

# KANSAS REGISTER

State of Kansas

**BILL GRAVES**  
Secretary of State

Vol. 6, No. 32

August 6, 1987

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State of Kansas  
**COMMISSION ON WILDLIFE AND PARKS**

**NOTICE OF MEETING**

A meeting of the Kansas Commission on Wildlife and Parks is scheduled for Thursday, August 20 and Friday, August 21 at the Best Western Hospitality House, 3181 W. Highway 50, Emporia.

A public hearing will be held to establish the 1987-88 migratory waterfowl seasons and will begin at 7 p.m. August 20.

A general business meeting to include discussion of merger items, budgets, legislative items and regulation needs will be held following the hearing. The meeting may continue on Friday, August 21 at 9 a.m. to complete any unfinished business.

GERALD W. TOMANEK  
 Chairman

Doc. No. 005644

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 August 1, 1987 through August 31, 1987 shall be 11.72 percent.

In testimony whereof: I hereto set my hand and cause to be affixed my seal. Done at the City of Topeka, this 31st day of July, A.D. 1987.

BILL GRAVES  
 Secretary of State

Doc. No. 005646

State of Kansas  
**STATE CONSERVATION COMMISSION**

**NOTICE TO CONTRACTORS**

Sealed bids for the construction of a 33,000 and a 27,000 cubic yard detention dam, site 12-2 and 29-15 in Nemaha County, will be received by the Nemaha-Brown Watershed Joint District No. 7 in the district office until 8 p.m. for site 12-2, and until 8:30 p.m. for site 29-15, on August 26 and then will be publicly opened. Proposals will be issued upon request to all prospective bidders by calling (913) 364-4309. Copies of the plans and specifications are available at the office of the Nemaha-Brown Watershed Joint District No. 7, 125 W. 4th, Holton 66436.

KENNETH F. KERN  
 Executive Director

Doc. No. 005645

State of Kansas  
**ABSTRACTERS' BOARD OF EXAMINERS**

**NOTICE OF EXAMINATION**

The Abstracters' Board of Examiners will conduct an examination for persons who desire to secure registration and become subject to license to engage in the business of making, compiling or completing and selling abstracts of title to real estate in Kansas at 8 a.m. Saturday, September 19, at the Marcus Center for Continuing Education, Wichita State University, 4201 E. 21st, Wichita.

Persons desiring to take the examination should file an application and \$25 examination fee with the executive secretary of the board, P.O. Box 218, Jetmore 67854, before September 11.

JOANNE CLARKE  
 Executive Secretary

Doc. No. 005652

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Phone: (913) 296-3489

## 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. Thursday, August 13, in the district office, 1175 S. Range, Colby. General administrative matters and other business will be discussed.

WAYNE A. BOSSERT  
Manager

Doc. No. 005651

## State of Kansas

**ATTORNEY GENERAL****Opinion No. 87-108**

**State Departments; Public Officers and Employees—State Library and Library Services—Regional System of Cooperating Libraries; Petition for Exclusion from Regional System. Duane F. Johnson, State Librarian, Kansas State Library, July 27, 1987.**

In order to be excluded from a regional system of cooperating libraries and the tax imposed thereby pursuant to K.S.A. 75-2551, a taxing district must petition the state library advisory commission. Such petition must show that the taxing district has regularly levied one-fourth mill or more of tax for the support of a public library for a period of not less than two years. Thus, a taxing district with a newly established public library must remain in the regional system until it can show that it has levied for two consecutive years an amount equal to or in excess of one-fourth mill for support of such library. Cited herein: K.S.A. 75-2547; 75-2549; 75-2550; 75-2551; 75-2552; K.A.R. 54-1-17; 54-1-21. JLM

**Opinion No. 87-109**

**Counties and County Officers—Hospitals and Related Facilities—County Hospital Board; Access to Physician Personnel Files.**

**Laws, Journals and Public Information—Records Open to Public—County Hospital Board; Physician Personnel Files. James R. Kepple, Attorney at Law, Ness City, July 27, 1987.**

A personnel file of a staff physician or other employee of a county hospital is a public record which may be closed to the public. Hospital board members, however, have a right of access to such records in order to carry out their statutory duties of management and control of the hospital. Cited herein: K.S.A. 1986 Supp. 19-4601; 19-4605; 19-4607; 19-4610; K.S.A. 45-215; 45-216; 45-217; 45-221, as amended by L. 1987, ch. 176, § 4; 65-431. RLN

**Opinion No. 87-110**

**Public Health—Maternity Hospitals or Homes and Homes for Children—Attorney General Opinion No.**

**86-163. Charles V. Hamm, Special Assistant to the Secretary, Department of Health and Environment, July 27, 1987.**

The Kansas Department of Health and Environment does not violate the due process rights of an employee suspected of child abuse when it issues an emergency order suspending a day care facility's license, even though such action may result in the employee being terminated from employment. Cited herein: K.S.A. 38-1523(e); 65-504(d); 65-516, as amended by L. 1987, ch. 233, § 1; 65-524. JLM

**Opinion No. 87-111**

**Intoxicating Liquors and Beverages—Cereal Malt Beverages—Sunday Carry Out Sales. W. Lee Fowler, Chase County Attorney, Cottonwood Falls, July 27, 1987.**

K.S.A. 41-2704, as amended by L. 1987, ch. 182, § 100, and as further amended by L. 1987, ch. 183, § 4, authorizes Sunday sales of cereal malt beverages for on premises consumption in licensed establishments which meet the 30 percent food sale conditions and the local ordinance requirements of Section 4(b)(2), of L. 1987, ch. 183. Sunday carry out sales of cereal malt beverages are not authorized by the specific language contained in Section 4(b)(2). Cited herein: K.S.A. 41-2704, as amended by L. 1987, ch. 182, § 100, and by L. 1987, ch. 183, § 4; L. 1937, ch. 213, 214; Kan. Const., Art. 15, § 10. JLM

**Opinion No. 87-112**

**State Boards, Commissions and Authorities—Behavioral Sciences Regulatory Board—Licensure of Social Workers; Private, Independent Practice of Social Work.**

**State Departments; Public Officers and Employees—Department of Social and Rehabilitation Services—Licensing of Social Workers; Private, Independent Practice of Social Work. Mary Ann Gabel, Executive Secretary, Behavioral Sciences Regulatory Board, July 29, 1987.**

Only licensed specialist clinical social workers (LSCSW) may engage in the private, independent practice of social work. Social workers not licensed as a LSCSW may engage in private practice if their practice is supervised by a LSCSW. Cited herein: K.S.A. 74-7502; K.S.A. 1986 Supp. 74-7507, as amended by L. 1987, ch. 315, § 17; K.S.A. 75-5346; 75-5351; K.S.A. 1986 Supp. 75-5353; K.A.R. 102-2-1a, as amended May 1, 1987; 102-2-8, as amended May 1, 1987; 102-2-12, as amended May 1, 1987. RLN

ROBERT T. STEPHAN  
Attorney General

Doc. No. 005654

## State of Kansas

**KANSAS INC.****NOTICE OF MEETING**

The Kansas Inc. board will meet at 1:30 p.m. Friday, August 7, in the first floor conference room of Capitol Tower, 400 S.W. 8th, Topeka. The meeting is open to the public.

F. TIM WITSMAN  
President

Doc. No. 005650

## 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.D.T. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

**MONDAY, AUGUST 17, 1987**

#27281

Kansas State University and other state agencies—VET (ANIMAL) PHARMACEUTICALS.

