

KANSAS REGISTER

State of Kansas

BILL GRAVES
Secretary of State

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IN THIS ISSUE	Page
Board of Adult Care Home Administrators	
Notice of Meeting	1682
Home and Community Based Services Advisory Committee	
Notice of Meeting	1682
Rehabilitation Services Advisory Committee	
Notice of Meeting	1682
Social and Rehabilitation Services	
Notice of Change in Meeting Date	1682
Notice of Standards for SSI Residential Facilities	1683
Notice of Hearing on Proposed Administrative Regulations	1684
Department of Health and Environment	
Notice Concerning Kansas Water Pollution Control Permit	1683
Department of Transportation	
Notice to Consulting Engineers	1687
Notice to Contractors	1688
Notice to Bidders for State Purchases	1689
Legislative Interim Committee Schedule	1690
Notice of Bond Sale	
City of Newton	1691
Rawlins County	1694
Notice of Bond Redemption	
Shawnee County	1696
State Board of Agriculture—Division of Water Resources	
Notices of Hearings on Proposed Administrative Regulations	1697, 1698
Temporary Administrative Regulations	
Behavioral Sciences Regulatory Board	1698
The Kansas Lottery	1698
State Board of Agriculture	1704
Supreme Court Docket	1706

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT
BOARD OF ADULT CARE HOME
ADMINISTRATORS**

NOTICE OF MEETING

The Board of Adult Care Home Administrators will meet at 1:30 p.m. Friday, December 4, in Conference Room A at the Kansas Department of Health and Environment, Building 740, Forbes Field, Topeka.

NORMAN DURMASKIN
Chairman

Doc. No. 005991

State of Kansas

**SOCIAL AND REHABILITATION SERVICES
HOME AND COMMUNITY BASED SERVICES
ADVISORY COMMITTEE**

NOTICE OF MEETING

The Home and Community Based Services Advisory Committee will meet at 10 a.m. Wednesday, December 9, at the SRS Staff Development Training Center, Feldman Building, State Complex West, 2700 W. 6th, Topeka.

JANET SCHALANSKY
Acting Commissioner of
Adult Services

Doc. No. 006000

State of Kansas

**SOCIAL AND REHABILITATION SERVICES
REHABILITATION SERVICES
ADVISORY COMMITTEE**

NOTICE OF MEETING

The Rehabilitation Services Advisory Committee will meet at 1 p.m. Thursday, December 3, in the Alcohol and Drug Abuse Services conference room, second floor, Biddle Building, 2700 W. 6th, Topeka.

JOAN B. WATSON
Commissioner

Doc. No. 005998

State of Kansas

SOCIAL AND REHABILITATION SERVICES

**NOTICE OF CHANGE
IN MEETING DATE**

The open meeting of the Department of Social and Rehabilitation Services scheduled for December 1 has been changed to 9 a.m. Tuesday, December 8, in the Staff Development Training Center, 2700 W. 6th, Topeka.

The scheduled agenda includes adoption of proposed permanent administrative regulations.

The public is invited to attend. Telephone hook-ups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hiawatha, Hutchinson, Junction City, Kansas City, Lawrence, Olathe, Osawatomie, Parsons, Pittsburg, Pratt, Salina, Topeka (area office and Docking State Office Building), Wichita and Winfield.

WINSTON BARTON
Secretary of Social and
Rehabilitation Services

Doc. No. 005997

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Phone: (913) 296-3489

State of Kansas

DEPARTMENT OF HEALTH AND ENVIRONMENT

NOTICE CONCERNING KANSAS WATER POLLUTION CONTROL PERMIT

In accordance with state regulations 28-16-57 through 28-16-63 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below.

The tentative determinations for permit content are based on preliminary staff review applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the EPA, and will, when issued, result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Name and Address of Applicant	Waterway	Type of Discharge
Mayor and City Council c/o City Clerk City Hall, Box 708 Lawrence, KS 66044 Douglas County, Kansas	Kansas River	Secondary Wastewater Treatment Facility
Kansas Permit No. M-KS31-1001		Fed Permit No. KS-0038644

Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Timber Creek East Benefit District 5000 Coachman Road Manhattan, KS 66501 Pottawatomie County, Kansas	Big Blue River via Elbo Creek	Secondary Wastewater Treatment Facility
Kansas Permit No. M-KS38-D001		Fed. Permit No. KS-0119580

Description of facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, Department of Health and Environment, Division of Environment, Bureau of Water Protection, Forbes Field, Topeka 66620. All comments received prior to December 25 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-87-120/121) and name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determination. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the

Division of Environment offices, which are open from 8 a.m. to 4:30 p.m. Monday through Friday.

These documents are available upon request at the copying cost assessed by the department. Additional copies of this public notice may also be obtained at the Division of Environment.

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

Doc. No. 006002

State of Kansas

SOCIAL AND REHABILITATION SERVICES

NOTICE OF STANDARDS FOR SSI RESIDENTIAL FACILITIES

Public Law 94-566, section 505(d), enacted in 1976 and Public Law 97-35, enacted in 1981, established section 1616(e) of the Social Security Act, commonly known as the "Keys Amendment."

The Keys Amendment, as implemented by the federal regulations 45 CFR Part 1397, requires each state to make available for public review a summary of the standards used in regulating residential facilities in which recipients of Supplemental Security Income (SSI) reside or are likely to reside.

Standards for some types of facilities are set by the Department of Social and Rehabilitation Services (SRS) while the Department of Health and Environment (KDHE) sets standards for others. The summary of all standards or further information about the full standards set by SRS may be obtained by writing to the Department of Social and Rehabilitation Services, Janet Schalansky, Acting Commissioner of Adult Services, Biddle Building, 1st Floor, 2700 W. 6th, Topeka 66606.

Further information about the full standards set by the Department of Health and Environment may be obtained by writing to the Department of Health and Environment, Gerald Block, Director of Field Services, Landon State Office Building, 10th Floor, Topeka 66612.

All affected facilities must meet the standards. Compliance with the standards assures that facilities provide a safe and healthy environment for SSI recipients and other disadvantaged persons in need of continuous protective oversight. Persons with knowledge of facilities which may not have met the standards are urged to write either SRS or KDHE at the addresses above.

WINSTON BARTON
Secretary of Social and Rehabilitation Services

Doc. No. 005999

State of Kansas

SOCIAL AND REHABILITATION SERVICES**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

The Department of Social and Rehabilitation Services will conduct a special open meeting at 9 a.m. Friday, December 11, in the SRS board room, Docking State Office Building, Topeka.

The scheduled agenda includes a public hearing concerning adoption of proposed temporary administrative regulations to become effective on January 1, 1988 or upon approval by the State Rules and Regulations Board. The summary and fiscal or financial impact are set forth below. The fiscal impact statements have been figured on a four-month basis. The phrase "Federal Mandate" following an item indicates that the change is required by federal policy. Optional changes in regulations related to federal programs are subject to approval by the U.S. Department of Health and Human Services.

A. Public Assistance Program.

1. 30-4-41. Assistance planning. This regulation is being amended to:

(a) Define the mandatory filing unit as all persons in the family group whose needs or resources are required to be considered in determining eligibility and amount of payment as outlined in K.A.R. 30-4-74 for ADC purposes and K.A.R. 30-4-90 for GA purposes. If the agency is unable to determine who is required to be a member of the mandatory filing unit as a result of an applicant's or recipient's failure to cooperate in providing necessary information or in complying with an eligibility requirement that is within the applicant's or recipient's control, those persons who would otherwise be required to be in the mandatory filing unit had the applicant or recipient cooperated shall be ineligible for assistance (Federal Mandate); and

(b) modify the assistance planning provision to require that the assistance plan consist of those members of the mandatory filing unit and any other persons in the family group for whom assistance is requested and eligibility is determined (Federal Mandate).

Fiscal Impact:

(a) Estimated cost savings of \$9,759.

(b) None.

2. 30-4-57. Job search requirements. This regulation is being amended to provide that the failure of a nonexempt principal wage earner in ADC-UP to meet the job search requirements without good cause shall render the individual and all persons in the mandatory filing unit ineligible for the penalty period (Federal Mandate).

Fiscal Impact: Estimated cost savings of \$610.

3. 30-4-58. Potential employment. This regulation is being amended to provide that the failure of a nonexempt principal wage earner in ADC-UP to meet the potential employment requirement without good cause shall render the individual and all persons in the mandatory filing unit ineligible for the penalty period (Federal Mandate).

Fiscal Impact: Estimated cost savings of \$1,627.

4. 30-4-62. Community work experience program requirements. This regulation is being amended to provide that the failure of a nonexempt principal wage earner in ADC-UP to meet the CWEP requirement without good cause shall render the individual and all persons in the mandatory filing unit ineligible for the penalty period (Federal Mandate).

Fiscal Impact: Estimated cost savings of \$1,220.

5. 30-4-74. Persons whose needs shall be considered with the needs of the ADC child. This regulation is being amended to provide that while the needs of certain parents and children who are not otherwise eligible for ADC shall be excluded in determining eligibility of the ADC child, the income and resources of such persons shall, unless the income and resources are specifically exempt, be included in the eligibility determination (Federal Mandate).

Fiscal Impact: Fiscal impact is included in K.A.R. 30-4-106.

6. 30-4-75. ADC work incentive program registration requirements. This regulation is being amended to provide that the failure of a nonexempt principal wage earner in ADC-UP to participate in WIN without good cause shall render the individual and all persons in the mandatory filing unit ineligible for the penalty period (Federal Mandate).

Fiscal Impact: Estimated cost savings of \$407.

7. 30-4-90. Eligibility factors specific to the GA-unrestricted (GAU) program. This regulation is being amended to provide that while the needs of certain persons who are not otherwise eligible for GAU be excluded in determining eligibility, the income and resources of such persons shall, unless the income and resources are specifically exempt, be included in the eligibility determination.

Fiscal Impact: Fiscal impact is included in K.A.R. 30-4-106.

8. 30-4-100. Payment standards for budgetary requirements in the ADC, ADC-FC, APW, GA and GA-FC programs. This regulation is being amended to delete the exceptions to ADC and GAU budgeting that exclude the needs of a child who is temporarily absent from the home for the purpose of education and training and for temporary foster care. This change will require including the needs of the child in the budget plan in addition to budgeting the residential standard or the foster care standard (Federal Mandate).

Fiscal Impact: Estimated increased expenditure of \$8,784.

9. 30-4-106. General rules for consideration of resources including real property, personal property and income. This regulation is being amended to require that the nonexempt resources of persons who have been excluded from the assistance plan pursuant to K.A.R. 30-4-74(b) and 30-4-90(a)(5) shall be considered (Federal Mandate).

Fiscal Impact: Estimated cost savings of \$28,352.

10. 30-4-110. Income. This regulation is being amended to expand the definition of "earned income" to include income-in-kind that is received as compensation in lieu of wages, salary or profits (Federal Mandate).

Fiscal Impact: Estimated cost savings of \$43,680.

11. **30-4-111. Applicable income.** This regulation is being amended to require that all nonexempt unearned income and gross earnings, or adjusted gross earnings of the self-employed, shall be considered without the application of any income disregards for a person in the home whose income must be considered and who is not included in the assistance plan (Federal Mandate).

Fiscal Impact: Fiscal impact is included in K.A.R. 30-4-106.

12. **30-4-113. Income exempt as applicable income.** This regulation is being amended to restrict the income-in-kind exemption to unearned income-in-kind (Federal Mandate).

Fiscal Impact: Fiscal impact is included in K.A.R. 30-4-110.

B. Medicaid/Medikan Program—Provider Participation, Scope of Services, Reimbursement.

1. **30-5-71. Co-pay requirements.** This regulation is being amended to:

(a) Change the co-payment for outpatient general hospital services to \$3 per outpatient general hospital surgery (Federal Mandate); and

(b) change the co-payment for ambulatory surgical centers to \$3 per visit (Federal Mandate).

Fiscal Impact:

(a) Estimated increased expenditure of \$91,665.

(b) Estimated increased expenditure of \$161.

