

# KANSAS REGISTER



State of Kansas

**BILL GRAVES**  
Secretary of State

Vol. 7, No. 32

August 11, 1988

Pages 1371-1414

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## State of Kansas

**ABSTRACTERS' BOARD OF EXAMINERS****NOTICE OF EXAMINATION**

The Abstracter's Board of Examiners will conduct an examination for persons wanting to secure registration and become subject to license to engage in the business of making, compiling or completing and selling abstracts of title to real estate in the state of Kansas. The examination will be held at 8 a.m. Saturday, September 17, at the Marcus Center for Continuing Education, Wichita State University, 4201 E. 21st, Wichita.

Persons desiring to take the examination need to file an application with the executive secretary of the board, P.O. Box 218, Jetmore 67854, before September 10. A \$25 fee must be included with the application.

JOANNE CLARKE  
Executive Secretary

Doc. No. 006877

## State of Kansas

**ATTORNEY GENERAL****Opinion No. 88-106**

**Automobiles and Other Vehicles—Driving Under Influence of Alcohol or Drugs; Related Provisions—Alcohol and Drug Safety Action Program; Fees, Disposition.** Paul Wright, Municipal Judge, Clay Center, July 21, 1988.

Moneys credited to the alcohol and drug safety action fund pursuant to K.S.A. 1987 Supp. 8-1008(e) may not be used to pay for a training course on drug and alcohol abuse attended by a municipal court judge. Cited herein: K.S.A. 1987 Supp. 8-1008. TMN

**Opinion No. 88-107**

**Criminal Procedure—Code; Release Procedures—The Effect of Good Time Credits on Those Sentenced Prior to July 1, 1982 Under K.S.A. 21-4618.** Charles E. Simmons, Chief Legal Counsel, Department of Corrections, Topeka, August 1, 1988.

L. 1988, ch. 115, which allocates good time credits for the purpose of determining parole eligibility and conditional release, should be applied retroactively to those sentenced under K.S.A. 21-4618 prior to July 1, 1982. Cited herein: K.S.A. 21-4618; K.S.A. 1987 Supp. 22-3717 as amended by L. 1988, ch. 115, § 2. BLB

**Opinion No. 88-108**

**Schools—Miscellaneous Provisions—Use of Tobacco Products in Public School Buildings Prohibited.**

**Schools—Vocational Education—General Provisions—Definitions.** Melvin F. Corn, Director, Area Vocational-Technical School, Liberal, August 1, 1988.

The plain language of L. 1988, ch. 229, § 1, prohibits the use of tobacco products in school buildings used by the board of education of a unified school district. The legislative history implies that this prohibition applies only when the school buildings are used by students in grades K-12. An area vocational school or an area vocational technical school in which students in grades K-12 do not attend is not bound by the prohibition. However, if students in grades K-12 do attend a vocational school governed by a U.S.D. board of education, use of tobacco products in the school building is prohibited. Cited herein: K.S.A. 72-4411; 72-4412; L. 1988, ch. 229, § 1 (to be codified at K.S.A. 72-53,107). MWS

ROBERT T. STEPHAN  
Attorney General

Doc. No. 006890

The *Kansas Register* is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The *Kansas Register* is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One-year subscriptions are \$55. Single copies may be purchased, if available, for \$2 each. Second class postage paid at Topeka, KS. ISSN No. 0744-2254.

*Postmaster.* Send change of address form to *Kansas Register*, Secretary of State, State Capitol, Topeka, KS 66612-1594.

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



Phone: (913) 296-3489

## State of Kansas

**KANSAS WATER AUTHORITY****NOTICE OF MEETING**

The Kansas Water Authority will meet August 24 at the Ramada Inn in Salina. A copy of the agenda may be obtained by contacting Dotty Kester, Kansas Water Office, Suite 200, 109 S.W. 9th, Topeka 66612-1215, (913) 296-3185.

JOHN L. BALDWIN  
Chairman

Doc. No. 006899

## State of Kansas

**BOARD OF REGENTS****NOTICE OF HEARING  
ON PROPOSED  
ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted from 9 a.m. to 9:30 a.m. Monday, September 12, in the boardroom of the Kansas Board of Regents, Suite 609, Capitol Tower Building, Topeka, to consider the adoption of K.A.R. 88-3-12 on a temporary and permanent basis.

All interested parties may submit written comments prior to the hearing to the general counsel of the Kansas Board of Regents, 400 S.W. 8th, Suite 609, Topeka 66603. All interested parties will be given a reasonable opportunity at the hearing to present their views orally on the adoption of the proposed regulation. In order to give all parties an opportunity to express their views, it may be necessary to request each participant to limit oral presentation to five minutes.

This 30-day notice constitutes a public comment period for the purpose of receiving written public comments on the proposed regulation.

The regulation provides for a waiver of nonresident tuition for certain individuals, their spouses and dependents who become domiciliary residents of the state of Kansas upon their discharge or retirement from active military service, but who have not been domiciliary residents of the state for 12 months. The regulation also details the information needed to qualify for the waiver.

The proposed regulation will decrease tuition for the regulated persons. There will be no additional costs to the Board of Regents, and the regulation may lead to an increase in enrollments. There is no determinable economic impact on the general public.

Copies of the proposed regulation and economic impact statement may be obtained by contacting Ted D. Ayres, General Counsel, Kansas Board of Regents, Suite 609, Capitol Tower, 400 S.W. 8th, Topeka 66603.

TED D. AYRES  
General Counsel

Doc. No. 006889

## State of Kansas

**BOARD OF REGENTS****NOTICE OF HEARING  
ON PROPOSED  
ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted from 9:30 a.m. to 10 a.m. Monday, September 12, in the boardroom of the Kansas Board of Regents, Suite 609, Capitol Tower Building, Topeka, to consider the adoption of proposed rules and regulations 88-9-1 through 88-9-6 of the Kansas Board of Regents on a temporary and permanent basis.

All interested parties may submit written comments prior to the hearing to the general counsel of the Kansas Board of Regents, 400 S.W. 8th, Suite 609, Topeka 66603. All interested parties will be given a reasonable opportunity at the hearing to present their views orally on the adoption of the proposed regulations. In order to give all parties an opportunity to express their views, it may be necessary to request each participant to limit oral presentation to five minutes.

This 30-day notice constitutes a public comment period for the purpose of receiving written public comments on the proposed regulations.

A summary of K.A.R. 88-9-1, 88-9-2, 88-9-3, 88-9-4, 88-9-5 and 88-9-6 follows.

**88-9-1.** Defines terms used in the regulations relating to the Vocational Educational Scholarship Program.

**88-9-2.** Establishes eligibility requirements for participation in the Vocational Educational Scholarship Program.

**88-9-3.** Sets forth information on the competitive examination which must be completed to be considered for the Vocational Education Scholarship Program.

**88-9-4.** Sets forth information on filing applications for the Vocational Education Scholarship Program.

**88-9-5.** Establishes requirements for information to be certified by each institution with an eligible vocational education program and a scholar or scholars qualified under the Vocational Educational Scholarship Program.

**88-9-6.** Sets forth manner in which vocational educational scholars will be designated and notified of awards.

The proposed regulations will impose a \$5 fee on applicants to the program. The regulations will provide for the awarding of financial assistance to those individuals selected as scholars. There will be additional costs to the Board of Regents for administration of the program which will be covered, in part, by the \$5 fee. The funding for the vocational educational scholarship program, provided by state general funds, will be \$37,500 for fiscal year 1989. There will be no other costs to the public.

Copies of the proposed regulations and economic impact statement may be obtained by contacting Ted D. Ayres, General Counsel, Kansas Board of Regents, Suite 609, Capitol Tower, 400 S.W. 8th, Topeka 66603.

TED D. AYRES  
General Counsel

Doc. No. 006888

## State of Kansas

DEPARTMENT OF ADMINISTRATION  
DIVISION OF PURCHASES

## NOTICE TO BIDDERS

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

Monday, August 22, 1988

#A-5844

Department of Transportation—REMODEL AREA BUILDING, Winfield

#A-5844

Department of Transportation—REMODEL AREA BUILDING, Phillipsburg

#A-5956

Department of Administration, Buildings and Grounds Services—CAFETERIA REMODELING, KITCHEN PHASE

#25690

Department of Administration, Buildings and Ground Services—ELEVATOR MAINTENANCE—STATE CAPITOL

#26655

Department of Social and Rehabilitation Services—LICENSED SECURITY GUARD SERVICE, Kansas City

#27326

University of Kansas, University of Kansas Medical Center, Kansas State University, and Wichita State University—SPECIALIZED LABORATORY CHEMICALS

#75471

Department of Corrections—FURNISH AND INSTALL VENTILATOR SYSTEM, Toronto

#75472

Department of Transportation—STEEL POSTS, DELINEATOR POSTS, Salina

#75485

University of Kansas—X.25 PACKET SWITCHES

#75486

Kansas Correctional Institute at Lansing—ASPHALT PAVING

Tuesday, August 23, 1988

#27518

Statewide—CANNED GOODS

#75495

Emporia State University—TRAINING ROOM FURNITURE

#75496

Department of Transportation—BLADES, various locations

#75497

Kansas State Penitentiary—LUMBER, PLYWOOD AND BUILDING MATERIALS

#75498

Kansas Neurological Institute—TRACTOR

#75499

Kansas State Penitentiary—AIR COMPRESSOR

#75500

Department of Wildlife and Parks—WATER PUMP, St. Paul

#75506

Department of Administration, Division of Information Systems and Communications—WANG TAPE DRIVE UNIT AND MAGNETIC TAPE DRIVE CONTROLLER

#75509

Wichita State University—MAP FILES

#75534

Department of Health and Environment—BIRTH REGISTRATION SYSTEM

#75535

Kansas Public Employees Retirement System—IBM 9335-B01 DISK DRIVE

Wednesday, August 24, 1988

#75516

Kansas Highway Patrol—AMMUNITION

#75517

Rainbow Mental Health—TRACTOR

#75518

Kansas State University—SPRAYER

#75519

Kansas State University, Kansas State Penitentiary Department of Corrections—VEHICLES

#75536

Wichita State University—RIBBONS

#75537

Department of Human Resources—CONTINUOUS FORMS

Thursday, August 25, 1988

#27281

Kansas State University and various agencies—VETERINARY (ANIMAL) PHARMACEUTICALS

#75549

Kansas State Industrial Reformatory—PRINTING PRESS

#75550

University of Kansas Medical Center—OXIMETER

#75553

University of Kansas Medical Center—CENTRIFUGE ROTORS

#75554

Kansas State University—BOOM TRUCK

Friday, August 26, 1988

#75569

University of Kansas Medical Center—PRINTING PRESS

#75573

Kansas State University—LAB FURNITURE

#75574

Pittsburg State University—CARPET

Monday, August 29, 1988

#27322

Kansas College of Technology—AIRCRAFT INSURANCE

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 006896

State of Kansas

LEGISLATURE

INTERIM COMMITTEE SCHEDULE

The following committee meetings have been scheduled during the period of August 15 through August 28:

Date	Room	Time	Committee	Agenda
August 15	514-S	10:00 a.m.	Joint Committee on	Cancelled.
August 16	514-S	9:00 a.m.	Administrative Rules and Regulations	
August 17	519-S	10:00 a.m.	Special Committee on	Hearings on Proposal No. 1— Chemigation Safety Law Study.
August 18	519-S	9:00 a.m.	Agriculture and Livestock	
August 18	514-S	10:00 a.m.	Special Committee on	18th: Presentation by Dr. John Augenblick, AVA. 19th: Presentation by Dr. James Bliss, Missouri Department of Education.
August 19	514-S	9:00 a.m.	School Finance	
August 19	529-S	10:00 a.m.	Joint Committee on Special Claims Against the State	Hearings on claims filed to date.
August 22	526-S	10:00 a.m.	Special Committee on	Hearings on Proposal No. 13—Collection of Small Quantities of Hazardous Waste.
August 23	526-S	9:00 a.m.	Energy and Natural Resources	
August 22	519-S	10:00 a.m.	Special Committee on	Hearings on Proposal No. 43—Highway Program; possible committee discussion on Proposal No. 43—General and Commercial Aviation; possible committee discussion on Proposal No. 44—Automobile After Market Parts.
August 23	519-S	9:00 a.m.	Transportation	
August 23	527-S	10:00 a.m.	Legislative Educational	Agenda unavailable.
August 24	527-S	9:00 a.m.	Planning Committee	
August 24	519-S	10:00 a.m.	Special Committee on Ways and Means/Appropriations	24th: (a.m.) Hearings on Proposal No. 51—Distribution of Certain State Publications. (p.m.) Hearings on Proposal No. 49—State-Mandated Firefighter Training Program; staff briefing on Proposal No. 48—Corrections Initiatives. 25th: (a.m.) Staff memo and conferees, Proposal No. 47—Mental Health Services. (p.m.) Department of Corrections, Proposal No. 48—Corrections Initiatives.
August 25	519-S	9:00 a.m.		
August 25	123-S	10:00 a.m.	Legislative Post Audit Committee	Review of completed financial and compliance audits; review of completed performance audits; review of audits in process; and consideration of audit requests.
August 25	514-S	10:00 a.m.	Special Committee on	Agenda unavailable.
August 26	527-S	9:00 a.m.	Judiciary	
August 25	527-S	10:00 a.m.	Special Committee on	Hearings on Proposals No. 37—In-Home Care and Services for Handicapped and Functionally Disabled Persons, and No. 40—Limitations on Delivery of In-Home Service.
August 26	527-S	9:00 a.m.	Public Health and Welfare	

WILLIAM R. BACHMAN  
Director of Legislative  
Administrative Services

## State of Kansas

## UNIVERSITY OF KANSAS

## NOTICE TO BIDDERS

Sealed bids for items listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. C.D.T. on the date indicated and then will be publicly opened. Interested bidders may call (913) 864-3416 for additional information.

Monday, August 22, 1988

RFQ #89 0193

Gas Chromatograph, mainframe with capillary split/splitless injection port, single flame ionization detector and column oven and other accessories.

GENE PUCKETT, L.C.P.M.  
Director of Purchasing

Doc. No. 006887

## State of Kansas

## SECRETARY OF STATE

## EXECUTIVE APPOINTMENTS

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

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

The following appointments were filed August 2 through August 5:

**State Senator, 40th District**

John N. Sears, 5 Plymouth Drive, Colby 67701. Effective July 26, 1988. Term expires when a successor is elected and qualifies according to law. Succeeds Richard Gannon, resigned.

**Kansas Racing Commission**

Kay Arvin, 125 N. Armour, Wichita 67206. Effective July 27, 1988. Term expires June 30, 1991. Reappointment.

**Kansas Wildlife and Parks Commission**

Kathy Brown George, Route 3, Box 36A, Spring Valley Road, Junction City 66441. Effective July 27, 1988. Term expires June 30, 1992. Reappointment.

BILL GRAVES  
Secretary of State

## State of Kansas

## KANSAS STATE UNIVERSITY

## NOTICE TO BIDDERS

Sealed bids for items listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 4 p.m. C.D.T. on the date indicated and then will be publicly opened. Interested bidders may call (913) 532-6214 for additional information.

Wednesday, August 24, 1988

#90013

Long path supercell with infrared source,  
optical bench and transfer optics

WILLIAM H. SESLER  
Director of Purchasing

Doc. No. 006891

## State of Kansas

## DEPARTMENT OF TRANSPORTATION

## NOTICE TO CONSULTING ENGINEERS

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

**Riley**—18-81 K-3433-01—K-18, study and design for the reconstruction of bridges over K-113 (026 & 027).

**Johnson**—35-46 K-3347-01—I-35, reconstruction of the interchange of U.S. 56 (175th Street) and I-35 at Gardner.

**Johnson**—435-46 K-3637-01, 435-46 K-2821-01 and 435-46 K-2880-01—I-435, study to establish design criteria for future plan development from Metcalf east to the Missouri state line. Design the replacement or widening of the bridges over Indian Creek (061 & 062) and bridges over Mission Road (058 & 059).

**Sedgwick**—2-87 K-3323-01—K-2, reconstruct to 44-foot roadway from 1.2 miles east of FAS 2061 northeast to west city limits of Wichita.

**Reno**—61-78 K-3434-01—K-61, replacement of the Little Arkansas bridge (050), 9.7 miles northeast of U.S. 50.

Firms expressing interest in these projects must respond in writing and complete the "Consulting Engineers Qualification Questionnaire" (if not already prequalified) by August 18.

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. 006871

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 when issued will 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.

<p><b>Name and Address of Applicant</b>                  Mayor and City Council                  % City Clerk                  City Hall                  Silver Lake, KS 66539                  Shawnee County, Kansas                  Kansas Permit No. M-KS69-0001</p>	<p><b>Waterway</b>                  Kansas River</p>	<p><b>Type of Discharge</b>                  Secondary Wastewater                  Treatment Facility</p>
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Federal Permit No. KS-0079260

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.

<p><b>Name and Address of Applicant</b>                  Tamko Asphalt Products, Inc.                  P.O. Box 326                  Phillipsburg, KS 67661                  Phillips County, Kansas                  Kansas Permit No. I-S031-P001</p>	<p><b>Waterway</b>                  Solomon River via Deer Creek via Drainage ditch</p>	<p><b>Type of Discharge</b>                  Process wastewater, cooling water and stormwater runoff</p>
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Federal Permit No. KS-0001392

Description of Facility: Manufactures composition and fiberglass roofing materials. This is an existing facility and the previous limitations have been modified. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, KDHE, Division of Environment, Bureau of Water Protection, Forbes Field, Topeka 66620. All comments received prior to September 9 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-88-52/53) and name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations. In 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 from 8 a.m. to 4:30 p.m. Monday through Friday.

The documents are available upon request at the copy-

ing cost assessed by KDHE. Additional copies of this public notice may also be obtained at the address above.

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

Doc. No. 006902

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.D.T. September 1, 1988, and then publicly opened:

**DISTRICT ONE—Northeast**

**Osage—35-70 K-3595-01—I-35**, beginning 0.5 mile east at the intersection of U.S. 75 and I-35, then east, 6 miles, resurfacing. (State Funds)

**Wyandotte—70-105 K-3634-01—I-70**, bridge 174 to eastbound I-70 and bridge 175 to westbound I-70 viaduct to U.S. 24 (fire damage), bridge repair. (State Funds)

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

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

Plans and specifications for the 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. 006900

## State of Kansas

DEPARTMENT OF HEALTH  
AND ENVIRONMENTNOTICE CONCERNING KANSAS  
WATER POLLUTION CONTROL PERMIT

In accordance with state regulations 28-16-57 through 63 and 28-18-1 through 4, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared water pollution abatement facilities for the feedlots described below.

The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards and regulations of the state of Kansas and the EPA. The permit requires control of any existing or potential discharges to achieve the goal of "no discharge" whenever possible. The permit upon issuance will constitute a state water pollution control and national pollutant discharge elimination system permit.