#70066

Kansas State University—PRINTER

#70067

Kansas State University—COMPUTER PROJECTOR AND CASE

#70073

Emporia State University—#2 FUEL OIL

#70074

Emporia State University—HEATING EQUIPMENT AND REPAIR PARTS

#70075

Department of Transportation—FURNISH AND INSTALL OVERHEAD DOORS, various locations

#70076

Department of Transportation—AGGREGATE, various locations

#70077

Department of Transportation—AGGREGATE, various locations

#70091

Department of Transportation—AGGREGATE, Osborne

#70092

Department of Transportation—AGGREGATE, various locations

#70102

Norton State Hospital—UTILITY VEHICLE

#70103

Department of Administration, Division of Information Systems and Communications—SOFTWARE

**TUESDAY, AUGUST 18, 1987**

#A-5599

Osawatomie State Hospital—REPLACE EXTERIOR LIGHTING, Adair Complex

#A-5690

Department of Administration—REPLACING AND REPAIRING STONE SOUTH STAIR LANDING, Statehouse

#27676

Statewide—BEDSPREADS

#70109

Kansas State University—LABOR AND MATERIAL TO OVERHAUL ABSORPTION UNITS

#70110

Department of Transportation—STEEL SIGN AND DELINEATOR POST, Hutchinson

#70111

University of Kansas Medical Center—IMAGING SYSTEM

#70112

Department of Transportation—FURNISH AND INSTALL NATURAL GAS HEATERS, various locations

#70113

University of Kansas—MUSICAL INSTRUMENTS

#70114

Kansas State University—CHINA

**WEDNESDAY, AUGUST 19, 1987**

#A-5816

Kansas State University—HOUSING MAINTENANCE STORAGE BUILDING

#A-5824

Pittsburg State University—NEW STADIUM SEATING

#70163

Department of Transportation—ARROW BOARDS, Topeka and Chanute

#70165

Kansas State University—LAB EQUIPMENT

#70166

Kansas State University—ELECTROPHORESIS EQUIPMENT

**THURSDAY, AUGUST 20, 1987**

#A-5606

University of Kansas—CURTAIN WALL REPLACEMENT

#70170

Department of Social and Rehabilitation Services—MOTOR HOME

**FRIDAY, AUGUST 21, 1987**

#70180

Department of Social and Rehabilitation Services—VINYL, Kansas City

**TUESDAY, AUGUST 25, 1987**

#A-5164-1

University of Kansas—LIBRARY EQUIPMENT FOR SCIENCE AND TECHNOLOGY LIBRARY FACILITY

#70159

Department of Health and Environment—ELECTRONIC CASHIER SYSTEM/SOFTWARE

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 005653

## State of Kansas

**DEPARTMENT OF HEALTH  
AND ENVIRONMENT****NOTICE OF HEARING CONCERNING  
HAZARDOUS WASTE STORAGE PERMIT**

The U.S. Environmental Protection Agency (EPA), Region 7, 726 Minnesota Ave., Kansas City, Kansas, and the Kansas Department of Health and Environment (KDHE), Forbes Field, Topeka, propose to issue a joint hazardous waste storage facility permit to The Sherwin-Williams Company, 1800 W. 4th, Coffeyville.

The EPA and KDHE have jointly reviewed the hazardous waste permit application from The Sherwin-Williams Company. If a final decision is made to issue the joint permit, the EPA portion of the permit would be issued under the authority of the Resource Conservation and Recovery Act (RCRA), and the KDHE portion of the permit would be issued under the authority of the Kansas Hazardous Waste Act K.S.A. 65-3430 *et seq.* The KDHE has received final authorization to administer all portions of the RCRA permit program except for the Hazardous and Solid Waste Amendments of 1984 (HSWA), which EPA retains authority. The EPA portion of the joint permit addresses HSWA requirements.

The joint permit would allow Sherwin-Williams to operate a totally enclosed waste pile storage facility. Only wastes specified in the permit may be stored at the facility within two buildings. The Sherwin-Williams Company will not receive additional wastes from off-site sources.

Copies of the administrative record, which include the draft joint permit, the permit application and all information submitted by Sherwin-Williams, are available for public review from August 7 to September 21 at the EPA Region 7 Library in Kansas City, Kansas, from 7:30 a.m. to 4:30 p.m. weekdays; at the KDHE, Building 730, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. weekdays; and at the KDHE district office, 1500 W. 7th, Chanute, from 8 a.m. to 4:30 p.m. weekdays. Copies are also available for review at the Coffeyville Public Library, 311 W. 10th, Coffeyville, from 10 a.m. to 6 p.m. weekdays.

Comments on the proposed joint permit may be directed in writing to Lyndell Harrington, RCRA Branch, EPA Region 7, Kansas City, Kansas, or to John Goetz, Hazardous Waste Section, KDHE, Topeka. Comments must be submitted in writing prior to September 21. Requests for additional information, including the fact sheet, may be made by contacting EPA at (913) 236-2888 or KDHE at (913) 296-1607.

A joint EPA and KDHE public hearing has been scheduled for 7 p.m. Tuesday, September 15, in the Edgewood Elementary School gymnasium, 4th and Ohio, Coffeyville.

The EPA regional administrator and the KDHE secretary will make a joint final permit decision after consideration of all comments received and of the requirements of state statutes and regulations and RCRA. If the decision is made to issue a joint permit substantially unchanged from those drafts made available for public comment as announced in this notice,

the EPA regional administrator and the KDHE secretary will jointly notify all persons in writing who have submitted comments or requested notice of the final decision. If the draft permit is substantially changed, the EPA regional administrator and the KDHE secretary will jointly issue a public notice of the revisions.

STANLEY C. GRANT, Ph.D.  
Secretary of Health  
and Environment

Doc. No. 005656

## State of Kansas

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

The Kansas Department of Health and Environment will conduct a public hearing at 1:30 p.m. Tuesday, August 25, in the Family Health conference room, Room 1003, Landon State Office Building, 9th & Jackson, Topeka, to consider the adoption of proposed temporary and permanent Kansas Department of Health and Environment rules and regulations.

K.A.R. 28-60-1 through 28-60-9 pertain to the review of an application, in accordance with K.S.A. 65-5001 *et seq.*, which is seeking state credentialing of a health care occupational or professional group. Proposed amendments include removing the Statewide Health Coordinating Council's role in the review process, adopting by reference standards listed in the manual for applicants, and setting a time period in which the technical committee's report must be issued if an application is withdrawn. The temporary-permanent amended regulations do not impose an additional fiscal impact.

Copies of the rules and regulations and a fiscal impact statement may be obtained by contacting Cathy Rooney, Department of Health and Environment, Landon State Building, 10th Floor, Topeka 66620-0001, (913) 296-1240.

All interested parties may submit comments prior to the hearing to the Secretary of Health and Environment, Forbes Field, Building 740, Topeka 66620-0001. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally or in writing, in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to limit oral presentations to five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered by the secretary as the basis for making changes in these proposals.

STANLEY C. GRANT, Ph.D.  
Secretary of Health  
and Environment

Doc. No. 005657

(Published in the KANSAS REGISTER, August 6, 1987.)

