of 1 percent.

All bonds are to be redeemed and are listed as follows:

Bond Number	Amount
52	1,000
53	1,000
54	1,000
55	1,000
56	1,000
57	1,000
58	1,000
59	1,000
60	1,000

On April 1, 1987, the bonds described above will be due and payable at the First National Bank and Trust Co., 101 N. Santa Fe, P.O. Box 800, Salina, KS 67402-0800.

Bonds should be surrendered with all unmaturing interest coupons attached. After April 1, 1987, interest on the aforesaid bonds will cease to accrue.

**First National Bank and Trust Co.**  
Trustee and Paying Agent

Doc. No. 005106

(Published in the KANSAS REGISTER, March 5, 1987.)

**NOTICE OF REDEMPTION  
CITY OF CLYDE, KANSAS  
INDUSTRIAL REVENUE BONDS  
SERIES 1976  
(REPUBLIC VALLEY CABLE, INC.)**

Notice is hereby given that pursuant to Section 3 of Ordinance No. 558 of the city of Clyde, Kansas, First National Bank and Trust Co. of Salina, as trustee and paying agent, will redeem on April 1, 1987 for the city \$10,000 principal amount of the Series 1976 industrial revenue bonds of the city of Clyde (Republic Valley Cable, Inc.) at a price equal to the principal amount thereof plus accrued interest thereon to April 1, 1987, plus a premium of 1 percent.

All bonds are to be redeemed and are listed as follows:

Bond Number	Amount
61	1,000
62	1,000
63	1,000
64	1,000
65	1,000
66	1,000
67	1,000
68	1,000
69	1,000
70	1,000

On April 1, 1987, the bonds described above will be due and payable at the First National Bank and Trust Co., 101 N. Santa Fe, P.O. Box 800, Salina, KS 67402-0800.

Bonds should be surrendered with all unmatured interest coupons attached. After April 1, 1987, interest on the aforesaid bonds will cease to accrue.

First National Bank and Trust Co.  
Trustee and Paying Agent

Doc. No. 005107

**State of Kansas**

**ATTORNEY GENERAL**

**Opinion No. 87-29**

**Automobiles and Other Vehicles—Uniform Act Regulating Traffic; Rules of the Road; Serious Traffic Offenses—Relevant Date for Suspension of Drivers' License.**

**Automobiles and Other Vehicles—Drivers' Licenses; Habitual Violators—Suspension Date. Jim Pringle, Sumner County Attorney, Wellington, February 18, 1987.**

The length of time that a driver's license is suspended pursuant to a DUI conviction is subject, to some degree, to judicial discretion. Since in exercising that discretion the court may rely on a presentence investigation, and such may delay sentencing, the suspension does not become effective until the order of suspension is made by the court. If it were otherwise, the duration of the suspension would in effect be

shortened because the driver, though convicted, is free to drive until the court imposes such sanctions. In addition, a person should be declared a habitual violator when that person has been convicted of specified offenses three times in a five-year period. The date of sentencing, or the date the division of motor vehicles receives notice of the sentencing for the third offense, is not the relevant time for determining whether a person is a habitual violator under the provisions of the statute. Cited herein: K.S.A. 1986 Supp. 8-285; 8-1567; 21-4604; K.S.A. 22-3424. JLM

**Opinion No. 87-30**

**Taxation—Miscellaneous Provisions—Amended Budget. Philip H. Alexander, Hutchinson City Attorney; Joe O'Sullivan, Reno County Counselor, Hutchinson, February 18, 1987.**

In order for a political subdivision to be entitled to receive its proportionate share of Local Ad Valorem Tax Reduction Fund (LAVTRF) moneys pursuant to K.S.A. 79-2961(b), it must certify a tax levy for each fund which is to receive a distribution of LAVTRF moneys, and the amount produced by the levy certified for each such fund must be equal to or greater than the amount of LAVTRF moneys distributed to such fund. (Attorney General Opinion No. 83-24 is affirmed.) Where a city budget inadvertently credits LAVTRF moneys to a fund for which no tax is levied, the city may amend its budget pursuant to K.S.A. 79-2929a so as to transfer the LAVTRF moneys to a fund meeting the criteria set forth in Attorney General Opinion No. 83-24. However, the amended budget may not include an increase in expenditures (in the amount of the LAVTRF moneys) for the fund to which the LAVTRF moneys are transferred, since said moneys do not constitute a *previously unbudgeted* increase in revenue. TRH

**Opinion No. 87-31**

**State Departments; Public Officers and Employees—Kansas Tort Claims Act—Conservation Districts. Kenneth F. Kern, Executive Director, Kansas State Conservation Commission, Topeka, February 18, 1987.**

The Kansas Conservation Commission is an agency of the state. Even though district supervisors and district employees perform functions locally, they act as members of a collective effort to conserve state resources. Therefore, they are to be considered state employees for purposes of the Kansas tort claims act. Our opinion in this matter is to be narrowly construed, as many units of government perform what are essentially parts of an overall state function. However, other such organizations are more easily analyzed by traditional tests. Cited herein: K.S.A. 2-1902; 2-1904; 2-1906; 2-1907; K.S.A. 1986 Supp. 2-1907b; K.S.A. 2-1907c; 2-1908; 75-6102; 75-6117. JLM

**Opinion No. 87-32**

**Taxation—Banks, Banking Businesses, Trust Companies and Savings and Loan Associations—Liability of**

*(continued)*

**Banks and Banking Institutions, and Their Receivers, for Personal Property Taxes. Senator Audrey Langworthy, 7th District, Prairie Village, February 19, 1987.**

There is no exemption from personal property taxes regarding the tangible personal property of a bank pursuant to K.S.A. 79-1103 *et seq.* As a receiver of a failed bank, the FDIC is liable for whatever taxes are due and owing by the bank at the time the bank failed. Cited herein: K.S.A. 79-101; 79-301; 79-304; 79-1103; 79-1105a; 79-1106; 79-1107. TRL

#### Opinion No. 87-33

**Elections—School District Elections—Failure to Certify Vacancy on U.S.D. Board of Education. Marjoria Winn, Wilson County Election Officer, Fredonia, February 24, 1987.**

K.S.A. 25-2023 provides that a member of a board of education of a unified school district shall hold office until a successor is elected or appointed and qualified. If the clerk of the board of education fails to certify an upcoming vacancy in the school board, candidates are prevented from being elected to that position through standard election procedures. A board of education does not have appointment powers following its own error in failing to certify a vacancy. Therefore, the vacancy may be filled either by an individual who conducts a write-in campaign in the general election, or, if no person conducts such a campaign, the incumbent shall automatically hold over in office for another full four year term. Cited herein: K.S.A. 25-2007; 25-2017a; 25-2018; 25-2021; 25-2022; 25-2023. BPA

#### Opinion No. 87-34

**State Departments; Public Officers and Employees—Kansas Tort Claims Act—Employee's Defense; Costs. Robert A. Walsh, Cloud County Attorney, Concordia, February 24, 1987.**

Service of process is a condition precedent to an employee's request for the provision of defense counsel by a governmental entity, unless such condition is waived. If, after the employee has been served, the entity lawfully refuses to provide for such defense, and if the request was made in accordance with the statute, then the entity must reimburse the employee for attorney expenses incurred as a result of the retention of private counsel. Absent service of process, timely request for, and proper refusal of providing legal defense counsel, no right is conferred on the employee to retain private counsel at the expense of the governmental entity. Cited herein: K.S.A. 75-6103, 75-6108, 75-6109. JLM

#### Opinion No. 87-35

**Constitution of the State of Kansas—Finance and Taxation—Exemption of Property for Economic Development Purposes.**

**Corporations—Agricultural Corporations—Swine and Poultry Confinement Facilities. Representative Susan Roenbaugh, 114th District, Lewis, February 24, 1987.**

The passage of 1987 House Bill No. 2076, a proposed amendment to the corporate farming law, would not serve to make swine and poultry confinement facilities eligible for property tax exemptions pursuant to Article 11, Section 13 of the Kansas Constitution. Cited herein: K.S.A. 1986 Supp. 17-5904; K.S.A. 84-9-109; Kan. Const., Art. 11, § 13; 1987 House Bill No. 2076. JLM

#### Opinion No. 87-36

**State Departments; Public Officers, Employees—Civil Service—State Provided Housing, Food Service or Other Employee Maintenance. Representative Ginger Barr, 51st District, Auburn, February 24, 1987.**

Based upon the information you have provided, it is our opinion that the Housing Maintenance Guideline Agreement executed by certain Fish and Game Commission employees (prior to July, 1986) is a binding contract between the commission and an employee of the commission who occupies state-owned housing. Additionally, in our judgment the termination of the commission's payment of utility services for state-owned housing occupied by those employees has reduced their salaries in contravention of applicable state regulations. Cited herein: K.S.A. 75-2961a, 75-4321, 75-4322, 75-4330; K.A.R. 1-5-20, 1-19-1, 1-19-2, 1-19-3; 1-19-4; 26 U.S.C. § 19. TRH

#### Opinion No. 87-37

**Counties and County Officers—Sheriff—Budget; Limitation of Personnel Action.**

**Counties and County Officers—County Commissioners; Powers and Duties—Control Over Expenditures.**

**Public Health—Alcoholism and Intoxication Treatment—County Alcohol and Drug Program. Gary F. Caldwell, Clay County Sheriff, Clay Center, February 24, 1987.**

The general authority over county expenditures vested in a board of county commissioners pursuant to the county commissioner statutes (K.S.A. 19-212; 19-229) may be limited by competing statutory provisions and the discretion which county officials are entitled to exercise over specifically allocated budget amounts.

A county may use funds raised under K.S.A. 65-4060 to purchase portable breath testers for prescreening DUI suspects, as DUI enforcement is a program the principal purpose of which is related to the treatment and/or prevention of alcohol or drug abuse. Cited herein: K.S.A. 1986 Supp. 8-1567; K.S.A. 19-212; K.S.A. 1986 Supp. 19-805; K.S.A. 65-4060; 79-2927; 79-2929a; 79-2934. BPA

ROBERT T. STEPHAN  
Attorney General

Doc. No. 005111

## State of Kansas

## DEPARTMENT OF TRANSPORTATION

## NOTICE TO CONSULTING ENGINEERS

The Kansas Department of Transportation is seeking a qualified engineering firm for plan production for the following project:

**Leavenworth—32-52 K-3098-01—**drainage study to alleviate a local drainage problem in Linwood from the west city limits to Stranger Creek along K-32.

Firms expressing interest in these projects must respond in writing and complete the Consulting Engineers Qualification Questionnaire (if not already prequalified) by March 19.

It is the policy of the K.D.O.T. to use the following criteria as the basis for selection of engineering consultant firms:

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

HORACE B. EDWARDS  
Secretary of Transportation

Doc. No. 005117

## State of Kansas

## DEPARTMENT OF TRANSPORTATION

## NOTICE TO CONTRACTORS

It is the intent that sealed proposals for the construction of road and bridge work in the following Kansas county will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.S.T. April 19, 1987, and then publicly opened:

## DISTRICT ONE—Northeast

**Wyandotte—670-105 K-2888-03—I-670** over 7th Street and connection to I-70, grading, surfacing and bridges. (Federal Funds)

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

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by

the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid-approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the project may be examined at the office of the respective county clerk or at the K.D.O.T. district office responsible for the work.

HORACE B. EDWARDS  
Secretary of Transportation

Doc. No. 005118

## State of Kansas

## DEPARTMENT OF TRANSPORTATION

## NOTICE TO CONTRACTORS

Sealed proposals for the construction of road and bridge work in the following Kansas county will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.S.T. March 19, 1987, and then publicly opened:

## DISTRICT ONE—Northeast

**Nemaha—36-66 K-2085-01—U.S. 36,** North Fork Black Vermillion bridge 1, 1.1 miles east of the Marshall-Nemaha county line, bridge repair. (Federal Funds)

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

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid-approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the project may be examined at the office of the respective county clerk or at the K.D.O.T. district office responsible for the work.

HORACE B. EDWARDS  
Secretary of Transportation

Doc. No. 005100

## State of Kansas

**SOCIAL AND REHABILITATION SERVICES****NOTICE OF AVAILABLE FUNDING  
FOR EMERGENCY SHELTER  
PILOT PROGRAMS**

The Department of Social and Rehabilitation Services is soliciting letters of interest from units of local government for the implementation of emergency shelter pilot programs in the state. The program is designed to help improve the quality of existing emergency shelters for the homeless, to help make available additional emergency shelters, and to help meet the costs of operating emergency shelters.

SRS anticipates awarding approximately \$78,000 (subject to receipt of federal funding) to units of local government for the rehabilitation or conversion of buildings for use as emergency shelters for the homeless and for the payment of certain operating expenses for these shelters.

The requirements governing the use of the grant funds are as follows:

1. Emergency shelter grant amounts may be used for one or more of the following activities:
  - A. Renovation—Rehabilitation that involves costs of 75 percent or less of the value of the building;
  - B. Major Rehabilitation—Rehabilitation that involves costs in excess of 75 percent of the value of the building;
  - C. Conversion—A change in the use of a building to an emergency shelter where the cost exceeds 75 percent of the value of the building;
  - D. Provision of support services, including (but not limited to) services concerned with health, employment, substance abuse, education or food;
  - E. Payment of maintenance, operation (including rent, but excluding staff), insurance, utilities, and furnishings.

Two conditions are attached to spending the funds allotted for support services. First, the service must be a new service or a qualifiable increase in the level of a service above that which was provided during the 12 calendar months immediately before receipt of the grant amounts. The second condition is that not more than 15 percent of the grant amount can be dedicated to the support services.

2. Emergency shelter grant funds may not be used for activities such as:
  - A. Acquisition costs for a shelter;
  - B. Renting commercial accommodations for the homeless, e.g., hotel or motel rooms;
  - C. Administrative or staffing costs other than those associated with support services as identified in 1, D, above;
  - D. Rehabilitation services such as preparation of work specifications, loan processing, or inspections;
  - E. Renovation, rehabilitation, or conversion of

buildings owned by primarily religious organizations or entities.

3. All units of general local government (grantee) may carry out emergency shelter grant activities directly or may distribute all or parts of the grant amounts to nonprofit organizations providing assistance to the homeless. If the grantee makes grant amounts available to nonprofit organizations, the grantee is responsible for ensuring that the recipient carries out the activities according to the conditions set forth in the grant award.
4. Units of local government must have all grant amounts obligated within 180 days after the date of the grant award. Obligated means that the grantee has placed orders, awarded contracts, received services or entered similar transactions that require payment. Any grant amounts awarded by the grantee to nonprofit organizations are obligated.
5. Each grantee must supplement the federal funds with an equal amount of matching funds from other sources. The matching funds must be made available after the date of the grant award. Matching funds may include donated materials or buildings, leases, salaries, and the time and services contributed by volunteers to carry out the emergency shelter program (valued at the rate of \$5 per hour).
6. The grantee may comply with this requirement by providing the matching funds itself, or through matching funds provided by nonprofit recipients. The grantee is responsible for determining the value of any donated material, building, or any lease. The method of calculating fair market values must be included in the letter of interest submitted to SRS.
7. Any building for which emergency shelter grants are used must be maintained as a shelter for the homeless for not less than a three year period, or for not less than a 10 year period if the grant amounts are used for major rehabilitation or conversion of the building. For buildings not previously operated as an emergency shelter, the applicable period is to be calculated from the date of the initial occupancy as an emergency shelter. For buildings that were operated as an emergency shelter prior to receipt of the grant, the applicable period is calculated from the date that grant amounts are first obligated for the shelter.
8. Buildings for which grants are made for renovation, conversion, or major rehabilitation must meet the local government standard of being safe and in sanitary condition.
9. Homeless individuals served by the grant must be given assistance in obtaining appropriate supportive services, including permanent housing, medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living. Additionally, assistance must be given in obtaining other federal, state, local and private assistance available for the homeless.
10. A number of certifications and assurances are re-



quired in order to receive an emergency shelter grant:

- A. Certification of the sources and amounts of the required matching supplemental funds;
- B. Assurance of compliance with requirements for continued use of buildings on which emergency shelter grants are spent as emergency shelters for the homeless; building standards requirements; and requirements for the provision of appropriate public or private social services to assist the homeless in achieving independent living;
- C. Assurance of nondiscrimination and equal opportunity;
- D. Certification that the application is authorized by state law and that the governmental body applying has the legal authority to carry out the program;
- E. Assurances that no renovation, major rehabilitation or conversion activity: will involve adverse alterations to property listed on the National Register of Historic Places or located adjacent to listed property; is located in a historic district, or deemed eligible for listing on the Register; take place in a designated 100-year floodplain; jeopardize endangered or threatened species; or be inconsistent with HUD environmental standards or with the state's Coastal Management Plan.

In lieu of the last assurance, renovation, rehabilitation or conversion may be performed if a previously conducted environmental review addressed properties, activities and effects comparable to those proposed for assistance, and HUD finds that the prior review applies now.

11. Use of grant amounts must also meet requirements of nondiscrimination and equal opportunity, applicable OMB circulars, uniform federal accessibility standards, and the lead-based paint poisoning prevention act. Conflicts of interest must also be avoided so personal or financial interest or benefit from the activity funded by the grant is not realized by grant recipients. Debarred, suspended, or ineligible contractors (as determined by the Department of Housing and Urban Development) cannot be hired. Flood insurance or other safeguards must be obtained. Audit requirements will be exercised.
12. Payments will be made to the grantee on a reimbursable basis only. The grantee shall be responsible for submitting copies of all paid recipients with all requests for reimbursement.
13. The grantee must submit two interim performance reports to SRS no later than 60 and 330 days after the date of the grant award. The reports must contain information on the amount of funds obligated for each of the three categories of eligible activities. In addition, the reports must document the sources and amounts of matching supplemental funding.

In order to be considered for an emergency shelter grant award, letters of interest submitted by units of local government must include the following:

1. A narrative demonstrating the need for the grant, including but not limited to:
  - a. The size of the area served (general population and area);
  - b. Estimated number of homeless in the area served and method of estimation (include definition of homeless);
  - c. Number of shelters serving the homeless population;
  - d. Capacity of the shelters to be treated with the grant;
  - e. Normal or average daily occupancy of the shelters;
  - f. Number of homeless persons sheltered in the last year;
  - g. Maximum length of occupancy allowed.
2. Proposed activities to be funded with the grant, to include:
  - a. Activity, e.g., renovation, payment of utility costs, replacement of heating/cooling equipment, etc.;
  - b. Amount budgeted for each activity.
3. Sources, amounts and types of supplemental (matching) funding;
4. Assurance that all certifications can and will be met;
5. Assurance that the applicant has consulted with the SRS area office concerning proposal intent, local needs, and identification of potential grant recipients.

If the unit of local government chooses to sub-grant funds to nonprofit organizations, the organization must be identified and the aforementioned information supplied for that organization.

It is anticipated that funding requests will greatly exceed the amount of monies available for this year's program. SRS wishes to ensure that the funds for this program provide services and activities that will result in long term benefits to the homeless population in Kansas. In order to achieve this result, SRS will give preference to proposed programs that serve the greatest demonstrated need. Moreover, preference will be given to programs for renovation, rehabilitation, conversion, and building efficiency improvements.

All letters of interest must be postmarked no later than April 3 and mailed to the Department of Social and Rehabilitation Services, Division of Income Maintenance, Attn: Philip Dubach, Housing Program Specialist, P.O. Box 30, Topeka 66601.

Questions or clarifications concerning the program should be directed to the address above or to Philip Dubach at (913) 296-3349.

**ROBERT C. HARDER**  
Secretary of Social and  
Rehabilitation Services

Doc. No. 005116

## State of Kansas

## PUBLIC DISCLOSURE COMMISSION

## Advisory Opinion No. 87-3

Written February 18, 1987 to all interested persons.

Pursuant to K.S.A. 46-254, the commission takes this opportunity to issue its opinion concerning the funding of special events for state officers and employees such as birthday parties.

It should first be noted under K.S.A. 46-236 that as a general rule, it is unlawful for a state officer or employee to solicit funds from a lobbying organization to finance a special event for a state officer or employee.

In those situations where a group of lobbying organizations act in concert to finance a special event, there are two alternatives available for disclosure. The "group," as a "person" under K.S.A. 46-233, may register and report the expenditures made on the event or the contributions to the fund may be made to an existing lobbying organization which would report the expenditures made.

The contributions, in either case, need not be reported by the individual lobbyists contributing to the fund.

## Advisory Opinion No. 87-4

Written February 18, 1987 to Ronald S. Reuter, City Attorney, Perry & Hamill, 4650 College Blvd., P.O. Box 7933, Overland Park, KS 66207.

This opinion is in response to your letter of January 29, 1987, in which you request an opinion from the Kansas Public Disclosure Commission concerning the local conflict of interests statute.

We understand you request this opinion in your capacity as city attorney for Roeland Park, Kansas.

You informed us that the city of Roeland Park, Kansas is a city of the second class operating under the mayor-council form of government, with a mayor and eight councilmen.

The city has the following full-time employees or appointed officials: city clerk, assistant to the mayor, court clerk, chief of police and policemen, superintendent of public works and laborers. The city has a city treasurer, city attorney and city engineer who work for the city on a part-time basis.

The city is currently considering the redevelopment of its central business district pursuant to the provisions of K.S.A. 12-1770 *et seq.*, which provides a procedure to be followed and grants to the city the power of eminent domain and the authority to issue bonds to finance the redevelopment.

The process is a rather involved one and requires a good deal of contact with and coordination between officials of the city, the county commissioners, the board of education, the landowners within the proposed redevelopment area, developers, contractors, professionals such as attorneys and engineers, including the city attorney and the city engineer.

The city does not have an elected official, employee or appointed official on its staff that has the ability, either because of lack of training and experience or because of lack of time, to perform additional duties, to handle the contact, coordination and supervision

required to properly initiate and complete the redevelopment of the central business district.

One of the councilmen has suggested that the city engage the services of another councilman, Kevin C. Harris, who is a lawyer in Johnson County and has prior experience in the military with the supervision of various projects, as the project coordinator and representative of the city in the redevelopment of the central business district.

Mr. Harris would be paid on an hourly basis for his work. The hourly rate has not been discussed, but it would be determined by the council and would be based upon what appeared to be appropriate in the area for a similar type of work. There would not be advertised competitive bidding for the service because of the uniqueness of the job.

Both Mr. Harris and the council are concerned that such an arrangement might in some way violate the Kansas statutes concerning conflicts of interest or in some other way be improper, although the council appears to be in approval of engaging Mr. Harris to perform the required services.

We note at the outset that the commission's jurisdiction on the issues you raise is limited to the applicability of K.S.A. 75-4301 *et seq.* Thus, whether some other common law or statutory system applies to your question is not covered by this opinion.

K.S.A. 75-4304 is in point. That section states:

"(a) No public officer or employee shall in his or her capacity as such officer or employee, make or participate in the making of a contract with any person or business by which he or she is employed or in whose business he or she has a substantial interest, and no such person or business shall enter into any contract where any public officer or employee, acting in such capacity, is a signatory to or a participant in the making of such contract and is employed by or has a substantial interest in such person or business. A public officer or employee does not make or participate in the making of a contract if he or she abstains from any action in regard to the contract. This section shall not apply to the following: (1) Contracts let after competitive bidding has been advertised for by published notice; and (2) Contracts for property or services for which the price or rate is fixed by law. (b) Any public officer or employee who is convicted of violating this section shall forfeit his or her office or employment."