Name and Address of Applicant	Legal Description	Receiving Water
Classic Feeders, Inc. P.O. Box 146 Little River, KS 67457	SE/4 of Section 5, Township 19S, Range 6W of Rice County, Kansas	Little Arkansas River Basin

Kansas Permit No. A-LARC-C001 Federal Permit No. KS-0085316  
The feedlot has capacity for approximately 1,800 cattle and a contributing drainage area of approximately 13 acres.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent disposal upon agricultural land. Storage capabilities are provided in excess of 5.0 acre-feet.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
S.F.Y. Div. of Beef Belt Feeders, Inc. Route 1 Scott City, KS 67871	NE/4 of Section 24, Township 18S, Range 31W of Scott County, Kansas	Upper Arkansas River Basin

Kansas Permit No. A-UASC-C008 Federal Permit No. KS-0115151  
The feedlot has capacity for approximately 6,500 cattle and a contributing drainage of approximately 30 acres.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent disposal upon agricultural land. Storage capabilities are provided in excess of 9.8 acre-feet.

Compliance Schedule: None, existing controls adequate.

Written comments on the proposed NPDES permits may be submitted to Bethel Spotts, Permit Clerk, Permits and Compliance Section, KDHE, Division of Environment, Bureau of Water Protection, Forbes Field, Topeka 66620. All comments received prior to September 9 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-AG-15/16) and name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations within 30 days of this notice. 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, special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building

740, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday.

The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice may also be obtained at the address above.

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

Doc. No. 006901

## State of Kansas

## DEPARTMENT OF TRANSPORTATION

## NOTICE TO CONTRACTORS

Sealed proposals for the construction of road and bridge work in the following Kansas county will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.D.T. August 18, 1988, and then publicly opened:

## DISTRICT TWO-Northcentral

Clay—82-14M-1501-01—K-82, Milford Lake bridge 26, 6.8 miles east of K-15, 0.2 mile, bridge repair. (State Funds)

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

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

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

HORACE B. EDWARDS  
Secretary of Transportation

Doc. No. 006870



State of Kansas

## OFFICE OF JUDICIAL ADMINISTRATION

## COURT OF APPEALS DOCKET

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

Kansas Court of Appeals  
 Division I, Courtroom 300, Johnson County Courthouse  
 Olathe, Kansas

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

Monday, August 22, 1988

9:00 a.m.

Case No.	Case Name	Attorneys	County
61,353	George Turley, Appellant, v. Donald Biggs, dba Roeland Park Auto Center, Appellee.	Zygmunt J. Jarczyk Steve C. Albert	Johnson
61,657	Lance Stone, by and through his natural guardians and next friends, Jerry Stone and Dee Stone, Appellees, v. The Kansas State High School Activities Association, Inc., and the Board of Education of Unified School District 464, Appellants.	Michael Gibbens Randall J. Forbes Dennis L. Harris	Leavenworth
61,111	Redwood Gardens Home Association, Inc., Appellee, v. Marie F. Jacks and Anthony Sirna, and Board of County Commissioners of Wyandotte County, Kansas, Appellant.	Dennis L. Harris J. R. Russell	Wyandotte
61,368	State of Kansas, Appellee, v. Wanda J. Estill, Appellant.	Stephen Obermier, Asst. D.A. Attorney General Andrew L. Warren	Johnson
1:00 p.m.			
61,650	In the Interest of A.W., C.J.P. Jr., and M.P.	Kim Wetzel, Asst. D.A. Craig Lubow John S. Sutherland	Wyandotte
61,043	State of Kansas, Appellee, v. Vernon L. Stuteville, Appellant.	Dennis Moore, D.A. Attorney General Benjamin F. Farney John P. Gerstle	Johnson

(continued)

61,684	Candelario Olivas, v. Sunshine, Biscuits, Appellees, v. Liberty Mutual Insurance Co., Appellant, v. The Kansas Workers' Compensation Fund.	Samual J. Wells  John David Jurcyk	Wyandotte
61,707	State of Kansas, Appellee,  v. Robert L. McMillen, Appellant.	M. Bradley Watson, Asst. D.A. Attorney General  Benjamin C. Wood Rick Kittel	Johnson
59,690	State of Kansas, Appellee,  v. Harvey R. Evilsizer, Appellant.	Bruce Beye, Asst. D.A. Attorney General  Benjamin C. Wood	Johnson

Tuesday, August 23, 1988

9:30 a.m.

Case No.	Case Name	Attorneys	County
61,478	Mark D. Logan and the Kansas Commission on Civil Rights, Appellants, v. Turner Chevrolet, Inc., Appellee.	Roger W. Lovett  Harry E. Warren	Douglas
61,204	State of Kansas, Appellee,  v. Gordon Winkleman, Appellant.	John H. Taylor, Asst. Co. Atty. Attorney General  Benjamin C. Wood	Geary

Summary Calendar—No Oral Argument

61,697	Carlie Ray Moss, Appellant,  v. State of Kansas, Appellee.	Charles D. Dedmon Benjamin C. Wood  Riley County Attorney Attorney General	Riley
61,361	State of Kansas, Appellee,  v. Heyward Hogan, Appellant.	Steven Opat, Co. Atty. Attorney General  Lucille Marino Benjamin C. Wood	Geary
61,588	State of Kansas, Appellee,  v. James Logan, Appellant.	John Taylor, Asst. Co. Atty. Attorney General  Benjamin C. Wood	Geary
61,512	Cornell Lately, Appellant, v. State of Kansas, Appellee.	Benjamin C. Wood  Steven Opat, Co. Atty. Attorney General	Geary

(61,729)	State of Kansas, Appellee,	Gene Olander	Shawnee
(61,730)		Attorney General	
(61,731)			
	v.		
	Ricky E. Collins, Appellant.	Thomas Jacquinet	
		Benjamin C. Wood	

**Kansas Court of Appeals**  
**Supreme Court Courtroom, 3rd Floor, Judicial Center**  
**301 W. 10th, Topeka, Kansas**

**Before Briscoe, P.J.; Larson, J.; and**  
**Harry G. Miller, District Judge, assigned.**

**Monday, August 22, 1988**

**9:30 a.m.**

Case No.	Case Name	Attorneys	County
61,320	Dr. J. T. Garner, Appellant, v. State of Kansas, Appellee.	James F. Vano  County Attorney Attorney General	Washington
61,857	Loren Wright, Appellee, v. Ronald M. Wright, Eileen D. Wright, Emporia State Bank & Trust Company, and Kenneth Hanson, Appellants.	Neil Roach  Larry J. Putnam Michael G. Patton	Lyon
61,812	In the Matter of the Marriage of William Talkington and Denise L. Talkington.	Don C. Krueger Arthur E. Palmer Stanley R. Ausemus	Lyon
61,371	In the Interest of H.S., S.S., E.S., each a child under 18 years of age.	Joe E. Lee Kyle G. Smith, Co. Atty. Neil Roach, Gdn. A/L W. Irving Shaw Darrell D. Meyer	Lyon

**1:30 p.m.**

(61,166) (61,318)	Debra K. Price, Appellee, v. Iowa Beef Processors, Inc., Appellee, and Workers' Compensation Fund, Appellant.	Gary L. Jordan  Kerby Vernon Wendell F. Cowan, Jr. Derek J. Shafer	Lyon
61,412	Jess D. Paul, Appellant, v. Michael E. Ott and Genna Ott, Appellees.	John W. Nitcher  Jeffrey O. Heeb	Douglas
61,914	In the Matter of the Estate of Joseph W. Forrester, Deceased.	Sheila P. Hochhauser R. Edgar Johnson	Geary

*(continued)*

61,818	Andrew Wilson, Appellant, v. State of Kansas, Appellee.	Chas. D. Dedmon Benjamin C. Wood  Attorney General Steven Opat, Co. Atty.	Geary
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**Kansas Court of Appeals  
Court of Appeals Courtroom, 2nd Floor, Judicial Center  
301 W. 10th, Topeka, Kansas**

**Before Rulon, P.J.; Six and Elliott, JJ.**

**Monday, August 22, 1988**

**9:30 a.m.**

Case No.	Case Name	Attorneys	County
60,455	State of Kansas, Appellee, v. Dennis Hayes, Appellant.	Dennis White, Asst. D.A. Attorney General  Marlin Johanning	Jackson
61,614	State of Kansas, <i>ex rel.</i> , Robert T. Stephan, as Attorney General, Appellee, v. Robert F. Cramer, dba Cramer Locker, Appellant.	Kenneth M. Wilke, Special Asst. Atty. Gen.  Robert F. Cramer, <i>pro se</i>	Morris
61,406	State of Kansas, Appellee, v. Evan Pingleton, Appellant.	Susan Stanley, Asst. D.A. Attorney General  James S. Willard	Shawnee
61,567	Charles Heinsohn, Appellant, v. Dellyn H. Motley, Appellee.	William Hergenreter  Thomas E. Wright	Shawnee
<b>1:30 p.m.</b>			
61,669	In the Matter of the Complaint of the City of Tribune, Kansas, against Wheatland Electric Cooperative, Inc.	John L. Carmichael Steven C. Day John Shirley Frank A. Caro, Jr. Dana A. Bradbury	Shawnee
(61,665) (61,666) (61,667) (61,668)	State of Kansas, Appellee, v. Marvin D. Nicolay, Appellant.	Gene Olander, D.A. Attorney General  Benjamin C. Wood	Shawnee
62,120	American Family Mutual Insurance Company, Appellee, v. Carolyn J. Main, formerly known as Carolyn J. Wilson, Appellant.	Kerry M. Gasper  Frank D. Taff	Shawnee

61,419	State of Kansas, Appellee,	Kenneth Smith, Asst. D.A. Attorney General	Shawnee
	v.		
	Ediberto T. Molina, Appellant.	Jerold E. Berger	

Tuesday, August 23, 1988  
9:30 a.m.

Case No.	Case Name	Attorneys	County
61,560	Expert Environmental Control Inc., Appellant,	Dan E. Turner	Shawnee
	v.		
	Jack Walker, Acting Secretary of Kansas Department of Health and Environment, Appellee.	Yvonne C. Anderson	
60,846	State of Kansas, Appellee,	Susan Stanley Gene Olander, D.A. Attorney General	Shawnee
	v.		
	Donny R. Burnett, Appellant.	Benjamin C. Wood	
61,816	James R. Crowley, Appellant,	Rick Kittel Benjamin C. Wood	Nemaha
	v.		
	State of Kansas, Appellee.	William C. O'Keefe, Co. Atty.	

**Summary Calendar—No Oral Argument**

(61,787) (61,788) (61,799)	State of Kansas, Appellee,	Gene Olander, D.A. Attorney General	Shawnee
	v.		
	Dennis J. Miller, Jr., Appellant.	Benjamin C. Wood	
61,495	Leslie E. Ellifritz, Appellant,	Benjamin C. Wood	Jefferson
	v.		
	State of Kansas, Appellee.	Michael Hayes, Co. Atty.	
61,863	State of Kansas, Appellee,	Susan Stanley Gene Olander, D.A. Attorney General	Shawnee
	v.		
	Anna M. Munoz, Appellant.	Benjamin C. Wood Shannon A. Crane	
61,917	State of Kansas, Appellee,	John McNish, Co. Atty. Attorney General	Dickinson
	v.		
	Ronald E. Yorgenson, Appellant.	Allen B. Angst	

LEWIS C. CARTER  
Clerk of the Appellate Courts

(Published in the *Kansas Register*, August 11, 1988.)

## NOTICE OF NOTE SALE

\$4,000,000

City of Topeka, Kansas

Temporary Notes

Series 1988-A

### Sealed Bids

Sealed bids for the purchase of \$4,000,000 principal amount of temporary notes, Series 1988-A, of the city hereinafter described, will be received by the undersigned city clerk of the city of Topeka, Kansas, on behalf of the governing body of the city at City Hall, 215 E. 7th, Topeka, until noon C.D.T. on Tuesday, August 16, 1988. All bids will be publicly opened and read at said time and place and will be acted upon by the city immediately thereafter.

### Note Details

The notes will be issued in the principal amount of \$4,000,000 as negotiable bearer notes, dated August 15, 1988, and maturing on August 14, 1989. The notes will be numbered from 1 consecutively upward and will be in the denomination of \$5,000 or any integral multiple thereof as designated by the successful bidder. No more than 150 notes will be issued. The notes will bear interest at the rate to be determined when the notes are sold as hereinafter provided, which interest will be payable at maturity. The principal of and interest on the notes will be payable in Federal Reserve funds at a bank or trust company located in a city in which a Federal Reserve bank is located which is specified by the successful bidder and approved by the city. Any collection charges made by a bank or trust company in connection with payment of the principal of and interest on the notes will be paid by the successful bidder. The city clerk must be advised within 48 hours after the time of the bid opening of the denominations of the notes and of the place of payment of the principal of and interest on the notes. In the absence of such information, the city will deliver notes in the denomination determined by the city. The notes will not be subject to redemption prior to maturity.

### Conditions of Bids

Proposals will be received on the notes bearing such rate of interest as may be specified by the bidders, subject to the following conditions: The bid shall offer to purchase all of the notes for not less than par plus accrued interest. The same interest rate shall apply to all notes, and no interest rate shall exceed a rate equal to the treasury bonds index published by the weekly *Credit Markets* (the yield expressed as a percentage of the 30-year treasury bonds as published under the caption "Weekly Rates") in New York, New York, on the Monday next preceding the day on which the notes are sold, plus 2 percent. Each bid shall specify the total interest cost to the city on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid. Each bid shall also specify the annual net interest rate to the city on the basis of such bid. Bids should be computed on a 30-day month and 360-day year basis.

If the bidder intends to offer the notes to the public, it shall specify in the bid form the price (exclusive of

accrued interest), expressed as a dollar price, at which it intends to initially offer the notes to the public (the initial reoffering price). If the bidder does not intend to reoffer the notes, it shall upon the closing of the issuance of the notes certify by executing a certificate acceptable to the city's bond counsel that it is purchasing the notes as its own investment and that it has no present intent to reoffer the notes to the public.

### Basis of Award

The award of the notes 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 annual net interest rate specified, the specified net interest cost shall govern and the interest rate specified in the bid shall be adjusted accordingly. If two or more proper bids providing the identical amounts for the lowest net interest cost are received, the city shall determine which bid, if any, shall be accepted, and its determination shall be final.

### Authority and Security for the Notes

The notes are being issued pursuant to K.S.A. 10-123, which authorizes municipalities to issue temporary notes to finance the costs of improvements which have been duly authorized by the municipality and which will be paid for by the issuance of general obligation bonds. The statute provides that renewal temporary notes may be issued upon the maturity of such temporary notes for improvements that have not been completed or for other specified reasons. The statute further provides that such temporary notes shall constitute general obligations of the municipality which issues them.

### Internal Revenue Code of 1986

The Internal Revenue Code of 1986 imposes requirements on the city which must be met subsequent to the issuance of the notes by the city and, as a result, the city will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the notes. The city's failure to comply with such requirements could adversely affect the tax-exempt status of the notes. Purchasers of the notes should be aware that should the notes lose their status as tax-exempt obligations as a result of the city's failure to comply with such requirements, the notes are neither callable nor will the rate of interest on the notes be adjusted to reflect such circumstances.

The code includes interest on tax-exempt obligations, such as the notes, in the adjusted net book income of certain corporations for taxable years beginning after December 31, 1986, and includes, through 1989, in the calculation of alternative minimum taxable income one-half of the excess of a corporation's adjusted net book income over its alternative minimum taxable income (determined without regard to this adjustment and prior to reduction for certain net operating losses). After 1989, the use of "book income" will be replaced by "adjusted current earnings," with certain other adjustments. Furthermore, Section 59A of the code, as added by the Superfund Amendments and Reauthorization Act of 1986, provides for a new environmental tax generally based on corporate alternative minimum taxable income. The amount of the

tax is equal to 0.12 percent of the excess of alternative minimum taxable income, without regard to net operating losses and the deduction for this tax, over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax. The environmental tax, which is effective for taxable years beginning after December 31, 1986, may subject certain bondowners to additional taxation for interest earned on the notes.

The code also requires property and casualty insurance companies, for taxable years beginning on or after January 1, 1987, to reduce the amount of their deductible underwriting losses by a percentage of the amount of tax-exempt interest received or accrued on obligations acquired after August 7, 1986.

With the exception of certain "qualified tax-exempt obligations," the code provides that banks and thrift institutions may not deduct any portion of the interest cost of purchasing or carrying tax-exempt obligations such as the notes if such interest cost is incurred in taxable years ending after December 31, 1986, with respect to obligations acquired after August 7, 1986. The city DOES NOT INTEND to designate the notes as "qualified tax-exempt obligations" under Section 265 of the code.

#### Legal Opinion

The notes will be sold subject to the legal opinion of Nichols and Wolfe Chartered of Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the notes will be furnished and paid for by the city, and delivered to the successful bidder when the notes are delivered. Said opinion will also state that in the opinion of bond counsel, assuming continued compliance by the city with the provisions of the ordinance authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is exempt from federal income taxation. Interest on the bonds will also be excluded from the computation of Kansas adjusted gross income for taxable years commencing after December 31, 1987.

#### Delivery and Payment

The city will pay for printing the notes and will deliver the notes, without cost to the successful bidder, properly prepared, executed and registered in the office of the Kansas State Treasurer on or prior to August 30, 1988, at such bank or trust company located in a city in which a Federal Reserve bank is located as may be specified by the successful bidder and approved by the city. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the notes and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the notes affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the notes shall be made in Federal Reserve funds, immediately subject to use by the city.

The successful bidder shall, if it has offered the notes to the public, furnish the city by 1 p.m. C.D.T. on August 19, 1988, a certificate acceptable to the city's bond counsel to the effect that: (i) the successful bidder has made a bona fide public offering of the notes at the initial reoffering prices; and (ii) a substantial amount of the notes was sold to the public (excluding brokers and other in-

termediaries) at such initial reoffering price. Such certificate shall state that: (1) it is made on the best knowledge, information and belief of the successful bidder; and (2) 10 percent or more in par amount of the notes was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the notes).

#### Note Rating

The outstanding general obligation notes of the city are rated "MIG-1" by Moody's Investor Service, Inc., and the city has applied for rating on the notes herein offered for sale.

#### 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 or all bids.

#### Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Proposal for the Purchase of Temporary Notes." Bids may be submitted by mail or delivered in person to the undersigned at City Hall and must be received by the undersigned prior to noon C.D.T., on Tuesday, August 16, 1988.

#### Official Statement

Upon the sale of the notes, the city will adopt an official statement in substantially the form as the preliminary official statement, subject to minor amendments and supplementation. Copies of the city's preliminary official statement relating to the notes may be obtained from the city clerk or the city's financial adviser, Shearson Lehman Hutton Inc., Public Finance Department, 920 Baltimore Ave., Kansas City, MO 64105, (816) 283-7280. Upon request, a reasonable number of copies of the official statement will be made available to the successful bidder without charge. Additional copies may be obtained at the expense of such bidder. In accordance with the financial adviser's agreement with the city, the financial adviser *will not* be submitting a bid or participating in a group submitting a bid for the purchase of the notes.