C. Medicaid/Medikan Program—Client Eligibility.

1. **30-6-41. Assistance planning.** This regulation is being amended to:

(a) Define the mandatory filing unit as all persons in the family group whose needs or resources are required to be considered in determining eligibility and amount of benefits as outlined in K.A.R. 30-6-74 for ADC purposes and K.A.R. 30-6-79 for non-ADC purposes. If the agency is unable to determine who is required to be a member of the mandatory filing unit as a result of an applicant's or recipient's failure to cooperate in providing necessary information or in complying with an eligibility requirement that is within the applicant's or recipient's control, those persons who would otherwise be required to be in the mandatory filing unit had the applicant or recipient cooperated shall be ineligible for assistance (Federal Mandate); and

(b) modify the assistance planning provision to require that the assistance plan consist of those members of the mandatory filing unit and any other persons in the family group for whom assistance is requested and eligibility is determined (Federal Mandate).

Fiscal Impact:

(a) Estimated cost savings of \$130.

(b) None.

2. **30-6-57. Job search requirements.** This regulation is being amended to provide that the failure of a nonexempt principal wage earner in ADC-UP to meet the job search requirements without good cause shall render the individual and all persons in the mandatory filing unit ineligible for the penalty period (Federal Mandate).

Fiscal Impact: Estimated cost savings of \$11.

3. **30-6-58. Potential employment.** This regulation is being amended to provide that the failure of a nonexempt principal wage earner in ADC-UP to meet the potential employment requirement without good cause shall render the individual and all persons in the mandatory filing unit ineligible for the penalty period (Federal Mandate).

Fiscal Impact: Estimated cost savings of \$22.

4. **30-6-74. Persons whose needs are to be considered with the needs of the ADC child.** This regulation is being amended to provide that while the needs of certain parents and children who are not otherwise eligible for ADC shall be excluded in determining eligibility of the ADC child, the income and resources of such persons shall, unless the income and resources are specifically exempt, be included in the eligibility determination (Federal Mandate).

Fiscal Impact: Fiscal impact is included in K.A.R. 30-6-106.

5. **30-6-79. Non-ADC child determined eligibles.** This regulation is being amended to require that the needs of certain non-ADC siblings who are not otherwise eligible shall be excluded in determining the eligibility of the non-ADC child. However, the income and resources of certain non-ADC siblings shall, unless the income and resources are specifically exempt, be included in the eligibility determination. Such siblings include: SSI recipients; siblings who are ineligible due to the receipt of lump sum income; siblings who are ineligible due to a sanction; minor parents whose needs are met through foster care payments; and aliens who are ineligible because of the citizenship and alienage requirements or sponsorship provisions (Federal Mandate).

Fiscal Impact: Fiscal impact is included in K.A.R. 30-6-106.

6. **30-6-103. Determined eligibles; protected income levels.** This regulation is being amended to:

(a) Require that the protected income level for persons in independent living arrangements be based on the total number of persons in the assistance plan and any other persons in the family group whose income is being considered (Federal Mandate); and

(b) increase the protected income level for one person from \$341 to \$354 (Federal Mandate).

Fiscal Impact:

(a) Estimated increased expenditure of \$360.

(b) Estimated increased expenditure of \$234,000.

7. **30-6-106. General rules for consideration of resources, including real property, personal property and income.** This regulation is being amended to require that the nonexempt resources of persons who have been excluded from the assistance plan pursuant to K.A.R. 30-6-74(b) and 30-6-79(c) shall be considered (Federal Mandate).

Fiscal Impact: Estimated cost savings of \$1,823.

8. **30-6-107. Property exemption.** This regulation is being amended to:

(a) Increase the allowable resource standard from \$1,800 to \$1,900 for one person and from \$2,700 to

(continued)

\$2,850 for two or more persons (Federal Mandate); and

(b) require that the \$2,850 level be used for two or more persons whose nonexempt resources are being considered for a person in the assistance plan (Federal Mandate).

Fiscal Impact:

(a) Estimated increased expenditure of \$4,848.

(b) None.

9. 30-6-110. Income. This regulation is being amended to expand the definition of "earned income" to include income-in-kind that is received as compensation in lieu of wages, salary or profit (Federal Mandate).

Fiscal Impact: Estimated cost savings of \$754.

10. 30-6-111. Applicable income. This regulation is being amended to:

(a) For non-SSI, allow the earned income disregards for all persons in the home whose earned income must be considered and who are excluded from the assistance plan (Federal Mandate); and

(b) require that all net nonexempt unearned income, except for special disregards for stepparents, parents of minor parents and alien parents of an ADC child who are excluded from the assistance plan, be applicable (Federal Mandate).

Fiscal Impact:

(a) Fiscal impact is included in K.A.R. 30-6-106.

(b) Fiscal impact is included in K.A.R. 30-6-106.

11. 30-6-112. Income exempt from consideration as income and as a cash asset. This regulation is being amended to exempt, for SSI, any portion of any financial assistance funded under title IV of the Higher Education Act of 1965, as amended, or under Bureau of Indian Affairs Student Assistance Programs which is made available for tuition, fees, books, supplies, transportation and miscellaneous personal supplies (Federal Mandate).

Fiscal Impact: Estimated increased expenditure of \$1,175.

12. 30-6-113. Income exempt as applicable income. This regulation is being amended to restrict the income-in-kind exemption to unearned income-in-kind (Federal Mandate).

Fiscal Impact: Fiscal impact is included in K.A.R. 30-6-110.

D. Adult Abuse, Neglect or Exploitation.

1. 30-51-1. Definitions. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-51-1. Definitions. (a) "Alleged perpetrator" means the person identified in the initial report or during the investigation as the person suspected of perpetrating a reported act of abuse, neglect or exploitation.

(b) "Confirmed abuse, neglect or exploitation" means that the report has been validated by a preponderance of the evidence.

(c) "Confirmed perpetrator" means the person who has been identified by a preponderance of the evidence to have committed a confirmed act of abuse, neglect or exploitation.

(d) "Investigation" means the gathering and assessing of information sufficient to determine if an adult has been abused, neglected or exploited.

(e) "Report of suspected abuse, neglect or exploitation" means information received by the agency or law enforcement that an adult is suspected of being abused, neglected or exploited.

Fiscal Impact: None.

2. 30-51-2. Right to interview. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-51-2. Right to interview. Each alleged perpetrator shall have an opportunity to be interviewed before a proposed finding is issued identifying a perpetrator under K.A.R. 30-51-3.

Fiscal Impact: None.

3. 30-51-3. Notice of proposed finding. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-51-3. Notice of proposed finding. The notice shall set forth the reasons for the proposed finding and shall inform the alleged perpetrator of the alleged perpetrator's right to appeal the decision in accordance with K.A.R. 30-7-26, *et seq.* within 30 calendar days from the date the notice was personally delivered or mailed to the perpetrator.

Fiscal Impact: None.

4. 30-51-4. Central registry. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-51-4. Central registry. The name of a confirmed perpetrator shall not be entered into the agency's central registry until the person has exhausted or failed to exercise the appeal process in K.A.R. 30-7-26, *et seq.*

Fiscal Impact: None.

5. 30-51-5. Expungement of confirmed perpetrator from central registry. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-51-5. Expungement of confirmed perpetrator from central registry. (a) Application for expungement.

(1) Any confirmed perpetrator of abuse, neglect or exploitation may apply in writing to the secretary to have the confirmed perpetrator's name expunged from the central registry when three years have passed since the most recent confirmed incident or when new information is presented.

(2) Each application for expungement shall be referred to the expungement review panel. The panel shall consist of the commissioner of adult services or the commissioner's designee, the chief legal counsel or the counsel's designee, and a representative of the public appointed by the secretary. The commissioner of adult services or the commissioner's designee shall chair the panel.

(3) A review hearing shall be convened by the panel at which time the applicant may present evidence supporting expungement of the applicant's name from the central registry. Evidence in support of or in opposition to the application may be presented by the SRS area office which conducted the original investigation at this hearing.

(4) Decisions of the review panel shall be by majority vote. The following factors shall be considered by the panel in making its decision:

(A) The nature and severity of the confirmed act of abuse, neglect or exploitation;

(B) the number of confirmations of abuse, neglect or exploitation involving the applicant; and

(C) changes in circumstances that no longer exist which contributed to the finding of abuse, neglect or exploitation of the applicant.

(5) Unless a request for continuance is granted, the review hearing shall be conducted within 30 days from the date the application for expungement is received by the agency. A written notice shall be sent to the applicant and the area office by the commissioner of adult services or the commissioner's designee at least 10 days prior to the hearing. The notice shall state the day, hour, and place of the hearing. Continuances may be granted only for good cause.

(6) A written decision shall be rendered by the panel within 60 days from the date the matter is ready for decision. The decision shall be in writing, shall set forth the reasons for the decision, and shall inform an applicant of the applicant's right to appeal an adverse decision in accordance with K.A.R. 30-7-26, *et seq.*, within 30 days from the date the decision was personally delivered or mailed to the applicant.

(b) Expungement by the agency. Records may be expunged from the central registry by the secretary or the designee of the secretary:

(1) When five years have passed since the most recent incident; and

(2) prior to the implementation of these regulations.
Fiscal Impact: None.

A copy of the proposed regulations and the complete fiscal impact statements may be obtained prior to December 1 by contacting Mary Slaybaugh, Legal Services, 6th Floor, Docking State Office Building, Topeka 66612, (913) 296-3969. Written comments may be submitted prior to such date to Winston Barton, Secretary of Social and Rehabilitation Services, at the same address.

Interested persons will be given reasonable opportunity at the hearing to present their views and arguments on the adoption of the proposed regulations. Presentations should be in writing whenever possible. Depending on the number of persons wanting to speak, the department may require that each participant limit any oral presentation to three minutes.

The public is invited to attend. Telephone hook-ups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hiawatha, Hutchinson, Junction City, Kansas City, Lawrence, Olathe, Osawatomie, Parsons, Pittsburg, Pratt, Salina, Topeka (area office and Docking State Office Building), Wichita and Winfield.

WINSTON BARTON
Secretary of Social and
Rehabilitation Services

Doc. No. 006001

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO CONSULTING ENGINEERS

The Kansas Department of Transportation is seeking qualified consultant engineers for the following projects:

Cherokee—69A-11 K-3158-01—U.S. 69A (Military Avenue) in the city of Baxter Springs, from 9th Street to 14th Street, (0.35 mile) and U.S. 166 from U.S. 69A west one-half block. Mill and recycle asphalt surfacing and replace curb and gutters and sidewalks.

Geary—70-31 K-2611-01 and 70-85 K-2611-02—Pavement and bridge rehabilitation of I-70 from the Dickinson County line east 11.3 miles to the east city limits of Grandview Plaza.

Greeley—27-36 K-3165-01—K-27 (Broadway) in the city of Tribune, from K-96 north to the north city limits. Replace damaged curb and gutter, valley gutter and construction of concrete acceleration and stopping pads from K-96 to Newton Street. Repair curb and gutter and valley gutter from Newton Street to the north city limits.

Lyon—35-56 K-2633-01—Pavement and bridge reconstruction of I-35 from the KTA east 5.8 miles to the east junction of U.S. 50.

Norton—36-69 K-3169-01—U.S. 36 (Holme Street) in the city of Norton, from 68 feet west of West Street east to the east city limits. Replace curb and gutter; replace valley gutters, entrances and side street approaches; repair or replace inlets.

Saline—70-85 K-2610-01 and 70-85 K-2610-02—Pavement and bridge rehabilitation of I-70 from the Saline County line east 15.3 miles to U.S. 81.

Wallace—27-100 K-3175-01—K-27 (Main Street) in the city of Sharon Springs, from 100 feet south of U.S. 40 south to the Union Pacific Railroad. Replace curb and gutter and angle parking areas. Remove trees and construct a drain.

Firms expressing interest in these projects must respond in writing and complete the Consulting Engineers Qualification Questionnaire (if not already prequalified) by December 3.