This section does not prohibit contracts between the city and city officers or employees. It does, however, require that the city officer to be contracted with abstain from any action in his capacity as a city official concerning the making of the contract.

In this regard, he should not participate in deliberations concerning his employment or the vote thereon, or any votes relating to payment for his services. So long as he does not participate on behalf of the city, the contract would be permissible under the above law.

## Advisory Opinion No. 87-5

Written February 18, 1987 to Dr. H. Edward Flentje, Secretary of Administration, State Capitol, Topeka, KS 66612-1572.

This opinion is in response to your letter of February 9, 1987, in which you request an opinion from the Kansas Public Disclosure Commission concerning the reporting of substantial interests.

We understand you request this opinion in your capacity as Secretary of Administration.

You advise us that your spouse is one of 31 partners of a law firm. Pursuant to the partnership agreement, partners are not entitled to a portion of each fee collected by the partnership. Rather, clients of the firm are billed for services rendered by the firm. Payment is made to the firm and placed in the firm general account.

Partners of the firm are paid a monthly draw from the firm. Distributions in excess of draws are made to partners five times a year, but no determination of an individual partner's income can be calculated until the end of the partnership's fiscal year. A partner has no legal entitlement to a direct payment of any specific fee or portion thereof.

Based on this factual situation, you ask whether you are required to report clients of your spouse's law firm under the definition contained in K.S.A. 46-229(e). That section defines "substantial interest" to mean:

"(e) If an individual or an individual's spouse receives compensation which is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the individual has a substantial interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the individual or the individual's spouse, either individually or collectively, received an aggregate of \$2,000 or more during the preceding calendar year. As used in this subsection, "client or customer" means a business or combination of businesses.

Based on the factual situation provided to us, since your spouse does not receive a portion or percentage of each separate fee paid to the firm, it is our opinion that you are not required to disclose on your substantial interest statement the clients of your spouse's firm. You are, of course, required to disclose the firm as a substantial interest under the "Receipt of Compensation" section.

**Advisory Opinion No. 87-6**

Written February 18, 1987 to Stuart M. Frager, President, Kansas Coalition for Mental Health of Shawnee County, 909 W. 10th, Topeka, KS 66604.

This opinion is in response to your letter of January 31, 1987, in which you request an opinion from the Kansas Public Disclosure Commission concerning lobbying prohibitions.

We understand you request this opinion in your capacity as a state officer or employee at Topeka State Hospital.

You advise us that you are currently the president of the Kansas Coalition for Mental Health of Shawnee County and serve as its registered lobbyist. In that capacity you do not receive remuneration. You indicate you do not lobby for the hospital but do on behalf of the coalition lobby on matters affecting the S.R.S. budget and policies.

You ask if it is permissible to lobby on behalf of the coalition concerning matters affecting your state agency, while you are employed by the state, so long as you do not receive compensation for such lobbying.

K.S.A. 46-232 applies to your question. It is our opinion that this section permits the situation you have described.

LOWELL ABELDT  
Chairman

Doc. No. 005105

**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 February 19-25:**

**House Bills**

**HB 2425**, by Committee on Agriculture and Small Business: An act concerning the state board of agriculture; establishing a division of rural initiatives; providing for duties and functions of such division.

**HB 2426**, by Committee on Education (by request): An act concerning school districts and community colleges; authorizing the designation thereby of school security officers as school law enforcement officers; relating to the provision of law enforcement training for such officers; amending K.S.A. 72-8222, 74-5602, 74-5604a, 74-5609a and 74-5611a and K.S.A. 1986 Supp. 74-5605, and repealing the existing sections.

**HB 2427**, by Committee on Education: An act concerning bilingual education; affecting the definition of program; defining and requiring the employment of qualified teachers; amending K.S.A. 72-9502 and K.S.A. 1986 Supp. 72-9501, 72-9507 and 72-9510, and repealing the existing sections.

**HB 2428**, by Committee on Judiciary: An act relating to criminal procedure; concerning procedures relating to competency to stand trial; amending K.S.A. 22-3305 and repealing the existing section.

**HB 2429**, by Committee on Local Government: An act relating to cities; concerning assessments to pay for improvements and interest thereon; amending K.S.A. 12-6a10 and repealing the existing section.

**HB 2430**, by Committee on Local Government: An act relating to certain rural water districts; concerning annual meetings of participating members; amending K.S.A. 82a-626 and repealing the existing section.

**HB 2431**, by Committee on Elections: An act concerning elections; relating to the filling of certain vacancies; appointment of precinct committeemen and committeewomen; amending K.S.A. 25-3801 and repealing the existing section.

**HB 2432**, by Committee on Education (by request): An act concerning professional negotiation between boards of education and professional employees; relating to the date for commencement thereof; affecting the definition of statutory declaration of impasse date; amending K.S.A. 72-5413 and K.S.A. 1986 Supp. 72-5423, and repealing the existing sections.

**HB 2433**, by Committee on Agriculture and Small Business: An act concerning civil procedure; relating to deficiency judgments; giving discretion to the district court; factors to consider; amending K.S.A. 60-2414 and repealing the existing section.

**HB 2434**, by Legislative Commission on Kansas Economic Development: An act concerning employment; relating to the Kansas industrial retraining program; creating the Kansas industrial retraining fund; requiring an assessment from employers.

**HB 2435**, by Committee on Economic Development: An act concerning purchasing and sales procedures for state agencies; relating to competitive bidding and exceptions and alternatives thereto; prescribing powers, duties and functions for the director of purchases and the secretary of administration; amending K.S.A. 75-3739, as amended by section 19 of 1987 House Bill No. 2072, and repealing the existing section.

**HB 2436**, by Committee on Economic Development: An act relating to state contracts and purchases; concerning the purchase of goods, merchandise, materials, supplies or equipment produced or manufactured within the state; amending K.S.A. 1986 Supp. 75-3740 and repealing the existing section.

**HB 2437**, by Committee on Commercial and Financial Institutions: An act relating to state moneys; allowing savings banks and savings and loan associations to bid on certain active accounts; amending K.S.A. 1986 Supp. 75-4201, 75-4214 and 75-4218 and repealing the existing sections.

**HB 2438**, by Committee on Appropriations: An act relating to Washburn university of Topeka; establishing Washburn university of Kansas as a separate state educational institution under the control and supervision of the state board of regents; providing for the conveyance of property to the state board of regents; authorizing and requiring certain tax levies and disbursement thereof; providing for retirement of the bonded indebtedness of Washburn university of Topeka; providing for the disposition and management of certain endowment property of Washburn university of Topeka; and establishing a board of stewards for the university and prescribing its composition, powers, rights and authority.

**HB 2439**, by Committee on Appropriations: An act making and concerning appropriations for the fiscal year ending June 30, 1988, for Fort Hays state university, Kansas state university, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, Wichita state university, state board of regents and Kansas technical institute; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

**HB 2440**, by Committee on Pensions, Investments and Benefits: An act concerning unified school district No. 500, Wyandotte county; relating to maintenance of the school employees' retirement fund; amending K.S.A. 72-1759 and repealing the existing section.

(continued)

- HB 2441**, by Committee on Local Government: An act concerning fees to be charged by county clerks for certain services; amending K.S.A. 28-103 and repealing the existing section.
- HB 2442**, by Committee on Local Government: An act relating to county clerks; fees for certified copies of records; amending K.S.A. 19-306 and repealing the existing section.
- HB 2443**, by Committee on Education (by request): An act concerning special education services for exceptional children; relating to cooperative agreements for the provision thereof; amending K.S.A. 72-968 and repealing the existing section.
- HB 2444**, by Committee on Agriculture and Small Business: An act concerning the sale of certain agricultural land; and prescribing certain conditions and granting certain rights therefor.
- HB 2445**, by Committee on Agriculture and Small Business: An act concerning the lease of certain agricultural land; prescribing certain conditions and granting certain rights relating thereto.
- HB 2446**, by Committee on Agriculture and Small Business: An act concerning agriculture; relating to federal land banks and production credit associations; requiring registration and disclosure of information to the secretary of state; providing penalties for violations.
- HB 2447**, by Committee on Agriculture and Small Business: An act concerning agriculture; allowing the debtor to purchase back the home-quarter.
- HB 2448**, by Committee on Economic Development: An act concerning organic food products; relating to the labeling and advertising thereof; providing for enforcement.
- HB 2449**, by Committee on Judiciary: An act concerning actions for divorce, annulment or separate maintenance; concerning support of certain children; amending K.S.A. 1986 Supp. 60-1610 and repealing the existing section.
- HB 2450**, by Committee on Judiciary: An act concerning traffic citations; amending K.S.A. 1986 Supp. 8-2106 and repealing the existing section.
- HB 2451**, by Committee on Judiciary: An act concerning civil procedure; relating to physician-patient privilege; amending K.S.A. 60-427 and repealing the existing section.
- HB 2452**, by Committee on Judiciary (by request): An act concerning civil procedure; relating to venue of certain actions; amending K.S.A. 60-606 and repealing the existing section.
- HB 2453**, by Committee on Labor and Industry: An act concerning the employment security law; relating to the creation of a shared work unemployment compensation program; amending K.S.A. 44-705 and repealing the existing section.
- HB 2454**, by Committee on Labor and Industry: An act concerning workers compensation; relating to preliminary hearings and rehabilitation; amending K.S.A. 44-510g and 44-534a and repealing the existing sections.
- HB 2455**, by Committee on Insurance: An act relating to insurance; concerning conversion of a domestic mutual insurer into a stock insurer; plan of conversion and notice of hearing thereon; amending K.S.A. 40-4003 and 40-4004 and repealing the existing sections.
- HB 2456**, by Committee on Insurance: An act relating to investments authorized for life insurance companies; amending K.S.A. 40-2b04, 40-2b05, 40-2b06, 40-2b07, 40-2b10 and 40-2b24 and repealing the existing sections.
- HB 2457**, by Committee on Transportation: An act amending the vehicle dealers' and manufacturers' licensing act; relating to the expiration of salesmen's licenses; amending K.S.A. 1986 Supp. 8-2404 and repealing the existing section.
- HB 2458**, by Committee on Transportation: An act relating to motor vehicles; concerning certificates of title; fees; amending K.S.A. 8-135a, 8-139, 8-171 and 74-2013 and K.S.A. 1986 Supp. 8-135 and 8-170 and repealing the existing sections.
- HB 2459**, by Committee on Transportation: An act relating to motor vehicles; concerning the collection of certain fees; amending K.S.A. 1986 Supp. 8-145 and repealing the existing section.
- HB 2460**, by Committee on Insurance: An act relating to insurance companies other than life; concerning investment in holding corporations; amending K.S.A. 40-2a09 and repealing the existing section.
- HB 2461**, by Committee on Judiciary: An act concerning the Kansas code for care of children; relating to notice of certain proceedings; amending K.S.A. 38-1562, 38-1564, 38-1582 and 38-1584 and repealing the existing sections; also repealing K.S.A. 38-1584a.
- HB 2462**, by Committee on Judiciary (by request): An act concerning children; relating to termination of parental rights and adoption; amending K.S.A. 38-1129 and K.S.A. 1986 Supp. 59-2102 and 59-2278 and repealing the existing sections.
- HB 2463**, by Committee on Judiciary (by request): An act concerning the protection from abuse act; amending K.S.A. 60-3101, 60-3102, 60-3106 and 60-3107 and K.S.A. 1986 Supp. 60-3104 and 60-3105 and repealing the existing sections.
- HB 2464**, by Committee on Public Health and Welfare: An act providing for licensure of dietitians; providing for administration of the act by the secretary of health and environment; creating the advisory board on dietetics; prohibiting certain acts and providing penalties therefor.
- HB 2465**, by Committee on Transportation: An act concerning port authorities; relating to certain powers and duties thereof; amending K.S.A. 12-3401, 12-3402, 12-3403, 12-3406, 12-3409, 12-3412, 12-3413, 12-3414, 12-3415, 12-3416, 12-3418 and 12-3420 and repealing the existing sections; also repealing K.S.A. 12-3410, 12-3415a and 12-3415b.
- HB 2466**, by Committee on Agriculture and Small Business: An act concerning the Kansas veterinary practice act; authorizing state board of veterinary examiners to employ an executive director; authorizing certain fees; amending K.S.A. 47-821 and 47-822 and repealing the existing sections.
- HB 2467**, by Committee on Federal and State Affairs: An act concerning state agencies; concerning the state surplus property program; amending K.S.A. 74-2124, 75-3739 and K.S.A. 1986 Supp. 75-3738, 75-6602 and 75-6604 and repealing the existing sections.
- HB 2468**, by Committee on Judiciary (by request): An act concerning recreational use of land; relating to liability therefor; amending K.S.A. 58-3206 and repealing the existing section.
- HB 2469**, by Committee on Judiciary (by request): An act concerning probate procedure; relating to termination of certain trusts; concerning notice of certain hearings; amending K.S.A. 59-2247 and K.S.A. 1986 Supp. 59-2251 and repealing the existing sections.
- HB 2470**, by Committee on Judiciary (by request): An act concerning certain rates of interest; amending K.S.A. 16-201 and repealing the existing section.
- HB 2471**, by Committee on Judiciary: An act concerning civil procedure; concerning certain evidence; repealing K.S.A. 1986 Supp. 60-3403.
- HB 2472**, by Committee on Judiciary: An act concerning civil actions; limiting damages for noneconomic loss in certain cases; amending K.S.A. 1986 Supp. 60-3407 and repealing the existing section.
- HB 2473**, by Committee on Judiciary: An act concerning civil procedure; relating to redemption of real property; amending K.S.A. 60-2414 and repealing the existing section.
- HB 2474**, by Committee on Judiciary (by request): An act concerning guardians and conservators; relating to removal thereof; amending K.S.A. 59-3035 and repealing the existing section.
- HB 2475**, by Committee on Judiciary (by request): An act concerning civil procedure; allowing the maintenance of a cause of action using fictitious names for certain purposes; extending the time to file suit in certain cases.
- HB 2476**, by Committee on Judiciary (by request): An act concerning criminal procedure; relating to preliminary examinations; amending K.S.A. 1986 Supp. 22-2902 and repealing the existing section.
- HB 2477**, by Committee on Judiciary (by request): An act concerning civil procedure; relating to certain negligence actions; amending K.S.A. 60-258a and 60-258b and repealing the existing sections.
- HB 2478**, by Committee on Economic Development: An act relating to allowances for official travel by certain public officers and employees; concerning rates of subsistence allowances; expenses for authorized out-of-state travel; amending K.S.A. 75-3207a and 75-3208 and repealing the existing sections.
- HB 2479**, by Legislative Commission on Kansas Economic Development: An act providing for Kansas exemplary handicapped person employability program recognition awards.
- HB 2480**, by Committee on Energy and Natural Resources: An act concerning water districts; relating to lands annexed by cities; amending K.S.A. 1986 Supp. 12-527 and repealing the existing section.
- HB 2481**, by Committee on Education (by request): An act establishing the Kansas postsecondary education information program.
- HB 2482**, by Committee on Education (by request): An act concerning special education services for exceptional children; relating to interlocal agreements for the provision thereof; amending K.S.A. 72-8230 and repealing the existing section.
- HB 2483**, by Committee on Insurance: An act relating to insurance; concerning unfair claim settlement practices; amending K.S.A. 40-2404 and repealing the existing section.
- HB 2484**, by Committee on Insurance: An act relating to insurance; concerning rights to continue coverage under group hospital, medical and surgical contracts and to obtain conversion policies; providing for exceptions thereto; amending K.S.A. 40-19c06 and 40-2209 and repealing the existing sections.
- HB 2485**, by Committee on Insurance: An act making certain acts with respect to the obtaining of health care benefits criminal offenses.
- HB 2486**, by Committee on Appropriations: An act making certain transfers of moneys from the state general fund subject to appropriation acts; amending K.S.A. 79-2959, 79-2964, 79-3425e and 79-34,147 and repealing the existing sections.
- HB 2487**, by Committee on Judiciary (by request): An act concerning the uniform trade secrets act; amending K.S.A. 60-3321, 60-3322, 60-3326 and 60-3330 and repealing the existing sections.
- HB 2488**, by Committee on Judiciary: An act concerning certain homes for children; relating to qualifications therefor; amending K.S.A. 65-516 and repealing the existing section.
- HB 2489**, by Committee on Agriculture and Small Business: An act concerning eminent domain proceedings; providing for filing a statement of compensation with the court in cases of negotiated settlement.
- HB 2490**, by Committee on Agriculture and Small Business: An act concerning the weighing of grain; providing for the testing of large-capacity scales relating thereto; amending K.S.A. 34-103a, 75-1703 and K.S.A. 1986 Supp. 83-301 and repealing the existing sections.
- HB 2491**, by Committee on Transportation: An act relating to agricultural ethyl alcohol; establishing the Kansas qualified agricultural ethyl alcohol producer incentive fund; concerning motor vehicle fuel taxes; amending K.S.A. 1986 Supp. 79-3408 and repealing the existing section; also repealing K.S.A. 79-3408d.
- HB 2492**, by Committee on Transportation: An act relating to motor vehicles; concerning the failure to register.
- HB 2493**, by Committee on Transportation: An act relating to motor vehicle insurance; concerning the failure to maintain financial security; amending K.S.A. 40-3104 and repealing the existing section.
- HB 2494**, by Committee on Transportation: An act relating to motor vehicles; concerning the use of certain equipment thereon; amending K.S.A. 8-1506, 8-1598, 8-1720 and 8-1734 and repealing the existing sections.
- HB 2495**, by Committee on Transportation: An act relating to motor vehicle insurance; concerning evidence of financial security; amending K.S.A. 40-3104 and repealing the existing section.
- HB 2496**, by Committee on Transportation: An act regulating traffic; concerning inattentive driving; amending K.S.A. 1986 Supp. 8-2118 and repealing the existing section.
- HB 2497**, by Committee on Transportation: An act regulating traffic; concerning driving while impaired; amending K.S.A. 1986 Supp. 8-2118 and repealing the existing section.
- HB 2498**, by Committee on Economic Development: An act relating to public moneys; concerning affiliate banks; amending K.S.A. 1986 Supp. 9-1402, 9-1405 and 75-4218 and repealing the existing sections.
- HB 2499**, by Committee on Pensions, Investments and Benefits: An act concerning the Kansas public employees retirement system; relating to insured death and disability benefits for certain members thereof.
- HB 2500**, by Committee on Pensions, Investments and Benefits: An act concerning reduction of salaries of state officers and employees; relating to effect on retirement benefits thereof.
- HB 2501**, by Committee on Education: An act concerning community college finance; imposing limitations on budgets of operating expenses per student; providing for supplemental state aid; amending K.S.A. 71-204, 71-401, 71-402, 71-403, 71-610 and 71-618 and K.S.A. 1986 Supp. 12-16,102, 71-301, 71-601, 71-604, 71-605, 71-607, 71-609, 71-609a, 71-611, 71-612, 71-613a and 71-619, and repealing the existing sections; also repealing K.S.A. 71-304, 71-305, 71-306 and 72-4424.
- HB 2502**, by Committee on Insurance: An act relating to insurance; concerning recording and reporting of loss and expense experience and the making of rates; creating an advisory committee to the commissioner of insurance; amending K.S.A. 40-937, 40-1112, 40-1113 and 40-1118 and repealing the existing sections.
- HB 2503**, by Committee on Insurance: An act relating to insurance; excluding defense costs and litigation expenses from the limits of coverage of certain policies of insurance; requiring assumption of such costs and expenses by insurance companies in addition to the limits of coverage.
- HB 2504**, by Committee on Public Health and Welfare: An act concerning vending facilities operated by blind persons licensed by the division of services for the blind of the department of social and rehabilitation services; establishing the state committee of blind vendors; amending K.S.A. 75-3337, 75-3338, 75-3339, 75-3341 and K.S.A. 1986 Supp. 75-3342 and repealing the existing sections; and also repealing K.S.A. 75-3343.
- HB 2505**, by Committee on Public Health and Welfare: An act concerning the state board of pharmacy; relating to inspection by such board; amending K.S.A. 65-1629 and repealing the existing section.
- HB 2506**, by Committee on Public Health and Welfare: An act concerning disabled persons; establishing certain state policies with respect thereto.
- HB 2507**, by Committee on Local Government: An act relating to certain fire districts; concerning establishment and operation of ambulance services; amending K.S.A. 19-3632 and repealing the existing section.
- HB 2508**, by Committee on Local Government: An act concerning county and district coroners; relating to the performance of inquests and duties with respect to deaths of persons confined in correctional institutions, jails and certain other custodial facilities; amending K.S.A. 19-1030 and 19-1031 and repealing the existing sections.
- HB 2509**, by Committee on Local Government: An act relating to cities and counties; authorizing issuance of revenue bonds for capital improvements to be payable from revenues derived from countywide and city retailers' sales taxes; also repealing K.S.A. 1986 Supp. 12-195.
- HB 2510**, by Committee on Local Government: An act relating to counties; concerning expenditures of moneys credited to the special alcohol and drug programs fund; amending K.S.A. 1986 Supp. 79-41a04 and repealing the existing section.
- HB 2511**, by Committee on Local Government: An act concerning mortgage registration fees; concerning mortgages on property situated in two or more counties; amending K.S.A. 79-3105 and repealing the existing section.
- HB 2512**, by Committee on Local Government: An act relating to counties; concerning salaries of elected officials.
- HB 2513**, by Committee on Local Government: An act relating to certain counties; providing for disposition of certain fines imposed for vehicular size and weight violations; amending K.S.A. 1986 Supp. 8-1901 and repealing the existing section.
- HB 2514**, by Legislative Commission on Kansas Economic Development: An act providing for Kansas exemplary rural assistance program recognition awards.
- HB 2515**, by Legislative Commission on Kansas Economic Development: An act providing for a Kansas industrial training program and a Kansas industrial retraining program.
- HB 2516**, by Committee on Agriculture and Small Business: An act concerning the Kansas veterinary practice act; providing for registration of veterinary technicians; defining embryo transfer in animals as part of the practice of veterinary medicine; establishing certain fees; amending K.S.A. 47-816, 47-821, 47-822, 47-824, 47-825, 47-826 and 47-832 and repealing the existing sections.

**HB 2517**, by Committee on Agriculture and Small Business: An act concerning the division of markets of the state board of agriculture; relating to the powers and duties thereof; authorizing certain fees; establishing the trademark fund and the market development fund; amending K.S.A. 74-530 and repealing the existing section.

**HB 2518**, by Committee on Agriculture and Small Business: An act establishing the Kansas grain producer security act; creating the grain producers security fund for compensation of certain losses of grain producers; imposing an assessment on grain delivered to grain warehousemen; providing for administration of the act.

**HB 2519**, by Committee on Agriculture and Small Business: An act relating to agriculture; concerning commercial feeding stuffs; providing for manufacturing practices; amending K.S.A. 2-1013 and repealing the existing section.

**HB 2520**, by Committee on Agriculture and Small Business: An act relating to agriculture; providing for the registration of anhydrous ammonia facilities and portable reactor units.