Dated August 8, 1988.

CITY OF TOPEKA, KANSAS  
Norma E. Robbins  
City Clerk  
City Hall  
215 E. 7th  
Topeka, KS 66603  
(913) 295-3940

Doc. No. 006895

(Published in the *Kansas Register*, August 11, 1988.)**NOTICE OF BOND SALE****\$5,600,000****City of Topeka, Kansas  
General Obligation Bonds  
Series 1988-B****(Internal Improvement Bonds)****Sealed Bids**

Sealed bids for the purchase of \$5,600,000 principal amount of general obligation bonds, Series 1988-B (internal improvement bonds), of the city hereinafter described, will be received by the undersigned city clerk of the city of Topeka, Kansas, on behalf of the governing body of the city at City Hall, 215 E. 7th, Topeka, until 11 a.m. C.D.T. on Tuesday, August 16, 1988. All bids will be publicly opened and read at said time and place and will be acted upon by the city immediately thereafter. No oral or auction bids will be considered.

**Bond Details**

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated August 15, 1988, and will become due serially on August 1 in the years as follows:

Year	Principal Amount
1990	\$100,000
1991	200,000
1992	200,000
1993	225,000
1994	250,000
1995	250,000
1996	250,000
1997	250,000
1998	250,000
1999	250,000
2000	375,000
2001	500,000
2002	500,000
2003	500,000
2004	500,000
2005	500,000
2006	500,000

The bonds will bear interest at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on February 1 and August 1 in each year, beginning on February 1, 1989.

**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). The principal of the bonds will be payable at maturity or upon earlier redemption to the registered owners upon presentation and surrender of the bonds at the office of the paying agent. Interest on the bonds will be paid by check or draft mailed by the paying agent to the persons in whose names the bonds are registered on the registration books maintained by the bond registrar at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding each interest payment date.

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 bondholders.

**Redemption of Bonds Prior to Maturity**

At the option of the city, bonds maturing on August 1, 1995, and thereafter, will be subject to redemption and payment prior to maturity on August 1, 1994, and thereafter in whole or in part on any interest payment date (bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the paying agent and bond registrar in such equitable manner as it shall designate), at the respective redemption prices (expressed as percentages of principal amount) set forth below, plus accrued interest thereon to the date fixed for redemption and payment:

Redemption Dates	Redemption Prices
August 1, 1994	101.00%
February 1, 1995	100.75
August 1, 1995	100.50
February 1, 1996	100.25
August 1, 1996 and thereafter	100.00

Whenever the city is to select the bonds for the purpose of redemption, it shall, in the case of bonds in denominations greater than \$5,000, if less than all of the bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered bond as though it were a separate bond in the denomination of \$5,000.

If the city shall elect to call any bond for redemption and payment prior to the maturity thereof, the city shall give written notice of its intention to redeem and pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the registered owners of said bonds, to the paying agent and bond registrar, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed at least 30 days prior to the redemption date. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

**Conditions of Bids**

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of  $\frac{1}{8}$  or  $\frac{1}{20}$  of 1 percent. No interest rate shall exceed the index of treasury bonds published by the weekly *Credit Markets* (the yield expressed as a percentage of the 30-year treasury bonds as published under the caption "Weekly Rates") 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 2 percent. No supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued interest will be considered. Each bid shall specify the total interest



cost to the city during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering prices).

#### 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 city shall determine which bid, if any, shall be accepted, and its determination shall be final.

#### Authorization, Purpose and Security for the Bonds

The bonds are being authorized and issued to permanently finance various internal improvements to the city. The bonds will be general obligations of the city payable as to both principal and interest in part from special assessments levied upon specially benefited property and, if not so paid, from ad valorem taxes which may be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the city. The balance of the principal of and interest on the bonds is payable from ad valorem taxes which may be levied without limitation as to rate or amount on all the taxable tangible property, real and personal, within the territorial limits of the city.

#### Internal Revenue Code of 1986

The Internal Revenue Code of 1986 imposes requirements on the city which must be met subsequent to the issuance of the bonds by the city and, as a result, the city will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The city's failure to comply with such requirements could adversely affect the tax-exempt status of the bonds. Purchasers of the bonds should be aware that should the bonds lose their status as tax-exempt obligations as a result of the city's failure to comply with such requirements, the bonds are neither callable nor will the rate of interest on the bonds be adjusted to reflect such circumstances.

The code includes interest on tax-exempt obligations, such as the bonds, in the adjusted net book income of certain corporations for taxable years beginning after December 31, 1986, and includes, through 1989, in the calculation of alternative minimum taxable income one-half of the excess of a corporation's adjusted net book income over its alternative minimum taxable income (determined without regard to this adjustment and prior to reduction for certain net operation losses). After 1989, the use of "book income" will be replaced by "adjusted current earnings," with certain other adjustments. Furthermore, Sec-

tion 59A of the code, as added by the Superfund Amendments and Reauthorization Act of 1986, provides for a new environmental tax generally based on corporate alternative minimum taxable income. The amount of the tax is equal to 0.12 percent of the excess of alternative minimum taxable income, without regard to net operating losses and the deduction for this tax, over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax. The environmental tax, which is effective for taxable years beginning after December 31, 1986, may subject certain bondowners to additional taxation for interest earned on the bonds.

The code also requires property and casualty insurance companies, for taxable years beginning on or after January 1, 1987, to reduce the amount of their deductible underwriting losses by a percentage of the amount of tax-exempt interest received or accrued on obligations acquired after August 7, 1986.

With the exception of certain "qualified tax-exempt obligations," the code provides that banks and thrift institutions may not deduct any portion of the interest cost of purchasing or carrying tax-exempt obligations such as the bonds if such interest cost is incurred in taxable years ending after December 31, 1986, with respect to obligations acquired after August 7, 1986. The city does not intend to designate the bonds as "qualified tax-exempt obligations" under Section 265 of the code.

#### Legal Opinion

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder when the bonds are delivered. Said opinion will also state that in the opinion of bond counsel, assuming continued compliance by the city with the provisions of the ordinance authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is exempt from federal income taxation. Interest on the bonds will also be excluded from the computation of Kansas adjusted gross income for taxable years commencing after December 31, 1987.

#### Delivery and Payment

The city will pay for printing the bonds and will deliver the bonds, without cost to the successful bidder, properly prepared, executed and registered on or prior to August 30, 1988, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the city. The 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 not

(continued)

later than 1 p.m. C.D.T. on August 19, 1988. In the absence of such information, the city will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the city by 1 p.m. C.D.T. on August 19, 1988, a certificate acceptable to the city's bond counsel to the effect that: (i) the successful bidder has made a bona fide public offering of the bonds at the initial reoffering prices; and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that: (1) it is made on the best knowledge, information and belief of the successful bidder; and (2) 10 percent or more in par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

#### 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 in the amount of \$112,000, payable to the order of the city to secure the city from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if the bid is not accepted. If a bid is accepted, said check shall be held by the city until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall be returned to the successful bidder or deducted from the purchase price at the option of the city. 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 shall be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check shall be retained by the city as and for liquidated damages.

#### CUSIP Numbers

CUSIP identification numbers will be printed on the bonds, but neither the failure to print such number on 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 this notice. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the city.

#### Bond Ratings

The outstanding general obligation bonds of the city are rated "Aa1" by Moody's Investors Service, Inc., and the city has applied for rating on the bonds herein offered for sale.

#### 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 or all bids.

#### Submission of Bids

Bids must be submitted in sealed envelopes addressed

to the undersigned city clerk and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at City Hall and must be received by the undersigned prior to 11 a.m. C.D.T. on Tuesday, August 16, 1988.

#### Official Statement

Upon the sale of the bonds, the city will adopt an official statement in substantially the form as the preliminary official statement, subject to minor amendments and supplementation. Copies of the city's preliminary official statement relating to the bonds may be obtained from the city clerk or the city's financial adviser, Shearson Lehman Hutton Inc., Public Finance Department, 920 Baltimore Ave., Kansas City, MO 64105, (816) 283-7280. Upon request, a reasonable number of copies of the official statement will be made available to the successful bidder without charge. Additional copies may be obtained at the expense of such bidder.

#### Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city for the year 1988 is \$459,602,560. The total general obligation bonded indebtedness of the city as of the date of the bonds, including the bonds, is \$86,640,000, including, as of the date of the bonds, temporary notes outstanding in the principal amount of \$3,195,000, of which \$1,785,000 will be retired out of the proceeds of the bonds herein offered for sale with the balance being payable from a portion of the proceeds derived from the sale of \$4,000,000 principal amount of the city's temporary notes, Series 1988-A, dated August 15, 1988, being offered for sale by the city concurrently with the bonds, as described in the city's preliminary official statement relating to said notes, copies of which may be obtained from the city clerk or the financial adviser. In accordance with the financial adviser's agreement with the city, the financial adviser *will not* be submitting a bid or participating in a group submitting a bid for the purchase of the bonds.

Dated August 8, 1988.

CITY OF TOPEKA, KANSAS

Norma E. Robbins

City Clerk

City Hall

215 E. 7th

Topeka, KS 66603

(913) 295-3940

Doc. No. 006894

(Published in the *Kansas Register*, August 11, 1988.)

**NOTICE OF BOND SALE**

**\$3,090,000**

**General Obligation Improvement  
and Refunding Bonds  
Series 1988**

**Leawood, Johnson County, Kansas**

Sealed bids will be received by the undersigned city finance director of Leawood, Johnson County, Kansas, at City Hall, 9617 Lee Blvd., Leawood, until 2 p.m. C.D.T. on Monday, August 15, 1988, at which time such bids will be publicly opened for the sale of the above-captioned general obligation bonds of the city of Leawood to finance the cost of construction of certain improvement projects within said city and to refund certain outstanding general obligation bonds of the city. Such bids will be considered by the governing body of the city at a meeting to be held at 7:30 p.m. C.D.T. on such date.

The bonds will be issued in two separate series designated general obligation improvement bonds, Series 1988-A, in the aggregate principal amount of \$2,900,000, and general obligation refunding bonds, Series 1988-B, in the aggregate principal amount of \$190,000. The bonds will consist of fully registered bonds without coupons in the denominations of \$5,000 and any integral multiple thereof aggregating the principal amount of \$3,090,000. All of said bonds will be dated September 1, 1988, and will mature serially on September 1 of each year, as follows:

**Series 1988-A Bonds**

Maturity	Amount	Maturity	Amount
1989	\$290,000	1994	\$290,000
1990	\$290,000	1995	\$290,000
1991	\$290,000	1996	\$290,000
1992	\$290,000	1997	\$290,000
1993	\$290,000	1998	\$290,000

**Series 1988-B Bonds**

Maturity	Amount
1999	\$190,000

Interest on said bonds from the date thereof at the rates determined when the bonds are sold as herein provided will be payable semiannually on March 1 and September 1 in each year through maturity, commencing on March 1, 1989.

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 appear on the registration books maintained by 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 bonds may be registered as fully registered certificated or uncertificated (book entry) bonds at the option of each registered owner.

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 bondholders.

The type and 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 bonds in the denomination of each maturity registered in the name of the successful bidder.

At the option of the city, bonds maturing on September 1, 1996, and thereafter, will be subject to redemption and payment prior to maturity, on September 1, 1995, and on any interest payment date thereafter, in whole or in part (in integral multiples of \$5,000) in inverse order of maturity (and by lot within a single maturity) at the redemption price of 100 percent of the principal amount thereof, plus accrued interest to the date fixed for redemption.

If the city shall elect to call any of the bonds for redemption and payment prior to the maturity thereof, the city shall give written notice of its intention to redeem and pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the Kansas State Treasurer, said notice to be mailed at least 60 days prior to the redemption date, to the registered owners of said bonds, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed at least 30 days prior to the redemption date. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease.

All of said bonds will be and constitute the general obligation of the city of Leawood, and the full faith and credit of the city shall be pledged to the payment of the principal of and interest on said bonds. Such principal and interest shall be payable in part from special assessments levied upon property benefitted by the construction of certain improvements and, if not so paid, from ad valorem taxes levied upon all taxable tangible property including land and improvements thereon located within the territorial limits of the city of Leawood, Johnson County, Kansas, with the balance payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all such taxable tangible property, real and personal, within the territorial limits of said city.

The bonds will be designated "qualified tax exempt obligations" by the city for the purposes of Section 265(b)(3)(B) of the Internal Revenue Code of 1986. No bids will be considered at a price of less than par and interest accrued on the bonds to date of the payment thereof by the purchaser.

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: Not more than five different rates shall be specified and the same rate will 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 rate shall exceed the most recent 20 bond index, as published in *Credit Markets*, New York, New York, on the Monday next preceding the date of sale by

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more than 2 percent, and the difference between the highest rate specified and lowest rate specified in any bid shall not exceed 1½ percent.

One bid shall be submitted for all bonds hereinbefore described on an all or none basis. Bonds will be awarded to the highest and best bidder or bidders on an all or none basis. Determination of the best bid or bidders will be made by deducting the premium bid (if any) from the total interest costs, and the bonds will be awarded to the bidder bidding the lowest net interest cost to the city. The city will be entitled to rely on the stated net interest cost in awarding the bonds. If there is any discrepancy between said lowest net interest cost and the rates specified in said bid or the average annual net interest cost specified in said bid, the net interest cost figure shall govern and the rates shall be adjusted accordingly.

The initial reoffering price to the public shall be furnished to the city by the successful bidder at least one week prior to the closing date. A certificate setting forth such initial reoffering price to the public shall be furnished by the successful bidder at closing.

The bonds, printed, executed and registered with the Kansas State Treasurer, will be furnished by the city, and the bonds will be delivered subject to the legal opinion of Linde, Thomson, Langworthy, Kohn & Van Dyke, P.C., Kansas City, Missouri, bond counsel, whose services will be paid for by the city. The opinion of bond counsel will state that under existing laws and regulations and, assuming continued compliance with the covenants contained in the bond ordinance, the interest on the bonds is exempt from federal income taxation, except with respect to certain taxpayers as more specifically described in the official statement of the city.

The bonds will be delivered to the purchaser on or about September 8, 1988, at any such bank or trust company in the state of Kansas, Kansas City, Missouri, Chicago, Illinois, or New York, New York, as specified by the purchaser, or elsewhere at the expense of the purchaser. At the request of the successful bidder, CUSIP identification numbers will be printed on said bonds, but neither the failure to print such numbers on any bonds nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for said bonds in accordance with the terms of the purchase contract. All expenses in relation to the printing of the CUSIP numbers on said bonds, including the CUSIP Service Bureau's charge for assignment of said numbers, will be paid for by the city.

The population of the city is approximately 17,611. The 1987 assessed valuation of all taxable tangible property within Leawood is \$97,094,945, including motor vehicle valuation of \$24,559,506. The total general obligation bonded indebtedness of Leawood at the date hereof, including the issue of bonds herein offered for sale, is \$11,685,000, of which \$660,000 will be advance refunded with the proceeds of the Series 1988-B bonds and available cash to be contributed by the city. In addition, the city of Leawood has temporary notes outstanding in the total amount of \$4,534,000, of which \$2,579,000 will be redeemed and cancelled from the proceeds of the bonds herein offered for sale and prepayments of tax assessments.

A good faith deposit by cashier's or certified check in the amount of 2 percent of the total amount of the bid for the bonds shall accompany each bid.

Additional copies of this notice of bond sale, copies of the city's official statement relating to the bonds, and further information may be obtained from the undersigned city finance director or George K. Baum & Company, 1004 Baltimore Ave., Kansas City, MO 64105, (816) 474-1100, the city's financial adviser.

Mailed bids should be addressed to Harry Malnicof, City Finance Director, City of Leawood, 9617 Lee Blvd., Leawood, KS 66206, and marked "Bid for purchase of \$3,090,000 General Obligation Improvement and Refunding Bonds, Series 1988, Leawood, Johnson County, Kansas." Bids may also be delivered to the said officer at the Leawood City Hall at or immediately prior to 2 p.m.

HARRY MALNICOF  
City Finance Director

Doc. No. 006884

(Published in the Kansas Register, August 11, 1988.)

### NOTICE OF BOND SALE

\$201,688.36

General Obligation Bonds

Series 1988-A

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 9:30 a.m. C.D.T. on Wednesday, August 17, 1988, for the purchase of \$201,688.36 principal amount of general obligation bonds, Series 1988-A, 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 the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$6,688.36. The bonds will be dated September 1, 1988, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
1989	\$6,688.36
1990	15,000.00
1991	15,000.00
1992	20,000.00
1993	20,000.00
1994	20,000.00
1995	20,000.00
1996	20,000.00
1997	20,000.00
1998	20,000.00
1999	5,000.00
2000	5,000.00
2001	5,000.00
2002	5,000.00
2003	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, 1989.

#### 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 (whether or not a business day) of the calendar month next 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.

#### Redemption of Bonds Prior to Maturity

Bonds maturing in the years 1989 to 1995, inclusive, shall become due without option of prior payment. At the option of the city, bonds maturing in the years 1996, and thereafter, may be called for redemption and payment prior to maturity in whole or in part (selection of bonds to be designated by the city in such equitable manner as it may determine) on September 1, 1995, or on any interest payment date thereafter at the redemption price of 100% (expressed as a percentage of the principal amount), plus accrued interest to the date of redemption.

Whenever the city is to select bonds for the purpose of redemption, it will, in the case of bonds in denominations greater than \$5,000, if less than all of the bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered bond as though it were a separate bond of the denomination of \$5,000.

If the city elects 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, the same being described by maturity, said notice to be mailed by United States certified mail addressed to the owners of said bonds, to the Kansas State Treasurer, to the original purchaser of the bonds, and to the paying agent, each of said notices to be mailed not less than 30 days prior to the date fixed for redemption. The city shall also give such additional notice as may be required by Kansas law in effect as of the date of such notice. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

#### Authority, Purpose and Security

The bonds are being issued pursuant to K.S.A. 12-685 *et seq.*, K.S.A. 12-6a01 *et seq.*, K.S.A. 12-1736 *et seq.*, and K.S.A. 13-1024a, as amended by Charter Ordinance No. 11 of the city, for the purpose of paying the cost of certain internal 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.

#### Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of  $\frac{1}{8}$  or  $\frac{1}{20}$  of 1 percent. No interest rate may exceed a rate equal to the index of treasury bonds published by the weekly *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 cannot 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 considered. Each bid must specify the total interest cost to the city during the term of the bonds on the basis of such 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 must also specify the average annual net interest rate to the city on the basis of such bid.

#### 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 in the amount of \$4,033.77 (2 percent of the principal amount of the bonds) payable to the order of the city to secure the city from any loss resulting from the failure of the bidder to comply with the terms of the bid. Good faith checks submitted by unsuccessful bidders will be returned. If a bid is accepted, said check or the proceeds thereof will be held by the city until the bidder has complied with all of the terms and conditions of this notice. If a bid is accepted but the city fails 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.