It is the policy of K.D.O.T. to use the following criteria as the basis for selection of engineering consulting 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 record.

HORACE B. EDWARDS
Secretary of Transportation

Doc. No. 005987

State of Kansas

DEPARTMENT OF TRANSPORTATION**NOTICE TO CONTRACTORS**

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.S.T. December 17, 1987, and then publicly opened:

DISTRICT ONE—Northeast

Jefferson—44 C-1735-01—County road, 8 miles west of Perry, then west, 0.1 mile, bridge replacement. (Federal Funds)

Johnson—46 C-1702-01—County road, Edgerton, then east, 0.2 mile, bridge replacement. (Federal Funds)

Johnson—46 U-1065-01—Roe Avenue over Tomahawk Creek in Leawood, 0.2 mile, bridge replacement. (Federal Funds)

Leavenworth—52 C-1742-01—County road, 2.0 miles south of Basehor, then west, 0.2 mile, bridge replacement. (Federal Funds)

Leavenworth—52 C-1745-01—County road, 4.5 miles west of Lansing, then north, 0.2 mile, bridge replacement. (Federal Funds)

DISTRICT TWO—Northcentral

Dickinson—21 C-2021-01—County road, 4.6 miles west and 0.5 mile south of Hope, then south, 0.2 mile, bridge replacement. (Federal Funds)

Jewell—45 C-2040-01—County road, 1.5 miles west and 4.2 miles south of Esbon, then south, 0.1 mile, bridge replacement. (Federal Funds)

Republic—79 C-1751-01—County road, 5.3 miles north and 3.0 miles east of Cuba, then east, 0.2 mile, bridge replacement. (Federal Funds)

Republic—79 C-1752-01—County road, 3.8 miles north of Munden, then north, 0.1 mile, bridge replacement. (Federal Funds)

DISTRICT THREE—Northwest

Ellis—26 C-1725-01—County road, 3.0 miles west and 0.4 mile north of Schoenchen, then north, 0.2 mile, bridge replacement. (Federal Funds)

DISTRICT FOUR—Southeast

Bourbon—6 C-2550-01—County road, 10.6 miles south of Fort Scott on the Missouri-Kansas state line, then south, 0.2 mile, grading and bridge. (Federal Funds)

Linn—54 C-2295-01—County road, 7.0 miles north of Mound City, then north, 3.3 miles, surfacing. (Federal Funds)

DISTRICT FIVE—Southcentral

Barber—4 C-2163-01—County road, 1.6 miles south and 1.3 miles west of Sawyer, then west, 0.1 mile, bridge replacement. (Federal Funds)

Pawnee—73 C-2592-01—County road, 3.2 miles north and 3.7 miles west of Garfield, then west, 0.1 mile, grading and bridge. (Federal Funds)

Pratt—76 C-2080-01—County road, Coats, then north, surfacing. (Federal Funds)

Rush—83 C-2549-01—County road, 2 miles west and 1.5 miles south of Liebenthal, then south, 0.2 mile, grading and bridge. (Federal Funds)

Sumner—96 C-1717-01—County road, 5.2 miles south of Mayfield, then south, 0.1 mile, bridge replacement. (Federal Funds)

DISTRICT SIX—Southwest

Ford—29 C-2503-01—County road, 7.0 miles west of Dodge City, 0.2 miles, grading and bridge. (Federal Funds)

Kearny—47 C-2342-01—County road, 2.0 miles south and 1.2 miles west of Deerfield, then west, 0.2 mile, bridge replacement. (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 projects 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. 005988

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, DECEMBER 7, 1987

#27448

Osawatomie State Hospital and Topeka State Hospital—REAGENTS AND SUPPLIES/THERAPEUTIC DRUG DETENTION SYSTEMS

#27702—Rebid

Department of Revenue—JANITORIAL SERVICES, Wichita

#27730

Department of Human Resources—JANITORIAL SERVICES

#71891

University of Kansas—ION CHROMATOGRAPH

#71894

Kansas State University—VACUUM TECHNOLOGY

#71903

Department of Human Resources—TERMINALS, PRINTERS AND CONTROLLERS

TUESDAY, DECEMBER 8, 1987

#25352

Statewide—DOMESTIC GAS FIRED WATER HEATERS AND BOOSTER HEATERS

#26883

Department of Administration, Division of Printing—COLOR SEPARATION SERVICES

#27453

University of Kansas and statewide—BACTERIOLOGICALS

#27470

Kansas Highway Patrol—DINING SERVICE, Salina

#27557

Kansas State University—JANUARY (1988) MEAT PRODUCTS

#27733

Department of Revenue—JANITORIAL SERVICES, Kansas City

#71880

University of Kansas—AUTOMOBILE

#71881

Kansas State University—MISCELLANEOUS GROCERIES

#71890

University of Kansas Medical Center—CAMERA COMPATIBLE W/IMGPRO SOFTWARE

WEDNESDAY, DECEMBER 9, 1987

#A-5852

Department of Transportation—REROOF (COMPLETE REPLACEMENT), area building, Atwood

#71908

Kansas State University—VACUUM TECHNOLOGY

#71909

Emporia State University—MICROCOMPUTER SYSTEM

#71911

Pittsburg State University—ACQUISITION BOARD AND SOFTWARE

THURSDAY, DECEMBER 10, 1987

#71944

University of Kansas—IBM CONTROLLER

#71945

University of Kansas—TERMINAL/MICROCOMPUTER WORKSTATION

#71946

Kansas State University—PLAIN PAPER COPIER

FRIDAY, DECEMBER 11, 1987

#71960

Kansas Soldiers' Home—PHYSICAL THERAPY EQUIPMENT

TUESDAY, DECEMBER 22, 1987

#A-5279

Larned State Hospital—CONSTRUCT ADULT PATIENT FACILITY

MONDAY, DECEMBER 28, 1987

#27734

NON-DRILLING OIL AND GAS LEASE—The Kansas Department of Wildlife and Parks has available for a Non-Drilling/No Surface Occupancy Lease approximately 666.7 acres in Sherman County, Kansas, described as follows: Section 15 and the South 440 feet of the SE ¼ of Section 9, Township 10 South, Range 40 West. For a bid prospectus, contact Barry Swanson, Department of Administration, Division of Purchases, Landon State Office Building, Topeka 66612.

REQUEST FOR PROPOSALS

TUESDAY, DECEMBER 8, 1987

#71984

Media Advertising for Secretary of State

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 006004

State of Kansas

LEGISLATURE

INTERIM COMMITTEE SCHEDULE

The following committee meetings have been scheduled during the period of November 30 through December 13:

Date	Room	Time	Committee	Agenda
Nov. 30	519-S	10:00 a.m.	Special Committee on Assessment and Taxation	Final decisions on Proposals No. 6 and 9; approval of committee reports.
Nov. 30	522-S	9:00 a.m.	Special Committee on Ways and Means—SRS	Review of bill draft and report draft.
Nov. 30 Dec. 1	514-S 514-S	10:00 a.m. 9:00 a.m.	Joint Committee on Economic Development	Committee review of draft interim reports and draft legislation.
Dec. 2	519-S	10:00 a.m.	Special Committee on Transportation	Agenda unavailable.
Dec. 2 Dec. 3	123-S 123-S	10:00 a.m. 9:00 a.m.	Special Committee on Ways and Means	2nd: Review of report drafts. 3rd: Hearing on state employee health care benefits plan.
Dec. 7	123-S	10:00 a.m.	Legislative Post Audit	Agenda unavailable.
Dec. 8	531-N	9:00 a.m.	Legislative Budget Committee	Conference on medical scholarships and other scholarship programs; staff reports re Proposal 19; and committee review of final reports on Proposals No. 19 and 20.
Dec. 9	519-S	10:00 a.m.	Special Committee on Agriculture and Livestock	Report on corporate farming study and committee discussion on Proposal No. 5—Corporate Farming Law Examination.
Dec. 9	527-S	9:30 a.m.	Legislative Educational Planning Committee	Agenda unavailable.
Dec. 10 Dec. 11	123-S 123-S	10:00 a.m. 9:00 a.m.	Special Committee on State Building Construction	Agenda unavailable.
Dec. 10 Dec. 11	529-S 529-S	10:00 a.m. 9:00 a.m.	Special Committee on Claims Against the State	Hearings on claims filed to date.
Dec. 11	527-S		Legislative Coordinating Council	Legislative matters.

Please note: The following changes have been made in interim committee assignments for:

**Joint Committee on Special Claims
Against the State—**

Representative David Heinemann has been appointed to replace Representative Bob Vancrum.

**Joint Committee on Administrative Rules
and Regulations—**

Representative Bob Vancrum has been appointed to replace Representative Sandy Duncan as chairman of the committee.

Representative Melvin Neufeld has been appointed to replace Representative Ron Fox as a member of the committee.

WILLIAM R. BACHMAN
Director of Legislative
Administrative Services

Doc. No. 006003

(Published in the KANSAS REGISTER, November 26, 1987.)

NOTICE OF BOND SALE

\$230,747.30

General Obligation Bonds

Series 1987-B

of the

City of Newton, Kansas

**(general obligation bonds payable
from unlimited ad valorem taxes)**

Sealed Bids

Sealed bids will be received by the undersigned, city clerk of the city of Newton, Kansas, on behalf of the governing body at the City Hall, 120 E. 7th, Newton, KS 67114, until 7:30 p.m. C.S.T. on Wednesday, December 2, 1987, for the purchase of \$230,747.30 principal amount of general obligation bonds, Series 1987-B, of the city hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the governing body 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, except one bond in the denomination of \$5,747.30. The bonds will be dated December 15, 1987, and will become due serially on September 1 in the years as follows:

Date	Principal Amount
1988	\$10,747.30
1989	15,000.00
1990	15,000.00
1991	15,000.00
1992	15,000.00
1993	15,000.00
1994	15,000.00
1995	15,000.00
1996	15,000.00
1997	15,000.00
1998	15,000.00

1999	15,000.00
2000	10,000.00
2001	10,000.00
2002	10,000.00
2003	5,000.00
2004	5,000.00
2005	5,000.00
2006	5,000.00
2007	5,000.00

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 city and the Kansas Attorney General.

The city 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 city and bond registrar at least two weeks prior to the closing date. In the absence of such information, the city 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 city 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 city by the original purchaser at closing.

Redemption of Bonds Prior to Maturity

Bonds maturing in the years 1988 to 1994, inclusive, shall become due without option of prior payment. At the option of the city, bonds maturing in the years 1995 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 city in such equitable manner as it may determine) on September 1, 1994, or on any interest payment date thereafter at the redemption price of 100 percent (expressed as a percentage of the principal amount), plus accrued interest to the redemption date.

Whenever the city is to select the bonds for the purpose of redemption, it shall, in the case of bonds in

(continued)

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 city shall elect to call any bonds for redemption and payment prior to the maturity thereof, the city 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 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. 12-6a01 *et seq.*, K.S.A. 12-685 *et seq.*, and K.S.A. 12-1736 *et seq.*, as amended, for the purpose of paying the cost of certain street, sewer, water and public building improvements. The bonds and the interest thereon will constitute general obligations of the city, payable in part from special assessments levied upon the property benefited by the construction of said improvements and, if not so paid, 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 city, with the balance 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 city.

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Bond Bid." Bids may be submitted by mail or delivered in person to the undersigned at the City Hall and must be received by the undersigned prior to 7:30 p.m. C.S.T. on December 2, 1987.

Bid Forms

All bids must be made on forms which may be procured from the city clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The city 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 in a multiple of $\frac{1}{8}$ or $\frac{1}{20}$ 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 city during the life of the bonds on the basis of the bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid, all certified by the bidder to be correct, and the city will be entitled to rely on the certificate of correctness of the bidder. Each bid shall also specify the average annual net interest rate to the city 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 city, which will be determined by subtracting 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 proper bids providing for identical amounts for the lowest net interest cost are received, the governing body shall determine which bid, if any, shall be accepted, and its determination shall be final. The city reserves the right to reject any and all bids and to waive any irregularities in a submitted bid. Any bids received after 7:30 p.m. C.S.T. on the date 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 city. If a bid is accepted, said check or the proceeds thereof will be held by the city until the bidder shall have complied with all of the terms and conditions of this notice. If a bid is accepted but the city 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 city as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

Official Statement

The city has prepared an official statement dated November 17, 1987, copies of which may be obtained from the city clerk. Upon the sale of the bonds, the city will furnish the successful bidder with a reasonable number of copies thereof without additional cost upon request. Additional copies may be ordered at the successful bidder's expense.