**HB 2521**, by Committee on Transportation: An act amending the automobile injury reparations act; relating to all-terrain vehicles; amending K.S.A. 40-3107 and repealing the existing section.

**HB 2522**, by Committee on Transportation: An act relating to motor carriers; concerning age requirements for certain operators; amending K.S.A. 66-1,129 and repealing the existing section.

**HB 2523**, by Committee on Transportation: An act relating to motor vehicles; prohibiting the use of auxiliary driving lamps; amending K.S.A. 8-1719 and 8-1728 and repealing the existing sections.

**HB 2524**, by Committee on Transportation: An act relating to motor vehicles; concerning odometers; amending K.S.A. 1986 Supp. 8-611 and repealing the existing section.

**HB 2525**, by Committee on Transportation: An act concerning motor vehicles; requiring two license plates on certain motor vehicles; amending K.S.A. 8-129, 8-139, 8-145a, 8-145b, 8-145c, 8-148, 8-161b, 8-162, 8-171 and 8-195 and K.S.A. 1986 Supp. 8-127, 8-132, 8-133, 8-134, 8-135, 8-142, 8-147, 8-161, 8-170, 8-172, 8-177a, 8-177c, 8-1,125, 8-1,126, 8-1,129 and 8-1,130 and repealing the existing sections.

**HB 2526**, by Committee on Transportation: An act relating to liens on personal property; concerning liens of persons providing wrecker or towing service; relating to the disposition of personal property to satisfy the lien of persons providing wrecker or towing service.

**HB 2527**, by Committee on Public Health and Welfare: An act relating to admission to adult care homes; encouraging individuals prior to admission to seek information about services available as an alternative thereto; placing certain duties upon hospital administrators, the secretary of social and rehabilitation services and the secretary of aging relating thereto.

**HB 2528**, by Legislative Commission on Kansas Economic Development: An act concerning vocational education; requiring the state board of education to prepare and administer a state plan of accountability therefor and to report to the governor and the legislature regarding administration of such plan; amending K.S.A. 1986 Supp. 72-4415 and repealing the existing section.

**HB 2529**, by Legislative Commission on Kansas Economic Development: An act concerning the department of commerce; requiring the establishment of a clearinghouse for information on educational and vocational training programs of value to economic development; amending K.S.A. 1986 Supp. 74-5005 and repealing the existing section.

**HB 2530**, by Committee on Economic Development: An act concerning the Kansas income tax act; relating to taxable income of corporations; amending K.S.A. 79-3279 and 79-32,142 and repealing the existing sections.

**HB 2531**, by Committee on Judiciary (by request): An act repealing K.S.A. 75-418, relating to service of process on the state and agencies thereof.

**HB 2532**, by Committee on Judiciary: An act concerning crimes and punishments; relating to penalties for the crime of theft; amending K.S.A. 1986 Supp. 21-3701 and 21-3704 and repealing the existing sections.

**HB 2533**, by Committee on Judiciary: An act concerning civil procedure; relating to appointment of fault in certain actions; amending K.S.A. 60-258a and repealing the existing section.

**HB 2534**, by Committee on Judiciary (by request): An act concerning controlled substances; relating to sentencing for certain crimes involving the sale thereof.

**HB 2535**, by Committee on Judiciary (by request): An act concerning county law libraries; amending K.S.A. 19-1315 and 19-1319 and K.S.A. 1986 Supp. 19-1322 and repealing the existing sections.

**HB 2536**, by Committee on Judiciary (by request): An act concerning the Kansas consumer protection act; declaring certain acts by health spas and buying clubs to be deceptive acts or practices; amending K.S.A. 50-640 and repealing the existing section.

**HB 2537**, by Committee on Local Government: An act relating to public libraries; authorizing fees to be charged for library cards; amending K.S.A. 12-1227 and repealing the existing section.

**HB 2538**, by Committee on Economic Development: An act concerning the community resource act; transferring administration thereof from the secretary of commerce to Kansas state university; prescribing powers, duties and functions for the state board of regents and assistant provost of the division of continuing education of Kansas state university; amending K.S.A. 74-5023, 74-5024, 74-5025, 74-5026, 74-5027 and 74-5028 and repealing the existing sections.

**HB 2539**, by Committee on Judiciary (by request): An act enacting the Kansas business opportunity sales act; regulating the sale and offering for sale of business opportunities; prohibiting certain acts and providing penalties for violations.

**HB 2540**, by Committee on Economic Development: An act concerning the Kansas general corporation code; relating to filing and recordation of certain instruments; filing certain applications and annual reports; amending K.S.A. 17-7301, 17-7302, 17-7504 and 17-7505 and K.S.A. 1986 Supp. 17-6003 and repealing the existing sections.

**HB 2541**, by Committee on Elections: An act concerning governmental ethics of state officers and employees and candidates for such office; amending K.S.A. 46-237 and repealing the existing section.

### Senate Bills

**SB 282**, by Committee on Agriculture: An act concerning pesticides and agricultural chemicals; relating to registration fees; amending K.S.A. 2-2204 and K.S.A. 1986 Supp. 2-2440 and repealing the existing sections.

**SB 283**, by Committee on Federal and State Affairs: An act amending the real estate brokers' and salespersons' license act; amending K.S.A. 1986 Supp. 58-3035, 58-3039, 58-3050 and 58-3063 and repealing the existing sections.

**SB 284**, by Committee on Assessment and Taxation: An act relating to property taxation; prescribing limitations upon the authority of any city or county to grant exemptions therefrom for economic development purposes; amending K.S.A. 79-210 and K.S.A. 1986 Supp. 79-213 and repealing the existing sections.

**SB 285**, by Committee on Energy and Natural Resources: An act relating to water; concerning public water supply systems; amending K.S.A. 1986 Supp. 65-163 and repealing the existing section.

**SB 286**, by Committee on Energy and Natural Resources: An act requiring subdivision sanitary codes; prescribing duties and authorities for the secretary of health and environment relating thereto.

**SB 287**, by Committee on Energy and Natural Resources: An act relating to public water supply systems; concerning the use of lead in the construction thereof; amending K.S.A. 65-171c and 65-171r and repealing the existing sections.

**SB 288**, by Committee on Public Health and Welfare: An act concerning the practice of psychology; providing for the registration of certain persons working in licensed community mental health centers or state or other governmental or educational institutions; granting certain powers to and imposing certain duties upon the behavioral sciences regulatory board; amending K.S.A. 1986 Supp. 74-5344 and repealing the existing section.

**SB 289**, by Committee on Judiciary: An act concerning docket fees; relating to prosecuting attorneys' training fund; amending K.S.A. 28-170, 28-170a, 28-172a and 32-155b and K.S.A. 1986 Supp. 8-2107 and 20-362 and repealing the existing sections.

**SB 290**, by Committee on Judiciary: An act concerning crimes and punishments; relating to registration by habitual sex offenders with law enforcement officials.

**SB 291**, by Committee on Judiciary: An act concerning evidence; relating to sexual exploitation of a child; determination of age of child who participated in sexual performance.

**SB 292**, by Committee on Judiciary: An act concerning the Kansas law enforcement training act; relating to certification for permanent appointment; amending K.S.A. 74-5607a and repealing the existing section.

**SB 293**, by Committee on Judiciary: An act concerning theft; relating to the definition of deception; amending K.S.A. 21-3110 and repealing the existing section.

**SB 294**, by Committee on Judiciary: An act concerning counties; relating to enforcement of resolutions; authorizing the establishment of courts of code enforcement; authorizing a tax levy to pay costs of courts; amending K.S.A. 19-101d and 19-101f and K.S.A. 1986 Supp. 19-101e and 20-310a and repealing the existing sections.

**SB 295**, by Committee on Agriculture: An act relating to agriculture; creating the blueprint for Kansas agriculture study.

**SB 296**, by Committee on Agriculture: An act concerning weights and measures; requiring the testing and inspection of moisture measuring devices; providing for the licensing of service companies; establishing violations and prescribing penalties therefor.

**SB 297**, by Committee on Transportation and Utilities: An act relating to the liquefied petroleum fuel tax law; advance payment of tax; amending K.S.A. 79-3492b and repealing the existing section.

**SB 298**, by Committee on Transportation and Utilities: An act relating to the retail sale of motor-vehicle fuels; requiring certain services to be provided to drivers of vehicles displaying license plates or placards issued to handicapped persons.

**SB 299**, by Committee on Assessment and Taxation: An act relating to income taxation; excluding interest on obligations of the state or political subdivisions from adjusted gross income; amending K.S.A. 1986 Supp. 79-32,117 and repealing the existing section.

**SB 300**, by Committee on Public Health and Welfare: An act concerning mental health technicians; relating to grounds for denial, revocation or suspension of license; amending K.S.A. 65-4203 and 65-4209 and repealing the existing sections.

**SB 301**, 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.

**SB 302**, by Committee on Public Health and Welfare: An act concerning the board of nursing; providing certain exceptions under the Kansas nurse practices act; granting certain authority to the board; amending K.S.A. 65-1124 and K.S.A. 1986 Supp. 74-1106 and repealing the existing section.

**SB 303**, by Committee on Agriculture: An act concerning agriculture; relating to public warehousemen's net worth requirements; providing for increase in bushel rate; relating to warehouse examinations; amending K.S.A. 34-228 and repealing the existing section.

**SB 304**, by Committee on Agriculture: An act concerning agriculture; relating to weeds; providing for the payment of unpaid accounts; amending K.S.A. 2-1320 and repealing the existing section.

**SB 305**, by Committee on Assessment and Taxation: An act relating to property taxation; concerning the valuation of land devoted to agricultural use; amending K.S.A. 1986 Supp. 79-1476 and repealing the existing section.

**SB 306**, by Committee on Transportation and Utilities: An act relating to drivers' licenses; concerning the suspension or revocation thereof; amending K.S.A. 8-237 and K.S.A. 1986 Supp. 8-256 and repealing the existing sections.

**SB 307**, by Committee on Federal and State Affairs: An act concerning certain meetings of public bodies; amending K.S.A. 75-4319 and repealing the existing section.

**SB 308**, by Committee on Judiciary: An act relating to motor vehicles; concerning exemptions for certain vehicles from weight limitations; amending K.S.A. 1986 Supp. 8-1911 and repealing the existing section.

**SB 309**, by Committee on Assessment and Taxation: An act relating to sales taxation; exempting sales of new mobile homes; amending K.S.A. 1986 Supp. 79-3606 and repealing the existing section.

**SB 310**, by Committee on Education: An act concerning school districts; authorizing the development and operation of at risk pupil assistance programs; providing for grants of state moneys therefor under certain conditions.

**SB 311**, by Committee on Transportation and Utilities: An act amending the junkyard and salvage control act; requiring a certificate of compliance; amending K.S.A. 68-2205 and 68-2207 and K.S.A. 1986 Supp. 68-2213 and repealing the existing sections.

**SB 312**, by Committee on Transportation and Utilities: An act relating to motor vehicles; concerning the issuance of license plates for special organizations or groups.

**SB 313**, by Committee on Assessment and Taxation: An act relating to property taxation; exempting certain grains received by a dealer; amending K.S.A. 79-3901, 79-3902, 79-3904, 79-3905 and 79-3907 and repealing the existing sections; also repealing K.S.A. 79-3903.

**SB 314**, by Committee on Federal and State Affairs: An act relating to cities and counties; concerning the zoning and regulation of certain types of housing; amending K.S.A. 19-2938 and repealing the existing section.

**SB 315**, by Committee on Federal and State Affairs: An act concerning crime victims' reparations; amending K.S.A. 1986 Supp. 74-7301 and repealing the existing section.

**SB 316**, by Committee on Ways and Means: An act enacting the Kansas community mental health centers assistance act; authorizing state financial assistance for community mental health centers; prescribing powers, duties and functions for the secretary of social and rehabilitation services; repealing K.S.A. 1986 Supp. 65-4401 to 65-4408, inclusive.

**SB 317**, by Committee on Judiciary: An act concerning sexual exploitation of a child; relating to declaration of such conduct as a common nuisance; seizure and forfeiture of certain materials related thereto; amending K.S.A. 22-3901 and repealing the existing section.

**SB 318**, by Committee on Judiciary: An act concerning the act for judicial review and civil enforcement of agency actions; relating to application thereof; amending K.S.A. 41-328, 41-2633a and 77-617 and K.S.A. 1986 Supp. 8-259 and repealing the existing sections.

**SB 319**, by Committee on Judiciary: An act concerning care and treatment of mentally ill persons; directing the establishment of a treatment unit for certain mentally ill persons; amending K.S.A. 1986 Supp. 59-2902 and repealing the existing section.

**SB 320**, by Committee on Judiciary: An act relating to the taxation of personal property; concerning taxable personal property appraisals and rolls and taxable and exempt personal property rolls; amending K.S.A. 1986 Supp. 79-1467 and repealing the existing section and also repealing K.S.A. 1986 Supp. 79-1467a.

**SB 321**, by Committee on Judiciary: An act relating to county and district appraisers; concerning powers and duties thereof; amending K.S.A. 1986 Supp. 79-1412a and repealing the existing section and also repealing K.S.A. 1986 Supp. 79-1412c.

**SB 322**, by Committee on Judiciary: An act relating to the committee on surety bonds and insurance; concerning the approval of property and casualty insurance coverage purchased by state agencies; amending K.S.A. 1986 Supp. 75-4109 and repealing the existing section and also repealing K.S.A. 1986 Supp. 75-4109a.

**SB 323**, by Committee on Judiciary: An act relating to the committee on surety bonds and insurance; amending K.S.A. 1986 Supp. 75-4101 and repealing the existing section and also repealing K.S.A. 1986 Supp. 75-4101c.

**SB 324**, by Committee on Judiciary: An act concerning the purchase of property insurance by state agencies; amending K.S.A. 1986 Supp. 74-4702 and repealing the existing section and also repealing K.S.A. 1986 Supp. 74-4702a.

**SB 325**, by Committee on Judiciary: An act relating to the Kansas water authority; concerning the membership, powers and duties thereof; amending K.S.A. 1986 Supp. 74-2622 and repealing the existing section and also repealing K.S.A. 1986 Supp. 74-2622a.

**SB 326**, by Committee on Judiciary: An act relating to emergency medical services; concerning ambulance services; concerning the revocation or suspension of permits of operators and certificates of attendants; amending K.S.A. 65-4324 and repealing the existing section and also repealing K.S.A. 65-4324a.

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SB 327, by Committee on Judiciary: An act repealing K.S.A. 1986 Supp. 55-711a, relating to the assessment of costs of administering K.S.A. 55-701 to 55-713.

SB 328, by Committee on Judiciary: An act repealing K.S.A. 1986 Supp. 55-609c, relating to the assessment of costs of administering K.S.A. 55-601 to 55-613.

SB 329, by Committee on Judiciary: An act concerning children and minors; relating to reports of suspected child abuse; amending K.S.A.: 38-1522 and repealing the existing section and also repealing K.S.A. 38-1522a.

SB 330, by Committee on Assessment and Taxation: An act concerning statements filed with the state board of tax appeals relating to revenue bonds; amending K.S.A. 1986 Supp. 12-1744a and repealing the existing section.

SB 331, by Committee on Education: An act relating to the establishment and support of cultural and recreational districts and to authorize a compact between the state of Missouri and the state of Kansas governing such districts.

SB 332, by Committee on Ways and Means: An act concerning the state historical society; relating to the transfer and conveyance or closing of certain historic properties; prescribing certain powers, duties and functions for the society therefor; authorizing certain procedures and providing certain exemptions; amending K.S.A. 76-2002d, 76-2005a, 76-2005b, 76-2015, 76-2024, 76-2026, 76-2031 and 76-2035 and repealing the existing sections.

SB 333, by Committee on Assessment and Taxation: An act concerning public utilities; relating to retail electric suppliers; amending K.S.A. 12-811 and repealing the existing section.

SB 334, by Committee on Judiciary: An act concerning the Kansas administrative procedure act; relating to the application thereof; amending K.S.A. 1-201, 2-1288a, 2-1907, 2-2122, 2-2204, 2-2812, 9-1111e, 9-1301, 9-1301a, 9-1714, 9-1716, 9-1806, 12-110a, 16-614, 16a-2-303, 16a-6-402, 16a-6-410, 17-628, 17-2241, 17-2248, 17-2249, 17-2252, 17-2253, 17-2256, 17-5201, 17-5225b, 17-5225c, 17-5227, 17-5606, 17-5607, 17-5639, 17-5639, 17-5639, 17-5827, 17-5830, 19-431, 19-825, 25-4161, 25-4163, 31-134, 31-138, 31-140, 31-141, 32-322, 34-300, 34-298, 40-205, 40-222b, 40-246a, 40-444, 40-445, 40-510, 40-512, 40-529, 40-920, 40-932, 40-933, 40-934, 40-935, 40-936, 40-939, 40-940, 40-940, 40-1113, 40-1114, 40-114a, 40-1116, 40-1117, 40-1120, 40-1125, 40-1706, 40-1806, 40-1906, 40-19a07, 40-19b07, 40-19c07, 40-2102, 40-2106, 40-2109, 40-2113, 40-2115, 40-2215, 40-2305, 40-2406, 40-2407, 40-2411, 40-2506, 40-2606, 40-3011, 40-3104, 40-3207, 40-3302, 40-3304, 40-3305, 40-3408, 40-3509, 40-3403, 40-3413, 40-3414, 40-3810, 40-3811, 40-4002, 40-4004, 41-203, 41-308a, 41-314, 41-318, 41-320, 41-321, 41-330, 41-2628, 41-2713, 42-335, 44-322a, 44-323, 44-405, 44-584, 44-616, 44-636, 44-823, 44-826, 44-829, 44-921, 44-923, 44-1005, 44-1010, 44-1019, 44-1115, 46-256, 46-258, 47-670, 47-1213, 47-1307, 47-1506, 47-1507, 47-1705, 47-1707, 47-1806, 55-508, 55-603, 55-604, 55-705a, 55-1303, 55-1304, 58-3308, 58-3312, 58-3313, 58-3921, 65-6a36, 65-6b06, 65-6b07, 65-6509, 65-1719, 65-187, 65-421, 65-666, 65-669a, 65-673, 65-747, 65-1821, 65-3011, 65-3434, 65-4119, 65-4335, 65-5107, 65-5108, 66-101b, 66-101d, 66-101e, 66-101f, 66-1113, 66-1117, 66-128n, 66-128o, 66-146, 66-157, 66-161, 66-165, 66-112b, 66-112c, 66-1114, 66-1117, 66-1118, 66-1119, 66-1128, 66-1129, 66-1159, 66-1161, 66-1162, 66-1163, 66-1168, 66-1180, 66-1189, 66-1192, 66-1193, 66-1202, 66-1205, 66-1206, 66-1217, 66-1220, 66-1221, 66-1232, 66-1235, 66-1236, 66-205, 66-290, 66-1181, 66-1213, 66-1214, 66-1324, 66-1401, 66-1402, 66-1502, 66-1505, 66-1511, 68-2003, 72-4416, 72-4928, 72-4929, 72-5412, 72-5426, 72-7108, 72-7307, 72-7520, 72-7521, 72-8503, 72-8507, 72-8509, 74-2438, 74-3301, 74-4504, 74-4904, 74-5616, 74-7307, 75-7b04, 75-7b17, 75-9318, 75-2714, 75-2929b, 75-3306, 75-3340, 75-4327, 75-5296, 75-6208, 75-6209, 75-6214, 76-1908, 76-1928, 79-5a05, 79-5a04, 79-911, 79-911a, 79-1103, 79-1105a, 79-1575, 79-1964a, 79-1964b, 79-2938, 79-2939, 79-2941, 79-2951, 79-3226, 79-3229, 79-3309, 79-3313, 79-3383, 79-3384, 79-3477, 79-3481, 79-3495, 79-3496, 79-34121, 79-3608, 79-3610, 79-3708a, 79-41a06, 79-5016, 80-2027, 82a-718, 82a-1504 and K.S.A. 1986 Supp. 2-2469, 2-3310, 2-3311, 8-2426, 9-1721, 9-1805, 17-2206, 17-2230, 48-1608, 48-1613, 55-162, 55-164, 55-179, 55-605, 55-606, 55-1003, 55-1204, 65-6a24, 65-170d, 65-171d, 65-171e, 65-1627, 65-1627e, 65-1632, 65-1645, 65-3013, 65-3412, 65-3419, 65-3440, 65-3443, 65-3445, 65-3446, 65-3456, 65-3458, 65-4015, 65-4325, 65-4606, 66-112, 66-118b, 66-128d, 66-1172, 68-2213, 72-4418, 72-5430a, 74-2426, 74-2433, 74-5325, 74-5331, 75-2929d, 75-2949, 75-4334, 75-6206, 77-502, 77-503, 77-508, 77-509, 77-511, 77-518, 77-520, 77-522, 77-523, 77-525, 77-527, 77-529, 77-530, 79-213, 79-1481, 79-2005, 79-4707, 79-5033, 82a-1503, 83-308, 83-407; also repealing K.S.A. 16a-6-411, 16a-6-412, 40-3313, 44-1040, 75-2929e and 75-2929f and K.S.A. 1986 Supp. 83-309 and 83-408.

SB 335, by Committee on Judiciary: An act concerning the consumer protection act; relating to actions brought by the attorney general; providing attorney fees therefor; amending K.S.A. 50-632, 50-633 and 50-634 and repealing the existing sections.

SB 336, by Committee on Judiciary: An act concerning reparations for economic loss resulting from certain criminal conduct; establishing the property crime victims reparations fund; amending K.S.A. 20-2801 and repealing the existing section.

SB 337, by Committee on Judiciary: An act concerning adoption; amending K.S.A. 38-1206 and 59-2203 and repealing the existing sections; also repealing K.S.A. 59-2277 and 59-2279 and K.S.A. 1986 Supp. 59-2102, 59-2278, 59-2278a, 59-2278b and 59-2278c.

SB 338, by Committee on Public Health and Welfare: An act relating to the state board of healing arts; concerning the registration of occupational therapists, occupational therapy assistants and respiratory therapists; amending K.S.A. 1986 Supp. 65-5404, 65-5408, 65-5409, 65-5504, 65-5508 and 65-5509 and repealing the existing sections.

SB 339, by Committee on Public Health and Welfare: An act concerning health planning and development; effecting statutory changes resulting therefrom; amending K.S.A. 65-418, 65-436 and 65-5008 and K.S.A. 1986 Supp. 65-5001, 65-5002, 65-5003, 65-5005, 65-5006, 65-5007, 65-5009 and 76-375 and repealing the existing sections; also repealing K.S.A. 65-414, 65-4701 to 65-4725, inclusive, and 65-4727 to 65-4734, inclusive, and K.S.A. 1986 Supp. 65-4726 and 65-5004.

SB 340, by Committee on Public Health and Welfare: An act concerning the board of nursing; establishing grounds for disciplinary actions against certain persons regulated by the board; providing procedures relating thereto; amending K.S.A. 1986 Supp. 65-1161 and repealing the existing section; also repealing K.S.A. 1986 Supp. 65-1120.

SB 341, by Committee on Labor, Industry and Small Business: An act concerning workers' compensation; relating to judicial review and compensation pending review; amending K.S.A. 44-556 and repealing the existing section.