#### 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

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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 will determine which bid, if any, will be accepted, and its determination is final. The city reserves the right to reject any and all bids and to waive any irregularities in a submitted bid. Any bid received after 9:30 a.m. on the date of sale will be returned to the bidder unopened.

#### 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.

#### Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Proposal for General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at City Hall and must be received by the undersigned prior to 9:30 a.m. C.D.T. on Wednesday, August 17, 1988.

#### Bond Rating

The city has not applied for a rating on the bonds herein offered for sale.

#### CUSIP Numbers

It is anticipated that CUSIP identification numbers will be printed on or assigned to the bonds, but neither the failure to print such number on or assign such number to any bond nor any error with respect thereto will 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.

#### 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 September 29, 1988, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere will be made at the expense of the successful bidder. The successful bidder will be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the bonds must be made in Federal Reserve funds, immediately subject to use by the city.

The number and denominations of the bonds and the names, addresses and Social Security or taxpayer identification numbers of the registered owners must 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 reoffering prices to the public by the original purchaser must be furnished to the city at least one week prior to the closing date. A certificate stating that at least

10 percent of the bonds of each maturity has been sold to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at such reoffering prices must be furnished to the city by the original purchaser at closing.

#### Official Statement

The city has prepared an official statement dated August 8, 1988, copies of which may be obtained from the city clerk. Upon the sale of the bonds, the city will adopt the final official statement and 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.

#### Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city, for the year 1988, is as follows:

Equalized assessed valuation of taxable tangible property .....	\$38,136,116
Tangible valuation of motor vehicles (1987) .....	<u>\$ 9,640,377</u>
Equalized assessed tangible valuation for computation of bonded debt limitations .....	<u>\$47,776,493</u>

The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$7,906,688.36.

#### Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

#### Opinion of Bond Counsel

In the opinion of bond counsel, assuming continued compliance by the city with the terms of the bond ordinance, under existing law, the interest on the bonds: (a) is excludable from gross income for federal income tax purposes; and (b) is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; however, it should be noted that with respect to corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted net book income (adjusted current earnings for taxable years ending after December 31, 1989) for the purpose of computing the alternative minimum tax imposed on such corporations. The opinion set forth in clause (a) above is subject to the condition that the 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 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 federal gross income retroactive to the date of issuance of the bonds. The city has covenanted to comply with all such requirements.

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 arising with respect to the bonds.

Under existing law, the interest on the bonds is exempt from computation of Kansas adjusted gross income for taxable years commencing after December 31, 1987, and the bonds are exempt from intangible personal property taxes levied by Kansas counties, cities or townships.

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

#### Related Federal Tax Matters

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 certain railroad retirement benefits to take into account in determining gross income, receipts or accruals of interest on the bonds. These categories of bondowners should consult their own tax advisers as to the applicability of these consequences.

#### Additional Information

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

Dated August 3, 1988.

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

(Published in the *Kansas Register*, August 11, 1988.)

### NOTICE OF BOND SALE

\$304,361.61

General Obligation Bonds

Series 1988

of the

City of Dodge City, 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 Dodge City, Kansas, on behalf of the governing body at the City Hall, 705 1st Ave., P.O. Box 880, Dodge City, until 2 p.m. C.D.T. on Tuesday, August 23, 1988, for the purchase of \$304,361.61 principal amount of general obligation bonds, Series 1988, 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 the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$4,361.61. The bonds will be dated September 1, 1988, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
1990	\$24,361.61
1991	30,000.00
1992	30,000.00
1993	30,000.00
1994	30,000.00
1995	30,000.00
1996	30,000.00
1997	30,000.00
1998	35,000.00
1999	35,000.00

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, 1990.

#### 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 (whether or not a business day) of the calendar month next 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.

#### Redemption of Bonds Prior to Maturity

Bonds maturing in the years 1990 to 1994, inclusive,

(continued)

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 (selection of bonds to be designated 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 prices set forth below (expressed as percentages of the principal amount), plus accrued interest thereon to the date of redemption:

Redemption Dates	Redemption Price
September 1, 1994 thru March 1, 1996	101%
September 1, 1996, and thereafter	100%

Whenever the city is to select bonds for the purpose of redemption, it will, in the case of bonds in denominations greater than \$5,000, if less than all of the bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered bond as though it were a separate bond in the denomination of \$5,000.

If the city elects 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, the same being described by maturity, said notice to be mailed by United States certified mail addressed to the owners of said bonds, to the Kansas State Treasurer, to the original purchaser of the bonds, and to the paying agent, each of said notices to be mailed not less than 30 days prior to the date fixed for redemption. The city shall also give such additional notice as may be required by Kansas law in effect as of the date of such notice. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

#### Authority, Purpose and Security

The bonds are being issued pursuant to K.S.A. 12-6a01 *et seq.*, as amended, for the purpose of paying the cost of certain internal 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.

#### Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of  $\frac{1}{8}$  or  $\frac{1}{20}$  of 1 percent. No interest rate may exceed a rate equal to the index of treasury bonds published by the weekly *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 cannot 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 considered. Each bid must specify the total interest cost to the city during the term of the bonds on the basis of such 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 must also specify the average annual net interest rate to the city on the basis of such bid.

#### 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 in the amount of \$6,087.24 (2 percent of the principal amount of the bonds), payable to the order of the city to secure the city from any loss resulting from the failure of the bidder to comply with the terms of the bid. Good faith checks submitted by unsuccessful bidders will be returned. If a bid is accepted, said check or the proceeds thereof will be held by the city until the bidder has complied with all of the terms and conditions of this notice. If a bid is accepted but the city fails 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.

#### 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 will determine which bid, if any, will be accepted, and its determination is final. The city reserves the right to reject any and all bids and to waive any irregularities in a submitted bid. Any bid received after 2 p.m. on the date of sale will be returned to the bidder unopened.

#### 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.

#### Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Proposal for General Obligation Bonds." 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 2 p.m. C.D.T. on Tuesday, August 23, 1988.



**Bond Rating**

The city has not applied for a rating on the bonds herein offered for sale.

**CUSIP Numbers**

It is anticipated that CUSIP identification numbers will be printed on or assigned to the bonds, but neither the failure to print such number on or assign such number to any bond nor any error with respect thereto will 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.

**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 September 29, 1988, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere will be made at the expense of the successful bidder. The successful bidder will be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the bonds must be made in Federal Reserve funds, immediately subject to use by the city.

The number and denominations of the bonds and the names, addresses and Social Security or taxpayer identification numbers of the registered owners must 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 reoffering prices to the public by the original purchaser must be furnished to the city at least one week prior to the closing date. A certificate stating that at least 10 percent of the bonds of each maturity has been sold to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at such reoffering prices must be furnished to the city by the original purchaser at closing.

**Official Statement**

The city has prepared an official statement dated August 8, 1988, 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.

**Assessed Valuation and Indebtedness**

The total assessed valuation of the taxable tangible property within the city, for the year 1988, is as follows:

Equalized assessed valuation of taxable tangible property .....	\$47,006,328
Tangible valuation of motor vehicles .....	<u>\$12,476,505</u>
Equalized assessed tangible valuation for computation of bonded debt limitations .....	<u>\$59,482,833</u>

The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$7,327,361.61.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Gilmore & Bell, Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

**Opinion of Bond Counsel**

In the opinion of bond counsel, assuming continued compliance by the city with the terms of the bond ordinance, under existing law, the interest on the bonds: (a) is excludable from gross income for federal income tax purposes; and (b) is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; however, it should be noted that with respect to corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted net book income (adjusted current earnings for taxable years ending after December 31, 1989) for the purpose of computing the alternative minimum tax imposed on such corporations. The opinion set forth in clause (a) above is subject to the condition that the 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 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 federal gross income retroactive to the date of issuance of the bonds. The city has covenanted to comply with all such requirements.

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 arising with respect to the bonds.

Under existing law, the interest on the bonds is exempt from computation of Kansas adjusted gross income for taxable years commencing after December 31, 1987, and the bonds are exempt from intangible personal property taxes levied by Kansas counties, cities or townships.

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

**Related Federal Tax Matters**

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, in-

(continued)

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

**Additional Information**

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

Dated August 3, 1988.

CITY OF DODGE CITY, KANSAS  
 By Ron Thornburg, City Clerk  
 City Hall  
 705 1st Ave.  
 Dodge City, KS 67801  
 (316) 225-1391

Doc. No. 006998

**State of Kansas**

**CONSUMER CREDIT COMMISSIONER**

**TEMPORARY ADMINISTRATIVE REGULATIONS**

**Article 6.—CONSUMER CREDIT CODE**

**75-6-26. Federal Truth-in-lending act requirements.** Each creditor who, in the ordinary course of business, regularly extends or offers to extend consumer credit shall disclose to the consumer the information required by title I of the consumer protection act (public law 90-321; 82 stat. 146), as amended, and any regulations issued pursuant to this act. (Authorized by and implementing K.S.A. 16a-6-117; effective, E-82-16, Aug. 12, 1981; amended, T-83-2, Jan. 7, 1982; amended, T-83-6, April 14, 1982; amended, T-84-10, May 25, 1983; amended, T-85-15, May 3, 1984; amended, T-86-12, May 1, 1985; amended, T-87-14, June 6, 1986; amended, T-88-15, July 1, 1987; amended, T-75-7-29-88, July 29, 1988; amended, Sept. 20, 1988.)

JUDITH BRAVENCE-STRINGER  
 Consumer Credit Commissioner

Doc. No. 006881

**State of Kansas**

**GRAIN INSPECTION DEPARTMENT**

**PERMANENT ADMINISTRATIVE REGULATIONS**

**Article 4.—FEES AND CHARGES**

**25-4-1. Fees. (a) Definitions.**

(1) "Regular hours" means 7:00 a.m. to 4:30 p.m., Monday through Friday. Regular hours for samplers may be adjusted to the elevator's hours of operation not to exceed eight hours per day.

(2) "Overtime" means work performed during any hours other than the regular hours defined in paragraph (1) of this subsection.

(3) "Travel time" means time spent in roundtrip travel from portal to portal. If an employee performs inspections at several locations on one trip, travel time may be prorated.

(4) Holidays include New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day and Martin Luther King Day.

(5) "Call in" and "call back" means any work performed for which the employee is called in to work on a regular day off or called back to work after a regular work schedule.

(b) This revised schedule supersedes all other schedules issued by this agency. The following fees shall be charged for the services rendered by this department under the U. S. grain standards act (as amended):

Official Inspection, includes grading and sampling EXCEPT WHERE INDICATED (FGIS users' fees not included)	FEE
Hopper car .....	\$12.00/ per inspection or reinspection
Extra sample secured at time of original .....	4.50/ per request
New sample secured after original .....	6.00/ per request
Truck or trailer .....	7.00/ per inspection or reinspection
Extra sample secured at time of original .....	3.50/ per request
Bin inspection .....	6.00/ per bin, plus sampler regular hourly rate
Submitted sample inspection .....	5.00/ per sample
DHV Count .....	3.00
Warehouseman sample-lot inspection .....	7.00/ per sample
Diverter-type(D/T) sample at points outside inspection point switching limits .....	7.00/ plus sampler regular hourly rate, travel time hourly rate and mileage
Barge inspection or reinspection .....	2.50/ per 1,000 bushels or fraction thereof
All reinspections of above carriers based on file sample Initial checktest, approval of country point diverter- type (D/T) samplers, and train elevator sampler .....	5.00/ 50.00/ per D/T sampler plus regular hourly rate, travel time rate and mileage

Diverter-type (D/T) review checktest visits at country points .....	regular hourly rate plus mileage
Checktesting diverter-type (D/T) samplers at inspection points .....	regular hourly rate (1 hour minimum charge)
Protein, initial or reinspection .....	3.25
Factor-only determination, one factor .....	3.00
Factor-only determination, 2 or more factors, per factor (not to exceed full grade fee) .....	2.00
Approved statements requested in addition to grade requirements .....	2.50
Duplicate certificate .....	1.50
Stowage examination, hopper or boxcar .....	3.00/
	per request
Stowage examination, barge .....	6.00/
	per request
Report grades by telephone .....	CALL COLLECT

(c) Miscellaneous fees.

(1) The regular hourly rate shall be \$13.50. The number of regular hours shall be calculated in 1/4-hour increments.

(2) The overtime hourly rate shall be \$13.50 per hour. The number of overtime hours shall be calculated in 1/4-hour increments. For those inspections for which the fee is based on a per unit charge, the overtime hourly rate shall be applied in addition to that per unit fee. For those inspections for which fees are based on an hourly rate, the overtime hourly rate shall not be imposed in addition to the regular hourly rate.

(3) The holiday hourly rate shall be \$13.50 per hour. The number of holiday hours shall be calculated in 1/4-hour increments. For those inspections for which fees are based on a per unit charge, the holiday hourly rate shall be applied in addition to that per unit fee. For inspections for which fees are based on an hourly rate, the holiday rate shall not be applied in addition to the regular hourly rate.

(4) If an employee is called in or called back, a minimum of two hours at the overtime hourly rate shall be charged.

(5) Travel time. The travel time rate shall be \$13.50 per hour.

(6) Mileage expenses shall be charged, per mile driven, at the rate per mile determined by the secretary of administration pursuant to K.S.A. 75-4607 or amendments thereto. If any employee performs inspections at several locations on one trip, the mileage expense may be prorated.

(d) The following fees shall be charged for the services rendered by this department which are not under the U. S. grain standards act (as amended):

Edible Bean Inspection Service

Edible bean inspection (official warehouse lot) .....	16.00/
	per certificate
Edible bean inspection (official car sample) .....	16.00/
	per certificate
Edible bean inspection (official truck sample) .....	11.00/
	per certificate
Edible bean inspection (submitted sample) .....	8.00/
	per certificate
Edible bean inspection sampling fee, check weighing, or checkloading .....	13.50/
	per hour

Weights

Hopper car, boxcar or direct transfer, per class I weight, 100% supervision (minimum of 2 cars weighed per hour or hourly charges apply on top of weighing charge) .....	6.00/
	per certificate
Hopper car, boxcar or direct transfer per class II weight, 25% supervision .....	4.00/
	per certificate
Barges, in or out .....	2.25/
	per 1,000 bushels or fraction thereof
Truck or trailer .....	6.00
House transfers .....	1.50/
	per 1,000 bushels or fraction thereof
Weigh-up, annual .....	1.00/
	per 1,000 bushels or fraction thereof
In-weighing, sacked cars .....	regular hourly rate
Out-weighing, sacked cars, with count .....	regular hourly rate
Out-weighing, sacked cars, with count and weight each sack .....	regular hourly rate

Miscellaneous Services

DHV count .....	3.00
Hopper scale, first test at elevator .....	125.00
Hopper scale, each additional test at elevator .....	100.00/
	per scale
Hopper scale per F.G.I.S. test .....	125.00/
	plus regular hourly rate on site
Hopper scale at points where certified weights are not issued .....	125.00/
	plus mileage and subsistence
Mileage charge for special trips by the hopper testing scale truck .....	.55
	per mile driven
Labor of scale inspector for repair work outside regular inspecting or adjusting of scale .....	13.50/
	per hour
Charge for weigher, by special arrangement, per weigher .....	13.50/
	per hour

(Authorized by K.S.A. 34-103a, 34-2,100, implementing K.S.A. 34-103a, as amended by 1988 S.B. 666, Sec. 1; 34-251, 34-2,108, effective Jan. 1, 1966; amended Jan. 1, 1967; amended, E-68-7, Feb. 20, 1968; amended Jan. 1, 1969; amended, E-69-7, May 28, 1969; amended Jan. 1, 1970; amended, E-71-26, June 18, 1971; amended Jan. 1, 1972; amended, E-72-8, Feb. 26, 1972; amended Jan. 1, 1973; amended, E-74-27, June 26, 1974; amended, E-74-61, Sept. 30, 1974; amended May 1, 1975; amended, E-78-10, March 24, 1977; modified, L. 1978, ch. 448, May 1, 1978; modified, L. 1980, ch. 345, May 1, 1980; amended May 1, 1981; amended May 1, 1982; amended, T-83-20, July 21, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-16, July 26, 1987; amended May 1, 1988; amended T-June 13, 1988; amended Sept. 27, 1988.)

THOMAS D. WILSON  
Director

Doc. No. 006882

## State of Kansas

## REAL ESTATE COMMISSION

PERMANENT ADMINISTRATIVE  
REGULATIONSArticle 1.—EXAMINATION AND  
REGISTRATION

**86-1-5. Fees.** (a) Each applicant shall pay a fee in an amount equal to the actual cost of the examination and the administration thereof to the testing service designated by the commission.

(b) The following fees for licensure shall be submitted to the commission:

(1) For submission of an application for an original salesperson's or broker's license, a fee of \$15;

(2) For an original salesperson's license, an amount, based on an annual amount of \$25, prorated to the nearest whole month for the period of time from date of licensure until the expiration date determined by the schedule contained in K.A.R. 86-1-3;

(3) For an original broker's license, an amount, based on an annual amount of \$40, prorated to the nearest whole month for the period of time from date of licensure until the expiration date determined by the schedule contained in K.A.R. 86-1-3;

(4) For renewal of a salesperson's license, an amount, based on an annual amount of \$25;

(5) For renewal of a broker's license, an amount, based on an annual amount of \$40;

(6) For reinstatement of a license which has been deactivated or which has been canceled pursuant to K.S.A. 58-3047(d), and amendments thereto, or by reason of termination of a salesperson or associate broker, a fee of \$15;

(7) For reinstatement of all licenses canceled pursuant to K.S.A. 58-3047(e), and amendments thereto, an amount of \$7.50 for each license canceled;

(8) For issuance of a duplicate license, a fee of \$10; and

(9) For certification of licensure to another jurisdiction, a fee of \$10.

(c) The following fees related to courses of instruction shall be submitted to the commission:

(1) For approval of a course of instruction pursuant to K.S.A. 58-3046a, and amendments thereto, a fee of \$50;

(2) For renewal of an approved course of instruction pursuant to K.S.A. 58-3046a, and amendments thereto, a fee of \$15;

(3) For approval of an instructor pursuant to K.S.A. 58-3046a, and amendments thereto, a fee of \$50; and

(4) For renewal of an approved instructor pursuant to K.S.A. 58-3046a, and amendments thereto, a fee of \$15. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 58-3063, as amended by 1988 SB 283, Sec. 4, and K.S.A. 1987 Supp. 58-3045(b), effective Jan. 1, 1966; amended, E-73-30, Sept. 28, 1973; amended Jan. 1, 1974; amended, E-74-50, Sept. 13, 1974; amended May 1, 1975; amended, E-81-18, July 16, 1980; amended May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-86-10, May 1,

1985; amended May 1, 1986; amended, T-87-32, Nov. 19, 1986; amended May 1, 1987; amended Sept. 27, 1988.)

