

KANSAS REGISTER

State of Kansas

BILL GRAVES
Secretary of State

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August 25, 1988

Pages 1453-1480

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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 15, 1988, and then publicly opened:

DISTRICT ONE—Northeast

Lyon—56 U-0989-01—Prairie Street viaduct in Emporia, 0.6 mile, bridge replacement. (Federal Funds)

Pottawatomie—75 C-2526-01—County road, 5.7 miles west and 6.5 miles north of Westmoreland, then north, 0.3 mile, grading, surfacing and bridge. (Federal Funds)

Pottawatomie—75 C-2527-01—County road, 5.7 miles west and 7.0 miles north of Westmoreland, then north, 0.2 mile, grading, surfacing and bridge. (Federal Funds)

DISTRICT TWO—Northcentral

Lincoln—53 C-1634-01—County road, 8.2 miles south and 3.6 miles west of Lincoln, then south, 0.1 mile, grading and culvert. (Federal Funds)

DISTRICT THREE—Northwest

Gove—32 C-2568-01—County road, from old U.S. 40 at the north edge of Quinter, then southeast, 0.5 mile, grading and surfacing. (Federal Funds)

Rawlins—77 C-2524-01—County road, 1.5 miles east and 7.0 miles south of Atwood, then south, 0.2 mile, grading and bridge. (Federal Funds)

DISTRICT FOUR—Southeast

Chautauqua—10 C-1066-01—County road, 5.5 miles east and 4.0 miles north of Sedan, then north, 0.1 mile, bridge replacement. (Federal Funds)

Chautauqua—10 G-2660-01—County road, 0.7 mile south of Hewins, then north, 0.1 mile, grading, surfacing and bridge. (Federal Funds)

Montgomery—160-63 M-1466-01—U.S. 160, northeast quadrant bridge 30, 0.7 miles west of the Labette-Montgomery county line, 0.2 mile, slide repair. (State Funds)

DISTRICT FIVE—Southcentral

Sedgwick—81-87 K-3427-01—U.S. 81 (Broadway Street) and 63rd Street, south of Wichita, traffic signal. (Federal Funds)

Sedgwick—87 U-1150-01—Harry Street and Meridian Street in Wichita, traffic signal. (Federal Funds)

Sumner—96 C-1693-01—County road, 1.0 mile south of Argonia, then south, 0.2 mile, bridge replacement. (Federal Funds)

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

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

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

HORACE B. EDWARDS
Secretary of Transportation

Doc. No. 006917

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



Phone: (913) 296-3489

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. September 15, 1988, and then publicly opened:

DISTRICT SIX—Southwest

Grant—25-34 K-3128-01—K-25, South Fork Cimarron River bridge 7, 11.1 miles south of U.S. 160, bridge painting. (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. 006932

(Published in the *Kansas Register*, August 25, 1988.)

State of Kansas

JEFFERSON COUNTY, KANSAS**NOTICE TO CONTRACTORS**

Sealed bids for the construction of an elevator and automatic entrance doors to the Jefferson County Courthouse in Oskaloosa will be received by the county commissioners in their chambers until 10 a.m. C.D.T. on Friday, September 16. Plans may be secured from OSS-MANN & Associates, Architects, 921 Topeka Blvd., Topeka 66612 upon deposit of \$50.

BOARD OF COMMISSIONERS
Jefferson County, Kansas

Doc. No. 006930

State of Kansas

STATE RECORDS BOARD**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

The State Records Board will conduct a public hearing at 10 a.m. Tuesday, September 27, in the auditorium on the 2nd floor of the Memorial Building, 120 W. 10th, Topeka, on the proposed adoption of Kansas Administrative Regulations 53-3-1 and 53-4-1.

The following is a summary of the substance of each proposed regulation and a summary of its anticipated economic impact:

1. K.A.R. 53-3-1 will establish records retention and disposition requirements for 69 types of records commonly created and maintained by most state agencies. This regulation will cause no negative economic impact either upon any state agency or the general public because it will establish no new requirements. Rather, it will allow agencies to dispose of many records legally and periodically without having to request specific disposition authorization from the State Records Board.

2. K.A.R. 53-4-1 will require each agency head to appoint a staff member as records officer to coordinate and promote efficient records management policies and procedures within the agency, to ensure the agency's compliance with state and federal records statutes and regulations, and to serve as a liaison with the State Records Board and the Archives Department of the State Historical Society. The regulation does not require agencies to establish a new position—the duties of the records officer may be collateral to an existing position. Because it will necessitate time and effort on the part of the staff member appointed to the position, the regulation will result in some cost to agencies, but, because it provides a wide discretion on the part of agency heads as to the depth of the officer's involvement and to the professional level of the staff member chosen, it is not possible to predict the fiscal impact exactly. However, the regulation should also result in cost savings—once again uncalculable—to the agency due to decreases in records storage, retrieval, and disposition costs.

A copy of the proposed regulations and complete economic impact statements for them may be obtained by contacting the Kansas State Historical Society's Department of Archives, Center for Historical Research, 120 W. 10th, Topeka 66612, prior to the date of the hearing. All interested parties may present oral or written comments and shall be given reasonable opportunity to present their views or arguments on the adoption of these regulations at or prior to the hearing.

EUGENE D. DECKER
Secretary and State Archivist

Doc. No. 006931

(Published in the Kansas Register, August 25, 1988.)

**NOTICE OF REDEMPTION
to the holders of
Finney County, Kansas
Single Family Mortgage
Revenue Bonds
1980 Series A**

Notice is hereby given that pursuant to Section 3.01 of the Trust Indenture dated as of January 1, 1980, \$630,000 principal of bonds has been drawn pro rata between maturities and by lot within each maturity, for redemption at par on October 1, 1988.

Coupon bonds of \$5,000 denominations, called in full, bearing CUSIP No. 318037 and Suffix:

AH1	AN8	AS7	AV0	AV0
333	735	1136	1732	3317
360	755	1226	1750	3340
AJ7	761	1227	1785	3420
399	AP3	1234	1850	3424
428	794	AT5	2007	3446
AK4	820	1276	2008	
480	856	1365	2056	
481	857	1378	2063	
501	AQ1	AU2	2086	
AL2	887	1385	2087	
566	899	1503	2680	
577	967	1518	2695	
588	970	1551	2837	
AM0	AR9	1553	2883	
621	1021	1564	2930	
667	1041	1631	2981	
675	1090	1692	3001	
	1096		3078	
			3109	
			3113	
			3227	

The serial numbers of the registered bonds to be redeemed bearing CUSIP No. 318037, in whole or in part, and the principal amount to be redeemed are as follows:

Bond Number	Par Amount	Amount Called	Suffix
R188	\$ 15,000	\$ 5,000	AJ7
R189	10,000	5,000	AM0
R137	15,000	5,000	AN8
R205	65,000	5,000	AS7
R206	100,000	10,000	AT5
R208	50,000	5,000	AT5
R194	420,000	20,000	AU2
R 93	15,000	5,000	AV0
R110	5,000	5,000	AV0
R117	15,000	5,000	AV0
R184	2,500,000	100,000	AV0
R195	2,035,000	100,000	AV0
R199	5,000	5,000	AV0
R204	90,000	10,000	AV0

Coupon bonds with the October 1, 1988 and all subsequent coupons attached, and registered bonds called in full or in part, should be presented to the Continental Illinois National Bank and Trust Company of Chicago, Attention Corporate Trust Operations, 30 North LaSalle Street, 16th Floor, Chicago, Illinois 60697.

Where a fully registered bond is redeemed in part, a new, fully registered bond for the unredeemed portion will be issued and returned without charge. Interest on the bonds or portion of bonds called for redemption will cease to accrue on October 1, 1988.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 20% tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of the above described securities who wish to avoid the imposition of this tax should submit certified taxpayer identification numbers when presenting their securities for collection.

Dated August 25, 1988.

FINNEY COUNTY, KANSAS
By: Continental Illinois National Bank
and Trust Company of Chicago,
Trustee

Doc. No. 006922

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 S.W. 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:

Wednesday, September 7, 1988

#75849

Adjutant General's Department—FURNISH ALL
LABOR AND MATERIALS FOR RENOVATION OF
BUILDING #682 FORBES FIELD

#75850

Adjutant General's Department—FURNISH AND
INSTALL FENCING

Friday, September 9, 1988

#75848

Adjutant General's Department—AERIAL
SPRAYING, Salina

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 006946

State of Kansas

STATE HISTORICAL SOCIETY

NOTICE OF ACCEPTANCE OF PRE-APPLICATIONS
FOR PRESERVATION GRANTS

All interested groups and individuals are advised that the Historic Preservation Department, Kansas State Historical Society, will accept pre-applications from qualified groups and individuals until September 9 for federal fiscal year 1989 federal Historic Preservation Fund grants to be used for survey and planning grants.