**NOTICE OF BOND SALE**  
**\$140,000**  
**General Obligation Sewer Bonds**  
**Series A, 1987**  
**of the City of Minneola, Kansas**

**Date, Time and Place of Receiving Sealed Bids**

The undersigned, city clerk of the city of Minneola, Kansas, will receive sealed bids on behalf of the governing body at her office in City Hall, 126 Main, Minneola, until 8 p.m. C.D.T. on Tuesday, August 18, 1987, for the purchase of \$140,000 principal amount of general obligation sewer bonds, Series A, 1987, of the city as hereinafter described. All bids will be publicly opened and read at said time in the city council meeting room of City Hall, and will be immediately thereafter acted upon by the governing body. No oral or auction bids will be considered.

**Description of Bonds**

The bonds shall consist of fully registered certificated bonds in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of bonds maturing in each year, shall bear a dated date of September 1, 1987, and shall mature serially on September 1 in each of the years and in the amounts as follows:

Principal Amount	Maturity Date
\$10,000	September 1, 1988
10,000	September 1, 1989
10,000	September 1, 1990
15,000	September 1, 1991
15,000	September 1, 1992
15,000	September 1, 1993
15,000	September 1, 1994
15,000	September 1, 1995
15,000	September 1, 1996
20,000	September 1, 1997

The bonds will bear interest from the dated date at rates which shall be determined upon the public sale thereof as heretofore provided, and said interest will be payable semiannually on March 1 and September 1 of each year, commencing March 1, 1988.

**Payment of Principal and Interest; Registration**

The principal of the bonds shall be payable in lawful money of the United States of America at the principal office of the Kansas State Treasurer (the paying agent and bond registrar) to the registered owners thereof upon presentation of bonds for payment and cancellation. Interest on the bonds shall be payable in lawful money of the United States of America by mailing of check or draft of paying agent to registered owners as their names appear on the registration books maintained by the bond registrar as of the 15th day of the month next preceding the interest payment dates.

The fees of the bond registrar for registration and transfer of the bonds shall be paid by the city, and it shall also pay for printing of a reasonable supply of blank registered bond certificates for that purpose. Any additional costs or fees that might be incurred in

the secondary market, except the bond registrar's fees, shall be the responsibility of the owners of the bonds.

**Initial Registration**

The number and denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the initial registered owners of the bonds shall be submitted in writing to the bond registrar by the successful bidder not later than Tuesday, September 1, 1987. In the event such information is not furnished by such date, the bonds will be delivered one bond per maturity registered in the name of the successful bidder.

An original purchaser's certificate, which sets forth the initial reoffering price to the public on the bonds, will be furnished to the successful bidder by bond counsel. Such certificate must be completed and returned no later than the date of delivery of the bonds.

**Redemption of Bonds**

Bonds maturing September 1, 1988 through September 1, 1994, inclusive, are not subject to call for redemption prior to their respective maturities.

Bonds maturing September 1, 1995 and thereafter are callable at the option of the city prior to the stated maturities thereof, in whole or in part and in inverse numerical order, on any interest payment date on and after September 1, 1994, the date being so set for redemption and payment being referred to as the redemption date, at the principal amount thereof, plus accrued interest to the redemption date and without premium.

Notice of any call for redemption shall be given in writing to the bond registrar and paying agent not less than 60 days before the redemption date, and the bond registrar and paying agent shall give written notice of such redemption to the registered owners of the bonds not less than 30 days before the redemption date. Notice of any call for redemption and payment shall also be published one time in the official newspaper of the state of Kansas and in the official newspaper of the city not less than 30 days before the redemption date.

Prior to the redemption date, the city shall deposit with paying agent sufficient funds to pay the bonds so called at the purchase price set forth above and all unpaid and accrued interest thereon to the redemption date. Upon the deposit of said funds, and the giving of notice in the form and manner hereinbefore specified, bonds thus called for redemption shall cease to bear interest from and after the redemption date.

**Conditions of Bidding**

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidder, subject to the conditions of this paragraph. The same rate of interest shall apply to all bonds of the same maturity. Each interest rate specified shall be in an even multiple of 1/8 or 1/20 of 1 percent. No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being equal to the index of treasury bonds published by Credit Markets in New York, New York, on the Monday next preceding the date on which the bonds are sold, plus 2 percent. No

bid of less than the entire par value of the bonds and accrued interest thereon from the dated date to the date of delivery will be considered, and no supplemental interest payments will be authorized. Each bid must state the total interest cost to the city during the life of the bonds on the basis of the bid, the premium, if any, offered by the bidder for the bonds, the net interest cost to the city on the basis of the bid, and the average annual interest rate on the bonds on the basis of the bid. Each bid shall be certified by the bidder to be correct, and the city will be entitled to rely on such certificate of correctness.

#### **Bid Form and Good Faith Deposit**

Bids shall be submitted on an official bid form which may be obtained from the city, and shall be submitted in sealed envelopes, plainly marked "Bond Bid," addressed to the City Council, City Hall, 126 Main, Minneola, KS 67865, Attention: Norma J. Vrtiska, City Clerk. Bids may be submitted by mail or delivered in person, and must be received by the city clerk no later than the date and time hereinbefore specified.

Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check for an amount equal to 2 percent of the total amount of the bonds payable to the order of the city. If a bid is accepted, said deposit will be held by the city until the bidder shall have complied with all of the terms and conditions of this notice and of the bid. In the event a bidder whose bid is accepted shall default in the performance of any of the terms and conditions of this notice or of the bid, said deposit shall be retained by the city as and for liquidated damages. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions hereof, said deposit shall be returned to the bidder. No interest will be paid upon the successful bidder's deposit. The deposits of the unsuccessful bidders will be promptly returned.

#### **Award of Bonds**

The bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the city, which will be determined by deducting the amount of the premium bid, if any, from the total interest cost to the city. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more identical bids for the lowest net interest cost are received, the governing body shall determine which bid, if any, shall be accepted, and such determination shall be final. The city reserves the right to reject any and all bids and to waive any irregularities in a submitted bid.

#### **Delivery of Bonds**

The bonds, duly printed, executed and registered, will be furnished and paid for by the city, and will be delivered to the successful bidder on or about September 15, 1987 at any bank in the state of Kansas or in Kansas City, Missouri, at the expense of the city. Delivery elsewhere will be made at the expense of the

successful bidder. The successful bidder will also be furnished with a transcript of proceedings evidencing authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in Federal Reserve funds, immediately available for use by the city.

#### **CUSIP Identification Numbers**

It is not expected that CUSIP identification numbers will be printed on the bonds since the issue does not meet the CUSIP Service Bureau's minimum size guidelines for the assignment of CUSIP numbers.

#### **Official Statement**

The city will prepare an official statement relating to the bonds, copies of which may be obtained from the city clerk or from the city's financial adviser. Upon the sale of the bonds, the city will furnish the successful bidder with a reasonable number of copies of the official statement, without cost, upon request. Copies in excess of a reasonable number may be ordered by the successful bidder at his expense.

#### **Authority, Purpose and Security for Bonds**

The bonds are being issued under the authority of K.S.A. 12-631t, and will be authorized by a bond ordinance which will be adopted August 18, 1987. Proceeds from the bonds will be used together with the proceeds of a \$210,000 Kansas Department of Commerce Small Cities Community Development Block Grant to pay the total costs of constructing improvements to the city's sewer system.

The bonds and the interest thereon will constitute general obligations of the city, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city.