**86-1-11. Minimum curricula and standards for course.** (a) Each school offering a course approved by the commission under subsection (a) of K.S.A. 58-3046a, and amendments thereto, shall use a course syllabus provided by the commission and shall register such course under the title "Principles of Real Estate."

(b) Each school offering a course approved by the commission under subsection (b) of K.S.A. 58-3046a, and amendments thereto, shall use a course syllabus provided by the commission and shall register the course under the title "Broker Pre-License Course."

(c) Additional instruction required by subsection (c) of K.S.A. 1987 Supp. 58-3046a, and amendments thereto, shall be courses approved by the commission and may include instruction in real estate finance, real estate law, real estate appraisal, real estate investment, and real estate management. Courses dealing with other subject matters may be approved by the commission. Total instruction time of approved courses shall be not less than three hours.

(d) Instruction required by subsection (d) of K.S.A. 1987 Supp. 58-3046a, and amendments thereto, shall include 30 hours of instruction designated by the commission as required hours and 20 hours elected by the licensee from courses approved by the commission as elective hours to meet this requirement. Each school offering the 30 hours of instruction designated as required hours shall use a course syllabus provided by the commission and shall register the course under the title "Salesperson's Post-License Course." (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 1987 Supp. 58-3046a, effective, T-86-31, Sept. 24, 1985; effective May 1, 1986; amended, T-87-32, Nov. 19, 1986; amended May 1, 1987; amended May 1, 1988; amended Sept. 27, 1988.)

**86-1-16. Instructor credit for hours taught.** Any instructor of a course approved to meet a requirement of K.S.A. 58-3046a, and amendments thereto, may receive credit for the number of hours taught by the instructor. The credit may be received by an instructor only once for each course taught during a renewal period. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 1987 Supp. 58-3046a; effective Sept. 27, 1988.)

E. W. YOCKERS  
Director

Doc. No. 006885

## State of Kansas

DEPARTMENT OF HEALTH  
AND ENVIRONMENTPERMANENT ADMINISTRATIVE  
REGULATIONSArticle 65.—EMERGENCY  
PLANNING AND RIGHT-TO-KNOW

**28-65-3. Submitting notifications and reports; fees.** (a) Each notification, report, list of chemicals, the MSDS, and annual report required under these regulations, pursuant to sections 302, 311, 312 and 313 of the federal act shall be submitted to the right-to-know program, bureau of air quality and radiation control, Kansas department of health and environment. Each emergency release notification, pursuant to section 304 of the federal act, shall be submitted to the division of emergency preparedness, department of the adjutant general.

(b) An annual general service fee of \$2.00 shall be paid by all facilities required to comply with sections 311, 312 and 313 of the state or federal submitting or reporting requirements of subsection (a). The fee shall be paid prior to March 1 of each year.

(c) Annual registration fee. An annual fee shall be charged to all facilities complying or filing pursuant to sections 311, 312 and 313 of the federal act. The annual fee shall be the sum of the appropriate individual fees as required by this regulation.

(d) Each facility submitting a list of hazardous chemicals pursuant to section 311 of the federal act shall pay a filing fee of \$23.00. If MSDSs are submitted in lieu of a list, a fee of \$6.00 shall be paid for each MSDS submitted. These fees shall be paid prior to March 1 of each year for any information filed in the preceding year.

(e) Facilities required to submit a tier I and tier II.

(1) Facilities submitting a hazardous substances inventory report pursuant to section 312 of the federal act shall pay an annual fee of \$6.00 for each tier I filing. A fee of \$9.00 shall be charged for each tier II report filed if this option is elected. Each page of the tier II inventory report form shall be considered a separate report for purposes of this paragraph.

(2) A request for tier II information shall be made by the right-to-know program of the bureau of air quality and radiation control of the department of health and environment when necessary to make this information available to comply with section 312(e).

(3) The tier I or tier II fee, or both, shall be paid at the time of submission or prior to March 1 of each year thereafter.

(f) Each facility required to submit toxic waste emissions inventories pursuant to section 313 of the act shall pay an annual fee of \$187.00. This fee shall be paid at the time of submission of the inventory and prior to March 1 for each year thereafter.

(g) Any facility may elect to submit information on a voluntary basis beyond that required for compliance with these regulations. No fee shall be charged for these voluntary submissions.

(h) Registration fees and other payments shall be paid by check, draft or money order to the department of health and environment. In the event an individual or company maintains more than one facility, an aggregate payment may be made for all facilities by a single check, draft or money order. A statement shall accompany each aggregate payment indicating the individual facility names and addresses and a summary of the specific fees for each facility.

These regulations shall apply to all notifications, submissions, registrations, reports, or amendments filed with the department after May 14, 1987, the effective date of the state act. (Authorized by and implementing K.S.A. 1987 Supp. 65-5704; effective, T-88-62, December 30, 1987; effective May 1, 1988; amended, T-89-19, May 27, 1988; amended Sept. 27, 1988.)

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

Doc. No. 006892

## State of Kansas

## ANIMAL HEALTH DEPARTMENT

PERMANENT ADMINISTRATIVE  
REGULATIONSArticle 7.—MOVEMENT OF  
LIVESTOCK INTO OR  
THROUGH KANSAS

**9-7-7. Swine.** (a) All swine imported into Kansas shall be identified to the farm of origin.

(b) All swine importers of feeding, breeding and feral swine shall produce a certificate of veterinary inspection and a permit issued by the Kansas animal health department upon entry to the state of Kansas. All classes of swine from herds of origin consigned to slaughter in Kansas or consigned to an approved Kansas market are exempt. "Herd of origin" as defined in Subpart A General Provision 78.1 of Code of Federal Regulations in effect on January 1, 1988 is hereby adopted by reference.

(c) All imported swine shall originate from herds free of pseudorabies. Any herd may be classified free by the monitoring system approved by the state of origin. Swine that have been pseudorabies vaccinated shall not enter Kansas, except on special permission of the livestock commissioner.

(d) All breeding swine, regardless of age, shall be tested and found negative for brucellosis and pseudorabies within 30 days of entry, or shall be from a validated brucellosis-free and qualified pseudorabies-free herd as defined in subpart A, general provision of 78.1 and part 85, pseudorabies, sec. 85.1 of the Code of Federal Regulations, as in effect on Jan. 1, 1988, which is hereby adopted by reference. All breeding swine shall be quarantined for 21 to 45 days and shall be retested for brucellosis and pseudorabies.

(e) All feeder swine imported into Kansas shall be

(continued)

held under quarantine until fed out and delivered for slaughter. (Authorized by K.S.A. 47-607, implementing 47-607 and 47-610; effective Jan. 1, 1966; amended Jan. 1, 1970; amended Jan. 1, 1971; amended January 1, 1974; amended May 1, 1982; amended Sept. 27, 1988.)

#### Article 14.—LIVESTOCK DEALERS REGISTRATION

**9-14-1. Definitions.** (a) "Herd" means all swine on the premises of any person owning or possessing swine.

(b) "Negative herd test" means all breeding-age animals are negative to an approved pseudorabies test or tests conducted by an approved diagnostic laboratory.

(c) "Monitored herd test" means a herd in which an approved percentage or qualifying number of breeding animals in the herd have been tested and are negative to an approved pseudorabies test.

(d) "Pseudorabies infected herd" means any herd that has been determined to be infected with pseudorabies by an official pseudorabies test or diagnosed by a veterinarian as having pseudorabies.

(e) "Exposed animal" means any animal that has been in contact with an animal infected with pseudorabies.

(f) "Exhibition swine" means swine that are to be exhibited for public view.

(g) "Swine slaughter show" means a show at which all swine on the premises are slaughtered immediately following their exhibition and swine may exhibit without a negative pseudorabies test. (Authorized by K.S.A. 47-607d; 47-610; implementing 47-607d; 47-608; 47-610; effective Sept. 27, 1988.)

**9-14-2. Qualified pseudorabies negative herd.** (a) A qualified pseudorabies negative herd status shall be attained by subjecting all swine over six months of age to an official pseudorabies test and finding all swine so tested to be negative. Each herd shall not have been a known infected herd within the last 30 days before the test. Ninety percent of the swine in the herd shall have been on the premises for at least 50 days prior to testing.

(b) Each qualified pseudorabies negative herd status shall be maintained by subjecting all swine in the herd over six months of age to an official pseudorabies test at least once each year. This shall be accomplished by:

(1) (A) testing 25 percent of the swine over six months of age, every 80-105 days with negative results for all tested; or

(B) testing 10 percent of the herd each month with negative results for all tested; and

(2) finding the entire herd negative for pseudorabies as a result of tests performed in paragraph (1)(A) and (B).

(c) All swine to be added to a qualified negative herd shall be isolated until they have passed two official negative tests. The first test shall be conducted 30 days or more after the start of isolation. The second test shall be conducted 30 days or more after the first

test. Any animal from one qualified pseudorabies negative herd may be added to another qualified pseudorabies negative herd after being isolated 21 to 45 days and then tested and found negative. (Authorized by K.S.A. 47-607d; 47-610; implementing 47-607d; 47-608; 46-610 effective Sept. 27, 1988.)

**9-14-3. Eradication of pseudorabies from infected swine herds.** (a) Each herd under quarantine shall be released after two consecutive official pseudorabies negative tests of all breeding swine in the herd that are six months of age or older. The first test shall be conducted 30 days after all animals that test positive have been removed from the herd and the premises have been disinfected. The second test shall be conducted 60 days after removal of the infected animals and all remaining breeding swine test negative.

(b) (1) Any swine may be fed out for slaughter, or moved to a quarantined feed lot after approval for direct movement and a shipping permit by the Kansas animal health department for direct movement.

(2) All swine from a known infected herd shall move directly to slaughter.

(3) Swine shall not be eligible for exhibition if they originate from a known infected herd.

(c) Any swine herd owner possessing pseudorabies infected tissue or a carcass may dispose of the tissue or carcass by deep burial, removal to a rendering plant, or incineration. The infected swine herd shall be isolated from all other animals. (Authorized by K.S.A. 47-607d; 47-610; implementing 47-607d; 47-608; and 47-610; effective Sept. 27, 1988.)

**9-14-4. Exhibition swine.** All swine shall pass an official pseudorabies test approved by the livestock commissioner within 30 days before the opening date of exhibition, except:

(a) Swine from a qualified pseudorabies negative herd;

(b) Swine qualifying for slaughter shows where all swine on the premises are slaughtered immediately following exhibition and no other species of animal are on the premises; or

(c) Suckling pigs accompanying tested and negative dams. (Authorized by K.S.A. 47-607d; 47-610; implementing 47-607d; 47-608; and 47-610 effective Sept. 27, 1988.)

**9-14-5. Swine slaughter show.** (a) Swine originating from a herd or premises known to have had pseudorabies in any animal within the preceding 12 months shall not be exhibited in Kansas, except at a slaughter show.

(b) Shows of any animals except poultry, rabbits or horses shall not be on the same premises within 14 days following a swine slaughter show.

(c) Swine from a herd in which pseudorabies vaccine has been used shall not be exhibited, except in a swine slaughter show. (Authorized by K.S.A. 47-607d; 47-610; implementing 47-607d, 47-608; and 47-610 effective Sept. 27, 1988.)

ALLAN T. KIMMELL, D.V.M.  
Livestock Commissioner

Doc. No. 006883

## State of Kansas

DEPARTMENT OF REVENUE  
DIVISION OF ALCOHOLIC  
BEVERAGE CONTROLPERMANENT ADMINISTRATIVE  
REGULATIONS

(Effective September 27, 1988.)

The complete text of the following regulations has not been published because of its length and the resulting cost of publication. Copies of the complete text of any of the following regulations may be obtained by contacting the Alcoholic Beverage Control Division, Kansas Department of Revenue, 512 W. 6th, Topeka 66612-1584, (913) 296-3946.

## Article 6.—CONTAINERS AND LABELS

**14-6-1. Containers, nature and form; change of original containers or labels.** Requires all original packages of alcoholic liquor to conform to federal and state safety and sanitary standards with approval by the director as to nature and form. All inventories of the old package in the hands of distributors shall be depleted before the new package may be offered for sale.

**14-6-2a. Capacities of containers.** Describes the capacities of original containers in which alcoholic liquor may be sold or offered for retail sale in this state. Allows for consideration of new sizes and exceptions to specified capacities with approval by the director.

**14-6-3. Labels on containers of alcoholic liquor except beer, nature.** Requires labeling of alcoholic liquor, except beer, to include the quantity of liquor in original package, the alcoholic content, the name of the importer or manufacturer, and percentage of all ingredients contained in blended liquor.

**14-6-4. Labels on containers of beer and cereal malt beverage, nature.** Requires labeling of beer and cereal malt beverage with "beer" or "ale" or name listed in accordance with K.S.A. 1987 Supp. 41-102; the number of fluid ounces in each container; the name of the manufacturer or importer; and any additional information to conform to other laws and regulations.

## Article 7.—TAX, TAX STAMPS; CROWNS, LIDS

**14-7-2. Beer, crowns, lids, and labels; stamping of master carton, keg shipments.** Requires each case of bottled or canned beer shipped into the state to be stamped with "Kansas strong" or other appropriate language as approved by the director. Requires all kegs of strong beer to be identified by a distinctive bung.

**14-7-3. Revoked.**

**14-7-4. Alcoholic liquor and cereal malt beverage; payment of tax.** Requires tax on alcoholic liquor and cereal malt beverage to be paid by the distributor on or before the 15th day of the calendar month. Requires each licensed distributor to furnish a bond payable to the director for the term of the license of the distributor.

**14-7-8. Revoked.**

## Article 8.—ADVERTISING

**14-8-1. "Advertisement" defined.** Defines advertisement to include the medium of radio and television.

**14-8-6. Advertising on vehicles prohibited.** Prohibits advertising on vehicles except for company names, brand names, and logos pertaining to licensed distributors, manufacturers, nonbeverage users, microbreweries and farm wineries.

**14-8-7. House-to-house, door-to-door solicitation prohibited.** Prohibits specific forms of solicitation by manufacturers, importers, distributors, clubs, drinking establishments, caterers, temporary permit holders, farm wineries, microbreweries and retailers.

## Article 10.—TRADE PRACTICES

**14-10-5. Definitions.** Defines the following terms: caterer, club, director, distributor, drinking establishment, industry member, manufacturer, person, retailer, supplier and salesperson.

**14-10-6. General.** Industry members are prohibited from inducing the purchases of a retailer, club, drinking establishment or caterer, subject to exceptions provided in this article.

**14-10-7. Indirect inducement through third party arrangements.** Defines the indirect furnishing of an item of value within the meaning of this article.

**14-10-8. Sale of equipment, supplies or services.** Defines sale of equipment. Permits an industry member to sell glassware, carbon dioxide gas or ice, and coil cleaning services to a retailer, club, drinking establishment or caterer.

**14-10-9. Assistance in acquiring a license.** Prohibits an industry member to assist a retailer, club, drinking establishment or caterer in the acquisition of a license.

**14-10-10. Advertising signs, cooperative advertising, trade journals.** Describes restrictions pertaining to cooperative advertising between industry members and retailers, clubs, drinking establishments or caterers. Permits certain inside signs and specific forms of advertising by retailers, clubs, drinking establishments and caterers in conjunction with industry members.

**14-10-11. Item intended for consumers and promotions.** Permits the furnishing of coupons by an industry member to consumers which are redeemable to a retail establishment. Permits contest prizes, premium offers, refunds, and like items to be offered by industry members directly to consumers.

**14-10-12. Record keeping requirements.** Requires industry members to maintain records on the permit premises for a three-year period. Provides information which shall be shown on the records.

**14-10-13. Product displays.** Permits an industry member to provide product displays to retailers, clubs, drinking establishments or caterers under certain conditions and limitations.

**14-10-14. Retail advertising specialties.** Permits an industry member to provide certain advertising specialties

(continued)

to retailers, clubs, drinking establishments or caterers subject to limitations.

**14-10-15. Participation in retailer association activities.** Permits an industry member to participate in retailer, club, drinking establishment or caterer association activities.

**14-10-16. Defective liquor containers; repurchase by distributor; when allowed.** Provides criteria for buy back of any item of alcoholic liquor or cereal malt beverage.

**Article 14.—MANUFACTURERS; DISTRIBUTORS; NONBEVERAGE USERS; FARM WINERIES; MICROBREWERIES**

**14-14-1. Definitions.** Defines the following terms: alcoholic liquor, beer, beer distributor, beneficial interest, bulk wine, caterer, cereal malt beverage, church, club, director, distributor, drinking establishment, licensed premises, manufacturer, morals charge, person, retailer, spirits, spirits distributor, supplier, wine and wine distributor.

**14-14-2. Application for manufacturer's, distributor's, nonbeverage user's, farm winery and microbrewery license; contents, conditions and restrictions on issuance of license.** Describes the procedure and appropriate documents deemed necessary by the director to apply for a license and describes restrictions that apply to the licensed premises.

**14-14-3. Application for renewal of license, short method.** Permits licensee to renew existing license by certified statement that acknowledges accuracy of information contained in the most recent complete application.

**14-14-4. Corporate licensees, change of ownership, updating application, certification that new owner qualified.** Requires a report to the director when any transfer of the stock of a corporation holding a manufacturer's license results in any person holding 25 percent of the outstanding stock of the corporation.

**14-14-5. Franchises.** Permits franchise agreements and prohibits franchise discrimination. Requires a summary of any franchise agreement to be filed with the director. Requires description of franchise territory.

**14-14-6. Industry seminars.** Permits manufacturers and distributors to hold seminars with authorization from the director.

**14-14-7. Sales and transfers of alcoholic liquor by distributors authorized, export permits.** Permits a distributor to sell any alcoholic liquor to a distributor, retailer, or military installation, and, to sell bulk wine to a club, drinking establishment or caterer. Provides for the issuing of export permits by the director for shipping of merchandise back to manufacturers.

**14-14-8. Distributor's records required, reports required, filing of affidavits.** Requires distributors to provide monthly reports of all alcoholic liquor bought and sold during the preceding calendar month and to maintain on the licensed premises records of all alcoholic liquor bought and sold, receipts, expenditures, invoices and sales tickets for a period of three years.

**14-14-9. Nonbeverage user licensee's records required.** Requires nonbeverage users to maintain records of all alcoholic liquor purchased for a period of three years.

**14-14-10. Manufacturer's records required, reports required, filing of affidavits.** Requires each supplier of alcoholic liquor to keep records of all alcoholic liquor or wine sold by the licensee for a period of three years.

**14-14-11. Prohibited conduct of licensees.** Describes specific forms of conduct that are prohibited by licensees.

**14-14-12. Transportation of spirits by distributors.** Delivery shall not be made on the same day the order is placed.

**Article 17.—MISCELLANEOUS**

**14-17-5. Acceptance of hospitality by director and employees.** Provides guidelines for acceptance of hospitality by director and employees of the alcoholic beverage control division.