SB 342, by Committee on Labor, Industry and Small Business: An act concerning the employment security act; relating to disqualification for benefits; amending K.S.A. 44-706 and repealing the existing section.

SB 343, by Committee on Education: An act concerning community colleges; authorizing the operation of summer honors programs; providing for grants of state aid therefor.

SB 344, by Committee on Agriculture: An act relating to agriculture; concerning the bonding of warehouses; accepting a certificate of deposit or letter of credit in lieu of a bond.

SB 345, by Committee on Agriculture: An act concerning agriculture; relating to the grain inspection department; providing for fees to be charged in the warehouse division; defining functional unit; repealing K.S.A. 34-228a.

SB 346, by Committee on Ways and Means: An act concerning the state library; transferring certain assets and liabilities to the state library fund; abolishing certain funds; prescribing the disposition of certain moneys; amending K.S.A. 75-2540 and 75-2563 and repealing the existing sections; also repealing K.S.A. 75-2564.

SB 347, by Committee on Federal and State Affairs: An act enacting the motor carrier transportation of hazardous materials act; amending K.S.A. 8-1553, 48-928 and 66-1,129 and repealing the existing sections.

SB 348, by Committee on Federal and State Affairs: An act concerning the disposition of unclaimed property act; transferring the administration of the act from the state treasurer to the secretary of administration; amending K.S.A. 58-3901, 58-3912, 58-3913, 58-3914, 58-3915, 58-3916, 58-3917, 58-3918, 58-3920, 58-3921, 58-3923, 58-3924, 58-3925, 58-3926 and 58-3927 and K.S.A. 1986 Supp. 58-3919 and 58-3922 and repealing the existing sections.

SB 349, by Committee on Judiciary: An act concerning juveniles; relating to proceedings pursuant to the Kansas code for care of children and the Kansas juvenile offenders code; amending K.S.A. 38-1510, 38-1524, 38-1528, 38-1529, 38-1612 and 38-1624 and repealing the existing sections.

Resolutions

HR 6028, by Representatives Brady and Lacey: A resolution opposing the merger of the Union Pacific Railroad and the MKT Railroad.

HR 6029, by Representative Sallee: A resolution congratulating the Brown-Atchison Electric Cooperative Association, Inc., of Horton, Kansas, on its fiftieth anniversary.

HR 6030, by Representative Lacey: A resolution commending Beverly Scott for her life-saving actions.

HR 6031, by Representative Barr: A resolution congratulating and commending the Washburn Rural High School football team and its coach, Ron Bowen, on winning the 1986 Class 5A State Football Championship in Kansas.

HR 6032, by Representative Fox: A resolution recognizing March, 1987, as Kansas Wildlife Heritage Month in Kansas.

HR 6033, by Representative Hassler: A resolution in memory of John Lehman.

HR 6034, by Representative Blumenthal: A resolution designating the month of March, 1987 as "Developmental Disabilities Awareness Month" in Kansas.

HR 6035, by Representative Guldner: A resolution congratulating and commending Heather McFarlane of Tribune, Kansas, on being the grand prize winner of the first statewide "Kansas Clicks Committee Safety Belt Poster Campaign."

SCR 1605, by Senators Hayden, Allen, Anderson, Bond, Daniels, Ehrlich, Feleciano, Gaines, Cannon, Hoferer, Johnston, Karr, D. Kerr, F. Kerr, Langworthy, Montgomery, Mulich, Parrish, Salisbury, Strick, Thiessen, Vidricksen and Winter: A concurrent resolution directing the secretary of health and environment to establish a task force concerning sexually transmitted diseases and to encourage a national conference on such subject.

SR 1822, by Senator Ehrlich: A resolution congratulating and commending Loren Dinkel, General Manager of AGCO, Inc., of Russell, Kansas, on receiving the 1986 Dreyer Award for outstanding local cooperative management.

SR 1823, by Senator Gordon: A resolution congratulating the Brown-Atchison Electric Cooperative Association, Inc., of Horton, Kansas, on its fiftieth anniversary.

SR 1824, by Senator Daniels: A resolution congratulating and commending the Wichita State University spirit squad and its coach, David Eads, for winning the 1987 National Cheerleading Championship.

SR 1825, by Senator Johnston: A resolution opposing the merger of the Union Pacific Railroad and the MKT Railroad.

SR 1826, by Senator Norvell: A resolution recognizing March, 1987, as Kansas Wildlife Heritage Month in Kansas.

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, Docking State Office Building, fourth 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, Docking 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 March 17, 1987

Application for Certificate of Convenience and Necessity:

Concrete Supply of ) Docket No. 153,736 M  
Topeka, Inc. )  
I-70 and MacVicar, )  
P.O. Box 4449 )  
Topeka, KS 66604 )

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66612

Cement and fly ash,

Between points and places in Kansas east of K-99, 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:**

Max Area, dba ) Docket No. 154,464 M  
 Area Bus Line )  
 Route 1, Box 464 )  
 Norton, KS 67654 )

Applicant's Attorney: None

*Persons and their baggage and general commodities (except classes A and B explosives, household goods, commodities in bulk, commodities requiring refrigeration and hazardous materials as defined in 49 C.F.R. § 172.101),*

Between all points and places in Cheyenne, Rawlins, Decatur, Norton, Phillips, Rooks, Osborne, Mitchell, Cloud, Clay, Riley, Pottawatomie, Shawnee, Jefferson, Douglas, Leavenworth, Wyandotte, Ottawa, Saline and Republic counties, Kansas.

\*\*\*\*\*

**Applications set for March 19, 1987**

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

Briggs Trucking, Inc. ) Docket No. 154,467 M  
 Route 1, Box 11B )  
 Emporia, KS 66801 )

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

*Seed, livestock, salt, grain, dry feed, dry feed ingredients, dry fertilizer and dry fertilizer ingredients,*

Between points in Barton, Ellsworth, Saline, Dickinson, Morris, Wabaunsee, Osage, Lyon, Chase, Marion, McPherson, Rice, Reno, Harvey, Butler, Greenwood, Coffey, Woodson, Wilson, Elk and Sedgwick counties, Kansas, on the one hand, and on the other, all points and places in Kansas.

\*\*\*\*\*

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

Southwest Express, Inc. ) Docket No. 154,471 M  
 P.O. Box 421 )  
 Hugoton, KS 67951 )

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

*Grain, feed, feed ingredients, salt, fertilizers, fertilizer ingredients, construction and fencing materials and seeds,*

Between points and places on and west of I-135 and U.S. 81.

Also,

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

\*\*\*\*\*

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

Jeffrey Huggins, dba ) Docket No. 152,953 M  
 Huggins Water and Pipe )  
 Transport )  
 Box 146 )  
 Easton, KS 66020 )

Applicant's Attorney: H. Lee McGuire, Jr., 400 Shawnee, P.O. Box 69, Leavenworth, KS 66048

*Fresh water, salt water, crude oil and pipe,*

Between all points and places in Leavenworth and Jefferson counties, Kansas.

\*\*\*\*\*

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

Gerald Dean Inman ) Docket No. 153,749 M  
 431 Mimosa Drive )  
 Alva, OK 73717 )

Applicant's Attorney: None

*Grain,*

Between all points and places in the state of Kansas.

\*\*\*\*\*

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

Michael J. Peterson, dba ) Docket No. 154,470 M  
 Sunshine Sales & Services )  
 931 E. 9th )  
 Ottawa, KS 66067 )

Applicant's Attorney: Robert Green, 109½ W. 2nd, P.O. Box 643, Ottawa, KS 66067-0643

*Manufactured housing units (mobile homes, trailer houses and pre-fab buildings),*

Between all points and places in Franklin, Douglas, Shawnee, Miami, Anderson, Osage, Lyon and Sedgwick counties, Kansas.

Also,

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

\*\*\*\*\*

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

Dr Entities, Inc., dba ) Docket No. 154,466 M  
 Dr Transport Company )  
 6700 Berger )  
 Kansas City, KS 66111 )

Applicant's Attorney: None

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

Between all points and places in the state of Kansas.

\*\*\*\*\*

(continued)

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

Bogle Stations, Inc. ) Docket No. 154,468 M  
230 Maple )  
P.O. Box 325 )  
Chetopa, KS 67336 )

Applicant's Attorney: None

*Gasoline, diesel fuel, fuel oil and kerosene,*

Between all points and places in Dickinson, Saline, Geary, Wabaunsee, Shawnee, Douglas, Johnson, Miami, Franklin, Lyon, Morris, McPherson, Marion, Chase, Osage, Linn, Anderson, Coffey, Harvey, Greenwood, Woodson, Allen, Bourbon, Crawford, Neosho, Wilson, Elk, Butler, Sedgwick, Sumner, Cowley, Chautauqua, Montgomery, Labette and Cherokee counties, Kansas.

\*\*\*\*\*

**Applications set for March 24, 1987**

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

Richard A. Watts, dba ) Docket No. 154,472 M  
R & M Auto Body )  
116 N. Washington )  
Sabetha, KS 66534 )

Applicant's Attorney: None

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

Between all points and places in Brown, Nemaha and Jackson counties, Kansas.

Also,

Between all points and places in Brown, Nemaha and Jackson counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other.

\*\*\*\*\*

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

Mustang Drilling & ) Docket No. 145,908 M  
Exploration, Inc. )  
P.O. Box 1609 )  
Great Bend, KS 67530 ) MC ID No. 122280

TO:

Rainbow Trucking, Inc.  
Hwy. 281 South, P.O. Box 2027  
Great Bend, KS 67530

Applicant's Attorney: Bob Storey, 5863 S.W. 29th,  
Shadow Wood Office Park, Topeka, KS 66614

*Salt water,*

Between points and places within the counties of Barton, Russell, Rush, Stafford and Rice.

*Fresh water,*

Between points and places within the counties of Barton, Rush, Rice, Stafford, Rooks, Trego, Ellis, Barber, Edwards, Kiowa, Comanche, Harper, Kingman, Morton, Stanton, Haskell, Finney, Scott, Stevens, Greeley, Hamilton, Sheridan, Kearney, Wichita,

Wallace, Logan, Gove, Lane, Hodgeman, Ness, Ford, Meade, Clark and Grant.

\*\*\*\*\*

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

Robin D. Kerr, dba ) Docket No. 154,469 M  
Kerr Trucking )  
Route 1 )  
Burden, KS 67019 )

Applicant's Attorney: None

*Cattle,*

Between all points and places in Sumner County, Kansas.

Also,

Between all points and places in Sumner 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:**

Fletcher White, Jr., dba ) Docket No. 154,473 M  
B & F Trucking )  
Enterprises )  
10215 E. 95th Terrace )  
Kansas City, MO 64134 )

Applicant's Attorney: None

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

Between all points and places within the state of Kansas.

\*\*\*\*\*

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

Bohm Grain, Inc. ) Docket No. 154,474 M  
411 N. 1st )  
Osborne, KS 67473 )

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

*Hay, grain, dry feed, dry feed ingredients, salt, seeds  
and dry fertilizer,*

Between points and places in Kansas on and west of U.S. 77.

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 Norton, Phillips, Smith, Jewell, Republic, Sheridan, Graham, Rooks, Osborne, Mitchell, Cloud, Gove, Trego, Ellis, Russell, Lincoln, Ottawa, Ellsworth, Saline, Lane, Ness, Rush, Barton, Hodgeman and Ford 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.

\*\*\*\*\*

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

Darrel Schwartz, dba ) Docket No. 154,475 M  
DKS Trucking )  
HCR 2, Box 275 )  
Dighton, KS 67839 )

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

*Hay, grain, dry feed, dry feed ingredients, salt, dry fertilizer, farm implements and grain processing equipment, building materials and fencing materials and livestock,*

Between points and places in Kansas on the west of U.S. 281.

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 Extension of Certificate of Convenience and Necessity:**

J.W. Trucking, Inc. ) Docket No. 152,476 M  
3300 Forrest )  
Great Bend, KS 67503 )

Applicant's Attorney: Joe Weiler, 1610 S.W. Topeka Blvd., Topeka, KS 66612

*Agricultural machinery, implements and parts, building materials, iron and steel articles, construction machinery and equipment and oil field equipment, material and supplies,*

Between points in Kansas on and west of U.S. 81. Also,

Between points in Kansas on and west of U.S. 81, on the one hand, and on the other, points and places in Kansas.

\*\*\*\*\*

Applications set for March 26, 1987

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

William and Sherrie Bell ) Docket No. 154,476 M  
857 Osage )  
Salina, KS 67401 )

Applicant's Attorney: None

*Feed, feed ingredients, grains, salt, fertilizer, wrecker, disabled, repossessed and replacement motor vehicles and trailers,*

Between points and places in the following counties: Harvey, Reno, Cloud, Ottawa, Saline, McPherson, Dickinson, Ellis, Russell and Ellsworth, on the

one hand, and on the other, all points and places in Kansas

\*\*\*\*\*

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

Gordon L. Miller, dba ) Docket No. 154,477 M  
GM Auto Repair )  
132B W. 17th )  
Newton, KS 67114 )

Applicant's Attorney: None

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

Between all points and places in the state of Kansas.

\*\*\*\*\*

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

Dugan Truck Line, Inc. ) Docket No. 9,995 M  
10200 W. K-42 )  
Wichita, KS 67215-8733 ) MC ID No. 100004

Applicant's Attorney: Paul Dugan, 10222 W. Central, American National Bank Building, Wichita, KS 67212

*Grain and general commodities (except commodities in bulk), household goods and classes A and B explosives,*

To, from, and between all points and places within the state of Kansas.

\*\*\*\*\*

WILLIAM E. GREEN  
Administrator  
Transportation Division

Doc. No. 005115

**State of Kansas  
BOARD OF AGRICULTURE  
DIVISION OF WATER RESOURCES**

**PERMANENT ADMINISTRATIVE  
REGULATIONS  
(Effective May 1, 1987)**

**Article 3.—APPROPRIATION RIGHTS**

**5-3-12.** (Authorized by K.S.A. 82a-701(g), 82a-706a; effective May 1, 1980; revoked May 1, 1987.)

**Article 24.—NORTHWEST KANSAS  
GROUNDWATER MANAGEMENT  
DISTRICT NO. 4**

**5-24-2. Planned depletion.** (a) Except as set forth in subsection (b) below, all applications for a permit to appropriate water for beneficial use and all applications for a change in the point of diversion filed on permits with a priority date on or after February 20, 1980, shall be subject to the following criteria:

(continued)

(1) The sum of the proposed appropriation, the vested rights, prior appropriation rights and earlier priority applications shall not exceed a calculated rate of depletion of more than one percent of the saturated thickness underlying the area included within a two mile radius (approximately 8,042 acres) whose center is the location of the proposed well. It shall be assumed, for the purpose of analysis, that all vested rights, certificates, permits, and prior applications are being fully exercised.

(2) All limitation clauses listed on permits and certificates shall be considered to be in force.

(3) In the case of an application for change in the point of diversion, referred to above, all applications with a priority earlier than the priority established by the filing of the application for change shall be included in the analysis.

(4) The allowable annual appropriation shall be calculated using the following formula:

$$Q = 0.01 (AMS) + \frac{AR}{12}$$

Where Q = allowable annual appropriation, acre-feet per/year  
 A = area of consideration, acres  
 M = average saturated thickness, feet  
 S = storage coefficient (specific yield)  
 R = average annual recharge, inches per/year

(5) The average saturated thickness of the 8,042 acre area shall be determined from maps developed by the United States geological survey, the Kansas geological survey or other reliable information as may be available.

(6) The storage coefficient used shall be 0.20 unless additional hydrological information indicates differently.

(7) A value of .5 inch per year shall be used for the purpose of considering recharge and return flow from irrigation.

(8) If a portion of the radial area is outside the district boundary, all available information on water rights and saturated thickness will be requested from the division of water resources and the Kansas geological survey, and the evaluation shall be conducted as a full circle. In the event a portion of the radial area is outside the State of Kansas, that portion of the radial area shall be excluded from the depletion analysis.

(9) If wells authorized under a vested right, a certified water right or an approved appropriation are divided by the circumference of the radial area, a reasonable quantity of water shall be assigned to each well. If such information is not available, a proportional amount shall be assigned to each well.

(b) The categories of applications which are not subject to the depletion policy shall be as follows:

(1) Applications for a permit to appropriate water for domestic use;

(2) applications for a permit to appropriate water by means of covering wells withdrawing water from a cretaceous aquifer;

(3) applications for a permit to appropriate water by means of covering a well withdrawing water exclusively from an alluvial aquifer;

(4) applications for temporary permits; and

(5) applications for change in point of diversion if

the well has been drilled, cased and test pumped, or if the diversion works have been completed under the original approval of application and permit to proceed.

(c) Exceptions to this regulation may be granted on an individual basis by recommendation of the board and with the approval of the chief engineer. The board may require the applicant to submit additional information as it deems necessary in order to make a determination that the exception will not impair existing rights nor prejudicially and unreasonably affect the public interest. (Authorized by K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(n); effective May 1, 1983; amended May 1, 1985; amended May 1, 1987.)

**5-24-6. Changes in points of diversion.** (a) Replacement wells. A replacement well shall be relocated within 2,640 feet of the originally approved location provided the new location satisfies the well spacing criteria herein, and if the replacement well will be withdrawing water from the same local source of supply. If a new location cannot be found that will satisfy the well spacing criteria, the replacement well shall be located within 300 feet of the original well that is being replaced.

(b) Additional wells. If it becomes necessary to construct an additional well for the purpose of diverting the authorized amount of water under a certificate of appropriation for beneficial use of water or vested right, the additional well or wells shall satisfy K.A.R. 5-24-3. An additional well or wells shall not be considered for an appropriation unless the water right in question has had a certificate of appropriation issued. At no time shall the total quantity of water diverted or the maximum diversion rate from the existing well or wells plus the additional well or wells exceed the amount and rate authorized under the certificate of appropriation for beneficial use of water or vested right. Moreover, the additional well or wells plus the original well or wells involved in the certificate of appropriation for beneficial use or vested right shall be properly and adequately metered.

(c) Exceptions to this regulation may be granted on an individual basis by recommendation of the board in conjunction with the chief engineer. The board may require the applicant to submit additional information as it deems necessary in order to make a determination that the exception will not prejudicially and unreasonably affect the public interest. (Authorized by K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(n); effective May 1, 1983; amended May 1, 1987.)

## Article 25.—BIG BEND GROUNDWATER MANAGEMENT DISTRICT NO. 5

**5-25-1. Definitions.** As used in these rules and regulations, unless the context clearly requires otherwise, the following words and phrases shall have the meaning ascribed to them in this section. (a) Aquifer means a geologic formation capable of yielding water.

(b) Board means the board of directors constituting the governing body of the big bend groundwater management district no. 5.

(c) District means the big bend groundwater management district no. 5.

(d) Safe yield means that quantity of groundwater withdrawn from a given area which approximately equals the average annual recharge to the same area.

(e) Waste of water means: (1) Groundwater which has been diverted or withdrawn from a source of supply which is not used or reapplied to a beneficial use on or in connection with land authorized as the place of use by a vested right, an appropriation right or an approved application for permit to appropriate water for beneficial use;

(2) any act or omission causing the unreasonable deterioration of the quality of water in any source of supply thereby causing impairment of a person's right to the use of water;

(3) groundwater which an irrigator permits to escape and drain from the authorized place of use;

(4) groundwater applied to an authorized beneficial use in excess of the needs of such use; and

(5) failure to recycle or reuse groundwater on or in connection with the authorized place of use whenever reasonably possible for all the beneficial uses of water.

(f) Well means any excavation that is drilled, cored, bored, washed, driven, dug or otherwise constructed, either by nature or by man, when the proposed use of such excavation is for the acquisition, diversion, or artificial recharge of groundwater.

(g) Consolidated aquifer means consolidated rocks that will yield water in sufficient quantity to supply pumping wells and springs, including the cretaceous Dakota, the cretaceous Cheyenne sandstone and the Permian Cedar Hills sandstone aquifers.

(h) Consolidated rocks means mineral particles of different sizes and shapes that have been welded by heat and pressure or by chemical reaction into a solid mass, commonly referred to as bedrock, which may, or may not, contain water. (Authorized by K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(n); effective May 1, 1980; amended May 1, 1987.)

**5-25-4. Safe yield.** (a) Except for domestic use, wells proposing to draw water solely from a consolidated aquifer, and applications for a change in the point of diversion for which the diversion works have not been completed under the original approved application, the approval of all applications for a permit to appropriate water for beneficial use shall be subject to the following criteria:

(1) The proposed appropriation, when added to the vested rights, prior appropriation rights and earlier priority applications within a two mile radius circle whose center is the location of the proposed well shall not exceed 3,000 acre-feet. It shall be assumed, for purpose of analysis, that all prior applications, permits, certificates and vested rights are being fully exercised and all limitation clauses listed on permits and certificates shall be in force.

(2) If part of the area within the two mile radius circle about the proposed well is outside the district boundary, the 3,000 acre-feet quantity of water referred to above shall be reduced proportionately by the percentage of acreage lying outside of the district

boundaries. Only the vested rights, prior appropriations and earlier priority applications ascribed to wells within the portion of the circle that is within the district shall be considered.

(3) If wells authorized under a vested right or an application are divided by the circumference of the circle, then a reasonable quantity shall be allocated to each well or wells based upon the best available information.

(4) Each analysis for an application for a change in the point of diversion, referred to above, shall include all applications with a priority earlier than the priority established by the filing of the application for change.

(b) If the applicant proposes to drill a well in a consolidated aquifer, the applicant shall submit sufficient data to substantiate that a continuous impermeable zone exists between the pleistocene sand and gravel and the proposed consolidated source of supply within the two mile radius circle surrounding the proposed point of diversion. The applicant shall also submit a water quality analysis from the proposed source of supply.

(c) Exceptions to this regulation may be granted if it is proven to the satisfaction of the board and the chief engineer that such exceptions will not impair a use under an existing right, nor prejudicially and unreasonably affect the public interest. (Authorized by K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(n); effective May 1, 1980; amended May 1, 1981; amended, T-86-4; March 22, 1985; amended May 1, 1986; amended May 1, 1987.)

#### Article 40.—DESIGN OF EARTH DAMS

**5-40-1. Definitions.** As used in these rules and regulations, K.S.A. 82a-301 through 305a, and by the division of water resources in administering K.S.A. 82a-301 through 305a, unless the context clearly requires otherwise, the following words and phrases shall have the meaning ascribed to them in this section: (a) Application means the formal document submitted to the chief engineer requesting a permit, in accordance with the provisions of K.S.A. 82a-301 through 305a, that authorizes the applicant to proceed with the construction of a proposed dam, channel change or stream obstruction.

(b) Authorized representative means any staff employee designated by the chief engineer to perform duties and functions on behalf of the chief engineer.

(c) Channel change or stream obstruction means any structure, including any dam, which does not extend above the higher natural bank, or project that alters the course, current or cross section of any stream of the state.

(d) Chief engineer means the chief engineer, division of water resources of the Kansas state board of agriculture.

(e) Dam means any artificial barrier, together with appurtenant works, which does, or may, impound water.

(f) Freeboard means the vertical distance between the maximum stage attained in the event of the design storm and the top of the structure.