#### **Legal Opinion and Tax Exemption**

All matters incidental to authorization and issuance of the bonds are subject to the approving opinion of Hinkle, Eberhart, Elkouri & Jensen, bond counsel, Wichita, Kansas. Bond counsel's opinion will be printed on the reverse side of each bond, and a manually signed original will be furnished without expense to the successful bidder concurrently with delivery of the bonds. All fees and expenses of bond counsel will be paid by the city. A specimen form of bond counsel's opinion is contained in the city's official statement regarding these bonds.

In the opinion of bond counsel, assuming continued compliance by the city with the terms of the bond ordinance, under existing law, the interest on the bonds is: (i) excludable from gross income for federal income tax purposes; and (ii) is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations. However, it should be noted that with respect to corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted net book income (adjusted current

(continued)



earnings for taxable years ending after December 31, 1989) for the purpose of computing the alternative minimum tax imposed on such corporations. The exclusion mentioned in the preceding clause (i) is subject to compliance by the city with all requirements of the Internal Revenue Code of 1986, which must be satisfied subsequent to issuance of the bonds in order for the interest on the bonds to qualify for such exclusion. Failure to comply with certain of such requirements could cause the interest on the bonds to be so included in gross income retroactive to the date of issuance thereof. The city will covenant to comply with all such requirements. Bond counsel expresses no opinion regarding other federal tax consequences arising with respect to the bonds.

Prospective bidders for purchase of the bonds should be aware that: (i) Section 265 of the code denies a deduction for interest on indebtedness incurred or continued to purchase or carry the bonds, except with respect to certain financial institutions within the meaning of Section 265(b)(5) of the code; (ii) with respect to insurance companies subject to the tax imposed by Section 831 of the code, for taxable years beginning after December 31, 1986. Section 832(b)(5)(B)(i) of the code reduces the deduction for loss reserves by 15 percent of the sum of certain items, including interest on the bonds; (iii) for taxable years beginning after December 31, 1986 and prior to January 1, 1992, interest earned on the bonds by some corporations could be subject to the environmental tax imposed by Section 59A of the code; (iv) for taxable years beginning after December 31, 1986, interest earned on the bonds by certain foreign corporations doing business in the United States could be subject to a branch profits tax imposed by Section 884 of the code; (v) passive investment income, including interest on the bonds, may be subject to federal income taxation under Section 1375 of the code for Subchapter S corporations that have Subchapter C earnings and profits at the close of the taxable year if more than 25 percent of the gross receipts of such Subchapter S corporation is passive investment income; and (vi) Section 86 of the code requires recipients of certain Social Security and railroad retirement benefits to take into account in determining gross income, receipts or accruals of interest on the bonds. The foregoing categories of prospective bondowners should consult their own tax advisers as to the applicability of any of these consequences.

The bonds are exempt from intangible personal property taxes levied by Kansas counties, cities and townships.

**Qualified Tax-Exempt Obligations**

The city will covenant to take such actions as are necessary to designate the bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the code, and, in the case of certain financial institutions within the meaning of Section 265(b)(5) of the code, a deduction is allowed for 80 percent of that portion of such financial institution's interest expense allocable to interest on the bonds.

**Assessed Valuation and Bonded Indebtedness**

The assessed valuation of taxable tangible property within the city, for the year 1986, is as follows:

Assessed valuation of taxable tangible property	\$1,332,029.00
Taxable value of motor vehicles	463,426.00
Equalized assessed tangible valuation for computation of bonded debt limitations	\$1,795,455.00

The total outstanding general obligation bonded indebtedness of the city as of the date of the bonds is \$275,000, which amount does include this proposed issue.

**Additional Information**

Additional information regarding the bonds may be obtained from the city clerk or from the city's financial adviser, United Securities, Inc., 444 Board of Trade Center, 120 S. Market, Wichita, KS 67202, Attention: Dudley Brickell, Representative, (316) 265-9421.

Dated July 28, 1987.

CITY OF MINNEOLA, KANSAS  
 Norma J. Vrtiska  
 City Clerk  
 City Hall  
 126 Main  
 Minneola, KS 67865  
 (316) 885-4331

Doc. No. 005647

(Published in the KANSAS REGISTER, August 6, 1987.)

**NOTICE OF BOND SALE**  
**\$300,000**  
**General Obligation Public Building Bonds**  
**Series 1987-1**  
**of**  
**Sumner County, Kansas**  
**(general obligation bonds payable**  
**from unlimited ad valorem taxes)**

**Sealed Bids**

Sealed bids will be received by the undersigned, county clerk of Sumner County, Kansas, on behalf of the Board of County Commissioners at the County Courthouse, Wellington, until 10 a.m. C.D.T. on Tuesday, August 18, 1987, for the purchase of \$300,000 principal amount of general obligation public building bonds, Series 1987-1, of the county hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the Board of County Commissioners immediately thereafter. No oral or auction bids will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in denominations of \$5,000 or any integral multiple thereof, dated September 1, 1987, and becoming due serially on September 1 in the years as follows:

Year	Principal Amount
1988	\$10,000
1989	10,000
1990	15,000
1991	15,000
1992	15,000
1993	15,000
1994	20,000



1995	20,000
1996	20,000
1997	20,000
1998	25,000
1999	25,000
2000	30,000
2001	30,000
2002	30,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1988.

#### Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar), to the registered owners thereof whose names are on the registration books of the bond registrar as of the 15th day of the month preceding each interest payment date. The bonds will be registered pursuant to a plan of registration approved by the county and the Kansas Attorney General.

The county will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondowners.

The number, denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the county and bond registrar at least two weeks prior to the closing date. In the absence of such information, the county will deliver one bond per maturity registered in the name of the manager of the successful bidder. The initial reoffering price to the public by the original purchaser shall be furnished to the county at least one week prior to the closing date. A certificate setting forth such initial reoffering price to the public shall be furnished to the county by the original purchaser at closing.

#### Redemption of Bonds Prior to Maturity

Bonds maturing in the years 1988 to 1997, inclusive, shall become due without option of prior payment. At the option of the county, bonds maturing in the years 1998 and thereafter may be called for redemption and payment prior to maturity in whole or in part in inverse order of maturity (selection of bonds within the same maturity to be by lot by the county in such equitable manner as it may determine) on September 1, 1997, or on any interest payment date thereafter at the redemption prices of 100 percent (expressed as a percentage of the principal amount), plus accrued interest to the redemption date.

Whenever the county is to select the bonds for the purpose of redemption, it shall, in the case of bonds in denominations greater than \$5,000, if less than all of the bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such

fully registered bond as though it were a separate bond of the denomination of \$5,000.

If the county shall elect to call any bonds for redemption and payment prior to the maturity thereof, the county shall give written notice of its intention to call and pay said bonds on a specified date, said notice to be mailed by United States registered or certified mail addressed to the registered owners of said bonds, to the Kansas State Treasurer, Topeka, Kansas, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed not less than 30 days prior to the date fixed for redemption. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

#### Authority, Purpose and Security

The bonds are being issued pursuant to K.S.A. 19-15,116 *et seq.*, as amended, for the purpose of paying the cost of certain public building improvements. The bonds and the interest thereon will constitute general obligations of the county, payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the county.

#### Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned county clerk and marked "Bond Bid." Bids may be submitted by mail or delivered in person to the undersigned at the County Courthouse and must be received by the undersigned prior to 10 a.m. C.D.T. on August 18, 1987.

#### Bid Forms

All bids must be made on forms which may be procured from the county clerk or the financial adviser. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The county reserves the right to waive irregularities and to reject any and all bids.

#### Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1 percent. No interest rate shall exceed a rate equal to the index of treasury bonds published by Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 3 percent. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the county during the life of the bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost

(continued)

to the county on the basis of such bid, all certified by the bidder to be correct, and the county will be entitled to rely on the certificate of correctness of the bidder. Each bid shall also specify the average annual net interest rate to the county on the basis of such bid.

**Basis of Award**

The award of the bonds will be made on the basis of the lowest net interest cost to the county, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the county. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the Board of County Commissioners shall determine which bid, if any, shall be accepted, and its determination shall be final. The county reserves the right to reject any and all bids and to waive any irregularities in a submitted bid. Any bids received after 10 a.m. C.D.T. on the morning the bids are due will be returned to the bidder unopened.

**Good Faith Deposit**

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America equal to 2 percent of the total amount of the bid payable to the order of the county, if a bid is accepted, said check or the proceeds thereof will be held by the county until the bidder shall have complied with all of the terms and conditions of this notice. If a bid is accepted but the county shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the county as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

**Official Statement**

The county has prepared an official statement dated August 18, 1987, copies of which may be obtained from the county clerk or from the financial adviser. Upon the sale of the bonds, the county will furnish the successful bidder with a reasonable number of copies thereof without additional cost upon request. Additional copies may be ordered by the successful bidder at his expense.

**Delivery and Payment**

The county will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before October 2, 1987, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. The successful bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation

pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in federal reserve funds, immediately subject to use by the county.

**CUSIP Numbers**

It is anticipated that CUSIP identification numbers will be printed on the bonds, but neither the failure to print such number on or assign such number to any bond, nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of the purchase contract. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the county.

**Assessed Valuation and Indebtedness**

The total assessed valuation of the taxable tangible property within the county, for the year 1986, is as follows:

Equalized assessed valuation of taxable tangible property .....	\$ 91,135,463
Tangible valuation of motor vehicles .....	\$ 15,142,528
Equalized assessed tangible valuation for computation of bonded debt limitations ..	\$106,277,991

The total general obligation indebtedness of the county as of the date of the bonds, including the bonds being sold, is \$4,795,000.

**Legal Opinion and Tax Exemption**

All matters incidental to the authorization and issuance of the bonds are subject to the approval of Gilmore & Bell, Wichita, Kansas, bond counsel.

In the opinion of bond counsel, assuming continued compliance by the county with the terms of the bond resolution, under existing law, the interest on the bonds (a) is excludable from gross income for federal income tax purposes and (b) is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; however, it should be noted that with respect to corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted net book income (adjusted current earnings for taxable years ending after December 31, 1989) for the purpose of computing the alternative minimum tax imposed on such corporations. The opinion set forth in clause (a) above is subject to the condition that the county comply with all requirements of the Internal Revenue Code of 1986, as amended, that must be satisfied subsequent to the issuance of the bonds in order that interest thereon be excluded from gross income for federal income tax purposes. Failure to comply with certain of such requirements could cause the interest on the bonds to be so included in gross income retroactive to the date of issuance of the bonds. The county has covenanted to comply with all such requirements. Bond counsel expresses no opinion regarding other federal tax consequences arising with respect to the bonds.

Prospective purchasers of the bonds should be aware that (i) Section 265 of the code denies a deduction for interest on indebtedness incurred or continued to purchase or carry the bonds, except with re-

spect to certain financial institutions (within the meaning of Section 265(b)(5) of the code); (ii) with respect to insurance companies subject to the tax imposed by Section 831 of the code, for taxable years beginning after December 31, 1986, Section 832(b)(5)(B)(i) reduces the deduction for loss reserves by 15 percent of the sum of certain items, including interest on the bonds; (iii) for taxable years beginning after December 31, 1986 and before January 1, 1992, interest on the bonds earned by some corporations could be subject to the environmental tax imposed by Section 59A of the code; (iv) for taxable years beginning after December 31, 1986, interest on the bonds earned by certain foreign corporations doing business in the United States could be subject to a branch profits tax imposed by Section 884 of the code; (v) passive investment income, including interest on the bonds, may be subject to federal income taxation under Section 1375 of the code for Subchapter S corporations that have Subchapter C earnings and profits at the close of the taxable year if greater than 25 percent of the gross receipts of such Subchapter S corporation is passive investment income; and (vi) Section 86 of the code requires recipients of certain Social Security and certain railroad retirement benefits to take into account in determining gross income, receipts or accruals of interest on the bonds. These categories of bondowners should consult their own tax advisers as to the applicability of these consequences.

The bonds are exempt from intangible personal property taxes levied by Kansas counties, cities or townships.

#### Qualified Tax-Exempt Obligations

The county will covenant to take such actions as are necessary to designate the bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the code, and, in the case of certain financial institutions (within the meaning of Section 265(b)(5) of the code), a deduction is allowed for 80 percent of that portion of such financial institution's interest expense allocable to interest on the bonds.

A form of bond counsel's opinion is contained in the official statement of the county with respect to the bonds.

#### Additional Information

Additional information regarding the bonds may be obtained from the county clerk or from the financial adviser, Stern Brothers & Co., Suite 810, One Main Place, Wichita, KS 67202, Attention: Charles M. Bouilly, (316) 265-8622.

Dated July 21, 1987.

SUMNER COUNTY, KANSAS  
Sibyl P. Whipple  
County Clerk  
County Courthouse  
Wellington, KS 67152  
(316) 326-3395

Doc. No. 005648

## State of Kansas

### DEPARTMENT OF TRANSPORTATION

#### NOTICE TO CONTRACTORS

Notice is hereby given that sealed proposals for the construction of road and bridge work in the following Kansas county will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.D.T. August 20, 1987, and then publicly opened:

#### DISTRICT TWO—Northcentral

Lincoln—284 53 M-1499-01—K-284, 2.6 miles east from the junction of K-14 and K-284 on the north side of the roadway, 0.95 mile, slide repair, guardrail removal or replacement and surface repair. (State 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 because 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. 005643

## State of Kansas

**DEPARTMENT OF TRANSPORTATION****DISADVANTAGED BUSINESSES UTILIZATION PROGRAM POLICY STATEMENT**

It shall be the policy of the Kansas Department of Transportation that disadvantaged businesses (DBE), as defined in 49 CFR Part 23, shall have the maximum opportunity to participate in the performance of K.D.O.T. contracts that are financed in whole or in part with federal funds. In this regard, K.D.O.T. is committed to provide all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that such businesses will be utilized to the maximum extent feasible.

To administer this program, a Kansas Department of Transportation DBE liaison officer shall be designated who will be responsible for developing, managing, and implementing the DBE program on a day-to-day basis. The objectives of the DBE program will be to meet, if not exceed, established goals for the utilization of disadvantaged businesses in the K.D.O.T. DBE program. Contract goals and overall goals shall be set for disadvantaged businesses.

Contract goals shall be established on a monthly basis for specific contracts having practical and feasible DBE subcontracting possibilities.

Overall goals shall be established on an annual basis and will be determined upon consideration of the following factors:

- A. Projection of the number and types of contracts to be awarded and a projection of the number and types of DBEs likely to be available to compete for contracts over the period during which the goals will be in effect.
- B. Past results of Kansas Department of Transportation's efforts to contract with DBEs and the reasons for the high or low level of those results.