Delivery and Payment

The city 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 December 31, 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 city.

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 city.

Assessed Valuation and Indebtedness

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

Equalized assessed valuation of taxable tangible property	\$37,656,325
Tangible valuation of motor vehicles	\$ 9,192,738
Equalized assessed tangible valuation for computation of bonded debt limitations	\$46,849,063

The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$8,635,747.30.

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, 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 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 city 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 (or continue to 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 city has covenanted to comply with all such requirements.

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 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) 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 railroad retirement benefits to take into account, in determining gross income, receipts or accruals of interest on the bonds.

The bonds are "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.

Bond counsel expresses no opinion regarding other federal tax consequences with respect to the bonds.

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

A form of bond counsel's opinion, which will be printed on the bonds and paid for by the city, is contained in the official statement of the city with respect to the bonds.

Additional Information

Additional information regarding the bonds may be obtained from the city clerk.

Dated November 4, 1987.

CITY OF NEWTON, KANSAS
 By John Torline
 City Clerk
 City Hall
 120 E. 7th
 P.O. Box 426
 Newton, KS 67114
 (316) 283-6900

Doc. No. 005993

(Published in the KANSAS REGISTER, November 26, 1987.)

NOTICE OF BOND SALE
\$225,000
General Obligation Bonds
(Good Samaritan Center), Series 1987
of Rawlins County, Kansas

Date, Time and Place of Receiving Sealed Bids

The undersigned, county clerk of Rawlins County, Kansas, will receive sealed bids on behalf of the Board of County Commissioners at her office, located in the Rawlins County Courthouse, Atwood, until 11 a.m. C.S.T. on Monday, December 7, 1987, for the purchase of \$225,000 principal amount of general obligation bonds (Good Samaritan Center), Series 1987, of the county as hereinafter described. At said time, all bids will be publicly opened and read by the Board of County Commissioners in the county commission meeting room located in the Rawlins County Courthouse and will be immediately thereafter acted upon by the Board of County Commissioners. No oral or auction bids for the bonds 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; will bear a dated date of December 1, 1987; and shall mature serially on December 1 in each of the years and in the amounts as follows:

Principal Amount	Maturity Date
\$15,000	December 1, 1988
15,000	December 1, 1989
20,000	December 1, 1990
20,000	December 1, 1991
20,000	December 1, 1992
25,000	December 1, 1993
25,000	December 1, 1994
25,000	December 1, 1995
30,000	December 1, 1996
30,000	December 1, 1997

The bonds will bear interest from the dated date at rates which will be determined upon the public sale thereof as heretofore provided, and said interest will be payable semiannually on May 1 and December 1 of each year, commencing May 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 the paying agent to the 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 bond registrar for registration and transfer of the bonds shall be paid by the county, 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 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 owners of the bonds shall be submitted in writing to bond registrar by the successful bidder not later than Monday, December 21, 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, and such certificate must be completed and returned no later than the date of delivery of the bonds.

Redemption of Bonds

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

Bonds maturing December 1, 1995 and thereafter are callable at the option of the county prior to the stated maturities thereof, in whole or in part and in inverse numerical order, on any interest payment date on and after December 1, 1994 (the date being so set for redemption and payment being referred to as the redemption date) at a redemption price equal to 100 percent of the principal amount thereof, plus accrued interest thereon to the redemption date.

Notice of any call of 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 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 county newspaper not less than 30 days before the redemption date.

Prior to the redemption date, the county 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 county 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 county 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 county will be entitled to rely on such certificate of correctness.

Bid Form; Good Faith Deposit

Bids shall be submitted on an official bid form which may be obtained from the county, and shall be submitted in sealed envelopes, plainly marked "Bond Bid," addressed to the Board of County Commissioners, Rawlins County Courthouse, Atwood, KS 67730, Attention: Meredith L. Hrnchir, County Clerk. Bids may be submitted by mail or delivered in person, and must be received by the county 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 in the amount of \$4,500, said amount being equal to 2 percent of the total amount of the bonds, which shall be payable to the order of the county. If a bid is accepted, said deposit will be held by the county 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 county as and for liquidated damages. If a bid is accepted, but the county 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 county, which will be determined by deducting 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 identical bids for the lowest net interest cost are received, the Board of County Commissioners shall determine which bid, if any, shall be accepted, and such determination shall be final. The county 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 county, and will

be delivered to the successful bidder on or about December 30, 1987 at any bank in the state of Kansas or in Kansas City, Missouri, at the expense of the county. 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 county.

CUSIP Identification Numbers

CUSIP identification numbers will not be printed on the bonds.

Official Statement

The county will prepare an official statement relating to the bonds, copies of which may be obtained from the county clerk or from bond counsel. The county 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 at the successful bidder's expense.

Authority, Purpose and Security for Bonds

The bonds are being issued under the authority of K.S.A. 19-2106b, K.S.A. 2-1774, K.S.A. 10-101 *et seq.* and K.S.A. 10-601 *et seq.*, all as may now or hereafter be amended or supplemented. The bonds will be issued under a bond resolution which will be adopted by the Board of County Commissioners on November 30, 1987. Proceeds from the bonds will be used with certain other available funds to pay the total costs of constructing, furnishing and equipping an addition to the Rawlins County Nursing Home, commonly known as the Good Samaritan Center.

The bonds and the interest thereon will constitute general obligations of the county, and will be 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 county.

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 county.

In the opinion of bond counsel, assuming continued compliance by the district with the terms of the bond resolution, 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 corpora-

(continued)

tions. 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 exclusion mentioned in the preceding clause (i) is subject to compliance by the county with all requirements of the Internal Revenue Code of 1986, as amended, 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 county 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 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.

Assessed Valuation and Bonded Indebtedness

The assessed valuation of taxable tangible property within the county, for the year 1987, is as follows:

Assessed valuation of taxable tangible property	\$28,474,162
Taxable value of motor vehicles	\$ 2,524,028
Equalized assessed tangible valuation for computation of bonded debt limitations	\$30,998,190

Upon issuance hereof, the bonds will comprise the only outstanding bonded indebtedness of the county.

Additional Information

Additional information regarding the bonds may be obtained from the county clerk or from bond counsel, Hinkle, Eberhart, Elkouri & Jensen, 1250 Kansas State Bank Building, 125 N. Market, Wichita, KS 67202, (316) 264-1400.

Dated November 25, 1987.

RAWLINS COUNTY, KANSAS
 By: Meredith L. Hrnchir
 County Clerk
 Rawlins County Courthouse
 Atwood, KS 67730
 (913) 628-3351

Doc. No. 005978

(Published in the KANSAS REGISTER, November 26, 1987.)

NOTICE OF REDEMPTION
Shawnee County, Kansas
Single Family Mortgage Revenue Bonds
1981 Series A

Notice is hereby given that \$2,250,000 principal amount of bonds, as listed below, are called for redemption on January 1, 1988, at the redemption price of 100 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date.

The serial numbers of the 9.75 percent option bonds due July 1, 2013, to be redeemed January 1, 1988, are as follows:

9.75% Option Bonds
Due July 1, 2013

- 109, 112, 120, 126, 134, 140, 148, 154, 160, 168, 172,
- 180, 183, 188, 195, 200, 207, 217, 218, 227, 230, 241,
- 253, 264, 278, 290, 302, 314, 325, 338, 343, 350, 357,
- 361, 364, 369, 373, 384, 405, 425, 436, 438, 439, 441,
- 456, 483, 494, 499, 506, 507, 512, 513, 534, 542, 555,
- 569, 580, 592, 599, 613, 633, 634, 645, 655, 675, 676,
- 682, 708, 718, 719, 730, 751, 765, 774, 780, 785, 793,
- 795, 797, 800, 818, 819, 831, 837, 846, 860, 868, 881,
- 895, 900, 909, 930, 934, 936, 958, 967, 978, 1001, 1017,
- 1018, 1038, 1051, 1052, 1070, 1071, 1081, 1097, 1100,
- 1111, 1120, 1131, 1144, 1175, 1177, 1181, 1187, 1190,
- 1192, 1199, 1225, 1244, 1287, 1328, 1339, 1351, 1373,
- 1392, 1413, 1415, 1428, 1444, 1468, 1470, 1478, 1499,
- 1501, 1507, 1525, 1527, 1555, 1559, 1560, 1565, 1574,
- 1582, 1584, 1600, 1601, 1603, 1647, 1657, 1707, 1744,

1750, 1761, 1763, 1766, 1768, 1782, 1804, 1805, 1811, 1818, 1825, 1828, 1839, 1847, 1854, 1865, 1880, 1888, 1900, 1909, 1925, 1936, 1955, 1964, 1979, 1992, 2007, 2019, 2035, 2044, 2053, 2062, 2082, 2098, 2121, 2164, 2167, 2170, 2174, 2176, 2180, 2182, 2186, 2188, 2191, 2196, 2202, 2230, 2234, 2236, 2267, 2275, 2289, 2310, 2321, 2331, 2348, 2368, 2379, 2390, 2401, 2419, 2429, 2444, 2456, 2476, 2501, 2507, 2521, 2538, 2563, 2567, 2573, 2581, 2591, 2592, 2612, 2621, 2626, 2639, 2651, 2667, 2683, 2700, 2719, 2721, 2747, 2784, 2785, 2796, 2818, 2820, 2833, 2845, 2862, 2863, 2867, 2871, 2872, 2900, 2923, 2935, 2956, 2962, 2966, 2967, 2971, 2972, 2999, 3045, 3055, 3065, 3079, 3089, 3101, 3115, 3135, 3143, 3159, 3177, 3196, 3203, 3214, 3227, 3239, 3244, 3272, 3286, 3308, 3315, 3334, 3351, 3404, 3488, 3504, 3509, 3524, 3525, 3534, 3536, 3541, 3543, 3551, 3559, 3567, 3572, 3582, 3596, 3613, 3626, 3644, 3651, 3670, 3685, 3698, 3717, 3722, 3737, 3754, 3770, 3772, 3787, 3801, 3814, 3840, 3878, 3880, 3885, 3936, 3938, 3941, 3947, 3949, 3953, 3964, 3972, 3992, 4008, 4023, 4034, 4050, 4067, 4074, 4094, 4102, 4117, 4134, 4145, 4153, 4165, 4180, 4196, 4208, 4231, 4236, 4252, 4330, 4334, 4346, 4355, 4360, 4363, 4374, 4410, 4412, 4423, 4431, 4446, 4460, 4474, 4488, 4502, 4519, 4527, 4529, 4531, 4541, 4545, 4547, 4552, 4555, 4559, 4561, 4570, 4572, 4577, 4578, 4580, 4582, 4585, 4587, 4589, 4591, 4604, 4607, 4609, 4618, 4625, 4627, 4634, 4636, 4639, 4641, 4644, 4648, 4659, 4663, 4665, 4670, 4674, 4683, 4687, 4690, 4692, 4698, 4703, 4704, 4705, 4708, 4717, 4718, 4720, 4729, 4731, 4734, 4736, 4742, 4746, 4748, 4754, 4756, 4760, 4762, 4765, 4767, 4770, 4772, 4774, 4782, 4796, 4810, 4824, 4838, 4851, 4866, 4880, 4894, 4900, 4922, 4936, 4950, 4964, 4994, 4995, 4997, 4998, 4999

**Registered Bond Numbers
are as follows:**

- | | |
|------|-------|
| R-6 | R-99 |
| R-71 | R-100 |
| R-76 | R-101 |
| R-83 | R-102 |
| R-89 | R-103 |
| R-92 | R-104 |
| R-93 | R-108 |
| R-95 | R-110 |

On January 1, 1988, all bonds designated for redemption will become due and payable upon presentation thereof at the addresses given below. On and after January 1, 1988, interest on the principal amount called for redemption shall cease to accrue.