**Article 23.—TEMPORARY PERMITS**

**14-23-3. Requirements for temporary permit.** Describes restrictions for the issuance of a temporary permit pertaining to individuals and corporate officers, managers, directors, or stockholders.

TOM HANNA  
Director, Division of  
Alcoholic Beverage Control

Doc. No. 006880

**State of Kansas**

**SOCIAL AND REHABILITATION SERVICES**

**PERMANENT ADMINISTRATIVE  
REGULATIONS**

(Effective October 1, 1988)

The complete text of the following regulations has not been published because of its length and the resulting cost of publication. Copies of the complete text of any of the following regulations may be obtained by contacting the Legal Division, Department of Social and Rehabilitation Services, 6th Floor, Docking State Office Building, Topeka 66612, (913) 296-3969.

**Article 2.—GENERAL**

**1. 30-2-16. Permanency planning goals for title IV-E of the federal social security act.** This regulation is being amended to change the date of the federal fiscal year permanency planning goals from October 1, 1987 to October 1, 1988.

**Article 4.—PUBLIC ASSISTANCE PROGRAMS**

**1. 30-4-50. Assistance eligibility, general.** This regulation is being amended to adopt the August 1, 1988 temporary change which includes the KanWork program outlined in K.A.R. 30-4-63 as a new general eligibility requirement. This change is being made to accommodate the provisions of H.B. 2644.

**2. 30-4-57. Job search requirements.** This regulation is being amended to adopt the August 1, 1988 temporary



change which modifies the language of the exemptions to permit the adoption of the job search exemptions to the KanWork program. This change is being made to accommodate the provisions of H.B. 2644.

3. **30-4-58. Potential employment.** This regulation is being amended to adopt the January 21, 1988 temporary change which provides 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.

This regulation is being further amended to clarify that any persons who are exempted from the job search requirement and the WIN registration requirement for any reason other than full-time employment shall be exempt from this regulation. This is a clarification only.

4. **30-4-62. Community work experience program requirements.** This regulation is being amended to adopt the August 1, 1988 temporary change which restricts the exemption for any parent or other relative personally providing care for a child under the age of six to non-KanWork counties and to add an exemption for KanWork counties for any parent or other relative who is personally providing care for a child under the age of three. This change is being made to accommodate the provisions of H.B. 2644.

This regulation is being further amended to adopt the August 1, 1988 temporary change which modifies the language of the CWEP exemptions to permit the adoption of these exemptions to the KanWork program. This change is being made to accommodate the provisions of H.B. 2644.

5. **30-4-63. KanWork program requirements.** The secretary is promulgating a new regulation to establish the KanWork program in those counties in the state that are designated by the secretary as KanWork counties. This regulation is being adopted as a temporary regulation effective August 1, 1988. This regulation is being further amended to permit the secretary to establish uniform exemptions across all KanWork program components based on an approved federal waiver. The text of the regulation is set forth below:

30-4-63. KanWork program requirements. Each assigned recipient, unless exempted, shall be required to participate in the KanWork program. Any exempt recipient may volunteer for participation in the KanWork program. The geographic areas in the state and the public assistance programs in which the KanWork requirements are to be enforced shall be designated by the secretary. The administration of the KanWork program shall be within the limits of appropriations. (a) Participation requirements. Each assigned recipient shall enter into a written contract with the agency for the purpose of participating in an agency-approved, work-related program directed toward a plan of self-sufficiency. The program requirements listed below shall be components of the KanWork program:

(1) Job search requirements. The provisions of K.A.R. 30-4-57 shall be applicable to KanWork participants who are required to engage in job search activities, except that the secretary shall modify the exemptions to achieve uniformity across all KanWork program components based on the approved federal waiver.

(2) Community work experience program (CWEP). The provisions of K.A.R. 30-4-62 shall be applicable to KanWork participants who are required to participate in CWEP, except that the secretary shall modify the exemptions to achieve uniformity across all KanWork program components based on the approved federal waiver.

(3) ADC work incentive (WIN). The provisions of K.A.R. 30-4-75 shall be applicable to KanWork participants who are required to register for and participate in the WIN program, except that the secretary shall modify the exemptions to achieve uniformity across all KanWork program components based on the approved federal waiver.

(4) Education and training. Each assigned recipient shall participate in an education plan or training plan that is aimed at facilitating a recipient's movement toward self-sufficiency and employment retention. Persons who would be exempt from the job search requirements as outlined in K.A.R. 30-4-57(b) shall be exempt from participating in the education and training requirements, except that the secretary shall modify the exemptions to achieve uniformity across all KanWork program components based on the approved federal waiver.

(5) Grant diversion. Each assigned recipient shall participate in a grant diversion program in which an employer receives a wage subsidy from money diverted from public assistance grants. Persons who would be exempt from the job search requirements as outlined in K.A.R. 30-4-57(b) shall be exempt from participating in the grant diversion program, except that the secretary shall modify the exemptions to achieve uniformity across all KanWork program components based on the approved federal waiver.

(b) Support services. Support services shall be provided to participants. Support services shall include, but are not limited to:

(1) Education and training expenses as outlined in K.A.R. 30-4-120(b)(8);

(2) child care assistance as outlined in K.A.R. 30-4-120(b)(8);

(3) transportation assistance as outlined in K.A.R. 30-4-120(b)(8); and

(4) family mentor assistance.

(c) Transitional services. Transitional services shall be provided to each participant who loses eligibility for public assistance due to becoming employed. Transitional services shall include, but are not limited to:

(1) Child care assistance as outlined in K.A.R. 30-4-120(b)(9);

(2) transportation assistance as outlined in K.A.R. 30-4-120(b)(9);

(3) special needs assistance as outlined in K.A.R. 30-4-120(b)(9); and

(4) medical assistance as outlined in K.A.R. 30-6-65(j) and (p).

(d) Penalty. A first-time failure of a nonexempt ADC or ADC-FC person to meet the KanWork requirements, without good cause, shall render the individual ineligible for assistance for three months and a subsequent failure shall result in ineligibility for six months. A first-time failure of a nonexempt GA individual to meet the KanWork requirements, without good cause, shall render the individual, and all persons for whom that individual

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is legally responsible, ineligible for three months and a subsequent failure shall result in ineligibility for six months. A first-time failure of a principal wage earner in ADC-UP to meet the KanWork requirements, without good cause, shall render the individual, and all persons in the mandatory filing unit, ineligible for three months and a subsequent failure shall result in ineligibility for six months. If the person becomes exempt during the penalty period, the penalty shall not be delayed or waived.

**6. 30-4-74. Persons whose needs shall be considered with the needs of the ADC child.** This regulation is being amended to adopt the July 1, 1988 temporary change which provides that all children whose needs are met through an ADC foster care payment will be excluded from the mandatory filing unit. This change is being made to accommodate the change to K.A.R. 30-4-80.

**7. 30-4-80. Eligibility factors specific to the ADC-FC program.** This regulation is being expanded to adopt the July 1, 1988 temporary change which provides that a child of an ADC-FC recipient shall be deemed to meet the eligibility requirements of the ADC-FC program if the child and the recipient are living together in the same foster care living arrangement.

**8. 30-4-90. Eligibility factors specific to the GA-unrestricted (GAU) program.** This regulation is being amended to restrict the eligibility criteria for full-time high school students to those students who are under 21 years of age.

**9. 30-4-95. Eligibility factors specific to the GA-FC program.** This regulation is being amended to extend GA-FC eligibility to youth up to age 21 based on an approved independent living plan.

**10. 30-4-101. Standards for persons in own home, other family home, specialized living, commercial board and room, or commercial room-only living arrangements.** This regulation is being amended to adopt the July 1, 1988 temporary change which increases the energy supplement contained in the basic standards from \$12 to \$18 per person. This \$6 per person increase represents a 5 percent increase in the public assistance expenditures that were appropriated by the Kansas Legislature.

**11. 30-4-102. Standards for children in foster care.** This regulation is being amended to adopt the July 1, 1988 temporary change which increases the foster family care rates by 3.2 percent. This results in an increase in the daily rates of: \$.19 for infants through four years of age; \$.27 for ages 5 through 11; and \$.34 for children age 12 and older. The increase in foster family care rates was appropriated by the Kansas Legislature.

This regulation is being further amended to adopt the July 1, 1988 temporary change which provides that the foster care standards are to be used to meet the maintenance needs of a child of an ADC-FC recipient if the recipient and child are living together in the same foster care living arrangement.

**12. 30-4-106. General rules for consideration of resources, including real property, personal property, and income.** This regulation is being amended to adopt the May 1, 1988 temporary change which excludes the income of an alien who is a sibling of an ADC child and who is excluded from the assistance plan due to the provisions of P.L. 99-603, the Immigration Reform and Control Act (IRCA) of 1986.

This regulation is being further amended to adopt the July 1, 1988 temporary change which provides that the income and resources of children who have been excluded from the assistance plan because their needs are met through foster care payments shall not be considered in determining eligibility for the remaining members of the assistance plan.

This regulation is being further amended to no longer exempt contributions made by an SSI recipient toward household expenses when the SSI recipient does not have the legal responsibility to support a person in the plan.

**13. 30-4-108. Real property.** This regulation is being amended to limit the exemption of real property, other than the home, that is essential for employment or self-employment or that is producing income that is consistent with its fair market value to the GA program.

**14. 30-4-110. Income.** This regulation is being amended for a technical change.

**15. 30-4-113. Income exempt as applicable income.** This regulation is being amended to eliminate the exemption of interest income.

**16. 30-4-120. Special allowances and requirements for applicants and recipients of ADC, ADC-FC, APW, GAU, and GA-FC.** This regulation is being amended to adopt the August 1, 1988 temporary change which adds a special allowance provision for KanWork transition services. Based on an agency-approved plan, transition expenses shall be allowed for the KanWork recipient who loses eligibility for public assistance due to becoming employed. Such expenses include but are not limited to child care, transportation, and special one-time needs. This change is being made to accommodate the provisions of H.B. 2644.

This regulation is being further amended to adopt the August 1, 1988 temporary change which clarifies that education and training costs can include but are not limited to tuition, books, fees, transportation, and child care. This is a clarification only.

#### Article 5.—PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REIMBURSEMENTS FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

**1. 30-5-58. Definitions.** This regulation is being amended to delete the definition of "disproportionate number of low income patients with special needs" and to replace it with the definition of "disproportionate share hospital" as follows:

(s) "Disproportionate share hospital" means a hospital that has:

(1) A medicaid/medikan inpatient utilization rate of at least one standard deviation above the mean medicaid/medikan inpatient utilization rate for hospitals within the state borders of Kansas which are receiving medicaid/medikan payments or a hospital with a low-income utilization rate exceeding 25%; and

(2) at least two obstetricians with staff privileges at the hospital who have agreed to provide obstetric services to medicaid/medikan eligible individuals. In a hospital located in a rural area, the obstetrician may be any physician with staff privileges at the hospital to perform non-emergency obstetric procedures. The only exceptions to this shall be:

(A) A hospital with inpatients who are predominantly under 18 years of age; or

(B) a hospital which did not offer non-emergency obstetric services as of December 21, 1987.

Add the following new definitions:

(gg) "Hospital located in a rural area" means a facility located in an area outside of a metropolitan statistical area as defined by the executive office of management and budget under the health care financing administration.

(ll) "Low-income utilization rate for hospitals" means the rate which is defined in accordance with the Omnibus Budget Reconciliation Act, Public Law 100-203, Section 4112, effective July 1, 1988.

(nn) "Medicaid/medikan hospital inpatient utilization rate" means the total number of medicaid/medikan paid inpatient days in a cost reporting period, divided by the total number of the hospital's inpatient days in the same period.

2. **30-5-81. Scope of hospital services.** This regulation is being amended to adopt the May 27, 1988 temporary change which adds the coverage of liver transplants for EPSDT program participants.

3. **30-5-81b. The basis of reimbursement for hospital services.** This regulation is being amended to be consistent with the definitional changes and additions to K.A.R. 30-5-58 and to change the reimbursement methodology for hospitals determined to be disproportionate share hospitals to be in accordance with the Omnibus Budget Reconciliation Act of 1988, Public Law 100-203, Section 4112, effective July 1, 1988.

4. **30-5-88. Scope of physician services.** This regulation is being amended to adopt the May 27, 1988 temporary change which adds the coverage of liver transplants for EPSDT program participants.

5. **30-5-100. Scope of dental services.** This regulation is being amended to delete emergency dental services for adult medicaid recipients.

#### Article 6.—MEDICAL ASSISTANCE PROGRAM— CLIENT'S ELIGIBILITY FOR PARTICIPATION

1. **30-6-41. Assistance planning.** This regulation is being amended to adopt the July 1, 1988 temporary change which provides a cross-reference to K.A.R. 30-6-77 for purposes of establishing the mandatory filing unit for the new program for poverty level pregnant women and young children. This change is as a result of specific appropriations made by the Kansas Legislature for pregnant women and for children under two years of age.

2. **30-6-53. Financial eligibility.** This regulation is being amended to adopt the July 1, 1988 temporary change which makes sections (c) and (d) of this regulation not applicable in determining eligibility for poverty level pregnant women and young children. Persons with a spenddown are not eligible for the new program and thus, no medical expenses can be deducted to lower the spenddown. This change is being made to accommodate the new provisions of K.A.R. 30-6-77.

3. **30-6-56. Transfer of property.** This regulation is being amended for SSI to adopt the May 1, 1988 temporary change which requires the agency to initially waive or subsequently suspend an established period of ineligibility resulting from a transfer of property without ad-

equated consideration when it is determined that such action is necessary to avoid undue hardship.

This regulation is being further amended to adopt the May 1, 1988 temporary change which provides that a division of resources between a husband and wife pursuant to 1988 SB No. 264 shall not affect eligibility under the transfer of property provisions.

4. **30-6-58. Potential employment.** This regulation is being amended to adopt the January 21, 1988 temporary change which provides 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.

This regulation is being further amended to clarify that any persons who are exempted from the job search requirement for any reason other than full-time employment shall be exempt from this regulation. This is a clarification only.

5. **30-6-65. Automatic eligibles.** This regulation is being amended to adopt the August 1, 1988 temporary regulation which expands the automatic eligible provisions to include a KanWork participant and the participant's family who have lost eligibility for public assistance due to employment. Automatic eligibility for the medical assistance program shall not exceed 12 months immediately subsequent to the last month in which the family was eligible and legally entitled to receive public assistance. Eligibility shall be contingent upon an agency-approved plan in which the recipient has the responsibility to contribute to the payment of the costs for medical coverage for a portion of the 12-month period. This change is being made to accommodate the provisions of H.B. 2644.

This regulation is being further amended to extend the provision allowing for automatic eligibility when a person becomes ineligible for ADC, ADC-FC or APW solely because of the termination of the earned income disregards from nine months to 12 months for KanWork participants and their immediate families.

6. **30-6-74. Persons whose needs are to be considered with the needs of the ADC child.** This regulation is being amended to adopt the July 1, 1988 temporary change which provides that all children whose needs are met through an ADC foster care payment will be excluded from the mandatory filing unit. This change is being made to accommodate the change to K.A.R. 30-4-80.

4. **30-6-77. Poverty level pregnant women and young children determined eligibles.** The secretary is promulgating a new regulation. This regulation was adopted as a temporary regulation effective July 1, 1988. The text of the regulation is set forth below:

30-6-77. Poverty level pregnant women and young children; determined eligibles. Each applicant or recipient shall meet the general eligibility requirements of K.A.R. 30-6-50 and the specific eligibility requirements set forth below. (a) Pregnant woman. Each eligible woman shall be medically determined to be pregnant. Assistance under this provision shall continue for two calendar months following the month in which the pregnancy terminates.

(b) Young child. Each eligible child shall be under two years of age. Assistance under this provision shall continue through the month in which the child turns age two, or

(continued)

if receiving inpatient services in the month in which the child turns age two, eligibility shall continue through the calendar month in which that inpatient care ends provided that the care will not exceed the two calendar months following the month of entrance. If the inpatient care will exceed that time period, eligibility for the child under this provision shall end on the last day of the calendar month in which the child turns age two.

(c) Persons whose needs are to be considered in determining eligibility.

(1) For pregnant women, the needs of the pregnant woman, the unborn child and the father of the unborn child shall be considered if living together. If the pregnant woman is a minor, the needs of her parents shall also be included if living together.

(2) For young children, the needs of the child and the child's parents shall be considered if living together.

(3) Other pregnant women and young children in the family group for whom assistance is requested shall be included in the assistance plan if otherwise eligible.

(d) Financial eligibility. One hundred percent of the official federal nonfarm poverty level shall be used as the protected income level for the number of persons in the plan and any other persons in the family whose income is being considered. Total applicable income to be considered in the eligibility base period shall be compared against the poverty level for the base period. To be eligible under this provision, the total applicable income shall not exceed the poverty level established for the base period. Ownership of excess nonexempt real or personal property shall not result in ineligibility.

**5. 30-6-78. Medicaid (title XIX) determined eligibles—eligibility factors specific to aid to pregnant women (APW).** This regulation is being amended to adopt the July 1, 1988 temporary change which restricts eligibility under the APW program to women who do not qualify for medical assistance under the provisions of K.A.R. 30-6-77. This change is being made to accommodate the new provisions of K.A.R. 30-6-77.

**6. 30-6-103. Determined eligibles; protected income levels.** This regulation is being amended to adopt the July 1, 1988 temporary change which increases the protected income levels for persons in independent living arrangements from \$460 to \$466 for two persons and from \$465 to \$480 for three persons. The protected income levels for four or more persons shall be the sum of the basic standard for a like public assistance family plus the maximum state shelter standard.

This regulation is being further amended to adopt the July 1, 1988 temporary change which increases the protected income level for persons in institutional living arrangements from \$25 to \$30. This change is being made to parallel the increase in SSI benefits for institutionalized persons as provided in Section 9119 of the Omnibus Budget Reconciliation Act of 1987.

This regulation is being further amended to adopt the July 1, 1988 temporary change which provides that the protected income level for pregnant women and for children under age two who qualify under the provisions of K.A.R. 30-6-77 equal 100 percent of the official federal nonfarm poverty level. This change is being made to accommodate the new provisions of K.A.R. 30-6-77.

**7. 30-6-106. General rules for consideration of re-**

**sources, including real property, personal property, and income.** This regulation is being amended to adopt the May 1, 1988 temporary change which modifies the income provision in which income is considered for a six-month period following the month in which the care situation begins when a husband and wife are both applicants or recipients and when one or both enter a care situation to include spouses who reside in the same care situation. Previously, the six-month income provision was limited to spouses who shared the same room in a care situation.

This regulation is being further amended for SSI to adopt the May 1, 1988 temporary change which provides that real property shall be considered unavailable for so long as it cannot be sold because the property is jointly owned and its sale would cause undue hardship due to the loss of housing for the other owner, or the owners' reasonable efforts to sell the property have been unsuccessful.