The Kansas Department of Transportation shall review its overall goals annually. The review process shall analyze projected versus actual DBE participation during the previous year. Necessary revisions shall be made, based on the analysis, and submitted to the D.O.T. (FHWA) for approval.

The overall goals for fiscal year 1988 (October 1, 1987-September 30, 1988) shall be 10 percent for DBEs (depending upon the contracts let during this period). The goals and descriptions of how they were selected are available for inspection for a period of 30 days following the date of this notice from 8 a.m. to 5 p.m. Monday through Friday at the office of the secretary, 7th Floor, Docking State Office Building, 10th and Harrison, Topeka 66612-1568, (913) 296-3566. Comments, which will be for informational purposes only, will be accepted from the general public in relation to these goals for a period of 45 days following the date of this notice.

Verbal comments may be directed to Keyton E. Barker, Jr., DBE liaison officer, Kansas Department of Transportation, at (913) 296-3576. Written comments may be forwarded to the following addresses: Horace

B. Edwards, Secretary of Transportation, Docking State Office Building, 7th Floor, 10th and Harrison, Topeka, KS 66612-1568, Attention: Keyton E. Barker, Jr., DBE Liaison Officer, Bureau of Construction and Maintenance; or Ray A. Barnhart, Federal Highway Administrator, Department of Transportation, Washington, D.C. 20590.

**HORACE B. EDWARDS**  
Secretary of Transportation

Doc. No. 005658

## State of Kansas

**DEPARTMENT OF TRANSPORTATION****NOTICE TO CONSULTING ENGINEERING FIRMS**

The Kansas Department of Transportation is inviting all consulting engineering firms who wish to become prequalified to contact K.D.O.T.

Prequalification is based on the following criteria:

1. Firm principals or employees include qualified and licensed professionals who can be assigned the responsibility of performing the type of projects for which the firm has applied.
2. A staff of sufficient size is available to perform the work required within reasonable time frames.
3. The firm has met or is willing to meet the statutory requirements to do business in Kansas (K.S.A. 17-7301 and K.S.A. 60-306).
4. Evidence of work experience of the firm or individuals of the firm which indicates that work of a similar type has been successfully accomplished.
5. Employees include licensed individuals with one or more such individuals licensed with the Kansas State Board of Technical Professions or a willingness to obtain such licensure prior to receiving work (K.S.A. 74-7001).
6. The firm's willingness to submit to reasonable audits and to maintain accounting systems adequate to isolate and to accumulate project costs.

The Kansas Department of Transportation is an equal opportunity employer. It will negotiate contracts with prequalified firms on the basis of the services required and at a just, reasonable fee in accordance with K.S.A. 75-5801.

Prequalification information is available upon request by contacting the Kansas Department of Transportation, State Transportation Engineer, Docking State Office Building, Topeka 66612, Attention: Bureau of Management and Budget.

**HORACE B. EDWARDS**  
Secretary of Transportation

Doc. No. 005659

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO CONTRACTORS

Notice is hereby given that sealed proposals for the construction of road and bridge work in the following Kansas county will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.D.T. August 20, 1987, and then publicly opened:

DISTRICT ONE—Northeast

Wyandotte—670-105 K-1655-01—Central Avenue ramps for I-670, 0.5 mile, bridge. (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 because 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. 005623

State of Kansas

LEGISLATURE

INTERIM COMMITTEE SCHEDULE

The following committee meetings have been scheduled during the period of August 10 through August 23:

Date	Room	Time	Committee	Agenda
August 10 August 11	514-S 514-S	10:00 a.m. 9:00 a.m.	Special Committee on Energy and Natural Resources	Proposal No. 12—Hazardous and Low-Level Radioactive Wastes (low-level radioactive waste on the 11th; hazardous waste clean-up legislation on the 12th).
August 11 August 12	Kansas City 423-S	10:00 a.m. 8:00 a.m.	Special Committee on Ways and Means—SRS	11th: Tour of SRS programs in Kansas City, Kansas. 12th: Meeting in Topeka on welfare reform.
August 11 August 12	531-N 531-N	10:00 a.m. 9:00 a.m.	Legislative Budget Committee	Proposals No. 19 and No. 20; reports and conferences with directors of Budget Division and Accounts and Reports Division.
August 13 August 14	423-S 423-S	10:00 a.m. 9:00 a.m.	Special Committee on Federal and State Affairs	Proposal No. 13—Selected Corrections Programs and Parole (main topic at this meeting will be community corrections).

(continued)

August 13 August 14	514-S 514-S	10:00 a.m. 9:00 a.m.	Special Committee on Judiciary	13th: Proposal No. 15— Administrative Procedure Act. 14th: Proposal No. 39— Corporate Takeover.
August 13 August 14	519-S 519-S	10:00 a.m. 9:00 a.m.	Special Committee on Agriculture and Livestock	13th: Hearings on Proposal No. 1—Noxious Weed Law Review. 14th: Hearings on Proposal No. 3—Wind-Blown Dust and Soil Erosion.
August 17 August 18	514-S 514-S	10:00 a.m. 9:00 a.m.	Joint Committee on Administrative Rules and Regulations	Review of regulations filed by the Board of Healing Arts, the Department of Wildlife and Parks, the Highway Patrol, the Department of SRS, the Conservation Commission, the Board of Nursing; review of bill drafts on Filing Act.
August 19 August 20	123-S 123-S	10:00 a.m. 9:00 a.m.	Special Committee on Ways and Means	19th: Presentation by Division of Personnel Services (Proposal No. 37). Tour of community mental health programs in Topeka (Proposal No. 42). 20th: Presentation by SRS and public hearing on community mental health centers (Proposal No. 42).
August 20 August 21	514-S 514-S	10:00 a.m. 9:00 a.m.	Special Committee on Assessment and Taxation	Agenda unavailable.
August 20 August 21	519-S Capitol Tower, Suite 113 519-S	10:00 a.m. 1:00 p.m. 9:00 a.m.	Joint Committee on Economic Development	20th: (a.m.)—Presentations on seed capital; (p.m.)—presentation by Kansas, Inc., economic development strategies and preliminary priorities on use of gaming funds. 21st: (a.m.)—Overview of legislative oversight procedures of administrative rules and regulations; (p.m.)—review of pending legislation on job training and retraining.

WILLIAM R. BACHMAN  
Director of Legislative  
Administrative Services

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 August 18, 1987

Application for Extension of Certificate of Convenience and Necessity:

Payne's, Inc. ) Docket No. 146,074 M  
806 W. McKay )  
Frontenac, KS 66762 ) MC ID No. 120786

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

*Wrecked, disabled, repossessed and replacement motor vehicles and trailers, trucks, truck parts, farm machinery, heavy duty equipment, school supplies and equipment, feed and feed ingredients and steel and aluminum building materials,*

Between all points and places in the state of Kansas.

\*\*\*\*\*

Application for Certificate of Convenience and Necessity:

Triple E Express, Inc. ) Docket No. 155,886 M  
537 N. Main )  
WaKeeney, KS 67672 )

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

*Hay, grain, dry feed, dry feed ingredients, dry fertilizer, seeds, salt, construction, building and fencing materials, machinery and livestock,*

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

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:

Barry Bender, dba ) Docket No. 155,885 M  
Barry Bender Trucking )  
10336 Outlook )  
Overland Park, KS 66207 )

Applicant's Attorney: None

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

Between all points and places within the state of Kansas.