The bonds may be presented for payment, along with an IRS Form W-9 verifying owner's social security number, in person or by mail at the following addresses: The Merchants National Bank of Topeka, Attn: Corporate Trust/Redemption Clerk, P.O. Box 178, Topeka, KS 66601; or Citibank, N.A., Attn: Municipal Processing Agency, Sort #3685, New York, NY 10043.

JAMES D. DENNISON
Assistant Trust Officer
Merchants National Bank
of Topeka

Doc. No. 006007

State of Kansas

**BOARD OF AGRICULTURE
DIVISION OF WATER RESOURCES**

**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted at 2 p.m. Thursday, December 10, at the Big Bend Groundwater Management District No. 5 office, 125 S. Main, Stafford, at which time all interested persons will have an opportunity to be heard regarding the amendment of K.A.R. 5-25-4, a permanent rule and regulation promulgated under the authority of the Water Appropriation Act, K.S.A. 82a-701 *et seq.*, and the Groundwater Management District Act, K.S.A. 82a-1028(o), as a permanent amended rule and regulation of the Division of Water Resources, Kansas State Board of Agriculture. This amended regulation will become effective on May 1, 1988, as a permanent regulation.

All interested persons may attend the hearing and will be given an opportunity to express comments either orally, or in writing, or both. Persons unable to attend may submit written comments to the office of the chief engineer of the Division of Water Resources, Kansas State Board of Agriculture, 109 S.W. 9th, Suite 202, Topeka 66612-1283, on or before the date of the hearing. Prior notice to this office by anyone wishing to speak at the hearing would be helpful in arranging the agenda. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentations to five minutes.

The Division of Water Resources proposes to adopt the following amended regulation to be in effect in the Big Bend Groundwater Management District No. 5:

5-25-4. Safe Yield—Corrects the type of application subject to a safe yield criteria. There is no financial impact beyond that currently required by existing policies.

Copies of the proposed regulation and the fiscal impact statement may be obtained by writing to David L. Pope, Chief Engineer, Division of Water Resources, or Ralph Davis, Manager, Big Bend Groundwater Management District No. 5.

DAVID L. POPE, P.E.
Chief Engineer
Division of Water Resources

Doc. No. 006005

State of Kansas

**BOARD OF AGRICULTURE
DIVISION OF WATER RESOURCES**

**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted at 10 a.m. Tuesday, December 8, in Conference Room B of the Kansas State Board of Agriculture, 109 S.W. 9th, Topeka, at which time all interested persons will have an opportunity to be heard regarding the amendment of K.A.R. 5-1-1 and 5-3-4, rules and regulations of the Division of Water Resources, Kansas State Board of Agriculture, which were promulgated under the authority of the Water Appropriation Act, K.S.A. 82a-701 *et seq.* These amended permanent rules and regulations will be effective on May 1, 1988.

All interested persons may attend the hearing and will be given an opportunity to express comments either orally or in writing, or both. Persons unable to attend may submit written comments to the office of the chief engineer of the Division of Water Resources, Kansas State Board of Agriculture, 109 S.W. 9th, Suite 202, Topeka 66612-1283, on or before the date of the hearing. Prior notice to this office by anyone wishing to speak at the hearing would be helpful in arranging the agenda. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentations to five minutes.

The Division of Water Resources proposes to adopt the following amended regulations to be in effect on a statewide basis:

5-1-1. Definitions—Amends definitions of diversion works, household purposes and municipal use. There is no financial impact beyond that currently required by existing policies.

5-3-4. Application contents—Requires stratigraphic log of a well or test hole with application for new appropriation of water.

Most applicants for deep, high capacity wells already drill test holes, so there will be no fiscal impact to most applicants. For those applicants who would not have drilled test holes, test holes in the 350 to 600 foot range would cost about \$1.75 per foot, plus driller travel costs. Test holes in the 100 foot range cost approximately \$2 to \$2.25 per foot, plus driller travel costs.

Copies of the rules and regulations and fiscal impact statements may be obtained by writing to David L. Pope, Chief Engineer, Division of Water Resources, at the address above.

DAVID L. POPE, P.E.
Chief Engineer
Division of Water Resources

Doc. No. 006006

State of Kansas

**BEHAVIORAL SCIENCES
REGULATORY BOARD**

**TEMPORARY ADMINISTRATIVE
REGULATIONS**

**Article 3.—FEES; PROFESSIONAL
COUNSELOR**

102-3-2. Fees. Each applicant for professional counselor registration shall pay the appropriate fee set forth below:

- (a) application, \$75;
- (b) renewal of registration, \$75;
- (c) examination, \$100;
- (d) specialty recognition, \$75;
- (e) renewal of specialty recognition, \$75;
- (f) duplicate registration, \$20; or
- (g) reinstatement of registration, \$75. (Authorized by and implementing 1987 S.B. 78, Sec. 8; effective T-88-45, Nov. 10, 1987.)

**Article 4.—FEES; MASTERS
LEVEL PSYCHOLOGISTS**

102-4-2. Fees. Each applicant for registered masters level psychologist shall pay the appropriate fee set forth below:

- (a) application, \$75;
- (b) renewal of registration, \$75;
- (c) duplicate registration, \$20; or
- (d) temporary permit, \$75. (Authorized by and implementing L. 1987, ch. 306, Sec. 5, Sec. 6, and Sec. 7; effective, T-88-45, Nov. 10, 1987.)

MARY ANN GABEL
Executive Secretary

Doc. No. 005996

State of Kansas

THE KANSAS LOTTERY

**TEMPORARY ADMINISTRATIVE
REGULATIONS**

Article 4.—INDIVIDUAL GAME RULES

111-4-17. Name of Game. The Kansas lottery shall conduct an instant winner lottery game entitled "Up and Away" commencing on a date determined by the executive director. The rules for the "Up and Away" game are contained in K.A.R. 111-4-17 through 111-4-41. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-88-47, Nov. 4, 1987.)

111-4-18. Definitions. The following definitions shall apply to the "Up and Away" instant lottery game:

- a) "Executive director" means the executive director of the Kansas lottery.
- b) "Play area" is the portion of the front of each instant game ticket where the play symbols appear. It is covered by a removable layer of material which is

intended to be removed ("scratched off") by the player to reveal the play symbols.

c) "Play symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the play symbols are printed in gray-black ink in Kansas font in positive. A play symbol appears in each of six play spots within the play area. Each play symbol for this instant game is one of the following: "FREE," "\$2.00," "\$10.00," "\$50.00," "\$500.00," or "\$5,000.00."

d) "Play symbols captions" are the words or portions of words printed beneath each play symbol in the play area and are used to repeat or explain the play symbol. The play symbol caption associated with each play symbol is as follows: *Play Symbol Play Symbol Caption*

FREE	TICKET
\$2.00	TWO
\$10.00	TEN
\$50.00	FIFTY
\$500	FIVE HUNDRED
\$5000	FIVE THOUSAND

e) "Book" means a pack of fanfolded instant game tickets which are attached to each other by perforations, which perforations the retailer tears when selling a ticket from the book. The books are packed in plastic shrinkwrapping which shall be removed by the retailer so that the retailer can apply the retailer's name and number to each ticket prior to sale. In this instant game, each book shall consist of 300 instant game tickets fanfolded by fives.

f) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is a 9-digit number which appears under the "Void If Removed" spot on the bottom right center portion of the front of each instant ticket.

g) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is a 7-digit book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 299. The book-ticket number is printed in grayblack ink on the bottom right portion of the front of each instant game ticket.

h) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a two letter code printed and appearing in varying two of nine locations among the play symbols. The codes and their meanings are as follows: DD=Free Ticket; JJ=\$2.00; and KK=\$10.00.

i) "Bare arm technique" means a type of drawing in which the person drawing the winning ticket from the receptacle wears a short-sleeved (sleeve not extending

past the elbow) or a no-sleeve shirt which exposes the drawer's bare arm.

j) "Receptacle" means a container in which "Kansas Lottery Entry Envelopes" are placed and from which the preliminary "Grand Prize Drawing" selection is made.

k) "Drum" means a container which can be sealed and rotated for the purpose of mixing.

l) "Contestant" means any person participating in a lottery game and anyone designated by a prize winner to appear on his or her behalf for any lottery game including the Grand Prize Drawing. In the event the prize winner or his or her designee fails to appear for the Grand Prize Drawing, the executive director shall designate an adult who may be a member of his staff to participate on behalf of the non-appearing prize winner. Any prize won by a contestant appearing through a designee shall be payable to and delivered to the prize winner as provided by these rules and regulations. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-88-47, Nov. 4, 1987.)

111-4-19. Ticket Sales. a) Tickets for this instant game shall be sold for \$1.00 each.

b) To the extent possible, retailers shall sell their tickets in numerical order of the book-ticket numbers. No retailer shall promote or sell tickets in a manner contrary to the principle that every ticket has an equal and random chance of winning a prize.

c) Tickets shall be sold only by retailers with a current lottery retailer instant game contract in effect with the Kansas lottery. Tickets shall be sold only at the retailer's location which has been approved by the Kansas lottery and for which the retailer ordered the tickets.

d) Tickets shall not be sold to any person under the age of 18 years. Retailers may require persons purchasing tickets to produce proof of their age. (Authorized by L. 1987, Chapter 292, Section 10; implementing L. 1987, chapter 292, Section 10 & 18(a); effective T-88-47, Nov. 4, 1987.)

111-4-20. Determination of Instant Prize Winners. The following subparagraphs specify how an instant prize winner is determined for this instant game:

a) The player must remove or "scratch off" the removable layer of material covering the play area to reveal the six play symbols and captions. If any three play symbols match, the player wins the following prize:

GET	WIN
3 - FREE'S	FREE TICKET
3 - \$2.00's	\$2
3 - \$10.00's	\$10
3 - \$50.'s	\$50
3 - \$500.'s	\$500
3 - \$5000.'s	\$5000

b) In any event, only the highest instant prize shall be paid on a given ticket.

c) Once a player has collected a prize from a retailer, the player shall not be entitled to any other

(continued)

prize even if the prize paid by the retailer was less than the prize actually entitled to.

d) Only play symbols are used for determination of entitlement to instant prizes. Play symbol captions, validation numbers, agent validation codes, book-ticket numbers, any portion of the display printing and any extraneous materials are not play symbols and shall not be usable or playable to win instant prizes.

e) In all events, the determination of instant prize winners shall be subject to the general ticket validation requirements set forth in K.A.R. 111-4-22 and the requirements set forth on the back of each instant game ticket.

f) An instant ticket is a bearer instrument until signed on the back by the owner. The prize payable for an unsigned instant ticket shall be paid to the bearer thereof unless the ticket has been signed on the back. Once a ticket has been signed on the back, any prize payable for such ticket shall be paid to the apparent owner of the ticket as evidenced by such signature.

g) No particular prize may be paid more than once.

h) All instant prizes must be claimed within 180 days of the game start date as announced by the executive director. Any instant prize not claimed prior to such date and in the manner specified on the back of each ticket shall be forfeited.

i) The right of any person to a prize shall not be assignable, except that payment of any prize may be paid to the estate of a deceased prize winner or to a person designated pursuant to an appropriate judicial order. (Authorized by L. 1987, Chapter 292, Section 10(b), (c) & (i); implementing L. 1987, Chapter 292, Sections 10(b), (c) & (i) and 20 (b) & (d); effective T-88-47, Nov. 4, 1987.)