(continued)

(g) Navigable stream means the Arkansas river, the Missouri river and the Kansas river.

(h) Perennial stream means a stream, or part of a stream, that flows continuously during all of the calendar year, except during an extreme drought, as a result of groundwater discharge or surface runoff.

(i) Permit means the formal document issued by the chief engineer to the sponsor of a project, that authorizes the sponsor to proceed with the construction of the dam, channel change or stream obstruction.

(j) Reservoir means the area upstream from a dam which contains, or will contain, impounded water.

(k) Stream means any water course which has a well-defined bed and banks and a drainage area above the point in question exceeding 160 acres or a greater acreage designated by the chief engineer. The stream need not flow continuously and may flow only briefly after a rain in the watershed. (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-302; effective May 1, 1983; amended May 1, 1987.)

**5-40-2. Dams; plans and specifications.** Plans for dams shall include: (a) Plan view of dam and dam site. The plan view of the dam and dam site may be shown in connection with the topographic map of the reservoir basin, providing the scale is sufficiently large to show adequate detail. A separate plan view shall be used if necessary to clearly show the features of the entire area in which the dam and spillway are to be located, and the details required below. The area covered by this view shall be on both abutments of the dam as well as a considerable distance both upstream and downstream from the dam. All elevations shown on plans shall be referred to permanent bench marks described on the plans. The following details shall be shown:

- (1) Location of the axis of the dam, showing stationing and top width limits;
- (2) toe of upstream and downstream slopes;
- (3) location of center line and limits of emergency spillway;
- (4) location of principal spillway and any stilling basin;
- (5) location of berms;
- (6) location of slope protection;
- (7) location of borings or test holes and test pits;
- (8) location of intakes, outlets, valves and valve wells;
- (9) location, description and elevation of permanent bench marks; and
- (10) location, description and details of all foundation drains;

(b) Map of drainage pattern above and below the dam site. A map, to a scale no smaller than one inch to 2,000 feet, shall show the location of the watercourse across which the dam is to be built and its tributaries above the dam site. The following shall also be shown:

- (1) The location of the dam and the outline of the reservoir;
- (2) the boundary of the watershed, shown by a line enclosing the entire area that will drain into the reservoir;
- (3) section lines, with sections properly identified;

(4) the size of the drainage area;

(5) the land owned by the sponsor; and

(6) roads, railroads, pipeline crossings and any other prominent features in the vicinity. The point where the axis of the dam crosses the stream shall be shown on this map by showing distances and angles from an apparent section corner or quarter corner. It shall be acceptable to utilize an aerial photograph to make this determination;

(c) Topographic map of the reservoir basin. A topographic map of the dam site and reservoir area shall be shown to the following scale:

Surface areas at top of dam	Acceptable scale
less than 30 acres	one inch to 100 feet
30 acres through 100 acres	one inch to 200 feet
more than 100 acres	one inch to 300 feet

The location of the dam shall be superimposed on this map. Topography shall be shown by contours at two foot intervals. For dams more than 20 feet in height, contours may be spaced at greater intervals, but shall not exceed five feet. In addition, contours equivalent to the elevation of the lowest uncontrolled opening (permanent pool), elevation of the crest of the emergency spillway, and elevation of the top of the dam shall be shown. The elevation of each contour shall be clearly noted on the map;

(d) Cross section of dam site and longitudinal section of dam. The cross section of the valley at the dam site shall be taken along the axis of the dam. A separate cross section view shall be used if necessary to clearly show the details required below. The details on this section shall include the following:

- (1) Elevation to which the top of the dam is to be maintained and the elevation to which it is to be initially constructed in order to provide an adequate settlement allowance;
- (2) elevation of the stream bed;
- (3) location and elevation of the crest of the emergency spillway;
- (4) location and elevation of the crest of the principal spillway;
- (5) elevation of any berms;
- (6) original surface of the ground;
- (7) proposed elevations and dimensions of cutoff trench;
- (8) location and elevation of outlet works;
- (9) location of test holes showing materials encountered in the section; and
- (10) location, description and elevations of all foundation drains;

(e) Cross section of dam. A cross section of the dam at the deepest point shall be shown. If the cross section is variable, a typical section shall be shown for each reach with proper description of the reach by stationing. Additional cross sections along the axis of the principal spillway and the axis of any other outlets shall be shown. Cross sections of the dam shall include the following:

- (1) Elevation and width of the top of the dam;
- (2) elevation and width of any berms;
- (3) slopes of upstream and downstream faces of the dam;

- (4) elevation, location and type of slope protection;
  - (5) zones of earth embankment;
  - (6) dimensions to which the dam is to be constructed to provide an adequate allowance for settlement;
  - (7) elevation, location and dimensions of cutoff trench and core wall; and
  - (8) location of all foundation drains;
- (f) Plan, profile, and cross section of emergency spillway. Details of the emergency spillway shall include the following:

- (1) Plan view showing the location and stationing along the center line of the emergency spillway, together with the location of the control section and details of riprap or other slope and floor protection;
  - (2) sections showing elevations, slopes and dimensions of the spillway; and
  - (3) profile along the axis of the spillway, extending from the reservoir area through the control section to the stream bed below the dam. Stationing on the profile shall correspond to that on the plan view. This profile shall show the existing ground elevation, proposed grade of the bottom of the spillway, elevation of slope protection on the side slopes, and the nature of the material through which the spillway is excavated;
- (g) Profile of principal spillway. Details of the principal spillway shall include the profile along the axis of the spillway, extending from the intake to the outlet, showing the size and spacing of the cutoff collars. This profile shall show existing ground elevations and the proposed grade of the spillway. Details of the stilling basin, supports and other features shall also be shown;

(h) Reservoir data. The number of acres enclosed by each contour within the reservoir basin and the total storage capacity of the reservoir in acre-feet at the elevation of each contour shall be determined and tabulated on the plan. The data shall be compiled for all contours in the reservoir up to the elevation of the top of the dam. Computations of capacity shall be based on the natural topography of the reservoir basin including the volume of any excavation in the reservoir below the emergency spillway made during construction of the dam. When the reservoir is divided between more than one landowner, the property lines shall be shown on the topographic map of the basin;

(i) Bench marks. At least two permanent bench marks shall be set for future reference conveniently located for use after construction. The bench marks shall be placed where they will not be destroyed or submerged after the reservoir fills, preferably, at a location along the axis of the dam near both dam extremities. A three or four foot length of pipe or steel driven flush with the ground in an area which is unlikely to be disturbed may be used. Wood or plastic stakes, nails, or marks in trees shall not be considered as permanent bench marks. The location and description of the bench marks shall be shown on the plans. They shall be properly referenced so that they can be easily found in the field. Elevations for size two, size three and size four structures shall be referenced to the national geodetic vertical datum of 1929 to a tolerance of plus or minus one half foot. Elevations for

size one structures shall be referred to any assumed datum; and

(j) Spillway discharge capacity data. (1) A curve or table showing discharge capacity of the emergency spillway, in cubic feet per second, shall be developed and shown on the plan.

(2) A curve or table showing discharge capacity of the principal spillway, in cubic feet per second, shall be developed and shown on the plan.

(k) Each application for a permit to construct a class (c) high hazard dam shall include an emergency preparedness plan. (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-302; effective May 1, 1983; amended May 1, 1985; amended May 1, 1987.)

**5-40-3. Specifications.** The specifications for dams, channel changes and obstructions shall be prepared on 8½ by 11 inch sheets of a good grade of white bond paper. The specifications shall be in sufficient detail to assure that the works will be properly executed and shall comply with currently accepted engineering practices. The specifications shall include provisions for: (a) Adequate supervision during the period of construction by a person qualified to design the structure;

(b) notification of the division of water resources of the status of construction; and

(c) inspection by representatives of the division of water resources. (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-302; effective May 1, 1983; amended May 1, 1987.)

**5-40-4. Preparer of maps, plans, profiles and specifications.** (a) Except as provided in subsection (b), each map, plan, profile and specification submitted to the chief engineer shall be prepared by a licensed professional engineer who is competent in dam design and construction or channel changes or obstructions, as appropriate. These details may be prepared by someone working under the direct supervision of a licensed professional engineer, if that engineer approves and places the engineer's seal upon the plans and specifications prior to submission to the chief engineer.

(b) Each dam which impounds less than 50 acre-feet at top of dam, which is less than 25 feet in height, and which is a class (a), low hazard dam as defined in engineering guide-1 may be designed by a person competent to design a dam of this size and classification. Channel changes and obstructions, except those on navigable streams or those having a mean annual flow of 100 cubic feet per second or more at the proposed location of the project may be designed by any person competent to design a channel change or obstruction of this size and classification. (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-302; effective May 1, 1983; amended May 1, 1986; amended May 1, 1987.)

**5-40-6. Waiver and stricter requirements.** (a) The chief engineer may waive any of the regulations adopted under articles 40, 41, 42 and 43 if it is shown to the satisfaction of the chief engineer that the waiver

(continued)

of the regulation will not pose a hazard to the public safety and that the waiver is in the public interest.

(b) The chief engineer may also invoke any jurisdiction granted by statute and impose stricter requirements than required by rules and regulations where such jurisdiction or additional requirements are necessary to protect the public interest, protect the public safety or prevent damage to property. (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-303; effective May 1, 1983; amended May 1, 1987.)

**5-40-7. Other maps, plans, profiles, data and specifications.** The applicant shall also submit any other maps, plans, profiles and specifications of the dam, channel change or obstruction and any other data which the chief engineer may require. (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-302; effective May 1, 1983; amended May 1, 1987.)

**5-40-12. As built drawings.** Following completion of all class (c) high hazard dams, within 90 days, or within any authorized extension of time, the applicant shall submit as built drawings prepared by a person authorized to prepare the original plans and specifications pursuant to K.A.R. 5-40-4. (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-303; effective May 1, 1987.)

**5-40-13. Safety inspections.** Following the completion of construction of any class (c) high hazard dam, the owner shall have a dam safety inspection conducted by a licensed professional engineer and have the report submitted to the division of water resources. Inspections shall be conducted at five-year intervals, or more frequently if specifically requested by the chief engineer. (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-303; effective May 1, 1987.)

#### Article 41.—DESIGN OF CHANNEL CHANGES

**5-41-1. Channel changes; plans and specifications.** Plans for a channel change shall include: (a) A general location map or aerial photograph, showing the present alignment of the stream, location of the proposed channel change, section lines, property lines with names and addresses of adjoining landowners, drainage area, a north arrow, a bar scale and any other prominent features;

(b) a detailed plan view of the project with stationing shown, including as many other views as necessary to fully describe the project;

(c) a profile drawing along the centerline of the proposed new channel. This profile shall extend five times the channel width upstream and an equivalent distance downstream from each end of the new channel. The stationing shown on the plan view shall correspond to stationing on the profile drawing. This drawing shall show the present ground surface, the present stream bed, and the grade line of the proposed new channel;

(d) cross sections of the existing stream at locations immediately above and below the proposed channel change. The location of these cross sections shall be described and shown on the plans. The elevations of

the top of the existing banks and bottom of the channel shall be shown;

(e) at least one permanent bench mark conveniently located for use after construction. The location, description and elevation of the permanent bench mark, to which all elevations are referred, shall be shown on the plans. Reference to the national geodetic vertical datum of 1929 to a tolerance of plus or minus one half foot is required on all channel changes involving perennial streams and where detailed floodplain data are available. Project datum is acceptable on all other channel changes;

(f) a cross sectional drawing of the proposed new channel, including dimensions. (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-302; effective May 1, 1987.)

**5-41-2. Channel changes; water velocity.** The new channel shall have a conveyance capacity equal to or greater than the old channel. The water velocity after the completion of the proposed channel change or stream obstruction shall not exceed a permissive velocity. (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-303; effective May 1, 1987.)

**5-41-3. Channel changes; side slopes.** The side slopes of the proposed new channel shall not be steeper than one foot vertical to two feet horizontal unless the applicant submits data and analysis to show that a steeper slope will be stable. (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-303; effective May 1, 1987.)

**5-41-4. Channel changes; construction by erosion.** New channels shall not be constructed by erosion. (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-303; effective May 1, 1987.)

**5-41-5. Channel changes; disposal of excavated material.** (a) Material removed from the newly excavated channel shall be deposited at a location and in a form acceptable to the chief engineer. If the material is to be deposited so that it will have the effect of a levee, a separate prior written approval of the chief engineer is required pursuant to K.S.A. 24-126.

(b) Filling or plugging the original channel shall receive the prior written approval of the chief engineer. (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-303; effective May 1, 1987.)

**5-41-6. Channel changes; vegetative strips on new channels.** On all new channel projects, a vegetative strip shall be established and maintained for a width of 50 feet immediately adjoining the channel on each side of the stream if site conditions permit or unless acceptable engineering design shows that a greater or lesser width of vegetative strip is preferable. The general type of vegetation shall be approved by the chief engineer. (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-303; effective May 1, 1987.)

#### Article 42.—DESIGN OF STREAM OBSTRUCTIONS

**5-42-1. Stream obstruction; plans and specifications.** Plans for a stream obstruction shall include: (a)

A general location map or aerial photograph showing the stream, location of the proposed obstruction, section lines, a bar scale, a north arrow, property lines with names and addresses of adjoining landowners and any other landowners who may be hydraulically affected by the proposed stream obstruction, drainage area and any other prominent features;

(b) a detailed plan view fully describing the obstruction and the site;

(c) a profile showing the present elevation of the stream bed and both banks, extending upstream to the point where the stream bed elevation is equal to or higher than the top of the obstruction and extending downstream an equivalent distance from the project site;

(d) an elevation view showing the obstruction on a cross section of the stream and the valley up to the post project design flood elevation at the site;

(e) at least one permanent bench mark shall be conveniently located for use after construction. The location, description and elevation of the permanent bench mark, to which all elevations are referred, shall be shown on the plans. Reference to the national geodetic vertical datum of 1929 to a tolerance of plus or minus one half foot is required for all stream obstructions on perennial streams and where detailed floodplain data are available. Project datum is acceptable on all other stream obstruction projects;

(f) details of the manner in which the obstruction is to be tied into the bed and banks of the stream; and

(g) the land for which easements or rights-of-way are to be acquired if the proposed obstruction affects land other than that owned by the applicant. (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-302; effective May 1, 1987.)

**5-42-2. Stream obstruction; minor.** If a proposed stream obstruction will not decrease the cross sectional area of a stream channel at the location of the obstruction by more than 15 percent, the plans required by the chief engineer shall be equivalent to the type submitted to the United States corps of engineers with applications for a department of the army permit. Such obstructions shall include weirs, causeways, low-water crossings, low-head dams, intake structures, boat launching ramps, pipeline crossings, outfall structures, marinas, boat docks, jetties and revetments. (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-303; effective May 1, 1987.)

**5-42-3. Stream obstruction; pipeline crossings.** (a) All pipeline and buried cable crossings of streams having 50 or more square miles of drainage area above the proposed project site and on perennial streams require a permit from the chief engineer.

(b) Underground pipelines and cables shall be buried at a sufficient depth below stream bed to prevent exposure. On navigable streams underground pipelines and cables shall be buried at a minimum depth of seven feet beneath the stream bed. On all other streams, underground pipelines and cables shall be buried at a minimum depth of five feet beneath the stream bed. Pipelines and cables shall be buried suf-

ficiently into the banks to allow for a moderate amount of stream meander without exposure. The minimum depth may be waived if it can be shown by the applicant that the underground pipeline or cables are adequately protected against erosion.

(c) After installation, the channel and banks shall be restored to the natural elevations and configurations as nearly as possible. Armoring devices shall be installed when necessary to ensure bank stability. Surplus excavated material shall be disposed of in a manner which will not obstruct the channel or act as a levee. (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-303; effective May 1, 1987.)

#### Article 43.—SAND DREDGING PERMITS

**5-43-1. Sand dredging operation; plans and specifications.** Plans for a sand dredging operation from a stream shall include: (a) A general location map or aerial photograph showing the stream, location of the proposed sand dredging operation, section lines, property lines with names and addresses of adjoining landowners, local access roads, a bar scale, a north arrow and any other prominent features;

(b) a plat of the area within which the sand plant will be operated, prepared to a scale of 200 feet per inch, or less, if necessary to show in detail the features of the stream at the location. The plat shall include at least one permanent bench mark. The survey shall also include at least two permanent horizontal control points on a baseline running generally parallel to the stream. These permanent points shall be identified with substantial markers and shall be easily visible in the field. The plat shall show the location of the natural banks on both sides of the stream, all islands, sand bars, and the direction of the stream within the channel. Where county commissioners have established bank lines along a stream in accordance with the provisions of K.S.A. 82a-307a, the location of such established bank lines shall be shown. The plat shall also show the proposed location of the tipple, boundaries of areas from which material will be removed and the area to which rejected material will be returned;

(c) cross sections of the channel, measured along lines at right angles to the general direction of the stream and plotted to a horizontal scale of not more than 200 feet per inch and an appropriate vertical scale. Typical cross sections shall be shown for unobstructed portions of the channel as well as for portions in which islands, sand bars or other obstructions may be located. The elevation of the top of both banks, the bed of the stream, and the surface of islands and bars shall be shown on the cross sections. The location of lines along which cross sections are measured shall be referred to the baseline and indicated on the plat. All elevations shall be referred to a permanent bench mark, which is referenced to the national geodetic vertical datum of 1929 to a tolerance of plus or minus one half foot; and

(d) a statement of plan of operation. A brief paragraph shall be included explaining the plants usual

(continued)

operating plans. The kind of equipment, pumping capacities, seasonal limitations and any other operational constrictions shall be included. (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-302; effective May 1, 1987.)

**5-43-2. Sand dredging; buffer zone.** There shall be a buffer zone of not less than 500 feet between dredging operations, and between dredging operations and all bridges. There shall be a buffer zone of 300 feet between dredging operations and buried pipeline or cable crossings. There shall be a buffer zone of 200 feet between dredging operations and levees, or other features subject to damage by undercutting. (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-303; effective May 1, 1987.)

**5-43-3. Sand dredging; operation.** In counties at locations where bank lines have been established on designated streams pursuant to K.S.A. 82a-307, materials shall be removed only between established bank lines. The chief engineer, for good cause, may allow excavation or removal of material landward from established bank lines if approval is also obtained from the board of county commissioners. On navigable streams materials shall be removed only from the channel and in such a manner so as not to degrade the banks. On all other streams, materials shall be removed only from areas and in a manner approved by the chief engineer. (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-303; effective May 1, 1987.)

**5-43-4. Sand dredging; operations conflicting.** If more than one operator proposes to operate within a given reach of a private stream, then all conflicting applicants shall be required to submit proof of easements or other legal authority to operate. If more than one operator proposes to operate within a given reach of a navigable stream, the chief engineer shall determine which operators shall be permitted, based on the following criteria: (a) The capability of the applicant's equipment to operate within the desired area;

- (b) the applicant's need for the material;
- (c) the applicant's existing operation, if any;
- (d) the anticipated date the applicant will begin operation;
- (e) the applicant's history of operation;
- (f) the anticipated plant completion date;
- (g) proof of the applicant's easements and right-of-ways necessary to operate;
- (h) date of application; and
- (i) any other relevant factor. (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-302; effective May 1, 1987.)

**5-43-5. Sand dredging; operation setback.** Sand dredging operations located outside the channel of a stream shall be set back a minimum of 50 feet from the bank of the channel. There shall be a minimum slope on the sand plant side of not greater than one foot vertical to four feet horizontal. (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-303; effective May 1, 1987.)

## Article 45.—DESIGN OF LEVEES

**5-45-1. Levees; definitions.** As used in these rules and regulations, K.S.A. 24-126, and by the division of water resources in administering K.S.A. 24-126, unless the context clearly requires otherwise, the following words and phrases shall have the meaning ascribed to them in this section: (a) Approval means the written approval of plans and specifications by the chief engineer authorizing the applicant to proceed with the construction and maintenance of a levee project.

(b) Authorized representative means any staff employee designated by the chief engineer to perform duties and functions on behalf of the chief engineer.

(c) Chief engineer means the chief engineer, division of water resources, Kansas state board of agriculture.

(d) Equal and opposite conveyance means the location of development offsets from stream banks so that floodplain lands on each side of a stream convey a share of the flood flows proportionate to the total conveyance available on each respective side of the stream.

(e) Levee means any artificial barrier, together with appurtenant works, that is generally parallel to a water course and whose effect is to repel flood waters.

(f) Perennial stream means a stream, or a part of a stream, that flows continuously during all of the calendar year, except during an extended drought, as a result of groundwater discharge or surface runoff.

(g) Stream means any watercourse which has a well-defined bed and banks and a drainage area above the point in question exceeding 160 acres or a greater acreage designated by the chief engineer. The stream need not flow continuously and may flow only briefly after a rain in the watershed. (Authorized by and implementing K.S.A. 24-126; effective May 1, 1987.)

**5-45-2. Levees; plans and specifications.** Plans for a levee shall include: (a) A general location map or aerial photograph showing the stream, location of the proposed levee, section lines, property lines with names and addresses of adjoining landowners and any other landowners who may be hydraulically affected by the proposed levee, drainage area, a bar scale, a north arrow and any other prominent features;

(b) a detailed plan view fully describing the levee and the site;

(c) a profile showing the proposed elevation of the top and base of the levee and the present elevation of the stream bed and both banks;

(d) an elevation view showing the levee on a cross section of the stream and the valley up to the post project design flood elevation at the site. This cross section shall show the stream and valley at the most restricted location;

(e) at least one permanent bench mark conveniently located for use after construction. The location, description and elevation of the permanent bench mark, to which all project elevations shall be referred, shall be shown on the plans. Reference to the national geodetic vertical datum of 1929 to a tolerance of plus or minus one half foot is required for all levees on



perennial streams and where detailed floodplain data are available. Project datum is acceptable on all other levee projects; and

(f) the land for which easements or rights-of-way are to be acquired if the proposed levee will affect land other than that owned by the applicant. (Authorized by and implementing K.S.A. 24-126; effective May 1, 1987.)

**5-45-3. Levees; specifications.** The specifications for levees shall be prepared on 8½ by 11 inch sheets of a good grade of white bond paper. The specification shall be in sufficient detail to assure that the works will be properly executed and shall comply with currently accepted engineering practices. The specifications shall include provisions for: (a) adequate supervision during the period of construction by a person qualified to design the levee;

(b) notification of the division of water resources of the status of construction; and

(c) inspection by a representative of the division of water resources. (Authorized by and implementing K.S.A. 24-126; effective May 1, 1987.)

**5-45-4. Levees; preparer of maps, plans, profiles and specifications.** (a) Except as provided in subsection (b), each map, plan, profile and specification submitted to the chief engineer shall be prepared by a licensed professional engineer who is competent in levee design and construction. These details may be prepared by someone working under the direct supervision of a licensed professional engineer, if that engineer approves and places the engineer's seal upon the plans and specifications prior to submission to the chief engineer.

(b) Class A or B levees may be designed by any person competent to design a levee of this size and classification. (Authorized by and implementing K.S.A. 24-126; effective May 1, 1987.)