Survey and planning grants can be awarded to cities, counties, regional planning commissions, universities, historical societies, and other eligible applicants for such local historic preservation plans, and preparation of multiple resource, thematic, and historic district National Register nominations. Grant projects are 50 percent federal funds and 50 percent applicant's match.

Questions concerning the eligibility of projects or applicants as well as requests for pre-applications should be directed to the Historic Preservation Department, Kansas State Historical Society, 120 W. 10th, Topeka, 66612-1291, (913) 296-7080.

RAMON POWERS
Executive Director

Doc. No. 006927

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 6 through August 15:

Agricultural Value Added Processing Center
Leadership Council

(Established by 1988 Session Laws of
Kansas, Chapter 1. Appointments
effective August 10, 1988.)

Bernie Hansen, Flint Hills Foods, Inc., P.O. Box 86,
Alma 66401. Term expires June 30, 1991.

James B. Kramer, 907 S. Monroe, Hugoton 67951.
Term expires June 30, 1990.

Karen Pendleton, Route 2, Box 366, Lawrence 66046.
Term expires June 30, 1991.

Dale A. Rodman, Excel Corporation, P.O. Box 2519,
Wichita 67201. Term expires June 30, 1991.

Donald L. Wenger, Box 130, Sabetha 66534. Term
expires June 30, 1990.

Office of the Governor

Kay H. Coen, 5219 S.W. 31st, Topeka 66614. Secretary
to the Governor. Effective August 10, 1988.

Scott E. Morgan, 2710 Sycamore St., Alexandria, VA
22305. Director of Federal Affairs for the Governor. Ef-
fective August 1, 1988.

Pamela Myrick, 1243 Western, Apt. 18B, Topeka
66604. Receptionist to the Governor. Effective July 18,
1988.

Thomas County Attorney

Laurence A. Taylor, 402 Smith Drive, Colby 67701.
Effective August 5, 1988. Term expires when a successor
is elected and qualifies according to law. Succeeds Perry
Murray, resigned.

Thomas County Commissioner, 1st District

John P. Bremenkamp, Route 1, Box 410, Colby 67701.
Effective August 5, 1988. Term expires when a successor
is elected and qualifies according to law. Succeeds John
N. Sears, resigned.

BILL GRAVES
Secretary of State

State of Kansas

LEGISLATURE

INTERIM COMMITTEE SCHEDULE

The following committee meetings have been scheduled during the period of August 29 through September 11:

Date	Room	Time	Committee	Agenda
August 29	123-S	10:00 a.m.	Joint Committee on State	Meeting dates subject to change.
August 30	123-S	9:00 a.m.	Building Construction	
Sept. 2	514-S	9:00 a.m.	Legislative Coordinating Council	Legislative Matters.
Sept. 1	527-S	10:00 a.m.	Legislative Budget Committee	1st: Hearing on Proposal No. 53—State Health Insurance. 2nd: Staff reports re Proposal No. 25, (State General Fund), legislative budget process, and 1988 HB 2767.
Sept. 2	527-S	After LCC		
Sept. 1	519-S	10:00 a.m.	Special Committee on Agriculture and Livestock	Hearings on Proposal No. 2—Pesticide Use Law Review.
Sept. 2	519-S	9:00 a.m.		
Sept. 6	519-S	10:00 a.m.	Special Committee on Local Government	Agenda unavailable at this time.
Sept. 7	519-S	9:00 a.m.		
Sept. 8	529-S	10:00 a.m.	Commission on Access to Services for the Medically Indigent and the Homeless	Commission discussion of issues and preliminary recommendations.
Sept. 9	529-S	9:00 a.m.		
Sept. 8	514-S	10:00 a.m.	Special Committee on School Finance	Agenda unavailable at this time.
Sept. 9	514-S	9:00 a.m.		

—Please Note—

Changes in Committee Membership

Special Committee on Transportation—

Representative Diane Gjerstad replaces Representative George Dean; four new members added to the committee's membership are Representatives, Kent Campbell and Gene Shore; Senators, Michael Johnston and Ben Vidricksen.

Special Committee on Local Government—

Representative Denise Everhart replaces Representative Kent Campbell.

WILLIAM R. BACHMAN
Director of Legislative
Administrative Services

Doc. No. 006933

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENT

NOTICE OF MEETING

The Kansas Department of Health and Environment has scheduled the first technical committee meeting to review the credentialing application which seeks to license dispensing opticians. The meeting is open to the public and will be held from 9 a.m. until 4 p.m. Thursday, September 1, in Room 313-S (old Supreme Courtroom), State Capitol, Topeka.

The purpose of the meeting is to allow the Opticians Association of Kansas, Inc. to summarize application contents and to allow the technical committee to discuss the application responses and to ask for clarification of material.

For more information contact Cathy Rooney, Health Project Reviewer, at (913) 296-1281.

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

Doc. No. 006923

State of Kansas

DEPARTMENT OF HEALTH AND ENVIRONMENT

NOTICE 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 for 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 Environmental Protection Agency. 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
June and Phyllis Talkington Route 1 Matfield Green, Kansas 66862	Section 17, Township 22S, Range 8E, of Chase County, Kansas	Neosho River Basin

Kansas Permit No. A-NECS-H006 Federal Permit No. KS-0115836
The facility has capacity for approximately 3,000 swine.
Wastewater Control Facilities: Wastewater is impounded for subsequent disposal upon agricultural land. Storage capabilities are provided in excess of minimum requirements.
Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Golden Belt Feeders Route 3, P.O. Box 107 St. John, Kansas 67576	SE/4 Section 20, Township 22S, Range 13W of Stafford County, Kansas	Arkansas River Basin

Kansas Permit No. A-ARSF-C001 Federal Permit No. KS-0115240
The feedlot has capacity for approximately 14,000 cattle with expansion planned for an additional 3,000 cattle and a contributing drainage area of approximately 125 acres.
Runoff Control Facilities: Feedlot runoff is impounded for subsequent disposal upon agricultural land. Storage capabilities are provided in excess of 49 acre-feet.
Compliance Schedule: None, existing controls adequate.

Results of required soils investigation must be submitted and approved by the Kansas Department of Health and Environment prior to placing the new lagoon (lagoon #13) in service.

Written comments on or objections to the proposed NPDES permits may be submitted to Bethel Spotts, Permit Clerk, Permits and Compliance Section, Kansas Department of Health and Environment, Division of Environment, Bureau of Water Protection, Topeka 66620.

Written comments on or objections to the proposed NPDES permits may be submitted to Bethel Spotts, Permit Clerk, Permits and Compliance Section, Kansas Department of Health and Environment, Division of Environment, Bureau of Water Protection, Topeka, 66620. All comments received prior to September 23, will be considered in the formulation of final determinations

regarding this public notice. Please refer to the appropriate application number and name of applicant as listed in preparing your comments.

If no objections are received prior to September 23, 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 which are located at Building #740, Forbes Field, Topeka, Kansas and are open from 8 a.m. to 4:30 p.m. Monday through Friday.

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

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

Doc. No. 006938

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 Environmental Protection Agency, and will, when issued, result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Name and Address of Applicant	Waterway	Type of Discharge
Mayor and City Council % City Clerk City Hall 101 E. Santa Fe Burlingame, KS 66413 Osage County, Kansas	Marais des Cygnes River via Dragoon Creek via Switzler Creek	Secondary Wastewater Treatment Facility

Kansas Permit No. M-MC07-0001 Federal Permit No. KS-0024694
Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology-based.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, KDHE, Division of Environment, Bureau of Water Protection, Forbes Field, Topeka 66620. All comments received prior

(continued)

to September 23, will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number and name of applicant as listed when preparing your comments.

If no objections are received prior to September 23, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the letterhead address. Division of Environment offices are open from 8 a.m. to 4:30 p.m. Monday through Friday.

These documents are available upon request at the copying cost assessed by this agency. 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. 006937

State of Kansas

ATTORNEY GENERAL

Opinion No. 88-111

Census—Population or Census Statistics; Application—Enumeration of Residents; Persons to be Included; Determination Residence. Representative Robert G. Frey, Thirty-Eighth District, Liberal, August 12, 1988.