This regulation is being further amended for SSI to adopt the May 1, 1988 temporary change which provides that the separate share of resources of the applicant's or recipient's spouse resulting from a division of resources between a husband and wife pursuant to 1988 SB No. 264 shall not be considered available to the applicant or recipient except as provided by the rules regarding the consideration of combined income and resources where both spouses are applicants or recipients and one or both enter a care situation.

This regulation is being amended to adopt the July 1, 1988 temporary change which provides that the income and resources of children who have been excluded from the assistance plan because their needs are met through foster care payments shall not be considered in determining eligibility for the remaining members of the assistance plan.

This regulation is being further amended to no longer exempt contributions made by an SSI recipient toward household expenses when the SSI recipient does not have the legal responsibility to support a person in the plan.

**11. 30-6-107. Property exemption.** This regulation is being amended to adopt the July 1, 1988 temporary change which provides that the ownership of excess nonexempt real and personal property will not result in ineligibility for pregnant women and children under two years of age who qualify for medical assistance under K.A.R. 30-6-77. This change is a result of appropriations specifically designated by the Kansas Legislature for pregnant women and children under two years of age.

**12. 30-6-108. Real property.** This regulation is being amended for non-SSI cases to delete the exemption of real property, other than the home, that is essential for employment or self-employment or that is producing income that is consistent with its fair market value.

**13. 30-6-109. Personal property.** This regulation is being amended for SSI to adopt the May 1, 1988 temporary change which modifies the exemption of a retroactive social security benefit from six months to nine months following the month of receipt.

**14. 30-6-112. Income exempt from consideration as income and as a cash asset.** This regulation is being amended for SSI to adopt the May 1, 1988 temporary change which excludes payments occasioned by the death of another person to the extent that payments have been

expended or committed to be expended for purposes of the deceased person's last illness and burial. Such payments include, but are not limited to, proceeds from a life insurance or burial insurance policy, gifts, and inheritances.

**15. 30-6-113. Income exempt as applicable income.** This regulation is being amended for SSI to adopt the May 1, 1988 temporary change which extends the time limit for making application for medical assistance under the disabled widow or widower provisions to July 1, 1988.

This regulation is being further amended for SSI to adopt the May 1, 1988 temporary change which exempts income that is allocated and expended by a person in an institutional living arrangement or a home and community based services care arrangement for the support of the person's spouse pursuant to 1988 SB No. 264.

This regulation is being further amended for SSI to adopt the July 1, 1988 temporary change which exempts the amount of social security early widow or widower benefits under section 202(e) or (f) of the Social Security Act provided that the person: became ineligible for SSI because of the receipt of such benefits; would be currently eligible for SSI in the absence of such benefit; and is not entitled to hospital insurance benefits under Part A of Title XVIII of the Social Security Act.

This regulation is being further amended to eliminate the exemption of interest income.

This regulation is being further amended to exempt the income of an SSI recipient which exceeds the protected income level for institutionalized persons for three months following the month of admission when the Social Security Administration determines that the stay in the institution is temporary and the person needs to continue to maintain and provide for the expenses of the home or other living arrangement to which the person may return.

#### Article 10.—MEDICAID/MEDIKAN PROGRAM— ADULT CARE HOMES

**1. 30-10-18. Rates of reimbursement.** This regulation is being amended to adopt the January 21, 1988 temporary changes which were as follows:

(a) Change the term "change of ownership" to "change of provider" for purposes of clarity;

(b) provide that a retroactive settlement will be made based on the variances between the interim payment rates and the historic rates from the first cost report filed by the new provider subject to K.A.R. 30-10-18(a)(2);

(c) change subsection (h) of this regulation to read as follows:

(h) Projected survey correction budget to meet survey requirements.

(1) Intermediate care facilities for the mentally retarded (ICF-MR) required by a state or federal certification survey to incur additional operating costs in excess of \$125,000.00 for facilities with more than 15 beds, and \$40,000.00 for facilities with 15 beds or less, to meet certification requirements, shall be allowed to file a projected survey correction budget.

The projected survey correction budget shall be based on a proposed budget for the survey corrections for the provider's most immediate future 12-month period. The projection period shall end on the last day of a calendar

month. Copies of the survey deficiencies shall be attached to the projected survey correction budget.

(2) The projected survey correction budget shall be reviewed for reasonableness and appropriateness by the agency before the rate or rates are established for the projection period. The projected budget items which are determined to be unreasonable or not appropriate to the survey corrections shall be excluded.

(3) A reasonable add-on to the per diem rate already in effect shall be determined from the reviewed correction budget. The increases to the per diem rate shall not be limited by K.A.R. 30-10-18(a)(2).

(4) Within three months after the end of the projection period, the provider shall submit sufficient documentation for audit of its actual expenditures for the survey corrections. The add-on adjustments shall be reduced for any amounts of the survey correction budget not spent for purposes reasonable and appropriate to the survey corrections; and

(d) add new subsection (i) which reads as follows:

(i) Determination of rates for adult care home providers re-entering the medicaid program.

(1) The per diem rate for each provider re-entering the medicaid program shall be determined from:

(A) A projected cost report where the provider has not actively participated in the program by the submission of any current patient service billings to the program for 24 months or more or has not participated in the medicaid program for less than 24 months, and the per diem rate to be paid is not sufficient reimbursement for providing the economic and efficient care and services required by program laws and regulations; or

(B) the last historic cost report filed with the agency if the provider has not actively participated in the program during the most recent 24 months, and if the per diem rate to be paid is sufficient reimbursement for providing the economic and efficient care and services required by program laws and regulations, the agency shall apply the appropriate historic and estimated inflation factors to the per diem rate determined in accordance with this paragraph.

(2) Where the per diem rate for a provider re-entering the program is determined in accordance with paragraph (1)(A) of this section, the agency will make a settlement in accordance with K.A.R. 30-10-18(f).

(3) Where the per diem rate for a provider re-entering the program is determined in accordance with paragraph (1)(B) of this section, the agency will make settlements only on those historic cost reports with fiscal years beginning after the date on which the provider re-entered the program.

WINSTON BARTON  
Secretary of Social and  
Rehabilitation Services

Doc. No. 006879

## State of Kansas

## DEPARTMENT OF ADMINISTRATION

PERMANENT ADMINISTRATIVE  
REGULATIONS

## Article 2.—DEFINITIONS

**1-2-25. Compensatory time credits.** Compensatory time credits are: (a) leave credits given to employees who work on holidays and who are compensated for such holiday work by receiving time off at a later date, at the rate of one and a half hours off for one hour worked; or

(b) time off in lieu of monetary payment for over-time worked given pursuant to K.A.R. 1-5-24. (Authorized by K.S.A. 1987 Supp. 75-3747; implementing K.S.A. 75-3746; effective May 1, 1979; amended, T-86-17, June 17, 1985; amended, T-86-36, December 11, 1985; amended May 1, 1986; amended, T-87-11, May 1, 1986; amended May 1, 1987; amended, T-89-1, May 1, 1988; amended Oct. 1, 1988.)

## Article 5.—COMPENSATION

**1-5-13. Salary of employee appointed to a higher class.** (a) When an employee is promoted or when an employee is appointed on a conditional basis to a class with a higher salary range, the appointing authority shall notify the director of the salary increase to be made.

(b) (1) If the promotion or conditional appointment is from one classified position to another classified position, the appointing authority:

(A) shall pay the employee at the same step of the range for the new class as the step on which the employee was being paid in the lower class;

(B) shall pay the employee at any lower step of the range for the new class which gives the employee an increase in pay;

(C) shall pay the employee at the step at which it makes original appointments in the class when a higher step in the range has been established as the starting salary for appointments in the class pursuant to K.A.R. 1-5-8; or

(D) may, with the approval of the director of personnel services, pay the employee at a higher step in the range, if the employee to be appointed has exceptional qualifications. Each request for approval of appointment to a higher step shall include information concerning the employee's education, training, experience, and other qualifications.

(2) An employee who has been demoted or reemployed at a lower range, and who is promoted within one year following the demotion or reemployment, shall not be paid at a higher step of the range than one step above the step at which the employee was being paid immediately prior to the demotion or layoff. This requirement may be waived or modified by the director if the promotion is to a class with a range lower than the range of the class from which the employee was demoted.

(c) If the promotional appointment to the higher class is due to reallocation of the position in which the

employee was serving at time of reallocation, the salary shall be determined as in paragraph (b)(1) of this regulation.

(d) Nothing in this regulation authorizes a salary above the maximum step of the range.

(e) If an employee is promoted from an unclassified position to a classified position, the salary upon promotion shall be determined pursuant to K.A.R. 1-5-12.

(f) Each employee who is promoted or who is appointed on a conditional basis to a class with a higher salary range shall also receive a salary step increase on the same date, if eligible for such an increase.

(g) The pay increase date for any person appointed to a higher class shall be governed by the time-on-step requirement of the step to which appointed. (Authorized by K.S.A. 1987 Supp. 75-3747; implementing K.S.A. 75-2938, K.S.A. 75-3746; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1983; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-89-1, May 1, 1988; amended Oct. 1, 1988.)

Article 9.—HOURS; LEAVES;  
EMPLOYEE-MANAGEMENT  
RELATIONS

**1-9-5. Sick leave.** (a) Each permanent, probationary, and conditional employee in the classified service, excluding those who are on temporary or emergency appointments, shall be credited and accumulate sick leave as provided in this regulation.

(b) The maximum sick leave credit an employee is entitled to for any payroll period shall be as follows:

(1) Eight hours for employees paid on a monthly basis;

(2) Four hours for employees paid on a semi-monthly basis; and

(3) Three and seven-tenths hours for employees paid on a bi-weekly basis.

Each employee working a fraction of full time shall be credited sick leave in accordance with tables A or B.

TABLE A  
Sick Leave Earnings Schedule  
for Employees Paid Monthly and Semi-Monthly

Hours Worked Per Pay Period *	Hours Earned Per Pay Period
0- 19	0.00
20- 39	1.00
40- 59	2.00
60- 79	3.00
80- 99	4.00
100-119	5.00
120-139	6.00
140-159	7.00
160-	8.00

\* "Hours worked" means hours in pay status except that overtime worked and additional payment for holidays worked are not counted in determining sick leave earned.

TABLE B  
Sick Leave Earnings Schedule  
for Employees Paid Biweekly

Hours Worked Per Pay Period *	Hours Earned Per Pay Period
0- 7	0.0
8-15	0.4
16-23	0.8
24-31	1.2
32-39	1.6
40-47	2.0
48-55	2.4
56-63	2.8
64-71	3.2
72-79	3.6
80-	3.7

\* "Hours worked" means hours in pay status except that overtime worked and additional payment for holidays worked are not counted in determining sick leave earned.

(c) On the first day following each payroll period, the sick leave accrued during the previous payroll period shall be credited to each employee. In no case shall overtime worked be counted in determining sick leave credited. Each eligible employee paid on a monthly or semi-monthly basis shall be credited sick leave credits at the rate of one hour for each 20 hours in pay status, excluding overtime worked and additional payment for holidays worked, up to the maximum set forth in subsection (b).

(d) Each employee wishing to use sick leave shall request its use in the form and at such time as prescribed by the appointing authority, as required by K.A.R. 1-9-3(a). Any employee may be required by the appointing authority or the director of personnel services to provide evidence necessary to establish that the employee is entitled to use sick leave credits under the circumstances of the request. If the employee fails to provide this evidence, the use of requested sick leave may be denied by appointing authority or director. The appointing authority, with the director's approval, may require a physical examination of an employee by a physician designated by the agency at the agency's expense.

(e) Sick leave with pay shall be granted only for the following reasons:

(1) illness or disability of the employee including pregnancy, childbirth, miscarriage, abortion, and recovery therefrom;

(2) illness or disability, including pregnancy, childbirth, miscarriage, abortion, and recovery therefrom, of a member of the employee's family when the illness or disability reasonably requires the employee to be absent from work. "Employee's family" shall be limited to:

(A) persons related to the employee by blood, marriage or adoption; and

(B) minors residing in the employee's residence as a result of court proceedings pursuant to the Kansas code for care of children or the Kansas juvenile offenders code;

(3) the employee's personal appointments with a physician, dentist, or other recognized health practitioner; or

(4) legal quarantine of the employee.

(f) If an appointing authority has evidence that an employee cannot perform the employee's duties because of illness or disability, if the employee has accumulated sick leave, and if the employee refuses or

fails to apply for sick leave, the appointing authority may require the employee to use sick leave, and upon exhaustion of the employee's sick leave, may require use of any accumulated vacation leave or compensatory credits. An appointing authority may request a written release by a physician before the employee is allowed to return to work. If the employee has exhausted all sick leave, accumulated vacation leave, or compensatory credit, the appointing authority may grant the employee leave without pay as provided in K.A.R. 1-9-6(c).

(g) If an employee taking vacation leave becomes ill, and for all intents and purposes, is deprived of all or a significant portion of the vacation due to the illness, the appointing authority, upon request of the employee, may charge to sick leave some or all of the time the employee was ill while on vacation.

(h) Each employee who is injured on the job and awarded workers' compensation shall be granted use of accumulated leave. The compensation for accumulated leave used each payroll period shall be that amount which, together with workers' compensation pay, equals the regular salary for the employee. Unless the employee requests otherwise, vacation leave credits and compensatory time credits shall be used only after sick leave credits have been exhausted. Workers' compensation days credited back to the employee shall be in multiples of half days only.

(i) Each former employee who had unused sick leave at time of separation, and who returns to the service to a permanent position within a year, shall have the unused sick leave returned to the employee's credit. This provision shall not apply to a person who has retired from the state service.

(j) Persons retiring from the classified or unclassified service who have completed eight or more years of service and who have accumulated 800 hours or more of sick leave shall be compensated for a portion of the accumulation pursuant to the provisions of K.S.A. 75-5517. (Authorized by K.S.A. 1987 Supp. 75-3747; implementing K.S.A. 75-3707, K.S.A. 1987 Supp. 75-3746; effective May 1, 1979; amended, E-81-23, Aug. 27, 1980; amended May 1, 1981; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended T-1-6-13-88, July 1, 1988; amended Oct. 1, 1988.)

**1-9-6. Leave without pay.** (a) Requests for leave without pay shall be made to the appointing authority in such form and at such time as prescribed by the appointing authority. The appointing authority shall determine whether approval of each request is for the good of the service, and shall approve or disapprove the request. The appointing authority may require use of accumulated vacation leave and compensatory time credits, and if appropriate, accumulated sick leave, before approval of leave without pay.

(b) Any probationary or conditional employee, excluding an employee on a temporary or emergency appointment, may be granted leave without pay for a period not to exceed 60 calendar days for childbearing, illness, temporary disabilities, the birth of the employee's child, the adoption of a child by the employee, the initial placement of a foster child in the

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home of the employee, in order to care for a family member who has a serious health condition, or other good and sufficient reason, when the appointing authority deems leave to be in the best interest of the service. When an appointing authority determines that granting a longer leave of absence without pay than prescribed in this subsection is in the best interest of the service, the appointing authority may request the director of personnel services to approve a longer leave, or an extension of a leave, provided the total duration of the leave shall not exceed six months. Any leave granted under this subsection that exceeds 30 calendar days shall be reported to the director of personnel services.

(c) Any permanent employee may be granted leave without pay for a reasonable period of time consistent with the effective fulfillment of the agency's duties, but not to exceed one year, for childbearing, illness, temporary disabilities, the birth of the employee's child, the adoption of a child by the employee, the initial placement of a foster child in the home of the employee, in order to care for a family member who has a serious health condition, or other good and sufficient reason, when the appointing authority deems such leave to be in the best interest of the service. Any leave that exceeds 30 calendar days shall be reported to the director of personnel services.

(d) Any permanent employee may be granted leave of absence without pay from the employee's classified position to enable the employee to take an appointive position in the unclassified service, if the granting of this leave is considered by the appointing authority to be in the best interest of the service. Leave for this purpose shall not exceed one year, but the appointing authority may grant one or more extensions of up to one year, and the appointing authority may determine the number of extensions. Any leave, or extension, that exceeds 30 days shall be reported to the director of personnel services.

(e) Desire of an employee to accept employment not in the state service shall be considered by the appointing authority as insufficient reason for approval of a leave of absence without pay, except under unusual circumstances.

(f) If the interests of the service make it necessary, the appointing authority may terminate a leave of absence without pay by giving written notice to the employee at least two weeks prior to the termination date. With the approval of the appointing authority, an employee may return from leave on an earlier date than originally scheduled.

(g) When an employee returns at the expiration of an approved leave without pay or upon notice by the appointing authority that a leave without pay has been terminated, the employee shall be returned to a position in the same class as the position which the employee held at the time the leave was granted, or in another class in the same salary range for which the employee meets the qualifications.

(h) Failure to return to work at the expiration of an authorized leave of absence, or upon notice by the appointing authority that a leave has been terminated, shall be deemed a resignation. Such resignation shall

be reported by the appointing authority to the director of personnel services in the manner provided by the director. Before terminating an employee for failure to return from leave, the appointing authority shall make a reasonable effort to contact the employee, and a summary of the steps taken to try to contact the employee shall be submitted to the director of personnel services with the resignation.

(i) An employee currently serving a probationary period from a promotional certification or reinstatement may be granted leave without pay under the same conditions as a permanent employee, if the employee had permanent status in the class in which the employee was employed prior to the employee's promotional appointment or reinstatement. The employee's probationary period shall be continued effective with the employee's return from leave until the total probation time actually served equals the time required under K.A.R. 1-7-4. (Authorized by K.S.A. 1987 Supp. 75-3747; implementing K.S.A. 75-2947; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1983; amended T-88-9, April 21, 1987; amended, T-89-1, May 1, 1988; amended Oct. 1, 1988.)

**1-9-8. Jury duty; other required appearance before a court or other public body.** (a) (1) Each permanent, probationary, or conditional employee in the classified service, excluding employees appointed on a temporary or emergency basis, shall be granted leave of absence with pay by their appointing authority for:

(A) required jury duty; or

(B) in order to comply with a subpoena as a witness before the civil service board, the Kansas commission on civil rights, the United States equal employment opportunity commission, or a court.

(2) An employee shall not be entitled to leave of absence with pay in circumstances where the employee is called as a witness on the employee's own behalf in an action in which the employee is a party.

(b) Leave with pay may be granted to any permanent, probationary, or conditional employee for an appearance before a court, a legislative committee, or other public body, if the appointing authority considers the granting of leave with pay to be in the best interest of the state.

(c) When any employee travels in a state vehicle for a required appearance before a court, or a legislative committee, or other public body, the employee shall turn over to the state any mileage expense payments received.

(d) Each employee granted leave under this section who receives pay or fees for a required appearance, excluding jury duty, shall turn over to the state the pay or fees in excess of \$50.00. The employee may retain any amount paid to the employee for expenses in traveling to and from the place of the jury duty or required appearance, except as provided in subsection (c) of this regulation. (Authorized by K.S.A. 1987 Supp. 75-3747; implementing K.S.A. 1987 Supp. 75-3746; effective May 1, 1979; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended T-86-17, June 17, 1985; effective May 1,



1986; amended T-87-17, July 1, 1986; amended May 1, 1987; amended, T-89-1, May 1, 1988; amended Oct. 1, 1988.)