\*\*\*\*\*

Application for Certificate of Convenience and Necessity:

Milton C. Brown, dba ) Docket No. 155,887 M  
Quality 66 Service and )  
University 66 Service )  
1540 W. 6th )  
Lawrence, KS 66044 )

Applicant's Attorney: None

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

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

\*\*\*\*\*

Application for Abandonment of Contract Carrier Permit:

Richard W. Brown, dba ) Docket No. 143,708 M  
Wayne's Transfer Co. )  
6609 W. 72nd Terrace )  
Overland Park, KS 66204 ) MC ID No. 121129

Applicant's Attorney: None

\*\*\*\*\*

Application for Contract Carrier Permit:

Thode Trucking, Inc. ) Docket No. 155,890 M  
Box 2126 )  
Garden City, KS 67846 )

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

*Feed, feed ingredients and supplements, and materials and supplies used in the manufacture and distribution of such commodities,*

Between points in Kansas. Under contract with Feed Lot Nutrition, Inc., of Garden City, Kansas.

\*\*\*\*\*

Applications set for August 20, 1987

Application for Transfer of Certificate of Convenience and Necessity:

V. J. Livingston, dba ) Docket No. 136,698 M  
Livingston Transfer )  
405 Center )  
Carbondale, KS 66414 ) MC ID No. 116983

TO:

Larry L. Livingston, dba  
Livingston Transfer  
Route 2, Box 2  
Carbondale, KS 66414

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

*General commodities (except classes A and B explo-*  
(continued)



sives and household goods as defined by the commission, restricted against commodities in bulk and those commodities requiring special equipment),

To, from and between Union Pacific Railroad ramp facilities in Shawnee, Riley, Geary, Douglas, Lyon, Wyandotte and Labette counties, Kansas.

\*\*\*\*\*

Application for Extension of Certificate of Convenience and Necessity:

Larry L. Livingston, dba ) Docket No. 136,698 M
Livingston Transfer )
Route 2, Box 2 )
Carbondale, KS 66414 ) MC ID No. 116983

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

General commodities (except classes A and B explosives and household goods as defined by the commission, commodities in bulk and commodities requiring special equipment),

Between all points and places in Kansas.

\*\*\*\*\*

Application for Certificate of Convenience and Necessity:

Archie H. Fenley, Jr. ) Docket No. 155,889 M
Route 1 )
Troy, KS 66087 )

Applicant's Attorney: None

Grain, feed, feed ingredients, fertilizer and fertilizer ingredients,

Between all points and places in Brown, Doniphan, Atchison, Jackson, Jefferson and Leavenworth counties, Kansas.

\*\*\*\*\*

Application for Certificate of Convenience and Necessity:

Roger Cooley, dba ) Docket No. 155,891 M
Cooley Transport )
2009 Campus Drive )
Garden City, KS 67846 )

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

Livestock, grain, feed, feed ingredients, dry fertilizer and dry fertilizer ingredients,

Between points in Greeley, Wichita, Scott, Lane, Hamilton, Kearny, Finney, Grant, Haskell, Gray, Ford and Seward counties, Kansas, on the one hand, and on the other, all points and places in Kansas.

\*\*\*\*\*

Application set for August 21, 1987

Application for Abandonment of a Portion of the Certificate of Convenience and Necessity:

Stagecoach Charters, Inc. ) Docket No. 153,741 M
H-3 Happy Homes )
Dodge City, KS 67801 ) MC ID No. 127117

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

Applications set for August 25, 1987

Application for Extension of Certificate of Convenience and Necessity:

Henry Sutton, dba ) Docket No. 139,630 M
Henry's Mobile Home )
Service )
Route 1, Box 88 )
St. George, KS 66535 ) MC ID No. 117459

Applicant's Attorney: None

Manufactured housing units (mobile homes, house trailers and pre-fab homes),

Between all points and places in the state of Kansas.

\*\*\*\*\*

Application for Certificate of Convenience and Necessity:

Fritzler Trucking, Inc. ) Docket No. 155,894 M
P.O. Box 544 )
Ness City, KS 67560 )

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

Livestock, grain, feed, oilfield equipment, materials and supplies, iron and steel products, crude oil, used in and for production, processing, treating, salvage, construction, and for lease road purposes, and salt water,

Between points in Gove, Trego, Ellis, Scott, Lane, Ness, Rush, Barton, Finney, Gray, Hodgeman and Pawnee counties, Kansas, on the one hand, and on the other, all points in Kansas.

Fresh water,

Between those points lying on, south, and west of U.S. 183 and U.S. 24, on the one hand, and on the other, all points and places in Kansas.

\*\*\*\*\*

Application for Certificate of Convenience and Necessity:

HDB Construction, Inc. ) Docket No. 155,892 M
729 Wear Ave. )
Topeka, KS 66607 )

Applicant's Attorney: W. Robert Alderson, 1610 S.W. Topeka Blvd., P.O. Box 237, Topeka, KS 66612

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

Between points and places in Kansas.

\*\*\*\*\*

Application for Certificate of Convenience and Necessity:

Troy Hodges, dba ) Docket No. 155,893 M
Agri-Carriers )
717 Hwy. 385 )
Julesburg, CO 80737 )

Applicant's Attorney: W. Robert Alderson, 1610 S.W. Topeka Blvd., P.O. Box 237, Topeka, KS 66612

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

Between points and places in Kansas lying on and west of U.S. 81.

Also,

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

\*\*\*\*\*

**Application for Contract Carrier Permit:**

Roberts Express, Inc., dba ) Docket No. 155,895 M  
 Indian Delivery Service )  
 7848 W. 21st )  
 Topeka, KS 66615 )

Applicant's Attorney: None

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

Between all points and places in the state of Kansas. Under contract with Southwestern Bell Telephone Company, St. Louis, Missouri.

\*\*\*\*\*

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

William J. TEMAAT ) Docket No. 105,282 M  
 615 Parkview )  
 Oakley, KS 67748 ) MC ID No. 101274

Applicant's Attorney: None

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

Valley Equipment, Inc. ) Docket No. 155,888 M  
 725 Houston St. )  
 Manhattan, KS 66502 )

Applicant's Attorney: None

*Manufactured housing units (mobile homes, building trailers and campers), heavy and cumbersome commodities, oilfield equipment, materials and supplies, and machinery,*

Between all points and places in Kansas on and east of U.S. 281.

Also,

Between all points and places in Kansas on and east of U.S. 281, on the one hand, and on the other hand, all points and places in the state of Kansas.

\*\*\*\*\*

**Applications set for August 27, 1987**

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

Metcalf Trucking, Inc. ) Docket No. 155,896 M  
 205 S. Maxwell )  
 Ulysses, KS 67880 )

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

*Grain, dry feed, dry feed ingredients, dry fertilizer, seeds, salt, liquid fertilizer (except anhydrous ammonia), machinery, construction, building and fencing materials,*

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

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:**

Tri-State Commodities, ) Docket No. 155,898 M  
 Inc. )  
 P.O. Box 249 )  
 Goodland, KS 67735 )

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

*Grain, hay, dry feed, dry feed ingredients, dry fertilizer, salt, seeds, construction, building and fencing materials and machinery,*

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.

\*\*\*\*\*

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

Direct Transit, Inc. ) Docket No. 155,897 M  
 211 Freedom Drive )  
 N. Sioux City, SD 57049 )

Applicant's Attorney: None

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

Between all points and places in the state of Kansas.