Residency for reapportionment of state senatorial and representative districts is established by statute. Persons who are citizens of a country other than the United States are deemed to be residents of the country in which they hold citizenship. Those persons are not to be enumerated in the Kansas census unless they obtain United States citizenship as well as establish legal residence in this state prior to the time of enumeration. The resulting distinction between citizens and non-citizens does not impermissibly dilute the power of an individual's vote, and does not therefor deny equal protection. Cited herein: K.S.A. 1987 Supp. 11-204, as amended by L. 1988, ch. 67, §2; K.S.A. 1987 Supp. 11-205; Kans. Const., Art. 10, §1. MWS

Opinion No. 88-112

Elections—Political Parties—County Central Committees; Officers; Eligibility. Senator William Mulich, Fifth District, Kansas City, August 15, 1988.

Courts presume the constitutionality of a statute and resolve all doubts in favor of its validity. This presumption, when combined with the lack of prohibitory language in K.S.A. 25-3802, leads us to conclude that, while state law does not require an officer of a county central committee to be a member of a precinct committee, a political party may require such membership. Cited herein: K.S.A. 25-3802. TMN

Opinion No. 88-113

Corporations—Agricultural Corporations—Contracts for the Production of Swine. Representative Bob Vancrum, State Representative, Twenty-Ninth District, Overland Park, August 17, 1988.

In light of 1988 legislative changes, production contracts that do not involve pork processors as defined by L. 1988, ch. 99., sec. 56 and that by statute do not result in the acquisition of agricultural land, do not violate the corporate farming act, K.S.A. 17-5902 *et seq.* Cited herein: K.S.A. 17-5902 *et seq.*, as amended by L. 1988, ch. 99, §§53-56; K.S.A. 47-1501(c). GE

Opinion No. 88-114

Agriculture—County Extension Councils, Boards and Agents—County Appropriations; Budget Approval; Tax Levies. Ted D. Ayres, General Counsel, Kansas Board of Regents, Topeka, August 17, 1988.

K.S.A. 1987 Supp. 2-610(b) does not mandate action by the board of county commissioners within 10 days after initial receipt of a proposed budget. If the proposed budget is not approved within 10 days after its receipt, it should be returned to the board in a timely manner. The board may then resubmit it to the commission for action according to the procedures set forth in the statute. Cited herein: K.S.A. 1987 Supp. 2-610(b); 1987 House Bill No. 2394, L. 1987, ch. 61, §1. TMN

Opinion No. 88-115

Counties and County Officers—Sewer Districts—Creation of District by Petition; Contents. Representative Rick Bowden, Ninety-Third District, Goddard, August 17, 1988.

It is our opinion that a valid petition pursuant to K.S.A. 1987 Supp. 19-27a03 must: (1) contain the statements set forth in subsection (b) of that statute, and (2) follow the applicable provisions of K.S.A. 25-3601 *et seq.* Without a proper petition, or the alternative action by the secretary of health and environment or the local health officer, the board lacks jurisdiction to take action pursuant to K.S.A. 1987 Supp. 19-27a01 *et seq.* Cited herein: K.S.A. 1987 Supp. 19-27a01; 19-270; 19-27a03; K.S.A. 25-3601; 25-3602; 1970 House Bill No. 1254, ch. 147, §1; Const. Kan. Bill of Rights, §18; U.S.C.A. Const. Amend. XIV. TMN

ROBERT T. STEPHAN
Attorney General

Doc. No. 006941

State of Kansas
DEPARTMENT ON AGING

NOTICE OF INTENT
TO GRANT ADEQUATE
PROPORTION WAIVERS

The Kansas Department on Aging intends to grant waivers to seven area agencies on aging (AAA) to the requirement that an AAA budget an adequate proportion of its Title III-B social service funds for priority services. The three priority service categories are access, in-home and legal assistance. These area agencies have shown that sufficient services are available to meet the needs in these areas. A more detailed justification for waivers is available for review at the department's office.

The agencies and waivers that will be granted are:

- | | |
|------------------------------|--------------------------------------|
| Central Plains AAA | Access Services |
| Northwest Kansas AAA | In-Home Services |
| Southeast Kansas AAA | In-Home Services
Legal Assistance |
| Southwest Kansas AAA | Access Services
In-Home Services |
| Mid-America Council on Aging | In-Home Services
Legal Assistance |
| South Central Kansas AAA | Legal Assistance |
| Johnson County AAA | Access Services |

If, within 30 days of the date of this publication, an individual or service provider requests a hearing, the Kansas Department on Aging will give such an individual or provider an opportunity for a hearing.

Questions and requests for a hearing should be directed to Richard Wagner, Kansas Department on Aging, 915 S.W. Harrison, Docking State Office Building, 122-S, Topeka 66612, (913-296-4986).

ESTHER V. WOLF
Secretary on Aging

Doc. No. 006942

State of Kansas
BOARD OF ACCOUNTANCY

NOTICE OF MEETING

The Board of Accountancy will hold a meeting Thursday, September 8, at 9 a.m. in Conference Room 108, first floor, Landon State Office Building, 900 S.W. Jackson, Topeka. Persons interested in agenda items or in attending should contact the board office in Suite 907 of the Landon State Office Building.

GLEND A SHERMAN
Board Secretary

Doc. No. 006943

State of Kansas
CORPORATION COMMISSION

NOTICE

Before Commissioners Keith R. Henley, Chairman, Rich Kowalewski and Margalee Wright.

In the matter of the generic proceedings implemented pursuant to K.S.A. 66-1,185 and as a result of the order of the Federal Energy Regulatory Commission in Docket No. RM-87-29-000 remanding the application of the Kansas Corporation Commission for an alternative filing procedure for \$103 well classification of additional (infill) wells drilled in existing proration units in the Kansas Hugoton Gas Field (Chase Group).
Docket No. NGPA-K-88-0185
Conservation Division

NOTICE

The state Corporation Commission of the state of Kansas, to all producers and purchasers of natural gas in the Kansas Hugoton field, and to all royalty owners, landowners, and all other concerned persons.

You are hereby notified that the Corporation Commission of the state of Kansas has set the matter of the generic proceedings regarding the application of the commission for alternative filing procedure for \$103 well classification of additional (infill) wells drilled in existing proration units in the Kansas Hugoton Field (Chase Group) for hearing at Hearing Room B, 4th Floor, Docking State Office Building, Topeka, beginning October 3, 1988, at 10 a.m.

This hearing is being held pursuant to the Federal Energy Regulatory Commission's order remanding application for alternative filing requirement, Docket No. RM-87-29-000.

All parties interested or concerned shall take notice of the foregoing and govern themselves accordingly. Parties wishing to intervene in this proceeding and to present evidence either in support or opposition are asked to enter their appearance and prefile testimony and exhibits at least 20 days before the hearing.

JAMES W. CODER
Assistant General Counsel
Corporation Commission
4th Floor
Docking State Office Building
Topeka, KS 66612
(913) 296-3361

Doc. No. 006945

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 S.W. 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.

Tuesday, September 6, 1988

#27336

Kansas State University—BALED WOOD SHAVINGS

#27568

University of Kansas, Medical Center—BLOOD CULTURE BOTTLES

#27861

University of Kansas Medical Center—MONKEY KIDNEY CELL CULTURES

#75709

Department of Corrections—P.C. STATIONS, Stockton

#75821

Kansas Lottery—VEHICLES

#75847

Department of Administration, Division of Architectural Services—STEAM LINE REPLACEMENT AT CAPITOL COMPLEX UTILITY TUNNEL

Wednesday, September 7, 1988

#27291

Statewide—RECREATION EQUIPMENT AND SUPPLIES

#75743

Kansas State Penitentiary—AMMUNITION

#75745

Kansas Highway Patrol—AIRCRAFT ENGINE OVERHAUL

#75757

Pittsburg State University—MICROCOMPUTERS, MONITORS AND SOFTWARE

#75783

Kansas State University—IBM 3380-B4 DISK DRIVE

Thursday, September 8, 1988

#A-5986

Kansas State University—ENERGY CONSERVATION PROJECTS

#27443-Supplement

Statewide—FLEXIBLE DISKS

#75766

Department of Transportation—PERMANENT TYPE ANTI-FREEZE, various locations

#75767

Department of Corrections—FACE BRICK AND CONCRETE BLOCKS, Lansing

#75768

Kansas Correctional Industries—NORTHERN HARD MAPLE

#75782

Department of Administration, Division of Printing—CORRUGATED ONE-PIECE FOLDER

#75784

Kansas Bureau of Investigation—SPECTROPHOTOMETERS

#75786

Kansas Bureau of Investigation—HPLC

#75787

Kansas Bureau of Investigation—GAS CHROMATOGRAPHS

#75788

Kansas Bureau of Investigation—LAB EQUIPMENT

Friday, September 9, 1988

#75819

Topeka State Hospital and Larned State Hospital—VANS

#75820

Department of Transportation—AGGREGATE, various locations

#75822

Department of Administration, Division of Architectural Services—NETWORK ACCESSORIES