111-4-21. Number and Value of Instant Prizes. a) There will be approximately 26,100,000 tickets printed for this instant game. The expected number and value of the instant prizes are as follows:

Prize Expected	Expected Number of Prizes in Game	Expected Value in Game
FREE TICKET	2,610,000	---
\$ 2.00	2,175,000	\$ 4,350,000
\$ 10.00	348,000	3,480,000
\$ 50.00	14,500	725,000
\$ 500.00	1,450	725,000
\$5000.00	145	725,000
	<u>5,149,095</u>	<u>\$10,005,000</u>

b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold.

c) All prizes are subject to deductions provided by law. (Authorized by L. 1987, Chapter 292, Section 10(b), (c) & (f); implementing L. 1987, Chapter 292, Sections 10(b), (c) & (f) and 20; effective T-88-47, Nov. 4, 1987.)

111-4-22. Ticket Validation Requirements. a) Besides meeting all other requirements in these rules and those printed on the back of each instant ticket,

the following validation requirements shall apply to all tickets for this instant game:

1) The ticket must have been issued by the Kansas lottery in an authorized manner and must not be counterfeit in whole or in part.

2) The ticket must be complete and intact and not mutilated, altered, unreadable, reconstructed, or tampered with in any manner.

3) The ticket must not be blank or partially blank, misregistered, defective, or printed or produced in error.

4) The display printing on the ticket must be regular in every respect and correspond precisely with the artwork on file at the Kansas lottery.

5) The ticket must not be stolen nor appear on any list of omitted tickets on file at the Kansas lottery.

6) Exactly six play symbols must appear in the play area. Each play symbol must be exactly one of those described in K.A.R. 111-4-18(c).

7) Each of the six play symbols must have a play symbol caption underneath, and each play symbol caption must agree with its play symbol. Each play symbol caption must be exactly one of those described in K.A.R. 111-4-18(d).

8) Each of the play symbols and play symbol captions must be present in its entirety, fully legible, right side up, not reversed in any manner, and correspond precisely to the artwork on file at the Kansas lottery.

9) The ticket must have exactly one ticket validation number, one book-ticket number and one retailer validation code, each of which must be present in its entirety, be fully legible, be exactly as described in K.A.R. 111-4-18, and correspond precisely to the artwork on file at the Kansas lottery. The ticket validation number shall correspond, using the Kansas lottery codes, to the play symbols on the ticket.

10) The ticket validation number of an apparent winning ticket shall appear on the Kansas lottery's official list of ticket validation numbers of winning tickets and a ticket with that ticket validation number shall not have been paid previously.

11) The ticket must pass all additional confidential validation tests of the Kansas lottery.

b) Any ticket not passing all of the validation checks in this paragraph is void and ineligible for any prize. However, the executive director may, solely at his or her option, reimburse the player for the cost of an invalid ticket. In the event that a defective ticket is purchased, the only responsibility or liability of the Kansas lottery shall be for reimbursement of the cost of the defective ticket. (Authorized by and implementing 1987 L. Chapter 292, Section 10; effective T-88-47, Nov. 4, 1987.)

111-4-23. Payment of Prizes. The procedures for payment of instant prizes to the winners of the "Up and Away" game number 1 are as follows:

a) Instant game prizes of \$25.00 or less shall be paid as follows:

1) Present the ticket to the same retailer from whom the ticket was purchased. Upon validation of the ticket, the retailer shall immediately make payment for the prize to the claimant. If the retailer cannot

validate the claim, the claimant shall fill out a claim form provided by the retailer and personally present or mail the completed form together with the ticket to Kansas Lottery headquarters. If the claim is validated, then payment shall be made to the claimant by mail.

2) Bring the ticket to any Regional office of the Kansas Lottery during the hours that such office is open to the public for business. Upon verification of the claim, payment for such claim shall be made to the winner in the following manner:

A) The prize for a validated free ticket winner redeemed in this manner shall be \$1.00 to be paid by the Kansas Lottery.

B) The prize for a validated \$2.00 ticket winner redeemed in this manner shall be \$2.00 to be paid by the Kansas Lottery.

C) The prize for a validated \$10.00 ticket redeemed in this manner shall be \$10.00. All payments for \$10.00 winning tickets shall be made out of the lottery prize payment fund. Upon verification of the claim, the payment for the prize shall be mailed to the claimant.

3) Mail the ticket with a completed claim form to any office of the Kansas lottery. Claim forms can be obtained from any lottery instant game retailer or any office of the Kansas lottery. Upon verification of the claim, the payment for such claim shall be made to the winner in the following manner:

A) The prize for a validated free ticket winner redeemed in this manner shall be \$1.00 which shall be paid out of the Kansas lottery's imprest fund. Upon verification of the claim, the payment for the prize shall be mailed to the claimant.

B) The prize for a validated \$2.00 ticket winner redeemed in this manner shall be \$2.00 which shall be paid out of the Kansas lottery's imprest fund. Upon verification of the claim, the payment for the prize shall be mailed to the claimant.

C) The prize for a validated \$10.00 ticket redeemed in this manner shall be \$10.00 which shall be paid out of the lottery prize payment fund. Upon verification of the claim, the payment for the prize shall be mailed to the claimant.

b) Instant game prizes in excess of \$25.00 but less than \$100.00 shall be paid by any one of the following methods:

1) Present the ticket to any authorized Kansas lottery retailer. Upon validation of the ticket the retailer may immediately make payment of the prize to the claimant. If the retailer chooses not to make the payment, the claimant shall claim the prize in another manner prescribed in these rules.

2) Bring the ticket to any office of the Kansas lottery during the hours that such office is open to the public for business. Upon verification of the claim, the payment for the prize shall be mailed to the claimant.

3) Mail the ticket with a completed claim form to the Kansas lottery headquarters. Claim forms can be obtained from any lottery instant game retailer or any office of the Kansas lottery. Upon verification of the claim, the payment for the prize shall be mailed to the claimant.

c) Instant game prizes of \$100.00 or more shall be paid by any one of the following methods:

1) Bring the ticket to any office of the Kansas lottery during the hours that such office is open to the public for business. Upon verification of the claim, the payment shall be made to the claimant by the executive director by any means deemed appropriate.

2) Mail the ticket with a completed claim form to any office of the Kansas lottery. Claim forms may be obtained from any lottery instant game retailer or any office of the Kansas lottery. Upon verification of the claim, the payment shall be made to the claimant by the executive director by any means deemed appropriate. (Authorized by 1987 L. Chapter 292, Section 10(c) & 20(c); implementing L. 1987, Chapter 292, Sections 10(c), 12(a) and 20(c); effective T-88-47, Nov. 4, 1987.)

111-4-24. Responsibility for Lost or Stolen Tickets. The Kansas lottery is not responsible for lost or stolen instant game tickets. (Authorized by and implementing 1987 L. Chapter 292, Section 10; effective T-88-47, Nov. 4, 1987.)

111-4-25. Disputes. In the event of a dispute between a ticket bearer and the Kansas lottery concerning the "Up and Away" instant winner lottery game, and the "Grand Prize Drawing" associated with the "Up and Away" instant game, the executive director has the authority to determine the facts underlying the dispute and to pay a prize to the holder of a valid winning lottery ticket. If the investigation of the dispute is inconclusive, the executive director may, solely at his or her option, reimburse the ticket bearer for the cost of the disputed ticket. If the investigation of the dispute determines facts in favor of the Kansas lottery, the executive director shall deny any claim relating to the dispute. Authorized by and implementing 1987 L. Chapter 292, Section 10; effective T-88-47, Nov. 4, 1987.)

111-4-26. Governing Laws, Regulations, and Rules. In purchasing a ticket, the player agrees to comply with and abide by the Kansas lottery act (chapter 292 of the 1987 Session Laws); all rules and regulations of the Kansas lottery, whether temporary or permanent; and all procedures and instructions established by the Kansas lottery for the conduct of instant games. (Authorized by and implementing 1987 L. Chapter 292, Section 10; effective T-88-47, Nov. 4, 1987.)

111-4-27. Termination of the Game. The executive director may announce a termination date for the game at any time. Retailers shall not sell unopened books of tickets after this date. Partially opened books of tickets may be sold until remaining tickets are picked up by a Lottery Service Representative. (Authorized by and implementing 1987 L. Chapter 292, Section 10(d); effective T-88-47, Nov. 4, 1987.)

111-4-28. "Up and Away" Grand Prize Drawing. The Kansas lottery shall conduct one grand prize drawing in connection with the "Up and Away" instant ticket game. (Authorized by and implementing 1987 L. Chapter 292, Section 10(a); effective T-88-47, Nov. 4, 1987.)

(continued)

111-4-29. Method of Entry. Entry into the "Grand Prize Drawing" is accomplished by the following steps:

- a) Obtain a valid Kansas instant game lottery ticket;
- b) Determine if the ticket is a winning ticket in accordance with the "Up and Away" game rules K.A.R. 111-4-17 *et seq.* If the ticket is a winning ticket, it is not eligible for the "Grand Prize Drawing" and shall be redeemed in accordance with game rules;
- c) If the ticket is a non-winning ticket, the ticket is eligible for winning the drawing, and the holder of the ticket may enter the "Grand Prize Drawing" once the holder accumulates five (5) non-winning tickets;
- d) The holder of the five (5) non-winning tickets must complete the information form on the back of each ticket in a legible manner;
- e) The holder of the tickets must obtain a "Kansas Lottery Entry Envelope" from any Kansas lottery retailer; and
- f) Place the five (5) tickets into the envelope and mail them to the address printed on the envelope.
- g) There is no limit on the number of entries a person may make. (Authorized by and implementing L. 1987, Chapter 292, Section 10(b); effective T-88-47, Nov. 4, 1987.)

111-4-30. Certification of Weekly "Grand Prize Drawing" Contestant Selection. a) All preliminary and final "Grand Prize Drawing" contestant selection drawings shall be personally observed by a member of the Kansas lottery division of security designated by the executive director and by an auditor.

b) Upon completion of the drawings, the designated lottery security person and the auditor shall issue a signed report in affidavit form. This report shall certify the name of the contestant selected and that to the best of their knowledge the procedures required by these rules were followed in selecting the contestant.

c) The affidavit shall be placed in an envelope, sealed, and given to the director of security to hold in a secured file until the time designated by the executive director for the "Grand Prize Drawing." (Authorized by and implementing L. 1987, Chapter 292, Section 10(b); effective T-88-47, Nov. 4, 1987.)

111-4-31. Weekly Selection of Contestants. The following process shall be used for weekly "Grand Prize Drawing" Participant Selection:

a) Kansas Lottery mail room personnel accompanied by a member of the Lottery division of security shall pick up all mail trays containing "Kansas Lottery Entry Envelopes" at the Topeka United States Post Office on a daily basis.

b) The mail room and security personnel shall transport the mail trays to a secure area where they will be held until the time designated by the executive director for preliminary "Grand Prize Drawing" Participant Selection.

c) "Grand Prize Drawing Participant Selection" process shall be held weekly beginning two (2) weeks after the November 12 commencement of the "Up And Away" instant ticket game and continuing until two (2) weeks after the end of the "Up And Away"

game. All drawings shall be held in a place accessible to the public and be open for public attendance and with lottery security personnel present. All drawings shall be video taped.

d) An individual designated by the executive director shall pick at random 2 sealed envelopes from each tray. The designated individual shall use the bare-arm technique in drawing the 2 envelopes.

e) The designated individual shall place the envelopes in a receptacle.

f) Once the individual has selected 2 envelopes from each tray, the receptacle shall be sealed and the contents mixed by shaking or rotating the receptacle.

g) The designated individual shall then unseal the receptacle, and using the bare-arm technique, remove one (1) "Kansas Lottery Entry Envelope" from the receptacle.

h) The designated Kansas Lottery Security official shall unseal the "Kansas Lottery Entry Envelope" removed from the receptacle and review the tickets inside to determine if they are eligible for the "Grand Prize Drawing" in accordance with K.A.R. 111-4-36.

i) If the tickets contained in the envelope are determined to be ineligible, the envelope removed shall be discarded, the receptacle resealed, and the selection process repeated until one (1) valid entry is obtained from the receptacle.

j) All "Kansas Lottery Entry Envelopes" remaining in the receptacle and the mail trays after one valid entry has been selected shall be destroyed.

k) The one (1) valid entry envelope shall be certified and secured in accordance with Article 111-4-30. (Authorized by and implementing L. 1987, Chapter 292, Section 10(b); effective T-88-47, Nov. 4, 1987.)