\*\*\*\*\*

ALFONZO A. MAXWELL  
 Administrator  
 Transportation Division

Doc. No. 005655

State of Kansas

**OFFICE OF JUDICIAL ADMINISTRATION  
COURT OF APPEALS DOCKET**

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

Kansas Court of Appeals  
Court of Appeals Courtroom, 2nd Floor, Judicial Center  
301 W. 10th, Topeka, Kansas

Before Abbott, C.J.; Rees and Davis, JJ.

Tuesday, August 11, 1987

9:15 a.m.

Case No.	Case Name	Attorneys	County
59,903	State of Kansas, Appellee,  v. James D. Thomason, Appellant.	Stephen Menms, Assistant District Attorney Richard Guinn, Assistant District Attorney Attorney General  Benjamin C. Wood Steven R. Zinn	Johnson
60,042	State of Kansas, Appellee,  v. Jeffrey L. Brown, Appellant.	Bradley Watson, Assistant District Attorney Attorney General  Benjamin C. Wood Steven R. Zinn	Johnson
60,231	State of Kansas, Appellee,  v. John D. Dean, Appellant.	Gearv Gorup, Assistant District Attorney Attorney General  Jessica R. Kunen Benjamin C. Wood	Sedgwick
60,094 S.C.	State of Kansas, Appellee,  v. Michael L. McGlothlin, Appellant.	Gearv Gorup, Assistant District Attorney Attorney General  Benjamin C. Wood Steven R. Zinn	Sedgwick
1:15 p.m.			
60,579	Kenneth W. Pack,  v. Allied Cementing Co., Inc., and Home Insurance Co., Appellees, Workers' Compensation Fund, Appellant.	Harry Bleeker  Brock R. McPherson	Trego
60,494	Vernon Wondra, Appellee,  v. Western Testing Co. and Tri-State Insurance Co., Appellant.	Richard Boeckman  Jerry Ward Brock McPherson	Barton
59,481	Wilson County Board of County Commissioners, Appellees,  v. William W. Taylor, Appellant.	John J. Gillett, County Attorney  David K. Clark	Wilson
60,304 S.C.	Alberta Ruth Traylor, Appellee,  v. St. John District Hospital and Western Insurance Co., Workers' Compensation Fund, Appellant.	John M. Ostrowski  Tom Berscheidt Brock R. McPherson	Stafford

Wednesday, August 12, 1987

9:15 a.m.

Case No.	Case Name	Attorneys	County
60,375	State of Kansas, Appellee,	Ken Smith, Assistant District Attorney Gene Olander, District Attorney Attorney General	Shawnee
	v. Homer Allen Calvert, Appellant.	Benjamin C. Wood Steven R. Zinn	
59,441	Matthew Bender & Co., Inc., Appellee,	Micheline Z. Burger	Wyandotte
	v. J. R. Russell, Chartered, Appellant.	John H. Fields	
59,982	Nehemiah Robinson, Appellant,	Ralph J. DeZago Benjamin C. Wood	Lyon
	v. State of Kansas, Appellee.	Kyle Smith, Assistant County Attorney Attorney General	
60,324	Dennis G. Edwards, Appellant,	Benjamin C. Wood	Wyandotte
	v. State of Kansas, Appellee.	Wesley Griffen, Assistant District Attorney Nick Tomasic, District Attorney Attorney General	

## Summary Calendar—No Oral Argument

60,043	State of Kansas, Appellee,	Steve Minnis, Assistant District Attorney Attorney General	Johnson
	v. Terry Dice, Appellant.	Benjamin C. Wood Steven R. Zinn	

Kansas Court of Appeals  
Supreme Courtroom, 3rd Floor, Judicial Center  
301 W. 10th, Topeka, Kansas  
Before Briscoe, P.J.; Robert L. Gernon, District Judge, assigned,  
and Thomas W. Regan, District Judge, assigned.

Tuesday, August 11, 1987

9:15 a.m.

Case No.	Case Name	Attorneys	County
60,426	Samuel Turner, Appellant,	Gary L. Fuller	Leavenworth
	v. State of Kansas, Appellee.	Frank E. Kohl, County Attorney Attorney General	
59,831	State of Kansas, Appellee,	Richard M. Smith, County Attorney Attorney General	Linn
	v. Ron Hedrick, Appellant.	James L. Wisler	
59,596	The City of Arkansas City and Southwest National Bank, Appellees,	Thomas E. Ruzicka	Cowley
	v. A. Scott Anderson and E. Sylvia Anderson, et al, Appellants.	Paul Hasty, Jr.	

(continued)

10:45 a.m.

59,514	City of Hesston, Appellee, v. A. Scott Anderson, <i>et al.</i> , Appellants.	Thomas E. Ruzicka Paul Hasty, Jr.	Harvey
60,409	Gary Poole, Deceased, Appellant, v. Earp Meat Company and Rockwood Insurance Co., Appellees.	Paul V. Dugan Michael T. Harris	Sedgwick

1:15 p.m.

60,063	State of Kansas, Appellee,  v. Kevin W. McVeigh, Appellant.	Clarence Holeman, Assistant District Attorney Geary Gorup, Assistant District Attorney Attorney General  Charles A. O'Hara	Sedgwick
60,432	Richard E. Shreve, Appellee, Harold L. Thompson, Appellee, v. Murfin Drilling Co. and Reliance Insurance Co., and Richard Thompson Trucking and Kansas City Fire & Casualty Co., Appellants.	Randall W. Weller Robert L. Constable  Gary Winfrey  Larry G. Pepperdine Ronald J. Laskowski	Graham
60,339	Bert Becker, Appellant,  v. State of Kansas, Appellee.	Melissa Sheridan Benjamin C. Wood  Ed Wheeler, County Attorney Attorney General	Morris

2:45 p.m.

60,391	In the Matter of the Appeal of News Publishing Co., Inc. from Notice of Sales Tax Assessment.	Nancy E. Freund William Y. Chalfant	Original
60,147	State of Kansas, Appellee,  v. Anthony J. Buckland, Appellant.	Roger Badeker, County Attorney Attorney General  Lucille Marino Benjamin C. Wood	Wabaunsee

Wednesday, August 12, 1987

9:15 a.m.

Case No.	Case Name	Attorneys	County
60,047	State of Kansas, Appellee,  v. Philip D. Anderson, Appellant.	Rodney Symmonds, County Attorney Attorney General  Richard A. Pinaire	Lyon
60,276	State of Kansas, Appellee,  v. Cynthia A. Johnson, Appellant.	Gabriel Thompson, Assistant County Attorney Attorney General  R. Edgar Johnson	Riley

10:45 a.m.

59,560	Deborah C. Foster, Appellant, v. Providence-St. Margaret Health Center and Juanita Kitchen, Appellees.	Rosie M. Quinn Kenneth Holm	Wyandotte
--------	--------------------------------------------------------------------------------------------------------------	--------------------------------	-----------

57,610 State of Kansas, Appellee, Larry Christ Attorney General Ford  
v.  
John R. Housel, Stanley L. Karstetter and Glenn E. Casebeer II  
Century Oil Producers, Inc., Appellant.

Summary Calendar—No Oral Argument

60,133 State of Kansas, Appellee, Jim Pringle, County Attorney Attorney General Sumner  
v.  
Wanda Davis, a/k/a Wanda Bryant, Benjamin C. Wood  
Appellant. Steven R. Zinn

LEWIS C. CARTER  
Clerk of the Appellate Courts

Doc. No. 005629

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