Monday, September 12, 1988

#27860

Statewide—MOTOR VEHICLES

#75744

Kansas State Penitentiary—TOBACCO

#75809

Kansas State University—REFRIGERANT COMPRESSORS

#75810

Winfield State Hospital and Training Center—SELF LUMINOUS EXIT LIGHTS

Tuesday, September 13, 1988

#75811

University of Kansas—CICS MONITORING SOFTWARE

#75818

Kansas State University—CORN

Wednesday, September 14, 1988

#75785

Kansas State University—SUN WORKSTATIONS AND SOFTWARE

Wednesday, September 21, 1988

#A-5884

University of Kansas Medical Center—NEONATAL INTENSIVE CARE UNIT RENOVATION

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 006939

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
 Courtroom 11-1, 11th Floor
 Sedgwick County Courthouse
 Wichita, Kansas

Before Abbott, C.J., Rees and Elliott, JJ.

Tuesday, September 6, 1988

1:30 p.m.

Case No.	Case Name	Attorneys	County
62,115	In the Matter of the Marriage of Gary D. Peak and Lois Elaine Peak.	James R. Howell David A. Ricke Olin Stansbury	Butler
61,417	Michael B. Kerich & J. Patrick Kerich, Co-Executors of the Helen M. Kerich Estate, Appellees, v. Philip D. Lunt and Douglas McEntarfer, Appellants.	Stephen Brown Myrlen L. Bell	Pratt
61,856	In the Matter of the Estate of Marian A. Kramer, Deceased.	William L. Brown Lee Ann Nicholson	Harvey
61,880	Naomi F. Sowder (now Torrey), Appellant, v. Edward Leon Sowder and David S. Hewes and Betty Hewes, Appellees.	Kenneth H. Jack Clark Nelson David E. Rogers Patrick T. Forbes	Greenwood

Wednesday, September 7, 1988

9:00 a.m.

Case No.	Case Name	Attorneys	County
61,951	Walz Sigler Construction, Inc. v. Northwest, Inc., Appellee, v. Dixon Products Group, Inc., a Missouri Corporation, Appellant, and Carlisle Corporation, a Delaware Corporation.	Kathleen R. Reeves James M. Munyon Kent Docking	Sedgwick
62,080	Evans Box Manufacturing Corp., and its representatives, Appellees, v. Kansas Commission on Civil Rights and Donella J. Searle, Appellants.	William F. Bradley, Jr. Arthur W. Solis	Reno

(continued)

- | | | | |
|-----------|--|---|----------|
| 62,081 | Evans Box Manufacturing Corp., and its representatives, Appellees,
v.
Kansas Commission on Civil Rights and W. L. Wright, Appellants. | William F. Bradley, Jr.

Arthur W. Solis | Reno |
| 1:30 p.m. | | | |
| 61,187 | Robert Scott and Patsy Scott, Husband and Wife; and Donald E. Lambdin and Frances L. Lambdin, Husband and Wife, Appellants,
v.
Larry R. Crowl and Diana S. Crowl, Husband and Wife; and Bradford K. Brandes and Rebecca M. Brandes, Husband and Wife; and Lola B. Torkelson, Trustee of Thurman W. Torkelson Trust, Appellees. | M. David Zacharias
David N. Johnson

Carl Kelly | Sedgwick |
| 61,445 | State of Kansas, Appellee,
v.
Rodney E. Jackson, Appellant. | Debra Barnett, Assistant District Attorney
Attorney General

Steven Zinn
Benjamin C. Wood | Sedgwick |
| 61,550 | State of Kansas, Appellee,
v.
Rose Rogers, Appellant. | Robert A. Fox
Timothy Chambers, County Attorney
Attorney General

John B. Swearer | Reno |
| 61,798 | State of Kansas, Appellee,
v.
Thomas B. Skaggs, Appellant. | Debra Barnett, Assistant District Attorney
Attorney General

Rick Kittel
Benjamin C. Wood | Sedgwick |

Kansas Court of Appeals
Washburn University School of Law
Robinson Courtroom
17th and MacVicar
Topeka, Kansas

Before Brazil, P.J., Rulon, and Gernon, JJ.

Tuesday, September 6, 1988

9:30 a.m.

- | Case No. | Case Name | Attorneys | County |
|----------|--|--|---------|
| 61,969 | Clarence Seaver <i>et al.</i> , Appellants,
v.
The Connecticut Players
Foundation, Inc., d/b/a/ The Long Wharf
Theatre Company
v.
Allied Truck Rental, Inc., Avis Truck
Rental System and Avis Rent-A-Car
System, Inc., Appellees. | James E. Rumsey

Gerald Cooley
Mark Parkinson
Clifford Mueller | Douglas |

61,822)	State of Kansas, Appellee,	C. Wm. Ossman	Shawnee
61,823)		Gene Olander, District Attorney	
61,824)		Attorney General	
61,825)			
	v.		
	Scott E. Miller, Appellant.	Reid Nelson	
		Benjamin C. Wood	
61,910	State of Kansas, Appellee,	Gene Olander, District Attorney	Shawnee
		Ken Smith	
		Attorney General	
	v.		
	George H. Fulton, Jr., Appellant.	Karen E. Mayberry	
		Benjamin C. Wood	
61,939	State of Kansas, Appellee,	Kenneth Smith, Assistant District Attorney	Shawnee
		Attorney General	
	v.		
	Darrell Brown, Appellant.	John C. Humpage	

1:30 p.m.

(61,893)	Betty J. Heffel, Appellant,	Doug Thompson	Riley
	v.		
	Paul Hulsey, Schroer, Rice, P.A., formerly known as Schroer, Rice, Bryan, & Lykins, P.A., Robert Pottroff & Myers & Pottroff, Appellees.	Charles D. Green Clarence L. King, Jr. Edwin D. Smith	
61,929	Herbert H. Weidensaul and Arvid M. Zarley, Appellants,	James E. Rumsey	Douglas
	v.		
	Greenhouse Restaurant of Lawrence, Inc., Appellee.	Eileen M. Smith Kevin Travis John Emerson	

Wednesday, September 7, 1988

9:00 a.m.

Case No.	Case Name	Attorneys	County
61,587	Jefferson Sanders, Appellant, v. State of Kansas, Appellee.	Gary L. Fuller David M. Cooper, Assistant Attorney General	Leavenworth
61,809	The Federal Land Bank of Wichita, Appellee, v. J. E. Burkdoll <i>et al.</i> , Appellants.	Richard O. Skoog J. E. Burkdoll, <i>pro se</i>	Franklin
61,828	Dora Jones, Appellee, v. Bernie's Automotive, Appellant.	Craig Altenhofen Doug Thompson	Geary

(continued)

Summary Calendar—No Oral Argument

Case No.	Case Name	Attorneys	County
61,473	Elgit Clark, Appellant, v. State of Kansas, Appellee.	Lucille Marino Benjamin C. Wood Ann L. Smith, County Attorney Attorney General	Montgomery
62,055	Nelson Ray Johnson, Appellant, v. State of Kansas, Appellee.	Dennis McFall Robert A. Walsh, County Attorney Attorney General	Cloud
60,981	John Wright Jr., Appellant, v. State of Kansas, Appellee.	Benjamin C. Wood William E. Kennedy, III County Attorney Gabrielle M. Thompson Attorney General	Riley
61,436	Thomas J. Ballard, Appellant, v. State of Kansas, Appellee,	Benjamin C. Wood Steven R. Zinn Steven Opat, County Attorney Attorney General	Geary
61,850	State of Kansas, Appellee, v. Steven Ray Vannoy, Appellant.	Ken Smith Gene Olander, District Attorney Attorney General Benjamin C. Wood	Shawnee
61,897	State of Kansas, Appellee, v. David Oliver, Appellant.	Gene Olander, District Attorney Attorney General Benjamin C. Wood Steven R. Zinn	Shawnee

Kansas Court of Appeals
Leavenworth County Courthouse
Leavenworth, Kansas

Before Davis, P.J., Briscoe and Larson, JJ.