**5-45-5. Levees; waiver and stricter requirements.** The chief engineer may waive any of the regulations adopted under this article if it is shown to the satisfaction of the chief engineer that the waiver of the regulation will not pose a hazard to the public safety and that the waiver is in the public interest. The chief engineer may also invoke any jurisdiction granted by statute to impose stricter requirements than those required by rules and regulations where such jurisdiction or additional requirements are necessary to protect the public interest, protect the public safety or prevent damage to property. (Authorized by and implementing K.S.A. 24-126; effective May 1, 1987.)

**5-45-6. Levees; other maps, plans, profiles, data and specifications.** The applicant shall also submit any other maps, plans, profiles and specifications of the levee and any other data which the chief engineer may require. (Authorized by and implementing K.S.A. 24-126; effective May 1, 1987.)

**5-45-7. Levees; application.** The application for approval of plans to construct a levee shall be filed on the prescribed form or forms furnished by the chief

engineer and shall be completed in proper form. (Authorized by and implementing K.S.A. 24-126; effective May 1, 1987.)

**5-45-8. Levees; hazard classes.** The following levee hazard classes are established: (a) Class A levee—failure of levee may allow damage to farm buildings, limited agricultural grounds or private roads.

(b) Class B levee—failure of levee may endanger extensive agricultural land, or damage isolated homes, secondary highways or minor railroads.

(c) Class C levee—failure of levee may cause loss of life, or cause serious damage to private, commercial or public property. (Authorized by and implementing K.S.A. 24-126; effective May 1, 1987.)

**5-45-9. Levees; design storm flow determination.** (a) In determining design storm flow magnitude, the applicant shall use an accepted engineering method. (b) For drainage areas of less than 2 square miles the following methods are acceptable, where appropriate: (1) The rational formula for flow magnitude determination when used according to the following formula:

$$Q = CIA$$

where C = the runoff coefficient  
I = intensity of rainfall in inches per hour and  
A = drainage area in acres.

To determine the proper intensity of rainfall for use with the formula, first determine the appropriate total rainfall from "Technical Paper Number 40, Rainfall Frequency Atlas of the United States, Department of Commerce, May 1961," and the time of concentration from the Kirpich nomograph and then obtain the intensity from the standard rainfall intensity-duration curves;

(2) The SCS method for estimating direct runoff, United States department of agriculture, soil conservation service;

(3) "Technical Release 55, Hydrology for Urban Areas, United States Department of Agriculture, Soil Conservation Service".

(c) For drainage areas two square miles or greater, the following methods of determining flow magnitude shall be acceptable, where appropriate: (1) the publication "Magnitude and Frequency of Floods in Kansas, Unregulated Streams, Technical Report 11, Kansas Water Resources Board, February 1975";

(2) "Technical Release 20, Computer Program for Project Formulation, Hydrology, United States Department of Agriculture, Soil Conservation Service"; or

(3) "HEC-1 Flood Hydrograph Package, Corps of Engineers Hydrologic Engineering Center". (Authorized by and implementing K.S.A. 24-126; effective May 1, 1987.)

**5-45-10. Levees; design criteria.** Design for levees shall meet or exceed the following criteria: (a) Class A levee—the levee shall safely repel the appropriate design storm.

(b) Class B levee—the levee shall safely repel at least the ten year design storm.

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(c) Class C levee—the levee shall safely repel at least the 100 year design storm. For class C levees the applicant shall submit complete water surface water profiles of both the ten and 100 year events, both before and after construction. (Authorized by and implementing K.S.A. 24-126; effective May 1, 1987.)

**5-45-11. Levees; freeboard requirements.** (a) Levees not within a floodway designated by the chief engineer are required to have the following freeboard:

Design flood frequency	Freeboard required
10 years	1 foot
25 years	2 feet
50 years or more	3 feet

(b) Levees constructed within a floodway designated by the chief engineer shall have a freeboard requirement designated on a site specific basis. (Authorized by and implementing K.S.A. 24-126; effective May 1, 1987.)

**5-45-12. Levees; setback.** The minimum setback distance from the top of the stream bank to the toe of the levee shall be 100 feet or twice the width of the stream measured from the top of one bank to the top of the opposite bank, whichever distance is less, unless the applicant demonstrates adequate bank protection will be utilized. (Authorized by and implementing K.S.A. 24-126; effective May 1, 1987.)

**5-45-13. Levees; unreasonable effect.** (a) The chief engineer shall not approve plans for any levee which is deemed to have an unreasonable effect on another. Levees shall not cause an increase in the elevation of the flood profile more than one foot at any location outside floodways designated by the chief engineer. Levees shall not cause an increase in the elevation of the design flood profile within floodways designated by the chief engineer.

(b) For a class A or class B levee, the effect of the proposed levee on the design flood profile shall be evaluated assuming that an equal setback levee is in place on the opposite side of the stream.

(c) For a class C levee, the effect of the proposed levee on the design flood profile shall be calculated by the technique of equal conveyance reduction from the outer floodplain limits outside the channel, unless the applicant demonstrates that the applicant has obtained legal authorization from the opposite landowner for a greater encroachment toward the channel. (Authorized by and implementing K.S.A. 24-126; effective May 1, 1987.)

DAVID L. POPE  
Chief Engineer  
Division of Water Resources

Doc. No. 005056

## State of Kansas

### BOARD OF MORTUARY ARTS

#### PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1987)

#### Article 1.—EMBALMING; CONTINUING EDUCATION OF EMBALMERS AND FUNERAL DIRECTORS

**63-1-1. Definitions.** (a) "Advertisement" means any announcement or statement published, disseminated, circulated or placed before the public.

(b) "Board" means the state board of mortuary arts of Kansas.

(c) Burial insurance means any insurance policy relating to the disposition of dead human bodies which has been approved for sale in Kansas by the Kansas insurance commissioner.

(d) "Casket" means a rigid container which is designed for the encasement and burial of dead human bodies.

(e) "Disposition" means burial, cremation or permanent delivery to a medical institution of a dead human body.

(f) "Embalmer" means any person engaged in embalming.

(g) "Embalming" means chemical preparation of a dead human body for disposition.

(h) "Funeral service or funeral" means religious services or other rites or ceremonies with a dead human body present.

(i) "Suitable combustible container" means any receptacle or enclosure other than a casket which is of sufficient strength to be used to hold and transport human remains including, but not limited to, cardboard, pressed-wood, or composition containers, and canvas or opaque polyethylene pouches. (Authorized by K.S.A. 74-1704, 74-1707; implementing K.S.A. 65-1703, K.S.A. 65-1711a, K.S.A. 65-1712, 65-1713, 65-1713b, 65-1723, 74-1707; effective Jan. 1, 1966; amended Jan. 1, 1974; modified by L. 1978, ch. 465, May 1, 1978; amended May 1, 1979; amended May 1, 1982; amended May 1, 1986; amended May 1, 1987.)

**63-1-3. Registration and apprenticeship.** (a) Each person desiring to enter the practice of embalming dead human bodies within the state of Kansas shall apply to the board for a "certificate of registration," no later than 30 days before the examination date. Application forms provided by the board shall be used. This application shall be accompanied by:

(1) official transcripts of accredited institutions of higher learning showing the applicant has met the educational requirements of K.S.A. 65-1701a; and

(2) statements that the school, institute, community college, or university where the applicant completed education meets the following qualifications:

(A) The school, institute, community college, college, or university is accredited by a regional association, such as the north central association of the secondary schools, colleges, and universities; and

(B) the school, institute, community college, col-

lege or university is accredited by the American board of funeral service education or by any agency recognized by the United States commissioner of education as the proper agency for the accrediting of these schools.

(b) When an applicant has successfully completed the educational requirements stated in K.S.A. 65-1701a, the applicant shall file the college or the university transcript and the prescribed fee with the board. Upon receiving a "certificate of completion" or the degree offered by the school, the applicant shall be eligible to apply to take the embalmer's examination given by this board.

(c) When the student enrolls in an approved school of mortuary science offering only mortuary science courses, the student shall complete 60 hours in an accredited college or university. The student shall obtain a minimum of 30 hours of mortuary science courses before being eligible to apply to take the embalmer's examination given by this board.

(d) Upon passing the examination, the applicant shall be registered under a Kansas licensed embalmer for an embalmer apprenticeship. The licensee under whom the apprentice is registered shall file quarterly reports of progress with the board. Upon completion of the apprenticeship, the board shall issue an embalmer's license upon payment of the pro-rated biennial fee.

(e) All transcripts and other records filed with the board shall become part of its permanent files and records.

(f) If the applicant does not take the examination within two years from the date of first registration, that registration shall automatically be canceled. Time served in the armed forces shall not be counted in computing this period. If the applicant desires to re-register, the applicant shall make a new application for registration and shall comply with the requirements of the board.

(g) If an apprentice embalmer fails to complete the apprenticeship within two years following the successful completion of the examination, the apprenticeship shall be canceled. Time served in the armed forces shall not be counted in computing this period. If the applicant later desires to complete the apprenticeship, the applicant shall first retake and pass the embalmer's examination.

(h) Each applicant who passes the examination shall receive credit toward the apprenticeship for time spent in the armed forces if the applicant's primary duties were preparation of, and caring for, dead human bodies under the supervision of a person holding a valid embalmer's license in any state. The supervising licensee shall certify as to the duties of the applicant. (Authorized by K.S.A. 44-534, K.S.A. 1985 Supp. 44-573; implementing K.S.A. 65-1702, K.S.A. 65-1701a, 65-1727; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1969; amended Jan. 1, 1974; amended, E-76-14, Feb. 28, 1975; amended May 1, 1976; amended May 1, 1978; amended May 1, 1982; amended May 1, 1983; amended May 1, 1986; amended May 1, 1987.)

**63-1-4. Examination.** (a) The embalmer's exami-

nation shall address the following subjects in separate sections: anatomy, chemistry, embalming, microbiology, mortuary administration, pathology, restorative art, and such other subjects as the board may require. Only those applicants who have met the requirements of K.S.A. 65-1701a and K.A.R. 63-1-3 may take the examination. An applicant shall pass all subjects to be eligible for apprenticeship and licensure.

(b) Any applicant who fails the examination, may appear before the board at the next regular embalmer's examination and complete a remedial examination on the subjects which the applicant failed, without the payment of any additional fees. If the applicant fails in any subjects in the remedial examination or fails to appear for it, the applicant may make a new application within six months for which he or she shall pay another examination fee. The applicant shall then be eligible to complete a second examination and remedial examination.

(c) The results of the second examination and remedial examination shall be final unless the applicant shows that he or she has since attended and passed courses on the subjects so failed and the applicant successfully passes a new examination on all required subjects. The courses shall have been given by an accredited school of mortuary science. (Authorized by K.S.A. 74-1704; implementing K.S.A. 65-1701a; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1987.)

**63-1-5. Requirements for reciprocal embalmer's license.** Each applicant shall secure all necessary documents required for licensure. The documents shall be delivered with an application and fee to the board at least 15 days prior to the meeting of the board in which the application will be considered. (Authorized by K.S.A. 74-1704; implementing K.S.A. 65-1701b; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1982; modified, L. 1983, ch. 351, May 1, 1983; amended May 1, 1987.)

**63-1-6. General rules relating to the practice of embalming.** When any embalmer's license is lost or destroyed, a duplicate shall be issued by the board upon verified proof of the loss or destruction of the license.

(b) Each licensee shall promptly notify the board of all changes in the licensee's address.

(c) Each licensee shall promptly and fully cooperate at all times with the state department of health and environment and with the board in all matters pertaining to the general practice of embalming.

(d) A licensee's name may be used in the form of an endorsement of a funeral or burial insurance plan or burial association benefits, if the licensee does not initiate or pay the cost of that advertising and the recommendation is genuine and representative of the current opinion of the author. The endorsement shall apply to the policy advertised. If the individual making the recommendation has a financial interest in the insurer or a related entity, or if the individual will, as a direct or indirect stockholder, officer or employee,

(continued)

receive any benefit directly or indirectly, this fact shall be disclosed in the advertising.

(e) A licensee shall not be connected in any way with an insurance company if:

(1) policies are payable in merchandise, or require the service of a designated funeral director or a member of a designated group of funeral directors; or

(2) the certificate or policy of that company provides for a reduction on the value of merchandise or services furnished or the price to be paid for them. (Authorized by K.S.A. 74-1704, 74-1707; implementing K.S.A. 65-1701, 74-1707, 65-1711a; effective Jan. 1, 1966; modified, L. 1979, ch. 345, May 1, 1979; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1987.)

**63-1-7. Revocation of licenses or refusal to renew.**

The terms "unprofessional, unethical, or dishonorable conduct" as used in subsection (f) of K.S.A. 1985 Supp. 65-1711a and "incompetency or untrustworthiness in the practice of embalming" as used in subsection (g) of K.S.A. 1985 Supp. 65-1711a, are hereby defined to include the following:

(a) Misrepresentation or fraud in the conduct of the licensee's business as an embalmer;

(b) fraud or misrepresentation in obtaining any permit;

(c) refusal or neglect to promptly obtain, complete and file death certificates.

(d) employment directly or indirectly of any agent, assistant, employee or other person, on part or full time, or commission basis, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular embalmer or funeral establishment;

(e) Solicitation or attempts to solicit business, or to control or attempt to control the placing thereof, either directly or indirectly, by or through the use of burial insurance or by or through agents or representatives of such companies;

(f) Violation of any law, ordinance, rule or regulation affecting the handling, custody, care or transportation of dead human bodies, or abuse or disrespect in the handling of a dead human body;

(g) Interference with or obstructing the performance of the contractual duties or services between the licensee and the next of kin or a legal representative of any deceased person; and

(h) Requiring the purchase of a casket as a condition to providing funeral services when the dead body is cremated, unless otherwise required by law.

A violation of any one or more of the above provisions shall be a sufficient cause to suspend, revoke or refuse to renew a license.

The provisions set forth above shall be in addition to those contained in the laws and other rules and regulations of this board for the suspension or revocation of a license, or for refusing to renew the same. (Authorized by and implementing K.S.A. 65-1711a; effective Jan. 1, 1966; amended Jan. 1, 1974; modified, L. 1978, ch. 465, May 1, 1978; amended May 1, 1987.)

**63-1-8. Administrative procedure.**

(a) Pleadings.

(1) Each pleading before the board shall be in writing, unless made orally during a hearing, and shall be clearly titled with the name of the matter and the nature of the pleading.

(2) Each pleading shall be filed with the secretary of the board at the office of the board.

(3) Each pleading shall be signed by the aggrieved party or the attorney for the aggrieved party.

(4) Any pleading not in substantial compliance with the above requirements may be disallowed by the board.

(b) Summary adjudicative proceedings.

(1) A license or an approval may be granted by the board under a summary adjudicative proceeding.

(2) An application for initial license or an application for approval may be denied by the board under a summary adjudicative proceeding.

(3) An application for renewal that is insufficient on its face may be denied by the board under a summary adjudicative proceeding.

(c) Emergency adjudicative proceedings. Actions to suspend, revoke, refuse to renew, or place conditions upon renewal of a license, application or an approval may be taken by the board by emergency adjudicative proceeding if:

(1) The conditions upon which the approval was granted have changed or the conduct is other than that approved; or

(2) The situation involves an immediate danger to health, safety or welfare requiring immediate state action.

(d) Request for hearing.

(1) When the board has entered any emergency or summary order or given notice of intent to issue any order, an aggrieved party may file a written request for a hearing. The request shall be filed within 30 days of service of the order or notice of intent.

(2) No hearing shall be granted to an aggrieved party unless a timely request for hearing has been filed. A hearing may be held upon the board's own motion or upon the request of the secretary of the board.

(e) Conference adjudicative proceedings. Unless an aggrieved party has in writing requested a formal adjudicative proceeding and specifically disputed allegations of fact contained in the order or notice, or unless another type of proceeding is ordered or otherwise required, any proceeding granted shall be a conference adjudicative proceeding.

(f) Appearances.

(1) The filing of a request for hearing shall constitute a general appearance before the board by the requesting party and shall act as an acknowledgement that service of the order or notice was complete upon the requesting party. No special appearance shall be recognized.

(2) If an aggrieved party appears in any proceeding with an attorney, service upon the aggrieved party is complete upon service of the attorney.

(3) Any attorney who will appear with an aggrieved party, and who was not named in the request for hearing, shall file a written appearance stating the attorney's name, address and telephone number, and

specifying whom the attorney will represent in the proceeding.

(g) Formal adjudicative proceedings. Formal adjudicative proceedings shall be conducted on a trial format unless the board finds that deviation from a trial format is necessary to aid in ascertaining the facts or for the convenience of the board, a witness or a party.

(h) Subpoenas.

(1) Subpoenas may be served upon any party or upon any controlling person of any party by serving the attorney for the party.

(2) If any party or controlling person of any party fails to testify or produce items when so subpoenaed and the board finds that the evidence would be relevant to the proceeding, any order within the board's jurisdiction may be made.

(i) Hearing officers.

(1) In any proceeding which requires that the board finally determine the matter, a hearing officer may be appointed by the board to conduct the proceeding.

(2) The hearing officer may make any interim ruling that the board has jurisdiction to make.

(3) Upon the written request of a party, any interim ruling of the hearing officer may be modified by the board, but no hearing on the request shall be required.

(4) When the adjudicatory proceeding has been completed, the hearing officer shall recommend findings of fact and conclusions of law to the board. The board shall dispose of the matter in the manner applicable to proceedings conducted by the board. No hearing on the recommendations of hearing officer shall be required. (Authorized by and implementing K.S.A. 65-1711a, 74-1704; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1982; amended May 1, 1984; amended May 1, 1986; amended May 1, 1987.)

### **63-1-14. Continuing education requirements.**

(a) Except as provided in subsection (e), each licensee in this state shall submit with the license renewal application, satisfactory proof of completion of a minimum of six clock-hours per year of continuing education course-work approved by the board. Compliance with the required continuing education shall be a prerequisite for license renewal.

(b) Continuing education credit may be obtained by attending and participating in continuing education courses or workshops previously accredited by the board or otherwise meeting the requirements stated in K.A.R. 63-1-15 and approved by the board.

(c) During the time an organization, educational institution, or person is an accredited sponsor, all continuing education programs of the organization, educational institution, or person may be approved by the board.

(d) Any licensee desiring to obtain credit for completing more than 12 hours of approved continuing education credits during any two licensure years, shall report this carry-over credit to the board on or before the expiration of the licensee's current licensure year. This carry-over credit shall be limited to no more than six clock-hours.

(e) Continuing education requirements for individuals newly licensed by examination shall be waived for the first time renewal of a licensee.

(f) No more than six hours shall be granted for any one approved continuing education program. (Authorized by K.S.A. 65-1712, 65-1723; implementing K.S.A. 65-1702, 65-1716; effective, E-81-41, Dec. 17, 1980; modified, L. 1981, ch. 410, May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1987.)

**63-1-15. Standards for approval.** (a) A continuing education course or workshop shall be qualified for approval if the board determines that it:

(1) Constitutes an organized program of learning, including a symposium, which contributes directly to the professional competency of the licensee;

(2) is related to the practice of mortuary science;

(3) is conducted by individuals considered experts in the subject matter of the program by reason of education, training, or experience; and

(4) is accompanied by a paper, manual, or written outline which substantially describes the subject matter of the program.

(b) Except as may be allowed by the board, a licensee shall not receive credit exceeding three credit-hours of the annual total required hours for:

(1) correspondence work;

(2) video, sound-recorded, or television programs;

or

(3) information transmitted by other similar means as authorized by the board.

(c) Service as a lecturer or discussion leader shall be included to the extent that it contributes to the professional competence of the applicant. Repetitious presentations shall not be counted. Not more than 50 percent of the total required hours may be satisfied in this manner.

(d) The maximum number of credit hours which shall be granted for any continuing education course or workshop is six. (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective, E-81-41, Dec. 17, 1980; modified, L. 1981, ch. 410, May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1987.)

**63-1-16. Post Approval and Review.** (a) Post approval of activities. A licensee seeking credit for attendance and participation in an educational program which is not conducted by an accredited sponsor and which is not otherwise approved shall submit to the board, within 30 days after completion of the activity, the activity's dates, subjects, instructors and their qualifications and number of credit hours requested. Within 90 days after receipt of the application, the licensee shall be advised by the board, in writing and by mail, as to whether the activity is approved and the number of credit hours allowed. A licensee may be denied credit if the licensee fails to comply with the requirements of this subsection.

(b) Review of programs. Any continuing education course or workshop already approved by the board may be monitored or reviewed by the board and upon

(continued)

evidence of significant variation in the program presented from the program approved, all or any part of the approved hours granted the program may be disapproved. (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective, E-81-41, Dec. 17, 1980; modified, L. 1981, ch. 410, May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1987.)

**63-1-18. Report of licensee.** Each licensee shall file, with the board, a signed report of continuing education credit hours completed and of any months when the licensee was exempted by K.S.A. 1985 Supp. 65-1702(e) and 65-1716(e) during the continuing education compliance period. The report shall be filed with the application for renewal of the license. (Authorized by K.S.A. 65-1712, 65-1723; implementing K.S.A. 65-1702, 65-1716; effective, E-81-41, Dec. 17, 1980; modified, L. 1981, ch. 410, May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1987.)

**63-1-20. Disability or illness.** Disability or illness shall be a sufficient cause for exemption under K.S.A. 1985 Supp. 65-1702(e) and 65-1716(e). (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective, E-81-41, Dec. 17, 1980; modified, L. 1981, ch. 410, May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1987.)

**63-1-22. Reinstatement of inactive practitioners.** Inactive practitioners who have been granted a waiver of compliance with these regulations, and who obtain a certificate of exemption, shall give notice to the Board of the termination of their inactive status. (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective, E-81-41, Dec. 17, 1980; modified, L. 1981, ch. 410, May 1, 1981; amended May 1, 1982; amended May 1, 1987.)

## Article 2.—FUNERAL DIRECTING

**63-2-1. Embalming regulations adopted.** The following regulations of this board relating to the subject of embalming and any amendments thereto are adopted and incorporated herein by reference, and made a part of the regulations of this board on the subject of funeral directing, so far as the same are applicable: K.A.R. 63-1-1, K.A.R. 63-1-6, and K.A.R. 63-1-8. (Authorized by K.S.A. 65-1722, 74-1704, 74-1707; implementing K.S.A. 65-1714, 65-1722, 74-1707; effective Jan. 1, 1966; amended May 1, 1979; amended May 1, 1987.)

**63-2-3. Licensee in charge of establishments.** (a) A Kansas funeral director shall not have charge of more than one funeral establishment.

(b) Any Kansas licensed funeral director owning or having an interest in more than one Kansas funeral establishment shall employ at all times, for each of these establishments, a Kansas licensed funeral director, who shall have personal supervision and charge of the establishments.

(c) A funeral, or any portion of it, shall not be conducted without a licensed funeral director being

present, except when the funeral director's presence is not physically possible. In such a case, the licensee may appoint any Kansas licensed funeral director or assistant funeral director as the licensee's representative and the responsibility for proper conduct of the funeral shall be shared between them. (Authorized by K.S.A. 74-1704; implementing K.S.A. 65-1713a; effective Jan. 1, 1966; amended Jan. 1, 1967; amended May 1, 1978; amended May 1, 1982; amended May 1, 1983; amended May 1, 1987.)