#### Article 14.—LAYOFF PROCEDURES AND ALTERNATIVES TO LAYOFF

**1-14-11. Furlough leave without pay.** (a) Whenever an agency head desires to deviate from the standard workday or standard workweek as provided in K.A.R. 1-9-1 in order to implement a furlough plan, such action shall be taken in accordance with this regulation.

(b) In accordance with subsection (c) of this regulation, whenever an appointing authority deems it necessary by reason of shortage of funds, the appointing authority may furlough without pay all employees in the classified service in designated classes, organizational units, geographical areas, or any combination thereof unless specific funding sources necessitate exceptions. "Furlough" shall be defined as leave without pay for a preset number of hours during each pay period covered by the furlough plan. An employee's social security and retirement contributions will be affected under a furlough but all other benefits, including the accrual of annual and sick leave, shall continue; notwithstanding other regulations to the contrary. Such a furlough shall not affect the employee's continuous service, length of service, pay increase anniversary date or eligibility for authorized holiday compensation.

(c) Not less than 20 calendar days prior to the date a furlough is to be implemented, the appointing authority shall submit a furlough plan to the director specifying:

- (1) the purpose of the furlough;
- (2) the classes, organizational units, geographical areas, funding sources, or combinations thereof to be affected;
- (3) the criteria used to select the classes, organizational units, geographical areas, funding sources, or combinations thereof to be included in the furlough;
- (4) the duration of the furlough;
- (5) the amount of hours by which the standard workday or workweek will be reduced;
- (6) the estimated cost savings generated by the furlough; and
- (7) any other information requested by the director.

(d) Furloughs shall begin and end in the same fiscal year, except as otherwise approved by the director.

(e) Furlough plans recommended for approval by the director shall be submitted to the secretary of administration for the secretary's consideration and approval. Upon request of the appointing authority, the director or the secretary's initiative, the secretary of administration may modify, approve as modified, or may reject any furlough plan.

(f) After approval of a furlough plan by the secretary of administration, the appointing authority shall notify employees by posting the plan on the official bulletin boards in the agency at least 10 calendar days prior to the furlough plan implementation date.

(g) In no case shall this regulation be used as a

disciplinary action against an employee. (Authorized by K.S.A. 75-5514; implementing K.S.A. 75-5505; effective, T-88-5, February 11, 1987; effective, T-89-1, May 1, 1988; effective Oct. 1, 1988.)

#### Article 16.—TRAVEL REIMBURSEMENT

**1-16-15. Reduced allowances.** (a) Except as provided in subsection (d) of K.A.R. 1-16-18, an agency that desires to pay a reduced meals allowance or lodging expense shall obtain the prior approval of the secretary of administration. Agencies desiring to obtain this approval shall submit a request therefor on a form which may be obtained from the division of accounts and reports.

(b) The following instances of reduced allowances have been approved by the secretary of administration and the use of the approval form shall not be necessary:

(1) If an agency is not requiring the employee to undertake the travel in question and the agency desires to not pay subsistence, or desires to pay a specified reduced rate, and this is stated to the employee in advance of the travel, the agency may handle subsistence payments as stated to the employee.

(2) If the cost of meals is included within the cost of a registration fee or other fees and charges paid by the agency, an agency shall pay the applicable reduced subsistence allowance set forth in subsection (d) of K.A.R. 1-16-18 and any amendments to it.

(3) If both meals and lodging will be provided at no cost to the traveling employee, an agency is authorized to not pay any subsistence for this travel.

(4) If the traveling employee requests a specified reduced subsistence amount, the requested amount may be paid.

(c) Requests for approval of reduced subsistence allowances shall be based on reducing quarter-day meal allowances and lodging expenses in multiples of a half dollar, and this reduced subsistence shall in all other respects be paid in accordance with regulations and accounting procedures.

(d) This regulation shall take effect on and after October 1, 1988. (Authorized by and implementing K.S.A. 75-3207; effective Jan. 1, 1966; amended, E-69-18, Aug. 14, 1969; amended Jan. 1, 1970; amended May 1, 1979; amended May 1, 1982; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended, T-87-26, Oct. 1, 1986; amended May 1, 1987; amended, T-89-1, January 7, 1988; amended Oct. 1, 1988.)

**1-16-18. Subsistence allowance; rates.** (a) General provisions.

(1) Except as otherwise specifically provided by law, subsistence allowances for in-state and out-of-state travel shall be paid on the basis of a quarter-day rate for meal expenses and the actual cost of lodging expenses incurred within the lodging expense limits set forth in this regulation. The subsistence rates for meal expenses shall be paid on a per diem basis at the appropriate rate for any fraction of a quarter-day in which the official travel begins and for each full

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quarter-day thereafter. For purposes of this regulation, a day shall commence at 12:01 a.m. No quarter-day allowance shall be paid for any fractional quarter-day in which the traveler returns to the traveler's official station or domicile. As used in this regulation, "international travel" means travel outside the fifty states and the District of Columbia.

(2) Reimbursement for lodging shall be made on the basis of actual single-rate lodging expenses incurred, including taxes, and shall be supported by the original official receipt of the lodging place or other suitable evidential matter. Reimbursement for lodging expenses shall be limited to the lodging place's lowest available rate for normal single occupancy on the day or days the lodging expense was incurred.

(3) Subject to the approval of the secretary of administration, the director of accounts and reports may designate any city in a state bordering or near Kansas as a "border city." All meals allowances and lodging expense limitations shall be at the appropriate in-state rate for travel by state personnel to a border city.

(b) Meals allowance. The quarter day meals allowance shall be:

In-state	\$4.00
Out-of-state	\$4.50
Designated high cost geographic area—out-of-state	\$5.50
International Travel	\$5.50

An exception to the quarter-day meal allowance for international travel may be made at the option of each agency, by claiming actual expenses subject to a daily limitation of \$60 for meals.

(c) Lodging expense limitations. The lodging expense limitations shall be:

In-state, exclusive of designated high cost geographic areas	\$40.00
In-state, designated high cost geographic area	\$50.00
Out-of-state, exclusive of designated high cost geographic areas	\$60.00
Out-of-state, designated high cost geographic area	\$85.00
Borough of Manhattan and the District of Columbia	\$98.00
International Travel	actual

Specific exceptions to the dollar limitation on lodging expenses may be made pursuant to provisions in K.S.A. 1987 Supp. 75-3207a.

(d) If the cost of meals is included within the cost of registration fees or other fees and charges paid by the agency or supplied without cost by another party, the meal expenses shall be reduced as follows:

In-State Travel:		Amount
For each breakfast provided		\$ 3.50
For each lunch provided		\$ 4.50
For each dinner provided		\$ 8.00
Out-of-State Travel:		
For each breakfast provided		\$ 4.00
For each lunch provided		\$ 5.00
For each dinner provided		\$ 9.00
Travel to High Cost Geographic Areas and International Travel:		
For each breakfast provided		\$ 5.00
For each lunch provided		\$ 6.00
For each dinner provided		\$11.00

(e) This regulation shall take effect on and after October 1, 1988. (Authorized by and implementing K.S.A. 1987 Supp. 75-3207a; effective, E-80-10, July 11, 1979; effective May 1, 1980; amended, E-81-14,

June 12, 1980; amended May 1, 1981; amended, E-82-14, July 1, 1981; amended May 1, 1982; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended May 1, 1985; amended, T-87-26, Oct. 1, 1986; amended May 1, 1987; amended, T-89-1, January 7, 1988; amended Oct. 1, 1988.)

**1-16-18a. Designated high cost geographic areas.**

(a) For official travel to and from, or within, any high cost geographic area designated in subsection (c) in which the traveler is required to sleep away from home, the applicable subsistence allowance rate for that designated high cost geographic area may be paid. However, reimbursement on this basis shall not be allowable when such an area is only an intermediate stopover at which no official duty is performed, or when the subsistence expenses incurred relate to relocation, travel to seek residence quarters or to report to a new permanent duty station or to temporary quarters.

(b) Reimbursement for travel in high cost geographic areas shall be at the prescribed high cost geographic rate unless the agency establishes a reduced rate as provided in K.A.R. 1-16-15. When an out-of-state trip is to two or more destination cities, and when one of these cities is designated as a high cost geographic area, the subsistence allowance rate shall change from the high cost geographic area rate to the regular rate, or from the regular rate to the high cost geographic area rate, subject to and on application of the appropriate quarter-day allowance as determined by the time of arrival at the second destination city.

(c) The boundaries of designated high cost geographic areas include all locations within the corporate limits of the cities listed, unless otherwise specified. The designated high cost geographic areas are:

**IN-STATE HIGH COST GEOGRAPHIC AREAS**  
Kansas City (all locations within Johnson and Wyandotte County)

- Topeka (all locations within Shawnee County)
- Wichita (all locations within Sedgwick County)

**OUT-OF-STATE HIGH COST GEOGRAPHIC AREAS**

- Afton, Oklahoma (Shangri-La Resort)
- Alexandria, Virginia
- Anaheim, California
- Anchorage, Alaska
- Arlington, Virginia (all locations within Arlington County)
- Aspen, Colorado (all locations within Pitkin County)
- Atlanta, Georgia (all locations within Clayton, DeKalb, Fulton and Cobb Counties)
- Atlantic City, New Jersey (all locations within Atlantic County)
- Avon, Colorado (all locations within Eagle County)
- Barrow, Alaska
- Beaver Creek, Colorado (all locations within Eagle County)
- Bethesda, Maryland
- Boca Raton, Florida

- Boston, Massachusetts (all locations within Middlesex, Norfolk and Suffolk Counties)
- Cambridge, Massachusetts
- Carmel, California (all locations within Monterey County)
- Chicago, Illinois (all locations within Du Page, Lake and Cook Counties)
- Corpus Christi, Texas (all locations within Nueces County)
- Dallas/Ft Worth, Texas (all locations within Dallas and Tarrant Counties)
- Danvers, Massachusetts
- Denver, Colorado (all locations within Denver and Jefferson Counties)
- Detroit, Michigan (all locations within Wayne County)
- Edison, New Jersey (all locations within Middlesex County)
- Fairbanks, Alaska
- Fairfax, Virginia (all locations within Fairfax County)
- Fort Meyers/Sanibel Island, Florida (all locations within Lee County)
- Hershey, Pennsylvania
- Hilton Head Island, South Carolina (all locations within Beaufort County)
- Honolulu, Oahu, Hawaii (all locations on the Island of Oahu)
- Houston, Texas (all locations within Harris County)
- Juneau, Alaska
- Kaanapali Beach, Maui, Hawaii
- Kailau-Kona, Hawaii
- Kaunakakai, Molokai, Hawaii
- Keystone, Colorado (all locations within Routt County)
- King of Prussia, Pennsylvania (all locations within Montgomery County)
- Kodiak, Alaska
- Lake Buena Vista, Florida
- Los Angeles, California (all locations within Los Angeles, Kern, Orange and Ventura Counties)
- Manchester, New Hampshire (all locations within Hillsborough County)
- Martha's Vineyard, Massachusetts (all locations within Dukes and Nantucket Counties)
- Miami, Florida (all locations within Dade and Monroe Counties)
- Minneapolis, Minnesota (all locations within Anoka, Hennepin, Ramsey and Rosemont Counties)
- Monterey, California (all locations within Monterey County)
- Mystic, Connecticut
- Nantucket, Massachusetts (all locations within Dukes and Nantucket Counties)
- Newark, New Jersey (all locations within Bergen, Essex, Hudson, Morris, Passaic and Union Counties)
- New Haven, Connecticut (all locations within New Haven County)
- New Orleans, Louisiana (all locations within Jefferson, Orleans, Plaquemines and St. Bernard Parishes)
- Newport, Rhode Island (all locations within Newport County)
- New York, New York (except as provided in K.A.R. 1-16-18, subsection (c), all locations within the boroughs of the Bronx, Brooklyn, Manhattan, Queens, Staten Island and the counties of Nassau and Suffolk)
- Nome, Alaska
- Norfolk, Virginia (the Cities of Norfolk, Portsmouth, Hampton, Newport News, Chesapeake and all locations within York County)
- Oakland, California (all locations within San Francisco, Alameda, Contra Costa and Marin Counties)
- Ocean City, Maryland (all locations within Worcester County)
- Palm Springs, California (all locations within Riverside County)
- Philadelphia, Pennsylvania (all locations within Philadelphia County and the City of Bala Cynwyd)
- Princeton, New Jersey (all locations within Mercer County)
- Prudhoe Bay, Alaska
- St. Paul, Minnesota (all locations within Anoka, Hennepin, Ramsey and Rosemont Counties)
- San Diego, California (all locations within San Diego County)
- San Francisco, California (all locations within San Francisco, Alameda, Contra Costa and Marin Counties)
- San Jose, California (all locations within Santa Clara County)
- San Juan, Puerto Rico
- San Mateo, California (all locations within San Mateo County)
- Santa Barbara, California (all locations within Santa Barbara County)
- Santa Cruz, California (all locations within Santa Cruz County)
- Seattle, Washington (all locations within King County)
- Snowbird, Utah
- South Padre Island, Texas
- Stamford, Connecticut
- Sun Valley, Idaho
- Tom's River, New Jersey (all locations within Ocean County)
- Trenton, New Jersey (all locations within Mercer County)
- Vail, Colorado (all locations within Eagle County)
- Virginia Beach, Virginia
- Wailea, Maui, Hawaii
- Washington, D.C. (Cities of Alexandria, and Falls Church; and the County of Loudoun in Virginia; and the Counties of Montgomery and Prince Georges in Maryland) (Washington, D.C., as provided in K.A.R. 1-16-18, subsection (c), is a special high cost area within the corporate limits of the District of Columbia)
- White Plains, New York (all locations within Westchester County)
- All cities in countries located outside the borders of the United States
- All areas approved as high cost areas pursuant to subsection (d)

(continued)

(d) State agencies may request the director of accounts and reports to conduct a study of subsistence costs in any area not designated as a high cost area in subsection (c). If the study findings of an area justify such an action, the director of accounts and reports may recommend to the secretary of administration that the area be added to the list of high cost geographic areas. If the secretary approves the addition of that area, subsistence payments for travel to the area may be made at the rate designated for high cost geographic areas.

(e) This regulation shall take effect on and after October 1, 1988. (Authorized by and implementing K.S.A. 1987 Supp. 75-3207a; effective, E-80-10, July 11, 1979; effective May 1, 1980; amended May 1, 1981; amended, E-82-14, July 1, 1981; amended May 1, 1982; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended May 1, 1985; amended, T-87-26, Oct. 1, 1986; amended May 1, 1987; amended, T-89-1, January 7, 1988; amended Oct. 1, 1988.)

**Article 18.—MAXIMUM ALLOWANCE  
FOR MILEAGE FOR USE OF A  
PRIVATELY OWNED CONVEYANCE  
FOR PUBLIC PURPOSES**

**1-18-1a. Mileage rates.** (a) Subject to the provisions of subsection (d), each employee who has been authorized to use a privately-owned conveyance to engage in official business for an agency shall be entitled to reimbursement for use of that conveyance at the following rates:

- (1) 10¢ per mile for the use of a privately-owned motorcycle;
- (2) 22.5¢ per mile for the use of a privately-owned automobile;
- (3) 34¢ per mile for the use of a privately-owned airplane; or
- (4) 34¢ per mile for the use of a specially equipped van for the physically handicapped.

(b) In addition to the mileage allowance authorized under subsection (a) of this regulation, the employee may be reimbursed for:

- (1) parking fees when on an official-trip;
- (2) toll road and toll bridge costs; and
- (3) airplane landing and tie-down fees.

(c) When an employee travels by privately-owned airplane, reimbursement may be made for one round trip in a privately-owned automobile or taxi fares charged in travel:

- (1) between the official station or domicile and the airport in the city in which the official station or domicile is located; and
- (2) between the airport in the destination city and the place of official business.

(d) Exceptions to the mileage rates prescribed in subsection (a) shall be as follows:

(1) When a mode of transportation is available and is less costly than transportation by privately-owned conveyance, mileage payments for use of a privately-owned conveyance shall be limited to the cost of that other mode of transportation.

(2) An agency may pay a specified mileage rate that is lower than prescribed by subsection (a) when an employee's travel is not required by the agency and the employee is informed of the specified rate in advance of the travel.

(e) This regulation shall take effect on and after October 1, 1988. (Authorized by and implementing K.S.A. 1987 Supp. 75-3203, K.S.A. 75-3203a; effective May 1, 1979; amended, E-80-10, July 11, 1979; amended May 1, 1980; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, T-83-19, July 1, 1982; amended May 1, 1983; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended, T-85-46, Dec. 19, 1984; amended, T-86-7, April 1, 1985; amended May 1, 1985; amended, T-86-7, May 1, 1985; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended, T-89-1, January 7, 1988; amended Oct. 1, 1988.)

**Article 24.—PAYROLL DEDUCTIONS  
FOR CHARITABLE CONTRIBUTIONS**

**1-24-1. Written authorization.** (a) Each state employee who desires to participate in the payroll deduction plan authorized by K.S.A. 75-5531 *et seq.* for the purpose of making contributions to united way organizations shall enroll in the plan by completing a written authorization on the form prescribed or approved by the director of accounts and reports.

(b) The completed and signed authorization form shall be submitted to the united way organization solicitor or agent, who shall forward one copy to the agency for the agency records.

(c) For each employee who elects during the annual "united way" drive to contribute by payroll deduction, the employee's agency shall prepare and process an employee data sheet form to effect the payroll deduction.

(d) Any employee not electing to participate during the annual calendar year "united way" drive may participate at any time thereafter, subject to the other provisions of this regulation and preparation and processing of the employee data sheet form prior to the established cut-off date for the issuance of the payroll payment from which the first deduction is to be made.

(e) Unless changed or canceled the deductions shall continue through the calendar year. If a participating employee decides to cancel or change the united way contribution by payroll deduction, the employee shall file written notice of such authorization with the designated agency official. The agency official shall cause the appropriate employee data sheet to be processed to effect the change in the payroll deduction prior to the next established cut-off date for issuance of the next payroll payment.

(f) This regulation shall take effect on and after October 1, 1988. (Authorized by K.S.A. 75-5534; implementing K.S.A. 75-5532; effective May 1, 1981; amended, T-89-1, January 7, 1988; amended Oct. 1, 1988.)

**1-24-2. Cancellations or changes of contributions or payroll departments.** This revocation shall take effect on and after October 1, 1988. (Authorized by K.S.A. 1980 Supp. 75-5534; implementing K.S.A. 1980 Supp. 75-5532; effective May 1, 1981; revoked, T-89-1, January 7, 1988; revoked Oct. 1, 1988.)

H. EDWARD FLENTJE  
Secretary of Administration

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