Tuesday, September 6, 1988

9:00 a.m.

Case No.	Case Name	Attorneys	County
61,123	Judi C. Settle <i>et al.</i> , Appellants, v. Byron J. Masterson, II, Appellee.	Catherine A. Donnelly Mark Johnson Terry Fitzgerald	Johnson
61,981	In the Matter of the Marriage of Estella Hooks, Appellant, v. Victor Hooks, Appellee.	Thomas T. O'Neill Michelle Suter	Wyandotte

62,002	City of Lenexa, Kansas, Appellee, v. C. L. Fairley Construction Company, Inc., Appellant.	R. Scott Beeler Stephen J. Dennis	Johnson
61,294	Executive Financial Services, Inc., Appellant, v. Kenneth J. Collyard <i>et al.</i> , v. Lawrence G. Humphrey's <i>et al.</i> , Appellees.	Michael E. Whitsitt Mark A. Corder Louis A. Silks, Jr.	Johnson
1:30 p.m.			
61,045	In the Matter of the Marriage of George A. Golding and Effie Golding.	W. Fredrick Zimmerman Wayne L. Zeigler	Wyandotte
61,886	In the Matter of the Marriage of William V. Denton and Susan C. Denton.	H. Reed Walker James P. O'Hara	Johnson
61,015	State of Kansas, Appellee, v. Thomas L. Morey, Appellant.	Richard G. Guinn Paul Morrison, Assistant District Attorney Attorney General Benjamin C. Wood Steven R. Zinn	Johnson
61,726	Leroy O'Neal and Kathryn O'Neal, Appellants, v. Board of County Commissioners of Leavenworth County Kansas, Appellees.	J. R. Russell Patrick J. Reardon	Leavenworth
61,450 S.C.	State of Kansas, Appellee, v. Myron L. Ford, Appellant.	Thomas J. Bath, Jr. Michael Buser, Assistant District Attorney Attorney General J. Steven Schweiker	Johnson

Wednesday, September 7, 1988
9:00 a.m.

Case No.	Case Name	Attorneys	County
61,458	Clare Hotchkiss, Appellant, v. James R. Stewart, Jr. <i>et al.</i> , Appellees.	Thomas W. Harris Park McGee Frederick Cross	Johnson
61,782	Brocom Management, Inc., Appellant, v. KFTS, Inc., Julia A. Lamb, Everett H. Lamb, Linda J. Lamb, Richard D. Eckel, and Wisconsin Voice of Christian Youth Inc., Appellees.	James L. Wisler Charles Gentry	Bourbon

(continued)

61,923	Ernest Mayer <i>et al.</i> , Appellants, v. Wolb, Inc., <i>et al.</i> , Appellees.	Mark G. Flaherty Bruce E. Moore James L. Crabtree George A. Lowe Michael D. Strohhahn	Johnson
61,990	Western Casualty and Surety Company, Appellant, v. Trinity Universal Insurance Company of Kansas, Inc., Appellees.	Glenn E. McCann Leonard Frischer	Johnson
61,776	In the Matter of the Marriage of Roger Harrison and Pamela L. Harrison.	Robert D. Beall John C. Tillotson Martha Jenkins	Leavenworth
Wednesday, September 7, 1988 1:30 p.m.			
61,460	Roosevelt Scovr, Appellant, v. City of Kansas City, Kansas <i>et al.</i> , Appellee.	James D. Uhlig J. Patrick Flanigan J. Dexter Burdett	Wyandotte
61,553	Ronald L. Cox, Appellant, v. P.I.E. Nationwide, Inc., Appellee.	Kevin Carver James D. Conkright Diana D. Moore	Johnson
61,919	Marvin G. Luttrell, Appellant, v. United Telephone System, Inc., and United Telecommunications, Inc., Appellees.	Edward L. Bigus Paul Hasty, Jr.	Johnson
61,940	Calvin Misemer, Appellee, v. Robert Hamburg <i>et al.</i> , Appellant.	B. Scott Tschudy Harry R. Steinhart	Johnson
61,021	Miralee E. Lewis, Appellant, v. Lester Marlatt, Appellee.	Marlin Johanning John R. Kurth J. David Farris	Atchison

LEWIS C. CARTER
Clerk of the Appellate Courts

Doc. No. 006926

(Published in the *Kansas Register*, August 25, 1988.)

NOTICE OF BOND SALE
\$162,000
General Obligation Sewer Bonds
Series 1988
City of Overbrook
Osage County, Kansas

The Bids

Sealed bids will be received by the City of Overbrook, Kansas at the office of the City Clerk, City Hall, P.O. Box 288, Overbrook, Kansas 66524, until 7:30 p.m., C.D.T., on August 31, 1988, for the purchase of \$162,000 principal amount of General Obligation Sewer Bonds, Series 1988, of the city. All bids will be publicly opened and read at said time and place and will be acted upon by the city immediately thereafter. No other bids will be considered.

Bond Details

The bonds shall consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof except the first bond of the first maturity which shall be for \$7,000. The bonds will be dated September 1, 1988, and will become due serially on December 1 in the years as follows:

Maturity Date	Principal Amount
December 1	
1989	\$12,000
1990	15,000
1991	15,000
1992	15,000
1993	15,000
1994	15,000
1995	15,000
1996	20,000
1997	20,000
1998	20,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on June 1 and December 1 in each year, beginning on December 1, 1989. The principal of the bonds shall be payable in lawful money of the United States of America at the principal office of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar) to the registered owners thereof upon presentation of bonds for payment and cancellation. Interest on the bonds shall be payable in lawful money of the United States of America by check or draft of the paying agent to the registered owners thereof whose names are on the registration books of the bond registrar as of the fifteenth day (whether or not a business day) of the calendar month next preceding such interest payment date. The bonds will be registered pursuant to a plan of registration approved by the city and the Attorney General of the state of Kansas.

Costs.

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.

Authority.

The bonds are being issued pursuant to K.S.A. 12-631a and 10-101 *et seq.*, as amended, for the purpose of paying

the cost of alteration, repair, construction or reconstruction of sewer lines in the city. The bonds and the interest thereon will constitute general obligations of the city, 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

Bids for the bonds will specify such rate or rates of interest at which the bidder proposes to purchase the bonds, 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 and the lowest rate specified cannot exceed 2 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. 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.

All bids must be made on forms which may be procured from the Secretary of the Board. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. 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 \$10,000 (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 its bid. 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 shall be forfeited to the city. No interest will be paid upon the successful bidder's good faith check.

Bids must be submitted in sealed envelopes addressed to the undersigned Secretary of the Board, and marked "Bond Bid." Bids may be submitted by mail or delivered in person to the office of the city clerk.

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 board

(continued)

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 7:30 p.m. on the date of sale will be returned to the bidder unopened.

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 October 10, 1988, at a location in the state of Kansas or Kansas City, Missouri, to be specified by 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. Payment for the bonds must be made in funds immediately subject to use by the city.

As a condition of the bid, at least one week prior to the delivery of the bonds the successful bidder shall furnish to the city the reoffering prices to the public, and a certificate stating that a substantial amount (as that term may be defined by the applicable portions of the Internal Revenue Code of 1986) of the bonds 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 and must be executed by the successful bidder and furnished to the city at the time of closing.

The number and denominations of the bonds and the names, addresses and Social Security or taxpayer identification numbers of the initial registered owners must be submitted in writing by the successful bidder to the bond registrar at least two weeks prior to the date of delivery. 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.

Assessed Valuation and Indebtedness.

The total assessed valuation of the taxable tangible property within the city for the year 1987, including motor vehicles, is \$2,043,287.

The city has a present general obligation indebtedness of \$273,000, not including this issue.

Legal Matters.

Approval of Bonds.

The bonds will be sold subject to the legal opinion of Cosgrove, Webb & Oman, 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 as and when the bonds are delivered.

The opinion will state that, assuming continuing compliance by the city with the provisions contained in the bond resolution, the interest on the bonds is, under existing law, (a) excludable from gross income for federal income tax purposes and (b) not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations, provided that for the purpose of computing alternative minimum tax imposed on corporations, bond interest is taken into account in determining adjusted net book income (adjusted current earnings for taxable years ending after December 31, 1989). The opinion set forth in clause (a) above is subject to the compliance by the city with all requirements of

the Internal Revenue Code of 1986, as amended (the code), which 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 those requirements could cause the interest on the bonds to be 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 opinion will state that the bonds are exempt from intangible personal property taxes levied by Kansas counties, cities and townships and interest on the bonds is excluded from computation of Kansas adjusted gross income. No further opinion concerning the tax consequences, other than the above, is or will be given.