### **63-2-8. Revocation of licenses or refusal to renew.**

(a) The term "incompetency or untrustworthiness in the practice of funeral directing," as used in K.S.A. 65-1722(a)(4), and the term "dishonorable conduct" as used in K.S.A. 65-1722(a)(7), shall in addition to other general acts of incompetency or untrustworthiness and dishonorable conduct, include the following:

(1) Solicitation of business by the licensee, his or her agents, assistants, or employees, whether such solicitation occurs after death or while death is pending. This shall not be deemed to prohibit general advertising;

(2) Direct or indirect employment of any apprentice, agent, assistant, embalmer, employee or other person, on part-time, or full-time or commission basis, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral director, or funeral establishment;

(3) the buying of business by the licensee, his or her agents, assistants, or employees, or the direct or indirect payment or offer of payment of a commission by the licensee, his or her agents, assistants, or employees, for the purpose of securing business;

(4) aiding and abetting the practice of funeral directing by an unlicensed person;

(5) violation of any law, ordinance, rule or regulation affecting the handling, custody, care or transportation of dead human bodies, or abuse or disrespect in the handling of a dead human body;

(6) fraud or misrepresentation in obtaining a permit;

(7) refusal or neglect in promptly obtaining, completing and filing death certificates, burial permits, disinterment permits and removal permits;

(8) solicitation or attempts to solicit business, or to control or attempt to control the placing thereof, either directly or indirectly, by or through the use of burial insurance or by or through agents or representatives of such companies; and

(9) disclosure of the confidences and secrets of the domestic life of any family which a funeral director or the funeral director's assistant may be called to serve.

(b) A violation of any one or more of the above provisions shall be a sufficient cause to suspend, revoke or refuse to renew a license.

(c) The provisions set forth above shall be in addition to those contained in the laws and other rules and regulations of this board relating to the suspension or revocation of a license, or for a refusal to renew the same. (Authorized by K.S.A. 74-1704; implementing

K.S.A. 65-1722; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1987.)

**63-2-11. Requirements for reciprocal funeral director's license.** Each applicant shall secure all necessary documents required for licensure. The documents shall be delivered with an application and fee to the board at least 15 days prior to the meeting of the board in which the application will be considered. (Authorized by K.S.A. 74-1704; implementing K.S.A. 65-1721; effective May 1, 1976; amended May 1, 1978; amended May 1, 1982; modified, L. 1983, ch. 351, May 1, 1983; amended May 1, 1987.)

**63-2-12. Apprenticeship.** (a) The embalmer and funeral director apprenticeships may be served concurrently if each apprenticeship is properly registered with and certified to the board.

(b) A licensed funeral director who is actually in charge of or who is the supervisor of a funeral establishment may certify an apprentice only if the apprentice is employed at that establishment full-time, as defined in K.S.A. 65-1714b.

(c) Any time served in an apprenticeship under the direction of any person other than a Kansas licensed funeral director shall not be credited by the board toward the apprenticeship requirements.

(d) Each apprentice and the supervising licensed funeral director shall make the required certification to the board of the termination of any apprenticeship. Any licensed funeral director who refuses to certify the termination of any apprenticeship without showing just cause to the board shall not be permitted to certify another apprentice to the board.

(e) If the licensed funeral director dies during the apprenticeship, three affidavits from reputable citizens having knowledge of the apprenticeship may be accepted by the board in lieu of the funeral director's verification of apprenticeship. The affidavits shall include the dates of the apprenticeship.

(f) Each apprentice shall serve full time, and shall not be permitted to accept any other employment during the apprenticeship without prior written permission from the board. (Authorized by K.S.A. 74-1704; implementing K.S.A. 65-1714, 65-1717; effective May 1, 1976; amended May 1, 1980; amended May 1, 1987.)

**63-2-14. Funeral director's biennial renewals.** (a) Each funeral director's license shall be renewed on a biennial basis.

(b) Expiration dates shall be established alphabetically according to the first letter of each licensee's surname, as follows:

- (1) A and M shall expire on January 31;
- (2) B and N shall expire on February 28;
- (3) C and O shall expire on March 31;
- (4) D and P shall expire on April 30;
- (5) E and Q shall expire on May 31;
- (6) F and R shall expire on June 30;
- (7) G and S shall expire on July 31;
- (8) H and T shall expire on August 31;
- (9) I and U shall expire on September 30;
- (10) J and V shall expire on October 31;

- (11) K and W shall expire on November 30; and
- (12) L and XYZ shall expire on December 31.

Each licensee whose surname begins with letter A through L shall renew their license on even-numbered years. Each licensee whose surname begins with letter M through Z shall renew on odd-numbered years.

(c) A lapsed license may be reinstated by the board upon payment of the renewal fee in arrears and a reinstatement fee in an amount equal to the renewal fee. Such a lapse shall not be over six months in duration.

(d) Each licensee changing the licensee's surname shall notify the secretary to the board of the change and the expiration date shall be adjusted to the month designated in subsection (b). (Authorized by and implementing K.S.A. 65-1716; effective, E-80-17, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1987.)

**63-2-15. Assistant funeral directors biennial renewals.** (a) All assistant funeral directors licenses shall be paid on a biennial basis. The board of mortuary arts shall prorate to the nearest whole month all renewal fees on a one time basis, in order to establish the biennial renewal process for the calendar year 1980.

(b) Expiration dates will be done alphabetically according to the first letter of the licensee's surname, as follows:

- (1) A and M shall expire on January 31;
- (2) B and N shall expire on February 28;
- (3) C and O shall expire on March 31;
- (4) D and P shall expire on April 30;
- (5) E and Q shall expire on May 31;
- (6) F and R shall expire on June 30;
- (7) G and S shall expire on July 31;
- (8) H and T shall expire on August 31;
- (9) I and U shall expire on September 30;
- (10) J and V shall expire on October 31;
- (11) K and W shall expire on November 30;
- (12) L and XYZ shall expire on December 31.

Renewal surname letters A through L will renew on even numbered years; M through Z will renew on odd numbered years.

(c) Licensees changing their surnames shall notify the secretary to the board of the change and the expiration date shall be adjusted to the month designated in section (b). (Authorized by and implementing K.S.A. 65-1717; effective, E-80-17, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1986; amended May 1, 1987.)

**Article 4.—FEES**

**63-4-1. Payment of fees.** (a) The following fees shall be charged by the Kansas state board of mortuary arts:

Embalmers examination fee . . . . .	\$100.00
Embalmers reciprocity application fee . . . . .	\$200.00
Embalmers biennial license & renewal fee . . . . .	\$ 48.00
Apprentice embalmers registration fee . . . . .	\$ 50.00
Funeral director's examination fee . . . . .	\$100.00
Funeral director's reciprocity application fee . . . . .	\$200.00

(continued)

Funeral director's biennial license & renewal fee .....	\$120.00
Assistant funeral director's application fee	\$ 50.00
Assistant funeral director's biennial license & renewal fee .....	\$ 72.00
Funeral establishment and branch establishment biennial license & renewal fee	\$200.00

(Authorized by and implementing K.S.A. 65-1727; effective May 1, 1983; amended May 1, 1986; amended May 1, 1987.)

DOUGLAS "MAC" SMITH  
Executive Secretary

Doc. No. 005054

**State of Kansas  
OFFICE OF SECURITIES COMMISSIONER**

**PERMANENT ADMINISTRATIVE  
REGULATIONS  
(Effective May 1, 1987)**

**Article 1.—DEFINITION OF TERMS**

**§1-1-1. Definition of terms.** As used in these rules and regulations, and in the forms, instructions and orders of the securities commissioner, the following terms shall have the meaning set forth in this regulation to the extent that they are not inconsistent with the definitions provided by K.S.A. 1985 Supp. 17-1252 or unless the context otherwise requires.

(a) "The act" means chapter 17, article 12, Kansas Statutes Annotated, otherwise known as the securities act.

(b) "Commissioner" means the securities commissioner of Kansas.

(c) "Registrant" means an applicant or issuer for whom a registration has become effective.

(d) "Officer" means the president, vice-president, secretary or treasurer of a corporation.

(e) "Public offering" means the offer for sale of a security:

- (1) by means of any advertising or general solicitation printed in any brochure, prospectus, offering memoranda, handbill, newspaper, magazine, periodical or other publication of general circulation and mailed or delivered to its subscribers or addresses; or
- (2) communicated by radio, public seminar, television, general telephone solicitation, or similar means.

(f) "SEC" means Securities and Exchange Commission.

(g) "NASD" means National Association of Securities Dealers, Inc.

(h) "NASAA" means North American Securities Administrators Association, Inc.

(i) "CRD" means the Central Registration Depository jointly administered by NASD and NASAA.

(j) "Prospectus" means a document containing material information for an offer or impending offer of securities.

(k) "Promoter" means a person who, acting alone or in conjunction with one or more other persons, directly or indirectly founds, organizes or reorganizes the business or enterprise of an issuer.

(l) "Control" means possession of the power, authority or means to engage in the management or

policymaking functions of a person, directly or indirectly, by contract or otherwise.

(m) "Controlling person" means a person who has control. An officer, director, partner or trustee or individual occupying similar status or performing similar functions or a person owning 10% or more of the outstanding shares of any class or classes of securities of another shall be presumed to be a "controlling person."

(n) "Insider" means:

(1) every controlling person; and

(2) every promoter, if the organization took place within three years from the date of application.

(o) "Affiliate" means a person who directly or indirectly controls, is controlled by, or is under common control with another person, or who aids and abets or is aided and abetted by another person.

(p) "Parent" means an affiliate who controls another person.

(q) "Subsidiary" means an affiliate who is controlled by another person.

(r) "Predecessor" means a person, a major portion of whose business, assets or control has been acquired by another. (Authorized by and implementing K.S.A. 1985 17-1270; effective Jan. 1, 1966; amended, T-85-45, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1987.)

**Article 2.—FILING, FEES, FORMS**

**§1-2-1. Filing, fees and forms.** All applications, petitions, amendments, reports and complaints shall be governed by the following requirements: (a) Filing. A document is filed when it is received in the office of the securities commissioner, or as defined by K.S.A. 1985 Supp. 17-1254(j)(3)(A).

(b) Fees. All fees shall accompany the application or supplemental amendment to which they pertain and shall be paid by check or money order to the securities commissioner of Kansas, except as required by K.S.A. 1985 Supp. 17-1254(j)(2)(C).

(c) Copies. Copies of documents filed and recorded in the office of the securities commissioner, certified upon request, may be provided for a service charge of 25 cents per page, payable in advance.

(d) Forms. The following forms have been adopted for use.

FORM	TITLE
(1) Uniform forms:	
ADV	Uniform Application for Investment Adviser Registration
ADV-S	Annual Report for Investment Advisers
ADV-W	Notice of Withdrawal from Registration as Investment Adviser
BD	Uniform Application for Broker-Dealer Registration
BDW	Uniform Request for Withdrawal from Registration as a Broker-Dealer
D	Notice of Sales of Securities
U-1	Uniform Application to Register Securities
U-2	Uniform Consent to Service of Process
U-2A	Uniform Corporate Resolution
U-4	Uniform Application for Securities Industry Registration or Transfer
U-5	Uniform Termination Notice for Securities Industry Registration
(2) Kansas forms:	
K-4	Application for Registration of Securities



K-4A	Application for Exemption from Registration [pursuant to K.S.A. 1985 Supp. 17-1261(h)]
K-4B	Application for Exemption for Secondary Trading [pursuant to K.S.A. 1985 Supp. 17-1261 (m)]
K-5	Consent to Service
K-6	Corporate Resolution
K-7	Issuer's Semiannual Report
K-8	Investment Company Semiannual Report
K-9	Issuer's Annual Report
K-9A	Final Report of Sales
K-10	Application for Amendment of Registration
K-12	Annual Report for Non-Profit Organizations

(Authorized by and implementing K.S.A. 1985 Supp. 17-1270(f); effective Jan. 1, 1966; amended, E-70-15, Feb. 4, 1970; amended Jan. 1, 1971; amended, E-77-40, Aug. 12, 1976; amended Feb. 15, 1977; amended, T-86-38, Dec. 11, 1985; amended May 1, 1986; amended May 1, 1987.)

### Article 3.—LICENSING; BROKER-DEALERS, AGENTS

**81-3-1. Requirements and registration procedures for broker-dealers, agents and investment advisers.** A broker-dealer, agent or investment adviser may be registered under the act if the commissioner finds that the applicant is qualified, has sufficient training or knowledge of the securities business, is of good repute, and otherwise satisfies the requirements of the act and rules thereunder. (a) General provisions.

(1) An applicant, or if other than an individual, an applicant's directors, officers or managing partners must have attained the age of 18 years.

(2) An applicant must be registered or qualified to engage in the securities business in the state of the applicant's principal place of business.

(3) A broker-dealer shall have and maintain at least one registered agent, and if the broker-dealer is other than an individual, the agent shall be a director, officer, or managing partner of the broker-dealer.

(4) Each director, officer, partner, or employee of an investment adviser who gives investment advice or makes investment decisions and who meets the definition of K.S.A. 1985 Supp. 17-1252(1) shall be separately registered as an investment adviser under the act.

(5) An applicant for registration as an agent of a broker-dealer or issuer, or an applicant for registration as an investment adviser because of affiliation with or employment by an investment adviser, shall be endorsed by such broker-dealer, issuer or employing investment adviser, who shall certify that the applicant is of good repute and in all respects qualified to be registered.

(6) An agent or investment adviser may not be registered in association with more than one broker-dealer, issuer or employing investment adviser at any one time, unless management and control of the broker-dealers, issuers or employing investment advisers are substantially identical.

(b) Application requirements.

(1) An application for registration or renewal may be made through the CRD system. An application other than one made through the CRD system shall be filed in the form as set forth in K.A.R. 81-2-1(d) or as otherwise prescribed by the commissioner. All appli-

cations shall be accompanied by the filing fee specified in K.A.R. 81-3-2.

(2) An application for registration shall be accompanied by proof of successful completion of the examination requirements of subsection (c) of this rule.

(3) An application which has been on file for a period of six months without affirmative action by the applicant shall be considered to have been withdrawn.

(4) An application by a broker-dealer for registration or renewal shall include a current list of the addresses of all branch offices and names of all branch managers.

(c) Examination requirement.

(1) An applicant for registration as an agent shall have completed with a score of 70% or better the USASLE series 63 examination, and one other examination as required for registration with the NASD.

(2) An applicant for registration as an investment adviser shall have completed with a score of 70% or better the USASLE series 63 examination or such other examinations as the commissioner may designate.

(3) Waiver of Examination Requirement. The commissioner may waive the examination requirement for:

(A) An applicant who has previously passed the required written examinations and whose last effective registration was not more than two years before the date of the filing of the present registration application;

(B) an applicant who will be engaged solely in the sale of securities which are exempt under the provisions of K.S.A. 1985 Supp. 17-1261(f); or will be engaged solely in the sale of any contracts or bonds for the sale and conveyance of land on deferred payments or on installment plans; or will be engaged solely in the sale of certificates of interest in oil and gas royalties, leases or mineral deeds;

(C) an applicant who will be engaged only in the sale of securities offered by a community development corporation located in this state, which has applied for and received tentative commitments from the Small Business Administration for loans, and such development corporation must issue these securities to provide financing to qualify for the loan, and these securities are offered only within the community and to residents thereof which the corporation will serve; or

(D) pursuant to K.S.A. 1985 Supp. 17-1254(b) the commissioner may impose additional examination requirements or exempt from the examination requirements any applicant or class of applicants for good cause shown.

(d) Financial responsibility. Financial statements as required below shall include a statement of financial condition and notes to the statement of financial condition presented in conformity with generally accepted accounting principles applied on a consistent basis, and unless otherwise permitted, the financial statements shall be examined by an independent certified public accountant in accordance with generally accepted auditing standards. Financial statements of broker-dealers shall include disclosure of net capi-

(continued)

tal, or be accompanied by a supplemental schedule of net capital, in compliance with requirements of subsection (e) below.

(1) Financial statements of applicants. (A) Each applicant for original registration as a broker-dealer shall file audited financial statements as of a date within 30 days of filing, or as of the end of the applicant's last fiscal year along with interim financial statements which may be unaudited, as of a date within 30 days of filing.

(B) Each applicant for original registration as an investment adviser firm which will maintain custody of securities or cash of clients, or will require prepayment of fees of more than \$500 and more than six months in advance, shall file audited financial statements as of the end of the applicant's last fiscal year or later. If the above conditions of custody or prepayment of fees are not applicable to an investment adviser, then financial statements are not required.

(2) Annual reports. (A) Each broker-dealer shall notify the commissioner at the time their application is filed, of the date on which their fiscal year ends. Every broker-dealer currently registered shall file an annual report containing audited financial statements and the net capital amount as of the end of the broker-dealer's fiscal year. The annual audit report shall be due along with a fee of \$5.00 not more than 60 days after the date of the financial statements. Each report filed late shall be filed with a filing fee of \$15.00. Any broker-dealer violating the terms of this regulation may be subject to suspension of registration by emergency order.

For purposes of uniformity, a copy of audited financial statements in compliance with SEC Rule 17a-5(d) as amended in Release No. 34-13462, effective June 30, 1977, when filed as required above, shall be deemed to comply with this regulation.

(B) Each registered investment adviser required to file an annual report on Form ADV-S with the SEC under the Investment Advisers Act of 1940, (17 CFR 275.204-1, as amended in Release No. 991, effective January 1, 1986, 50 F.R. 42903) shall file a copy of the annual report and schedules within 90 days after the end of the investment adviser's fiscal year.

(3) Required records. (A) Each registered broker-dealer shall maintain and preserve financial records in compliance with SEC Rule 17a-3 (17 CFR 240.17a-3 as amended by Release No. 34-22468, effective January 1, 1986, 50 F.R. 41867) and Rule 17a-4 (17 CFR 240.17a-4 as amended in Release No. 34-19268, effective November 22, 1982, 47 F.R. 54057).

(B) Each registered investment adviser firm shall maintain and preserve records in compliance with Rule 204-2 under the Investment Advisers Act of 1940 (17 CFR 275.204-2 as amended in Release No. IA-952, effective January 17, 1985, 50 F.R. 2542).

(e) Minimum net capital requirements.

(1) Each broker-dealer shall comply with SEC Rules 15c3-1 (17 CFR 240.15c3-1 as amended in Release No. 34-21199, effective September 15, 1984, 49 F.R. 31846), 15c3-2 (17 CFR 240.15c3-2 adopted in Release No. 34-7325, effective August 3, 1964, 29 F.R. 7240) and 15c3-3 (17 CFR 240.15c3-3 as amended in Release No. 34-22499, effective November 22, 1985, 50 F.R. 41337).

(2) Each registered broker-dealer shall comply with SEC Rule 17a-11 (17 CFR 240.17a-11 as amended in Release No. 34-18417, effective May 1, 1982, 47 F.R. 3512) and shall simultaneously file with the commissioner copies of notices and reports required by that rule.

(f) Confirmations. (1) Every broker-dealer at or before completion of each transaction with a customer shall give or send to such customer written notification, disclosing: (a) Whether such broker-dealer is acting as an agent for such customer, as a dealer for his own account, as an agent for some other person, or as an agent for both such customer and some other person; and

(B) In any case in which such broker-dealer is acting as an agent for such customer or for both such customer and some other person, the source and amount of any commission or other remuneration received or to be received by such broker-dealer in connection with the transaction, and either: (1) The name of the person from whom the security was purchased or to whom it was sold for such customer and the date and time when such transaction took place, or (ii) the fact that such information will be furnished upon the request of such customer.

(2) Every issuer, engaged in an intrastate offering, at or before completion of a transaction shall give or send to each customer written confirmation, retaining copies thereof, concerning all purchases and sales of securities, and disclosing: (A) the date the transaction occurred;

(B) the price and commission charged; and

(C) the name of the officer, partner or agent handling the transaction.

(g) Effectiveness and post-effective requirements.

(1) A registration effected through the CRD system shall become effective upon compliance with the requirements of this regulation and approval by the commissioner.

(2) All other registrations shall become effective upon compliance with the requirements of this regulation by order of the commissioner.

(3) Every registrant shall immediately notify the commissioner in writing of any material change in any information, exhibits or schedules submitted, or circumstances disclosed in its last prior application, and a correcting amendment shall be filed at the time of occurrence or discovery of such changes, which include, but are not limited to the following: (A) Change in firm name, ownership, management or control of a broker-dealer, or a change in any of its partners, officers or persons in similar positions, or its business address, or the creation or termination of a branch office in Kansas;

(B) change in type of entity, general plan or character of a broker-dealer's business, method of operation or type of securities in which it is dealing or trading;

(C) insolvency, dissolution or liquidation, or a material adverse change or impairment of working capital, or noncompliance with the minimum net capital required above;

(D) termination of business or discontinuance of those activities as a broker-dealer, agent, or investment adviser;

(E) the filing of a criminal charge or civil action against a registrant, or a partner or officer, in which a fraudulent, dishonest or unethical act is alleged, or a violation of a securities law is involved; or

(F) entry of an order or proceeding by any court or administrative agency against a registrant denying, suspending or revoking a registration, or threatening to do so, or enjoining the registrant from engaging in or continuing any conduct or practice in the securities business.

(h) Expiration, renewal, withdrawal and termination.

(1) All registrations shall expire on December 31, and all applications for renewal shall be filed no later than December 20 of each year.

(2) When an agent or investment adviser's association with a broker-dealer, issuer or employing investment adviser is discontinued or terminated, a notice of termination shall be filed by the broker-dealer, issuer or employing investment adviser, and if the agent or investment adviser commences employment with another broker-dealer, issuer or employing investment adviser, an original application for registration shall be filed, except that an agent registered through the CRD system may comply with the requirements of this subsection through participation in the Temporary Agent Transfer Program.

(3) Termination of a broker-dealer's registration for any reason shall automatically constitute cancellation of all associated agent's registrations.

(4) In the event any broker-dealer, or an investment adviser other than an individual required to be registered under K.A.R. 81-3-1(a)(4), desires to withdraw and terminate registration or such registration is terminated by the commissioner, such broker-dealer or investment adviser shall immediately file a completed form BDW or form ADV-W.

(i) Denial, suspension and revocation.

(1) Dishonest and unethical practices under K.S.A. 1985 Supp. 17-1254(g)(7) is defined to include but is not limited to the following:

(A) The NASAA Statement of Policy, Dishonest and Unethical Business Practices adopted April 23, 1983; and

(B) the NASAA Statement of Policy, Unethical Business Practices of Investment Advisors, adopted April 5, 1985.

(Authorized by K.S.A. 1985 Supp. 17-1270; implementing K.S.A. 1985 Supp. 17-1254 and K.S.A. 1985 Supp. 17-1270; effective Jan. 1, 1966; amended, E-70-15, Feb. 4, 1970; amended Jan. 1, 1971; amended, E-77-40, Aug. 12, 1976; amended Feb. 15, 1977; amended May 1, 1987.)

**81-3-2. Broker-dealer, investment adviser and agents; fees.** (a) The fee for original registration of each broker-dealer and each investment adviser, other than an investment adviser who does not have custody of customers' moneys, securities or other property, shall be \$100 and the fee for renewal of each broker-dealer registration and each investment adviser shall be \$50.