111-4-32. Selection of Grand Prize Drawing Winner. a) The director of security or his designee shall remove the sealed envelopes containing the affidavits certifying the names of the "Grand Prize Drawing" contestants from the secure file and transport them to the site of the "Grand Prize Drawing." The sealed envelopes shall then be placed in a drum. The drum shall be sealed and turned by a person designated by the executive director a minimum of five (5) times to ensure random selection. Each contestant, in the same order that they were selected as contestants, shall remove one envelope from the drum. A board will be provided by the Lottery which contains headings marked off with certain prizes. The first envelope removed from the drum shall be placed under the grand prize heading. The remainder of the tickets shall be placed on the board under the other prize headings.

b) After all envelopes have been removed from the drum and placed on the board, the envelopes will be opened by a person designated by the executive director, with the envelope under the grand prize heading being the last one opened. The contestant whose name is in the envelope shall win the prize in the area of the board where the envelope was placed.

c) The "Grand Prize Drawing" shall be held in a public place, be open to the public, and be viewed by an auditor. The "Grand Prize Drawings" shall be

video and audio taped. (Authorized by and implementing L. 1987, Chapter 292, Section 10(); effective T-88-47, Nov. 4, 1987.)

111-4-33. Prizes. The prizes for the "Grand Prize Drawing" shall be one hundred thousand (100,000) dollars for the one (1) grand prize winner and five thousand (5,000) dollars for each contestant other than the grand prize winner. All prize awards are subject to lottery validation, set offs, and deductions as provided by law. (Authorized by and implementing L. 1987, Chapter 292, Section 10(); effective T-88-47, Nov. 4, 1987.)

111-4-34. Winner Validation. The following validation requirements shall apply to the "Grand Prize Drawing":

a) Each envelope must contain five (5) valid non-winning Kansas instant game lottery tickets from any game;

b) Each ticket must have the information form located on the back of the ticket filled out in a legible manner, and it must be signed by the same person;

c) Each ticket must have been issued by the Kansas lottery in an authorized manner and must not be counterfeit in whole or in part;

d) Each ticket must be complete and intact and not mutilated, altered, unreadable, reconstructed, or tampered with in any way;

e) Each ticket must not be blank or partially blank, misregistered, defective, or printed or produced in error;

f) The display printing on each ticket must be regular in every respect and correspond precisely with the artwork on file at the Kansas lottery.

g) Each ticket must not be stolen nor appear on any list of omitted tickets on file at the Kansas lottery;

h) Each ticket must have exactly one ticket validation number, one book-ticket number, and two retailer validation codes, each of which must be present in its entirety, be fully legible, be exactly as described in paragraph (d) above, and correspond precisely to the artwork on file at the Kansas Lottery. Each ticket validation number shall correspond to the play symbols on the ticket;

i) The ticket validation number of the tickets shall not appear on the Kansas lottery's official list of ticket validation numbers of winning tickets.

j) Any ticket not passing all the validation checks in this section is void and is not eligible for the "Grand Prize Drawing". (Authorized by and implementing L. 1987, Chapter 292, Section 10(b); effective T-88-47, Nov. 4, 1987.)

111-4-35. Security of Equipment. The drawing receptacle and the drum shall be stored in a locked secure area at all times when not in use. Keys to the secure area shall be under the exclusive control of the Kansas lottery division of security. Prior to use, the drawing receptacle or the drum shall be inspected by an auditor and by the Kansas lottery division of security to ensure it has not been tampered with and is in good working order. (Authorized by and implement-

ing L. 1987, Chapter 292, Section 10; effective T-88-47, Nov. 4, 1987.)

111-4-36. Rights of Participants. Any Kansas instant game lottery ticket entered into the "Grand Prize Drawing" is disqualified from any other Kansas lottery prize or eligibility that ticket may have been redeemable for. (Authorized by and implementing L. 1987, Chapter 292, Section 10(d); effective T-88-47, Nov. 4, 1987.)

111-4-37. Payment of Prizes. The executive director shall award the designated prize to the appropriate person as soon as it is determined that all laws, regulations, and rules have been adhered to. (Authorized by and implementing L. 1987, Chapter 292, Section 10(c), 20(b); effective T-88-47, Nov. 4, 1987.)

111-4-38. Certification of Drawing. a) The "Grand Prize Drawing" shall be personally observed by a member of the Kansas lottery security staff designated by the executive director and by an auditor.

b) Upon completion of the drawing, the designated Kansas lottery security person and the auditor shall issue a signed report in affidavit form to the executive director. This report shall certify the name of the grand prize winner and that to the best of their knowledge, the procedures required by these rules were followed in selecting the grand prize winner. (Authorized by and implementing L. 1987, Chapter 292, Section 10(b); effective T-88-47, Nov. 4, 1987.)

111-4-39. Governing Laws, Regulations, and Rules. In purchasing a ticket and entering the "Grand Prize Drawing," the player agrees to comply with and abide by the Kansas lottery act (Chapter 292 of the 1987 Session Laws); all rules and regulations of the Kansas lottery, whether permanent or temporary; and all procedures and instructions established by the Kansas lottery for the conduct of the "Grand Prize Drawing." (Authorized by and implementing L. 1987, Chapter 292, Section 10(b), (c), 20(b); effective T-88-47, Nov. 4, 1987.)

111-4-40. Minors Entitled to Prizes. For a minor under 18 years of age entitled to a prize, the Lottery may require:

a) The claim form for all prizes of \$25 or more to be signed by the parent or legal guardian of the minor, and

b) Payment by delivery of a draft payable to the order of the minor to a parent or legal guardian of the minor.

c) Where the prize exceeds \$5,000 payment shall be made for the benefit of the minor to the court appointed guardian or conservator, or as may otherwise be ordered by the court, upon receipt of written verification of the appointment of the legal guardian or conservator satisfactory to the executive director. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-88-47, Nov. 4, 1987.)

LARRY MONTGOMERY
Executive Director

Doc. No. 005994

State of Kansas

BOARD OF AGRICULTURE
TEMPORARY ADMINISTRATIVE
REGULATIONS

Article 1.—AGRICULTURAL CHEMICALS

4-1-17. Registration fee. The annual registration fee for each agricultural chemical registered shall be \$30.00. This regulation shall be effective for all agricultural chemicals registered for registration periods occurring from and after December 31, 1987 regardless of when the registration is received. (Authorized by K.S.A. 2-2204 as amended by L. 1987, Ch. 12, § 8, 2-2205; implementing K.S.A. 2-2204 as amended by L. 1987, Ch. 12, § 8; effective, T-83-35, Nov. 10, 1982; effective May 1, 1983; amended, T-88-46, Nov. 10, 1987.)

Article 3.—COMMERCIAL FEEDING STUFFS

4-3-49. Good manufacturing practices-adoption by reference. All of part 225 of title 9 of the code of federal regulations revised as of April 1, 1987, are hereby adopted by reference and shall apply to good manufacturing practices for the production of commercial feeding stuffs in Kansas. Copies of these regulations or the pertinent portions thereof are available from the office of control, division of inspections, Kansas state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2-1013 as amended by L. 1987, Ch. 7, § 1; effective, T-88-46, Nov. 10, 1987.)

4-3-50. Good manufacturing practices-additional definitions. (a) All references to any "form", either by number or by any other designation, in the portions of the code of federal regulations adopted by reference in K.A.R. 4-3-49 shall mean a form supplied by the division of inspections of the state board of agriculture.

(b) All references to "state feed control officials" in the portions of the code of federal regulations adopted by reference in K.A.R. 4-3-49 shall mean the secretary of state board of agriculture or the secretary's authorized representative.

(c) All references to "the center for veterinary medicine" contained in the portions of the code of federal regulations adopted by reference in K.A.R. 4-3-49 shall mean the division of inspections, Kansas state board of agriculture unless the context requires otherwise.

(d) Term "Type A medicated feed" or "Type A medicated article" means a feeding stuff or ingredient for a feeding stuff which is intended solely for use in the manufacture of either another Type A medicated article or a Type B or Type C medicated feed.

(e) The term "Type B medicated feed" means a feeding stuff or an ingredient for a feeding stuff which contains a substantial quantity of nutrients including vitamins or minerals or other nutritional ingredients in an amount not less than 25% of the weight of the Type A medicated article and which is intended solely for

the manufacture of other medicated feeds, either Type B or Type C.

(f) The term "Type C medicated feed" means a feeding stuff or an ingredient for a feeding stuff which contains a substantial quantity of nutrients including vitamins, minerals, or other nutritional ingredients and which is intended as the complete feed for the animal. Authorized by and implementing K.S.A. 2-1013 as amended by L. 1987, Ch. 7, § 1; effective, T-88-46, Nov. 10, 1987.)

Article 13.—PESTICIDES

4-13-9. Report of address, name, personnel change by business. A pesticide business licensee shall notify the secretary of any change in the business address or business name, and of any change in service personnel involved in the application of pesticides on a provided form or in writing, by the tenth day of the month following the month during which any such change occurred. The pesticide business licensee shall submit with each such report the required \$10.00 fee for each previously unreported uncertified individual employed to apply pesticides for a total of more than 10 days or for a period of five or more consecutive days during the month covered by this report. This report shall provide the full name, home address, social security number and birth date of each certified and uncertified applicator of pesticides listed therein. (Authorized by K.S.A. 2-2467a as amended by L. 1987, Ch. 12, § 5; implementing K.S.A. 2-2440 as amended by L. 1987, Ch. 12, § 9; effective, E-78-26, Sep. 7, 1977; effective May 1, 1978; amended, T-88-46, Nov. 10, 1987.)

4-13-16. Supervision of uncertified applicators. An uncertified applicator of restricted use pesticides shall be considered to be under the supervision of a certified applicator when the certified applicator has provided the uncertified applicator with detailed instructions in the handling and application of the pesticide being used. The certified applicator shall be available to the uncertified applicator by telephone, 2-way radio or other comparable means of communication during the times the restricted use pesticide is being applied. The certified applicator shall be physically present when such presence is required by the pesticide label. The certified applicator shall verify that the above requirements were met when requested to do so by the secretary or the secretary's authorized representative. Additionally, any uncertified applicator of restricted use pesticides, including registered pest control technicians, shall be considered to be under the supervision of a certified commercial applicator only if both individuals are stationed at and work from the same business address. (Authorized by K.S.A. 2-2467a, as amended by L. 1987, Ch. 12, § 5; implementing K.S.A. 2-2441a; effective, E-78-26, Sep. 7, 1977; effective May 1, 1978; T-88-46, Nov. 10, 1987.)

4-13-20. Pesticide business license fees. The application fee for a pesticide business license or for the renewal of a pesticide business license shall be

\$100.00 for each category in which the applicant applies for a pesticide business license or renewal of that license. An additional fee of \$10.00 for each uncertified individual employed by the applicant to apply pesticides shall also be paid. This regulation shall apply to all pesticide business licenses, or renewals thereof, that will be effective for calendar years commencing after December 31, 1987, regardless of when the application is received by the agency. (Authorized by K.S.A. 2-2440 as amended by L. 1987, Ch. 12, § 9, 2-2467a as amended by L. 1987, Ch. 12, § 5; implementing K.S.A. 2-2440 as amended by L. 1987, Ch. 12, § 9; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983; amended T-88-46, Nov. 10, 1987.)

4-13-31. Training of registered pest control technicians. All applicants for pest control technician registration shall have completed a minimum of 40 hours of verifiable training, 30 hours of which must consist of supervised application of pesticides in and around structures, and 10 hours of which must be classroom instruction. Training shall include the following:

(1) The proper use and maintenance of equipment, including calibration, "crack and crevice" and "spot" application, and other application techniques;

(2) The potential dangers involved in applying the pesticides, including:

(a) hazards to the applicator resulting from mixing, loading and applying pesticides, poisoning prevention, symptoms and first aid for pesticide poisoning;

(b) hazards to the occupants of the structures where pesticides are applied with particular emphasis on children, the aged and infirm;

(c) procedures for preventing pesticide contamination of food, groundwater, wells and cisterns, and the air within the structure being treated;

(d) basic information about each pesticide used for control of structural pests, including common names of the pesticides, where and how each pesticide may be applied, and the kinds of pests controlled;

(e) basic information about prevention and cleanup of spills; and

(f) the use of non-chemical means to control wood destroying and structural pests.