The city has declared the bonds to be "qualified tax exempt obligations" within the meaning of Section 265 of the code, which provides in effect that a deduction is allowed for 80 percent of that portion of interest expense allocable to interest on the bonds held by certain financial institutions designated in that section.

Related Federal Tax Matters.

Prospective bond purchasers are advised that (a) except as stated above, Section 265 of the code denies a deduction for interest on indebtedness incurred or continued to purchase or hold the bonds; (b) with respect to insurance companies subject to the tax imposed by Section 831 of the code, Section 832 of the code reduces the deduction for loss reserves by a percentage of the sum of certain items which include interest on the bonds; (c) for taxable years beginning before January 1, 1992, interest on the bonds earned by some corporations might be subject to the environmental tax imposed by Section 59A of the code; (d) interest on the bonds earned by certain foreign corporations doing business in the United States could be subject to the tax imposed by Section 884 of the code; (e) 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 if greater than 25 percent of the gross receipts of the Subchapter S corporation is passive investment income; and (f) Section 86 of the code requires recipients of certain Social Security and railroad retirement benefits to take receipts or accruals of interest on the bonds into account in determining gross income. Bondholders should consult their tax advisers with respect to the above.

Inquiries.

Inquiries concerning the bonds should be directed to Mildred J. Cannon, city clerk, at the address above, (913) 665-7328.

Dated August 25, 1988.

MILDRED J. CANNON
City Clerk
City of Overbrook
Osage County, Kansas

Doc. No. 006925

(Published in the *Kansas Register*, August 25, 1988.)

**NOTICE OF BOND SALE
\$250,000**

**General Obligation Natural Gas System Bonds
Series 1988
of the City of Longford, Kansas**

Date, Time and Place of Receiving Bids

The undersigned, City Clerk of the City of Longford, Kansas, will receive sealed bids on behalf of the City Council, as the governing body of the city, at her office in City Hall, until 7:30 p.m., C.D.T., on Wednesday, September 7, 1988 for the purchase of \$250,000 principal amount of general obligation natural gas system bonds, Series 1988, of the city as hereinafter described. All bids will be publicly opened and read in the governing body's meeting room in City Hall, and will be immediately thereafter acted upon by the governing body. No oral or auction bids for the bonds will be considered.

Description of Bonds

The bonds shall consist of fully registered certificated bonds in denominations of \$5,000, or any integral multiple thereof not exceeding the principal amount of bonds maturing in each year, will bear a dated date of September 1, 1988; and shall mature serially on September 1 in each of the years and in the principal amounts as follows:

Principal Amount	Maturity Date
\$ 5,000	September 1, 1990
5,000	September 1, 1991
5,000	September 1, 1992
5,000	September 1, 1993
10,000	September 1, 1994
10,000	September 1, 1995
10,000	September 1, 1996
10,000	September 1, 1997
10,000	September 1, 1998
10,000	September 1, 1999
15,000	September 1, 2000
15,000	September 1, 2001
15,000	September 1, 2002
15,000	September 1, 2003
20,000	September 1, 2004
20,000	September 1, 2005
20,000	September 1, 2006
25,000	September 1, 2007
25,000	September 1, 2008

The bonds will bear interest from the dated date at rates which shall be determined upon the public sale thereof as heretofore provided, and said interest will be payable semiannually on March 1 and September 1 of each year commencing March 1, 1989.

Payment of Principal and Interest; Registration

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

The fees of the bond registrar for registration and trans-

fer of the bonds shall be paid by the city, and it shall also pay for printing a reasonable supply of blank registered bond certificates for that purpose. Any additional costs or fees that might be incurred in the secondary market, except the bond registrar's fees, shall be the responsibility of the registered owners of the bonds.

Initial Registration

The number and denominations of the bonds and the names, addresses and Social Security or taxpayer identification numbers of the initial registered owners of the bonds shall be submitted in writing to the bond registrar by the successful bidder not later than Thursday, September 29, 1988. In the event such information is not furnished by such date, the bonds will be delivered one bond per maturity registered in the name of the successful bidder.

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

Redemption of Bonds

All of the bonds will become due on their stated maturities without the option of prior redemption and payment.

Conditions of Bidding

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidder, subject to the conditions of this paragraph. The same rate of interest shall apply to all bonds of the same maturity. Each interest rate specified shall be in an even multiple of 1/8 or 1/20 of 1 percent. No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being equal to the index of treasury bonds published by *Credit Markets* in New York, New York, on the Monday next preceding the date on which the bonds are sold, plus 2 percent. No bid of less than the entire par value of the bonds and accrued interest thereon from the dated date to the date of delivery will be considered and no supplemental interest payments will be authorized. Each bid must state the total interest cost to the city during the life of the bonds on the basis of the bid; the premium, if any, offered by the bidder for the bonds; the net interest cost to the city on the basis of the bid; and the average annual interest rate on the bonds on the basis of the bid. Each bid shall be certified by the bidder to be correct, and the governing body will be entitled to rely on such certificate of correctness.

Bid Form; Good Faith Deposit

Bids shall be submitted on an official bid form which may be obtained from the city, and shall be submitted in sealed envelopes, plainly marked "Bond Bid," addressed to the City Council, City Hall, Longford, KS 67458, Attention: Ailene Guy, city clerk. Bids may be submitted by mail or delivered in person and must be received by the city clerk no later than the date and time hereinbefore specified.

Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check payable to the order of the city in the amount of \$5,000 (being 2

(continued)

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

Award of Bonds

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

Delivery of Bonds

The bonds, duly printed, executed and registered, will be furnished and paid for by the city; and will be delivered to the successful bidder on or about Thursday, October 6, 1988, at any bank in the state of Kansas or in the City of Kansas City, Missouri, at the expense of the city. Delivery elsewhere will be made at the expense of the successful bidder. The successful bidder will be furnished with a transcript of proceedings evidencing authorization and issuance of the bonds, and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in federal reserve funds, immediately available for use by the city.

CUSIP Identification Numbers

It is not expected that CUSIP identification numbers will be assigned to the issue or printed on the bonds as the issue does not meet the CUSIP service bureau's minimum size guidelines for the assignment of CUSIP numbers.

Official Statement

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

Authority, Purpose and Security for Bonds

The bonds are being issued under the authority of

K.S.A. 10-101 *et seq.*, as amended and supplemented, and K.S.A. 12-834, and the approval of the voters at an election held in the city on January 19, 1988, and will be authorized by a bond ordinance which will be adopted by the governing body immediately after awarding of the bonds.

The proceeds of the bonds will be used to pay the cost of purchasing and constructing a municipal gas system for the city.

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

Legal Opinion and Tax Exemption

All matters incident to the authorization and issuance of the bonds are subject to the approving opinion of Hinkle, Eberhart & Elkouri, bond counsel, Wichita, Kansas. Bond counsel's opinion will be printed on the reverse side of each bond, and a manually signed original will be furnished without expense to the successful bidder concurrently with delivery of the bonds. All fees and expenses of bond counsel will be paid by the city.

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 exclusion mentioned in the preceding clause (a) is subject to compliance by the city with all requirements of the Internal Revenue Code of 1986, as amended, which must be satisfied subsequent to issuance of the bonds in order for the interest on the bonds to qualify for such exclusion. Failure to comply with certain of such requirements could cause the interest on the bonds to be so included in federal gross income retroactive to the date of issuance of the bonds. The city covenants to comply with all such requirements. Bond counsel expresses no opinion regarding other federal tax consequences arising with respect to the bonds.

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

Related Federal Tax Matters

Prospective bidders for purchase of the bonds should be aware that: (i) Section 265 of the code denies a deduction for interest on indebtedness incurred or continued to purchase or carry obligations other than qualified tax-exempt obligations (as described in the next paragraph), or, in the case of a financial institution within the meaning of Section 265(b)(5) of the code, that portion of a bond-

(Published in the Kansas Register, August 25, 1988.)