(b) The fee for original registration shall be \$15 and the fee for renewal shall be \$10 for:

(1) an investment adviser who does not have custody of customers' moneys, securities or other property;

(2) an individual investment adviser registered as required by K.A.R. 81-3-1(a)(4); and

(3) an agent. (Authorized by K.S.A. 1985 Supp. 17-1270(f); implementing K.S.A. 1985 Supp. 17-1254; effective, E-82-24, Dec. 9, 1981; effective May 1, 1982; amended T-\_\_\_\_\_, \_\_\_\_\_; amended May 1, 1987.)

**81-3-3. Investment Advisor; fees.** Any registered investment adviser shall be entitled to enter into, extend, or renew any investment advisory contract made in compliance with the federal Investment Advisers Act of 1940, 50 Fed. Reg. 48,556, 17 C.F.R. Section 275.205-3 as made effective, by release no. 996, November 26, 1985. (Authorized by K.S.A. 1985 Supp. 17-1270(f); implementing K.S.A. 17-1253, as amended by L. 1986, Ch. 91, Sec. 1; effective, T-87-28, Oct. 1, 1986; effective May 1, 1987.)

## Article 5.—EXEMPTIONS

**81-5-3. Isolated transaction exemption.** A security or securities shall be deemed to have been offered and sold in an isolated transaction pursuant to K.S.A. 1985 Supp. 17-1262(a), as amended by L. 1986, Ch. 332, sec. 16, provided:

(a) no twelve-month period in which the date of the sale can be included contains more than five sales of the securities in Kansas by the seller and affiliates, or by or for the benefit of the issuer;

(b) no public offering as defined by K.A.R. 81-1-1 occurred in connection with the offer or sale unless an application for registration of the security or securities under the federal Securities Act of 1933 had been filed prior to the public offering;

(c) no reasonable cause existed for the seller to believe that any purchaser of the securities was purchasing from the seller for resale in Kansas and not for investment; and

(d) no intent by the seller to at any time exceed subsection (a) above existed.

In calculating the number of sales in a twelve-month period, sales made in violation of K.S.A. 17-1255, and sales exempt from registration pursuant to paragraphs (a), (h), (m) or (p) of K.S.A. 1985 Supp. 17-1262, as amended by L. 1986, Ch. 332, sec. 16, shall be taken into account.

For purposes of this exemption, a husband and wife shall be considered as one purchaser. A corporation, partnership, association, joint stock company, trust or unincorporated organization shall be considered as one purchaser unless it was organized for the purpose of acquiring the purchased securities. In such a case each beneficial owner of equity interest or equity securities in the entity shall be considered a separate purchaser. (Authorized by K.S.A. 1985 Supp. 17-1270(f); implementing K.S.A. 1985 Supp. 17-1262(a), as amended by L. 1986, Ch. 332, Sec. 16; effective, T-83-40, Nov. 23, 1982; effective May 1, 1983; amended, T-\_\_\_\_\_, \_\_\_\_\_; amended May 1, 1987.)

**81-5-4. Unsolicited order exemption.** A registered

(continued)

broker-dealer relying upon K.S.A. 1985 Supp. 17-1262(c) shall preserve for each transaction for a period of five years a copy of the written confirmation that contains the following statement or substantial equivalent: "This transaction was effected pursuant to an unsolicited order or offer to buy by the customer." (Authorized by K.S.A. 1985 Supp. 17-1270(f); implementing K.S.A. 1985 Supp. 17-1262(c) as amended by L. 1986 ch. 332, Sec. 16; effective, T-83-40, Nov. 23, 1982; effective May 1, 1983; amended May 1, 1987.)

**81-5-6. Uniform limited offering exemption.** (a) Any transaction involving the offer or sale of securities made in compliance with the federal *Securities Act of 1933*, Regulation D, Rules 230.501-230.503, 230.505 and 230.506 except paragraph (b)(2)(ii), as made effective in federal *Securities Act of 1933* Release No. 33-6389, and which satisfies the conditions, limitations, and requirements of this regulation, shall be exempt from the registration provisions of the *Kansas Securities Act*.

(1) No commission, finders fee, or other remuneration shall be paid or given, directly or indirectly, for soliciting any prospective purchaser, or in connection with the sales of securities in reliance on this exemption, unless the recipient is appropriately registered in this state as a broker-dealer, agent or investment adviser.

(2) No exemption under this regulation shall be available if the issuer, any of its directors, officers, general partners, beneficial owners of 10% or more of any class of its equity securities, any of its promoters currently connected with it in any capacity, or any person, other than a broker-dealer currently registered under K.S.A. 17-1254, who has been or will be paid or given, directly or indirectly, any commission or similar remuneration for solicitation of any prospective purchaser or in connection with sales of securities in reliance on this regulation:

(A) has filed a registration statement which is subject to a currently effective stop order entered pursuant to any state law within five years prior to the commencement of the offering;

(B) has been convicted, within five years prior to commencement of the offering, of any felony or misdemeanor in connection with the purchase or sale of any security or any felony involving fraud or deceit including, but not limited to, forgery, embezzlement, obtaining money under false pretenses, larceny or conspiracy to defraud;

(C) is currently subject to any state administrative order or judgment entered by a state securities administrator within five years prior to the commencement of the offering or is subject to any state administrative order or judgment in which fraud or deceit was found and the order or judgment was entered within five years prior to the commencement of the offering;

(D) is currently subject to any state administrative order or judgment which prohibits the use of any exemption from registration in connection with the purchase or sale of securities; or

(E) is subject to any order, judgment, or decree of any court of competent jurisdiction temporarily or preliminarily restraining or enjoining, or is subject to

any order, judgment or decree of any court of competent jurisdiction, entered within five years prior to the commencement of the offering, permanently restraining or enjoining such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of any false filing with any state.

(3) Paragraphs (2)(A) through (2)(C) above shall not apply if the party or interest subject to the disqualifying order is duly licensed to conduct securities-related business in the state in which the administrative order or judgment was entered against such party or interest.

(4) Any disqualification caused by section (2) shall be automatically waived if the state which created the basis for disqualification determines, upon a showing of good cause, that it is not necessary under the circumstances to deny the exemption.

(5) The issuer shall file with the commissioner, at the times specified in paragraphs (A) through (C) below, a notice on federal SEC Form D 17 CFR 239.500 (copies of which may be obtained from the Kansas commissioner). The notice shall be filed:

(A) no later than 15 days after the first sale of securities in an offering under this exemption;

(B) every six months after the first sale of securities in an offering under this exemption, unless the final notice required by paragraph (C) below has been filed; and

(C) no later than 30 days after the last sale of securities in an offering under this exemption.

(6) Every notice on Form D shall be manually signed by a person duly authorized by the issuer.

(7) The notice shall contain an undertaking by the issuer to furnish the commissioner, upon written request, the information furnished by the issuer to offerees.

(8) The availability of this exemption shall not be denied an issuer offering and selling securities in reliance of this rule and section 3(a)(11) of the federal *Securities Act of 1933*, if:

(A) such issuer does not file with the Securities and Exchange Commission a notice pursuant to rule 230.503 of regulation D; and

(B) provided such issuer files a notice with the commissioner in compliance with (a)(5)(A) through (C), (a)(6), and (a)(7) of this rule.

(9) In any sale to a nonaccredited investor, the issuer and any person acting on its behalf shall have reasonable grounds to believe, and after making reasonable inquiry shall believe, that the investment is suitable for the investor. Suitability shall be based upon the facts disclosed by the investor as to the investor's other security holdings, financial situation and needs. For the limited purpose of this condition only, it may be presumed that if the investment does not exceed 20% of the investor's net worth, excluding principal residence, furnishings therein and personal automobiles, it is suitable.

(b) Offers and sales which are exempt under this rule shall not be combined with offers and sales exempt under any provision of the *Kansas Securities Act* or any rule promulgated thereunder.

(c) In any proceeding involving this rule, the bur-

den of proving the exemption or an exception from a definition or condition shall be upon the person claiming it.

(d) In view of the objective of this rule and the purposes and policies underlying the *Kansas Securities Act*, this exemption shall not be available to any issuer with respect to any transaction which, although in technical compliance with this rule, is part of a plan or scheme to evade registration or the conditions or limitations explicitly stated in this rule.

(e) Upon the showing of good cause, the commissioner may by order waive any of the conditions of paragraphs (a)(2)(A), (a)(2)(C) or (a)(2)(D) of this exemption.

(f) The issuer shall be required to maintain, for a period of five years, a written record of all information furnished by it to all offerees. (Authorized by K.S.A. 1985 Supp. 17-1270(f); implementing K.S.A. 1985 Supp. 17-1262, as amended by L. 1986 Ch. 332, Sec. 16; effective, T-83-40, Nov. 23, 1982; effective May 1, 1983; amended May 1, 1984; amended T-87-28, Oct. 1, 1986; amended May 1, 1987.)

**81-5-7. Exchange and NASDAQ/NMS Exemption.** The following securities shall be exempt under K.S.A. 1985 Supp. 17-1261(g): (a) a security listed or approved for listing upon notice of issuance on the New York Stock Exchange, the American Stock Exchange, the Midwest Stock Exchange, or the Chicago Board Options Exchange;

(b) a security designated or approved for designation upon notice of issuance as a NASDAQ National Market System security;

(c) any other security of the issuer of such listed or designated security which is of senior or substantially equal rank to the listed or designated security;

(d) a security issuable under rights or warrants so listed or designated; and

(e) a warrant or right to purchase or subscribe to any of the foregoing. (Authorized by K.S.A. 1985 Supp. 17-1270(f); implementing K.S.A. 1985 Supp. 17-1261(g); effective, T-87-28, Oct. 1, 1986; amended May 1, 1987.)

**Article 6.—PROSPECTUS**

**81-6-1. Prospectus.** Each application for registration shall have attached to it as an exhibit the prospectus to be used in connection with the proposed securities offering. A prospectus filed in compliance with the requirements of the Securities Act of 1933, subject to the approval of the commissioner, may meet the requirements of this rule.

(a) The prospectus may be printed, mimeographed, lithographed, typewritten or prepared by any similar process in clearly legible copies. If printed, it shall be set in roman type of at least ten-point, modern type, except that financial statements and other statistical or tabular matter may be set in roman type as small as eight-point. All type shall be leaded at least two points.

(b) Any person who knowingly uses a prospectus containing false or misleading statements or information, or omitting material facts necessary for an accu-

rate and complete presentation of matters affecting the security being offered shall be deemed to have violated the act, and any sale of such securities made thereafter shall be presumed made on the basis of a false representation in a civil action for recovery of damages on account of loss sustained by way of the purchase thereof.

(c) A copy of the prospectus shall be delivered to each prospective purchaser of securities registered under the act before consummation of any sale or contract for sale. Each subscription agreement shall contain a statement by the purchaser that he has received a copy of the prospectus. If the prospectus relates to an issue registered under the Securities Act of 1933, a copy of the prospectus shall be delivered as required by that act.

(d) When any offering is made in reliance on section 3 (a) (11) or a regulation A exemption to the federal securities act of 1933, as amended, an amended or revised prospectus shall be filed within 30 days after the end of each six-month period. In the case of any material change relating to the issuer or the offering subsequent to the filing of the prospectus, an amended or revised prospectus shall be filed immediately which reflects such changes.

(e) Form and content. (1) General securities. The prospectus for a general securities offering shall contain the information hereinafter specified; intrastate offerings shall be prepared in substantially the following form, and contain the information as hereinafter specified, together with any additional data as the commissioner may require:

PROSPECTUS—REQUIRED INFORMATION  
PROSPECTUS

EAST & WEST COMPANY, INC.  
(a Kansas Corporation)  
000,000 (No. of Shares) of Capital Stock  
Par Value \$0.00 per share  
(000,000 Total Principal Amount) of Debt Securities  
Face Amount \$0.00 per unit

THESE SECURITIES ARE OFFERED FOR SALE IN THE STATE OF KANSAS PURSUANT TO A PERMISSIVE REGISTRATION WITH THE SECURITIES COMMISSIONER OF KANSAS. THIS REGISTRATION DOES NOT CONSTITUTE A RECOMMENDATION OR ENDORSEMENT BY THE COMMISSIONER NOR DOES THE REGISTRATION SIGNIFY THAT THE COMMISSIONER HAS APPROVED OR PASSED UPON THE INVESTMENT MERIT OF SUCH SECURITIES. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL OFFENSE.

OFFERING PRICE: \$0.00 per unit

	Price to public	Underwriting discounts and commissions (1)	Net proceeds to company
Per unit . . .	\$0.00	\$0.00	\$0.00
	\$000,000.00	\$000,000.00	\$000,000.00

(If Applicable)  
Sales agreement provides \_\_\_% (not to exceed 15%) of offering price for all expenses incidental to the marketing of these securities.  
The securities are offered to bona fide residents of Kansas only.

(continued)

Name of broker-dealer offering securities: \_\_\_\_\_  
 The date of this prospectus is: \_\_\_\_\_

**Introductory Statement**

**Item 1.** State the year in which the registrant was organized, its form or organization and the name of the state under the laws of which it was organized and a brief statement as to the type of business the company is engaged in.

**Dilution Aspects of the Offering**

**Item 2.** Provide in detail the number of shares purchased by officers, directors, promoters and insiders at prices less than the public offering price, the consideration paid for such stock and, the book value of the stock prior to the offering, immediately after the offering, assuming all of the stock is sold, and the benefit to the officers, directors, promoters and insiders in increased book value.

Provide figures setting out the number of shares owned by officers, directors, promoters and insiders, the consideration paid for such shares and the percentage of the total class of shares to be outstanding after the public offering that these shares represent. Set out the number of shares the public will own, the total consideration paid for such shares and the percent of the total class of shares that the public will own.

**Speculative Features of the Offering**

**Item 3.** Set out in detail necessary for full explanation of the following:

- (a) Competition in this type of business, whether competitive companies are larger than your own, and are they well established.
- (b) How was the public offering price established?
- (c) Has there been a public market for the shares?
- (d) If the company is newly organized, without history or past business, so state.
- (e) Will any of the proceeds of the offering be placed in escrow until such time as a definite dollar amount of stock has been sold? If so, state the escrow arrangements. If the definite dollar figure is not reached, are the funds returned to the investor?
- (f) If it is necessary for the company to raise a definite amount with which to start business, indicate that there can be no assurance of any return on the investment, even if sufficient funds are raised. Also indicate that any dividends are paid at the discretion of the board of directors.
- (g) If the type of business in which you are engaged does not ordinarily earn profits from the outset, so state, and indicate at about what point of time profits would ordinarily commence.
- (h) If the officers, directors or promoters are receiving or have received salaries, fees or other compensation from the company, indicate the amounts, how paid, and services rendered.

**Options to Purchase Securities**

**Item 4.** Furnish the following information as to options to purchase securities from the registrant or any of its subsidiaries, which are or are to be outstanding as of the date of filing.

(a) Describe the options, stating the material provisions including the consideration received and to be received for such options by the grantor thereof and the market value of the securities called for on the granting date. If, however, the options are "qualified stock options" as defined in section 422 of the internal revenue code of 1954, as amended, only the following is required: (i) A statement to that effect; (ii) a brief description of the terms and conditions of the options or of the plan, pursuant to which they were issued, and (iii) a statement of the provisions of the plan or options with respect to the relationship between the option price and the market price of the securities at the date when the options were granted, or with respect to the terms of any variable price option.

(b) State: (1) The title and amount of the securities called for by such options; (2) the purchase prices of the securities called for and the expiration dates of such options, and (3) the market value of the securities called for by such options as of the latest practicable date.

(c) Furnish separately the information called for by paragraph (b) above for all options held by each director or officer named in answer to paragraph (a) of item 17 naming each such person, and all directors and officers as a group without naming them.

**Interest of Management and Others in Certain Transactions**

**Item 5.** Describe briefly, and where practicable state the approximate amount of any material interest, direct or indirect, of any of the following persons in any material transactions during the last three years, or in any material proposed transactions, to which the registrant or any of its subsidiaries was, or is, to be a party:

- (a) Any director or officer of the registrant;
- (b) Any security holder named in answer to item 19(a);
- (c) Any associate of any of the foregoing persons.

**Capital Stock Being Registered**

**Item 6.** If capital stock is being registered, state the title of the class and furnish the following information:

- (a) Outline briefly:
  - (1) Dividend rights;
  - (2) Voting rights;
  - (3) Liquidation rights;
  - (4) Pre-emptive rights;
  - (5) Conversion rights;
  - (6) Redemption provisions;
  - (7) Sinking fund provisions; and
  - (8) Liability to further calls or to assessment by the registrant.
- (b) If the rights of holders of such stock may be modified other than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.
- (c) Outline briefly any restriction on the repurchase or redemption of shares by the registrant while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

**Other Securities Being Registered**

**Item 8.** If securities other than capital stock or long-term debt are being registered, outline briefly the rights evidenced thereby. If subscription warrants or rights are being registered, state the title and amount of securities called for, the period during which, and the price at which the warrants or rights are exercisable.

**Plan of Distribution**

**Item 9.** (a) If the securities being registered are to be offered through underwriters, give the name of the principal underwriters, and state the respective amounts underwritten. Identify each underwriter having a material relationship to the registrant and state the nature of the relationship. State briefly the nature of the underwriters' obligation to take the securities.

(b) State briefly the discounts and commissions to be allowed or paid to dealers, including all cash, securities, contracts, options or other consideration to be received by any dealer in connection with the sale of the securities.

(c) Outline briefly the plan of distribution for any securities being registered which are offered other than through underwriters.

**Use of Proceeds to Registrant**

**Item 10.** State the principal purpose for which the net proceeds received by the registrant from sale of the securities being registered are intended to be used, and show the approximate amount intended for each such purpose.

**Sales Otherwise Than For Cash**

**Item 11.** If any of the securities being registered are to be offered otherwise than for cash, state briefly the general purposes of the distribution, the basis upon which the securities are to be offered, the amount of compensation and other expenses of distribution, and by whom such expenses are to be borne.

**Capital Structure**

**Item 12.** Furnish the information called for by the following table, in substantially the tabular form indicated, as to: (a) Each class of securities of the registrant and (b) each class of securities, other than those owned by the registrant or its totally held subsidiaries, of all subsidiaries whose financial statements are filed with the registration statement on either a consolidated or individual basis:

Title of class	Amount authorized * or to be authorized *	Amount	Amount to be
		of a specified date within 90 days	outstanding if all securities being registered are sold

\* "Authorized" is defined as meaning authorized by charter or indenture or in case of notes or similar securities, by resolution of the board of directors.

**Summary of Earnings**

**Item 13.** Furnish in comparative columnar form a summary of earnings for the registrant or for the registrant and its subsidiaries consolidated, or both as appropriate, for each of the last five fiscal years of the registrant; or for the life of the registrant and its immediate predecessors, if less; and for any period between the end of the latest of such fiscal years and the date of the latest balance sheet furnished, and for the corresponding period of the preceding fiscal year. In connection with such summary, whenever necessary, reflect information or explanation of material significance to investors in appraising the results shown, or refer to such information or

explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus.

*Parents of Registrant*

*Item 14.* List all parents of the registrant showing the basis of control, and, as to each parent, the percentage of voting securities owned, or other basis of control by its immediate parent, if any.

*Description of Business*

*Item 15. (a)* Briefly describe the business done and intended to be done by the registrant and its subsidiaries and the general development of such business during the past five years. If the business consists of the production or distribution of different kinds of products or the rendering of different kinds of services, indicate, insofar as practicable, the relative importance of each product or service or class of similar products or services which contributed 15% or more to the gross volume of business done during the last fiscal year.

*(b)* Indicate briefly, the general competitive conditions in the industry in which the registrant and its subsidiaries are engaged or intend to engage, and the position of the enterprise in the industry. If several products or services are involved, separate consideration should be given to the principal products or services or classes of products or services.

*Description of Property*

*Item 16.* State briefly the location and general character of the principal plants, mines and other materially important physical properties of the registrant and its subsidiaries. If any such property is not held in fee or is held subject to any major incumbrance, so state and briefly describe how held.

*Directors and Executive Officers*

*Item 17.* List the names of all directors and executive officers of the registrant and all persons chosen to become directors or executive officers. Indicate all positions and offices with the registrant held by each person named, and the principal occupations during the past five years of each executive officer and each person chosen to become an executive officer.

*Remuneration of Directors and Officers*

*Item 18. (a)* Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the registrant and its subsidiaries during the registrant's last fiscal year to the following persons for services in all capacities.

(1) Each director, and each of the three highest paid officers of the registrant whose aggregate direct remuneration exceeded \$30,000, naming each such person.

(2) All directors and officers of the registrant as a group without naming them.

(A)	(B)	(C)
Name of individual or identity of group	Capacities in which remuneration was received	Aggregate direct remuneration

*(b)* Furnish the following information, in substantially the tabular form indicated below, as to all pension or retirement benefits proposed to be paid under any existing plan in the event of retirement at normal retirement date, directly or indirectly by the registrant or any of its subsidiaries to each director or officer named in answer to paragraph (a) (1) above:

(A)	(B)	(C)
Name of individual	Amounts set aside or accrued during registrant's last fiscal year	Estimated annual benefits upon retirement

*(c)* Describe briefly all remuneration payments, other than payments reported under paragraph (a) or (b) of this item, proposed to be made in the future, directly or indirectly, by the registrant or any of its subsidiaries pursuant to any existing plan or arrangement to each director or officer named in answer to paragraph (a) naming each such person, and all directors and officers of the registrant as a group, without naming them.

*Principal Holders of Securities*

*Item 19.* Furnish the following information as of a specified date within 90 days prior to the date of filing in substantially the tabular form indicated:

(a) As to the voting securities of the registrant owned or beneficially by each person who owns of record, or is known by the registrant to own beneficially more than 10 percent of any class of such securities. Show in column (3) whether the securities are owned both of record and beneficially of record only, or beneficially only, and show in columns (4) and (5) the respective amounts and percentages owned in each such manner:

(1)	(2)	(3)	(4)	(5)
Name and address	Title of class	Type of ownership	Amount owned	Percent of class

(b) As to each class of equity securities of the registrant or any of its parents or subsidiaries, other than directors' qualifying shares, beneficially owned directly or indirectly by all directors and officers of the registrant, as a group, without naming them.

Title of class	Amount beneficially owned	Percent of class
	<i>Escrow Provisions</i>	

*Item 20.* If the officers, directors, promoters or insiders have stock which is subject to escrow pursuant to 17-1259 (d) of the Kansas securities act or subject to escrow pursuant to any state or federal statute or regulation, make a complete disclosure of the number of shares escrowed, name of persons escrowing said stock, where escrowed and the terms and conditions of said escrow.

*Pending Legal Proceedings*

*Item 21.* Briefly describe any material pending legal proceedings, other than ordinary litigation incidental to the business, to which the registrant or any of its subsidiaries is a party or of which any of their property is the subject. Include similar information as to any such proceedings known to be contemplated by governmental authorities.

(Authorized by and implementing K.S.A. 1985 Supp. 17-1270(f); effective Jan. 1, 1966; amended Jan. 1, 1971; amended May 1, 1987.)

M. DOUGLAS MAYS  
Kansas Securities Commissioner

Doc. No. 005055

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