(3) Calculating the concentration of pesticides to be used and the quantities of diluted pesticide necessary to complete a particular treatment;

(4) Identification of common pests to be controlled and damages caused by such pests, including the life cycles and basic biology of subterranean termites, carpenter ants, wood decaying fungi, German, American and oriental cockroaches, silverfish, fleas, ticks, spiders, pantry pests, house mice, field mice, and Norway rats, and conditions which favor structural infestation by these pests;

(5) Protective clothing and equipment including the use and maintenance of rubber gloves and respirators;

(6) General precautions to be followed in the disposal of containers and rinsate, as well as the cleaning and decontamination of equipment;

(7) Applicable state and federal pesticide laws and regulations germane to the work of a technician, in-

cluding following label directions, direct supervision, information required on statements of services, and termite control application procedures;

(8) Basic information regarding elements of construction likely to be encountered including heating and plumbing systems and such terms as footing, foundation wall, wall voids, sill plate, joists, subfloor, and slab-on-grade. (Authorized by K.S.A. 2-2467a, as amended by L. 1987, Ch. 12, § 5; implementing L. 1987, Ch. 12, § 3; T-88-46, Nov. 10, 1987.)

4-13-32. Renewal of pest control technician registration. A pest control technician's registration may be renewed for a succeeding one-year period by paying the fees prescribed by law, completing the renewal application form provided by the secretary, and completing successfully six hours of classroom training in approved subjects during the effective period of the technician's registration. This training may be conducted by the pesticide business licensee, or in the alternative, the pest control technician may attend a training course approved by the secretary. The pesticide business licensee shall verify and maintain records to support the verification that each pest control technician it employs has satisfactorily completed the training required for renewal. (Authorized by K.S.A. 2-2467a, as amended by L. 1987, Ch. 12, § 5; implementing L. 1987, Ch. 12, § 4; T-88-46, Nov. 10, 1987.)

4-13-33. Pest Control Technician registration fee. The application fee for a pest control technician registration or for the renewal of a pest control technician registration shall be \$25.00. Any fee paid by the applicant pursuant to K.A.R. 4-13-9 shall be applied toward payment of the fee required by this regulation. This regulation shall apply to all pest control technician registrations, or renewals thereof, that will be effective for calendar years commencing after December 31, 1987, regardless of when the application is received by the agency. (Authorized by L. 1987, Ch. 12, § 2, 2-2467a as amended by L. 1987, Ch. 12, § 5; implementing L. 1987, Ch. 12, § 2; effective T-88-46, Nov. 10, 1987.)

4-13-34. Verification of training of registered pest control technicians. Each pesticide business licensee who applies pesticides or causes pesticides to be applied for the control of wood destroying pests or structural pests shall maintain records to verify that each registered pest control technician employed by the business licensee has received the required training. These training records shall contain the following information for each training session:

(1) the typed or printed name of the trainee;

(2) the subject matter covered;

(3) the type of training, classroom or on-the-job;

(4) the date on which the training occurred;

(5) the duration of the training in hours;

(6) the signature of each trainee; and

(7) the signature of the authorized officer or representative of the pesticide business licensee who administered the training. (Authorized by K.S.A. 2-2467a, as amended by L. 1987, Ch. 12, § 5;

(continued)

implementing L. 1987, Ch. 12, § 6; T-88-46, Nov. 10, 1987.)

4-13-35. Registered pest control technician identification cards. The secretary shall issue an identification card to each registered pest control technician upon satisfactory completion of the requirements for registration. This identification card shall show the registered technician's typed name and signature, the name of the business licensee employing the registered technician, the date on which the identification card was issued, and the expiration date of the registration. The registered pest control technician shall have this identification card in the technician's possession when applying any pesticide for the control of wood destroying pests or structural pests or when supervising the application of any general use pesti-

cide. The technician shall produce this identification card when requested to do so by any customer, law enforcement official, the secretary or any authorized representative of the secretary. This regulation does not authorize any registered pest control technician to supervise the use of, or to apply, any restricted use pesticide unless the application is supervised by a commercial applicator who is certified to apply restricted use pesticides for the control of wood destroying pests or structural pests. (Authorized by K.S.A. 2-2467a, as amended by L. 1987, Ch. 12, § 5; implementing L. 1987, Ch. 12, § 2; T-88-46, Nov. 10, 1987.)

SAM BROWNBACK
Secretary of Agriculture

Doc. No. 005996

State of Kansas

OFFICE OF JUDICIAL ADMINISTRATION SUPREME COURT DOCKET

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

Monday, December 7, 1987

9:30 a.m.

Case No.	Case Name	Attorneys	County
60,777	State of Kansas, Appellant, v. Porfiro R. Palacio, Appellee.	Robert T. Stephan, Attorney General Clarence D. Holeman, Assistant District Attorney Benjamin C. Wood	Sedgwick
60,094	State of Kansas, Appellee, v. Michael L. McGlothlin, Appellant.	Robert T. Stephan, Attorney General Clarence D. Holeman, Assistant District Attorney Benjamin C. Wood Steven R. Zinn	Sedgwick On Petition for Review
60,537	State of Kansas, Appellee, v. Douglas A. Dauber, Appellant.	Robert T. Stephan, Attorney General Clarence D. Holeman, Assistant District Attorney Benjamin C. Wood	Sedgwick
60,864	In the Matter of the Appeal of AT&T Technologies, Inc. from the Order of the Director of Taxation Dated November 18, 1985, Pursuant to K.S.A. 74-2438.	Michael B. Andolina Lawrence A. Dimmitt Michael C. Cavell Thomas E. Hatten	Tax Appeal

1:30 p.m.

60,509	Jack Mathis, Appellant, v. T.G.&Y., Appellee.	F. C. "Rick" Davis II Amy S. Lemley	Sedgwick
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60,536	Air Capital Aircraft Sales, Inc., Appellee, v. Associated Aviation Underwriters, <i>et al.</i> v. Farmers State Bank, Appellant.	Frank C. McMaster Byron Brainerd Richard V. Foote	Sedgwick
60,600	Denver Gearhart and Florence Gearhart, Appellants, v. Jim Lawing, Appellee.	C. Robert Bell H. E. Jones	Sedgwick

Tuesday, December 8, 1987

9:30 a.m.

Case No.	Case Name	Attorneys	County
60,434	State of Kansas, Appellee, v. Leslie Kimball, Appellant.	Robert T. Stephan, Attorney General Paul Morrison, Assistant District Attorney Benjamin C. Wood	Johnson
60,676 (Consolidated with 60,688)	State of Kansas, Appellant, v. Brian C. Bailey, Appellee.	Robert T. Stephan, Attorney General Dennis W. Moore, District Attorney Benjamin C. Wood	Johnson
60,654	Wyandot Mental Health Center, Inc., Appellee, v. Kansas Employment Security Board of Review and Linda G. Knudsen, Appellant.	James R. Goheen Jeanette Bertelson Elizabeth A. Carson	Wyandotte
60,724	In the Matter of the Marriage of Judith Ann Gulliver Pearce and Harold Thuman Pearce.	Anne L. Baker John W. Lungstrum Anne P. Garlinghouse	Shawnee
1:30 p.m.			
59,650	State of Kansas, Appellee, v. Paul A. Scobee, Appellant.	Robert T. Stephan, Attorney General Herman A. Loepp, County Attorney Steven B. Doering	Anderson On Petition for Review
59,769	State of Kansas, Appellee, v. Victor White, Appellant.	Robert T. Stephan, Attorney General Lloyd R. Graham, Assistant County Attorney Benjamin C. Wood	Geary On Petition for Review
59,594	Robert Hachiya and Cheri Livingston, Appellants, v. Board of Education, Unified School District 307, Saline County, Kansas, Appellees.	David M. Schauner Sally H. Rogers Robert Adrian	Saline On Petition for Review

(continued)

Wednesday, December 9, 1987

9:30 a.m.

Case No.	Case Name	Attorneys	County
59,925	Ronald E. Denton, Appellee, v. Sunflower Electric Cooperative and Home Indemnity Company and Workers' Compensation Fund, Appellant.	Lelyn J. Braun Harry Bleeker Brock R. McPherson Michael J. Unrein Kerry M. Gasper	Finney On Petition for Review
58,803	The Western Motor Company, Inc., Appellant, v. Perry V. Koehn, Appellee, v. Universal Underwriters Insurance Company.	J. Taylor Neuschwander Jim Armstrong Steven M. Kerwick William Tinker	Finney On Petition for Review
59,437	In the Interest of K. J. and A. J., Minor Children Under 18 Years of Age.	Susan Jones, Assistant County Attorney Gerald Schultz Michael Quint Michael K. Ramsey	Finney On Petition for Review Thomas On Petition for Review
60,847	Dan S. Schroeder, <i>et al.</i> , Appellees, v. John Urban, <i>et al.</i> , Appellants.	Robert J. Lewis, Jr. James R. McEntire	On Petition for Review Thomas On Petition for Review

1:30 p.m.

59,542	Roy E. McAlister, Appellant, v. Atlantic-Richfield Company, a Corporation, <i>et al.</i> , Appellees.	Roy E. McAlister, <i>pro se</i> Evan Olson Carl L. Wettig Robert Siefkin Hal Melter Donald R. Snapp William Sumner Scott	Harvey
60,547	Arthur Bockhaus, <i>et al.</i> , Appellants, v. City of Halstead, Kansas, <i>et al.</i> , Appellees.	L. H. Goossen Steve Kerwick Larry R. Baer Mary P. Wettig James Hall	Harvey

Thursday, December 10, 1987

9:30 a.m.

Case No.	Case Name	Attorneys	County
60,448	State of Kansas, Appellee, v. Billy Joe Anthony, Appellant.	Robert T. Stephan, Attorney General Gene Porter, County Attorney Michael S. Holland	Barton
60,502	State of Kansas, Appellee, v. Robert Johnson, aka Bob Johnson, Appellant.	Robert T. Stephan, Attorney General Granville M. Bush IV, County Attorney J. Douglas Miller	Rice

60,576	State of Kansas, Appellee, v. Thomas Helms, Appellant.	Robert T. Stephan, Attorney General Philip W. Unruh, County Attorney	Harper
59,060	State of Kansas, Appellee, v. Donald A. Dillon, Appellant.	Benjamin C. Wood Robert T. Stephan, Attorney General Darrell E. Miller, County Attorney	Jewell On Petition for Review

1:30 p.m.

57,659	Pak-Mor Manufacturing Company, Appellant, v. The City of Russell, Kansas, Appellee.	Mark Arthur, Jr. Robert Earnest	Russell On Petition for Review
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Friday, December 11, 1987

9:30 a.m.

Case No.	Case Name	Attorneys	County
60,212	State of Kansas, Appellant, v. Stephen M. Fox, Appellee.	Robert T. Stephan, Attorney General John A. Sparks, County Attorney Benjamin C. Wood	Pottawatomie
Consolidated with			
60,213	State of Kansas, Appellant, v. Mark D. Lowe, Appellee.	Robert T. Stephan, Attorney General John A. Sparks, County Attorney Benjamin C. Wood	Pottawatomie
60,740	State of Kansas, Appellee, v. Bruce A. Cooper, Appellant.	Robert T. Stephan, Attorney General Nick A. Tomasic, District Attorney Benjamin C. Wood	Wyandotte
60,607	State of Kansas, Appellee, v. Leslie Webb, Appellant.	Robert T. Stephan, Attorney General Gene Olander, District Attorney Benjamin C. Wood	Shawnee

LEWIS C. CARTER
Clerk of the Appellate Courts

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