**NOTICE OF BOND SALE
\$411,000**

**City of Leavenworth, Kansas
General Obligation Bonds
Series 1988-A**

holder's interest expense allocable to interest on such obligations; (ii) with respect to insurance companies subject to the tax imposed by Section 831 of the code, for taxable years beginning after December 31, 1986, Section 832(b)(5)(B)(i) of the code reduces the deduction for loss reserves by 15 percent of the sum of certain items, including interest on the bonds; (iii) for taxable years beginning after December 31, 1986, and prior to January 1, 1992, interest 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 more than 25 percent of the gross receipts of such Subchapter S corporation is passive investment income; and (vi) Section 86 of the code requires recipients of certain Social Security and railroad retirement benefits to take into account in determining gross income, receipts or accruals of interest on the bonds. The foregoing categories of prospective bondowners should consult their own tax advisers as to the applicability of any of these consequences.

Qualified Tax-Exempt Obligations

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

Assessed Valuation and Bonded Indebtedness

Assessed valuation figures for the city for the year 1988, are as follows:

Assessed valuation of taxable tangible property	\$411,756
Taxable value of motor vehicles.....	<u>161,070</u>
Equalized assessed tangible valuation for computation of bonded debt limitations	572,826

The total outstanding general obligation bonded indebtedness of the city, upon issuance of and including this proposed issue, will consist only of the bonds described herein.

Additional Information

Additional information regarding the bonds may be obtained from the city clerk, or from the city's financial adviser, Mid-Continent Investments, Inc., 333 Century Plaza Building, Wichita, KS 67202, Attention: David Malone, Vice President, Municipal Finance, (316) 262-5161.

Dated August 15, 1988.

CITY OF Longford, Kansas
By Ailene Guy
City Clerk
City Hall
Longford, KS 67458

Sealed Bids

Sealed bids for the purchase of \$411,000 principal amount of general obligation bonds, Series 1988-A of the city hereinafter described, will be received by the undersigned city clerk of the city of Leavenworth, Kansas, on behalf of the governing body of the city at City Hall, 5th and Shawnee, Leavenworth, Kansas, until 10 a.m. C.D.T. on Thursday, September 8, 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, except one bond in the denomination of \$6,000. The bonds will be dated October 1, 1988, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
1989	\$11,000
1990	20,000
1991	30,000
1992	40,000
1993	40,000
1994	50,000
1995	50,000
1996	55,000
1997	55,000
1998	60,000

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 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 treasurer of the state of Kansas, 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.

(continued)

Redemption of Bonds Prior to Maturity

At the option of the city, bonds maturing on March 1, 1994, and thereafter, will be subject to redemption and payment prior to maturity on March 1, 1993, 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 principal amount thereof, plus accrued interest to the redemption date, without premium.

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 of 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* 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 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 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 October 19, 1988, at such bank or trust company in either the state of Kansas or the greater Kansas City, Missouri, 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 later than 4 p.m. C.D.T. on September 30, 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 4 p.m. C.D.T. on September 30, 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 \$8,220, 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.

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 10 a.m. C.D.T. on Thursday, September 8, 1988.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city for the year 1987 is \$76,966,724. The total general obligation bonded indebtedness of the city, including the bonds, is \$10,813,006, including, as of the date of the bonds, temporary notes outstanding in the principal amount of \$433,400, of which \$411,000 will be retired out of the proceeds of the bonds herein offered

(continued)

for sale with the balance being payable from other legally available and unencumbered funds of the city.

Dated August 19, 1988.

CITY OF LEAVENWORTH, KANSAS
Carol Sadler, City Clerk
City Hall, 5th and Shawnee
Leavenworth, Kansas 66048
(913/682-9201)

Doc. No. 006944

State of Kansas
BOARD OF REGENTS

**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted from 10 a.m. until 10:30 a.m., Monday, September 26, in the boardroom of the Kansas Board of Regents, Suite 609, Capitol Tower Building, Topeka, to consider the adoption of proposed rules and regulations 88-13-1, 88-13-4 and 88-13-11 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. 88-13-1, 88-13-4 and 88-13-11 follows:

88-13-1. Defines terms used in the regulations relating to the State Scholarship Program.

88-13-4. Establishes eligibility requirements for participation in the State Scholarship Program.

88-13-11. Sets forth information on certifications required for each eligible postsecondary institution which enrolls the grantee of a state scholarship.

The regulations will provide for the awarding of financial assistance to individuals designated as State Scholars. The State Scholarship Program, funded from an annual appropriation of both federal and state dollars, provides academic year awards ranging from \$50 to \$1,000 to students demonstrating financial need. Additional costs associated with the administration of this program will be absorbed by the Board of Regents' office operating budget.

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. 006936

State of Kansas
BOARD OF REGENTS

**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted from 9 a.m. until 9:30 a.m., Monday, September 26, in the boardroom of the Kansas Board of Regents, Suite 609, Capitol Tower Building, Topeka, to consider the adoption of proposed rules and regulations 88-19-1 through 88-19-4 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. 88-19-1, 88-19-2, 88-19-3 and 88-19-4 follows:

88-19-1. Defines terms used in the regulations relating to the Kansas-Rhodes Scholarship Program.

88-19-2. Establishes eligibility requirements for participation in the Kansas-Rhodes Scholarship Program.

88-19-3. Sets forth information on filing applications for the Kansas-Rhodes Scholarship Program.

88-19-4. Establishes requirements for information to be certified by each institution with a recipient of a Kansas-Rhodes Scholarship enrolled at that institution.

The regulations will provide for the awarding of financial assistance to those individuals selected as Kansas-Rhodes scholars. There will be additional costs to the Board of Regents for administration of the program. No state funds have been appropriated for this scholarship program at this time. If applications are received, it would be expected that the board would seek the necessary funding from the state general fund at that time. The number of potential applicants cannot be reasonably estimated, although the number of Kansas residents who qualify for a Rhodes Scholarship is minimal. 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. 006935

State of Kansas

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

A public hearing will be conducted from 9:30 a.m. until 10 a.m., Monday, September 26, in the boardroom of the Kansas Board of Regents, Suite 609, Capitol Tower Building, Topeka, to consider the adoption of proposed rules and regulations 88-18-1 through 88-18-8 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. 88-18-1, 88-18-2, 88-18-3 and 88-18-4, 88-18-5, 88-18-6, 88-18-7 and 88-18-8 follows:

88-18-1. Defines terms used in the regulations relating to the Kansas Honors Program.

88-18-2. Establishes criteria for selection of a financial needs analysis agency.

88-18-3. Sets forth information on eligibility for the Kansas Honors Program.

88-18-4. Sets forth information on filing applications for the Kansas Honors Program.

88-18-5. Establishes need for evaluation of state or federal income tax returns of any individual whose financial data is required for a Kansas honors scholarship application.

88-18-6. Deals with the confidentiality of information submitted to the board by applicants and parents.

88-18-7. Discusses authority of the board of prorate awards if necessary.

88-18-8. Sets forth information on certification required from each eligible postsecondary institution which enrolls the recipient of a Kansas Honors Scholarship.

The Kansas Honors Program provides tuition assistance to residents of Kansas enrolled in certain honors or gifted programs based upon the determined financial need of the student. There is no direct appropriation of funds for the Kansas Honors Program. One percent of funds designated for the State Scholarship Program can be used to make need based financial awards to qualified students. The amount of the award cannot exceed the average cost of required tuition and fees for five credit hours. The number of students who might be eligible and apply for the program cannot be reasonably estimated.

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. 006934

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, September 7, 1988

#90007

Mobile Laboratory

WILLIAM H. SESLER
Director of Purchasing

Doc. No. 006924

State of Kansas

BOARD OF AGRICULTURE**Notice of Hearing****ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A public hearing will be held on Monday, September 26, at 1:30 p.m., in Conference Room A, State Board of Agriculture, 109 S.W. 9th, Topeka, at which time all interested persons will have an opportunity to be heard regarding the adoption of proposed permanent rules and regulations of the Kansas State Board of Agriculture. These rules and regulations will become effective 45 days after their publication in the *Kansas Register* unless a specified date is contained in the regulation. In addition, certain regulations will be revoked.

All interested persons may attend the hearing and will be given an opportunity to express comments orally or in writing, or both. In addition, the period of at least 30 days notice constitutes a public comment period for the purpose of receiving public comments on the proposed rules and regulations.

Written comments and requests for copies of the regulations and the complete economic impact statement should be sent to Kenneth M. Wilke, Chief Counsel, Kansas State Board of Agriculture, 109 S.W. 9th, Topeka 66612, at or before the time of the hearing. If you intend to present testimony in person at the hearing, prior notice would be helpful in arranging the agenda. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit oral presentations to five minutes.

A summary of the proposed regulations is as follows:

4-8-14. Adds three chemicals to definition list for noxious weed regulations.

4-8-39. Adopts a new and updated control program for multiflora rose.

4-8-41. Adopts a control program for sericea lespedeza.

Regarding the proposed changes in the noxious weed regulations, K.A.R. 4-8-14, 4-8-39 and 4-8-40, there will be no fiscal or economic impact for the State Board of Agriculture, other governmental agencies, private businesses, individuals or the general public.

(continued)

4-13-11. Adds a new subcategory 3c of commercial certification for interior landscape pest control and redefines subcategory 7e of commercial certification for structural pest control.

4-13-13. Prescribes the examination requirements for the new subcategory 3c of interior landscape pest control.

Regarding the proposed changes in the pesticide regulations, K.A.R. 4-13-11 and 4-13-13, there will be no economic impact upon the State Board of Agriculture, other governmental agencies, individuals, private businesses or the general public.

4-13-34. Amends the existing regulation to include ornamental pests, turf pests and interior landscape pests.

4-13-35. Amends existing regulation to include ornamental pests, turf pests and interior landscape pests.

4-13-36. Amends existing regulation to specify training required for registered pest control technicians in wood destroying pest control and structural pest control.

4-13-38. Specifies training required for registered pest control technicians in ornamental pest control, turf pest control and interior landscape pest control.

Regarding the changes in the registered pesticide technician regulations, K.A.R. 4-13-34, 4-13-35, 4-13-36 and 4-13-38, the estimated economic impact on the State Board of Agriculture will be a net cost of \$1,335. There should be no economic impact upon other governmental agencies, private individuals or the general public. The estimated economic impact upon private businesses will be \$15 per registration of each registered pest control technician in the new categories of ornamental pest control, turf pest control and interior landscape pest control.

4-13-60. Specifies contents of a complaint for assessment of a civil penalty.

4-13-61. Specifies contents of an answer to the complaint.

4-13-62. Specifies ranges for amount of civil penalty for violations of K.S.A. 2-2438a *et seq.*

4-13-63. Specifies criteria for setting dollar amount of proposed civil penalty.

4-13-64. Provides for informal settlement in civil penalty cases.

4-13-65. Provides for adjustment of amount of civil penalty.

Regarding the proposed civil penalty regulations, K.A.R. 4-13-60, 4-13-61, 4-13-62, 4-13-63, 4-13-64 and 4-13-65, there should be no economic impact on the State Board of Agriculture; other governmental agencies, private businesses, individuals or the general public.

4-25-1. Will be revoked because it is no longer authorized.

Regarding K.A.R. 4-25-1, there will be a loss of \$1600 to the State Board of Agriculture. There will be no fiscal or economic impact on other governmental agencies, individuals, private businesses or the general public.

All regulations will be adopted as permanent regulations with a projected effective date of January 1, 1989.

Copies of these regulations and the complete fiscal impact statements may be obtained by writing Kenneth M. Wilke, Chief Counsel, Kansas State Board of Agriculture, 109 S.W. 9th, Topeka 66612.

SAM BROWNBACK
Secretary of Agriculture

Doc. No. 006928

State of Kansas

BOARD OF AGRICULTURE

Notice of Hearing

ON PROPOSED

ADMINISTRATIVE REGULATIONS

A public hearing will be held on Tuesday, September 27, at 1:30 p.m., in Conference Room A, State Board of Agriculture, 109 S.W. 9th, Topeka, at which time all interested persons will have an opportunity to be heard regarding the adoption of proposed permanent rules and regulations of the Kansas State Board of Agriculture. These rules and regulations will become effective 45 days after their publication in the *Kansas Register* unless a specified date is contained in the regulation. In addition, certain regulations will be revoked.

All interested persons may attend the hearing and will be given an opportunity to express comments orally or in writing, or both. In addition, the period of at least 30 days notice constitutes a public comment period for the purpose of receiving public comments on the proposed rules and regulations.

Written comments and requests for copies of the regulations and the complete economic impact statement should be sent to Kenneth M. Wilke, Chief Counsel, Kansas State Board of Agriculture, 109 S.W. 9th, Topeka 66612, at or before the time of the hearing. If you intend to present testimony in person at the hearing, prior notice would be helpful in arranging the agenda. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit oral presentations to five minutes.

A summary of the proposed regulations is as follows:

4-2-1. Clarifies existing regulation by deletion of word "testing."

4-2-8. Updates edition of AOSA "Rules For Seed Testing" to October 1987 edition and adds additional definitions to conform material adopted by reference to K.S.A. 1987 Supp. 2-1415 *et seq.*

4-2-18. Establishes label requirements for seed delivered to wholesalers.

Regarding the proposed changes in the seed regulations, K.A.R. 4-2-1, 4-2-8 and 4-2-18, there will be no fiscal or economic impact on the State Board of Agriculture, other governmental agencies, individuals or the general public. The economic impact upon private business should be minimal or none.

4-7-716. Updates the edition of the Grade A Pasteurized Milk Ordinance adopted by reference to the 1985 edition.

Regarding the proposed change in K.A.R. 4-7-716, there will be no fiscal or economic impact on the State Board of Agriculture, other governmental agencies, individuals, private businesses or the general public.

4-10-2d. Clarifies existing regulation by deleting unneeded language.

4-10-2k. Clarifies existing regulation by specifying who must report accidents involving anhydrous ammonia.

4-10-16. Clarifies existing regulation by deleting unnecessary language.

Regarding the proposed changes in the anhydrous am-

monia regulations, K.A.R. 4-10-2d, 4-10-2k and 4-10-16, there will be no fiscal or economic impact on the State Board of Agriculture, other governmental agencies, individuals, private businesses or the general public.

4-16-1a. Adds definition of "official establishment."

4-16-1c. Updates certain federal meat regulations adopted by reference to January 1, 1988, edition and transfers federal poultry regulations to K.A.R. 4-17-1c.

4-16-3a. Imposes additional restrictions on exemptions for retail store, restaurant and custom slaughterer.

4-16-7a. Increases rate for overtime from \$14.00 to \$16.00.

4-16-252. Establishes temperature standards for freezers, coolers and transportation of product.

Regarding the changes in the meat regulations, K.A.R. 4-16-1a, 4-16-1c, 4-16-3a and 4-16-252, there will be minimal or no fiscal or economic impact upon the State Board of Agriculture, other governmental agencies, individuals, private businesses or the general public. The change in K.A.R. 4-16-7a will generate estimated additional revenue of \$272 based upon actual usage for FY 1988. There will be no fiscal or economic impact on other governmental agencies, individuals or private businesses who do not use this service or to the general public.

4-17-1a. Sets forth definitions necessary to make federal regulations adopted by reference in K.A.R. 4-17-1c compatible with K.S.A. 1987 Supp. 65-6a18 *et seq.*

4-17-1c. Adopts certain federal poultry regulations as of January 1, 1988, by reference.

4-17-5. Will be revoked.

4-17-5a. Clarifies federal exemption regulation adopted by reference and imposes additional requirements for exemptions.

Regarding the changes in the poultry regulations, K.A.R. 4-17-1a, 4-17-1c, 4-17-5 and 4-17-5a, there will be no fiscal or economic impact on the State Board of Agriculture, other governmental agencies, individuals, private businesses or the general public.

99-31-2. Conforms existing language to new legislation by replacing "motor fuel measuring" with "dispensing."

99-31-3. Conforms existing language to new legislation by replacing "motor fuel measuring" with "dispensing."

99-31-4. Conforms existing language to new legislation by replacing "motor fuel measuring" with "dispensing."

99-31-5. Conforms existing language to new legislation by replacing "motor fuel measuring" with "dispensing."

99-31-6. Conforms existing language to new legislation by replacing "motor fuel measuring" with "dispensing."

Regarding the changes in the large scale regulations, K.A.R. 99-31-2, 99-31-3, 99-31-4, 99-31-5 and 99-31-6, there will be no fiscal or economic impact on the State Board of Agriculture, other governmental agencies, individuals, private businesses or the general public.

All regulations will be adopted as permanent regulations with a projected effective date of January 1, 1989.

Copies of these regulations and the complete fiscal impact statements may be obtained by writing Kenneth M. Wilke, Chief Counsel, Kansas State Board of Agriculture, 109 S.W. 9th, Topeka 66612.

SAM BROWNBACK
Secretary of Agriculture

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