



# Kansas Register

Bill Graves, Secretary of State

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## State of Kansas

## Wildlife and Parks Commission

## Notice of Meeting

A meeting of the Wildlife and Parks Commission is scheduled for 1:30 p.m. Thursday, March 7, at the Red Coach Inn, 2525 W. Central, El Dorado. A workshop will be conducted on upcoming business and regulatory efforts scheduled for action by the commission.

The workshop items will include the discussion of regulating training dogs and field trials events; the commercial harvest of fish bait; the strategic plan for Kansas Department of Wildlife and Parks; the status of Kansas coyotes; and the statutory role of the commission.

The meeting will continue at 7 p.m. for a public hearing on regulations as previously announced. The commission will reconvene, if necessary, at 9 a.m. Friday, March 8, at the same location for continuance of the public hearing and the workshop meeting. The public is invited to attend the workshop meeting and the public hearing.

Ron Hopkins  
Chairman

Doc. No. 010290

## State of Kansas

## Kansas Racing Commission

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 9 a.m. Friday, April 5, in the hearing room at commission offices, 3400 Van Buren, Topeka, to consider the adoption of a proposed amendment to a permanent regulation of the Kansas Racing Commission. This 30-day notice constitutes a public comment period for the purpose of receiving written public comments on the proposed amendment.

A copy of the full text of the regulation and the economic impact statement may be reviewed or obtained at the commission office. The following is a summary of the proposed amendment.

**K.A.R. 112-11-21. Prohibited acts.** The proposed amendment to this existing commission regulation identifies those commission licensees who are prohibited from wagering because they hold positions that may affect the outcome of a race.

Economic impact: None known.

Dana Nelson  
Executive Director

Doc. No. 010283

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**Register Office:**  
235-N, State Capitol  
(913) 296-3489

**State of Kansas  
State Conservation Commission**

**Notice of Meeting**

The State Conservation Commission will meet at 9:30 a.m. Monday, March 11, at the State Conservation Commission conference room, Suite 500, 109 W. 9th, Topeka. A copy of the agenda may be obtained by contacting Donna Meader, (913) 296-3600.

Kenneth F. Kern  
Executive Director

Doc. No. 010292

**State of Kansas  
State Conservation Commission**

**Notice to Contractors**

Sealed bids for the construction of a 74,000 cubic yard detention dam, Site 5-8 in Lane County, will be received by the Pawnee Watershed Joint District No. 81 at the district office, Route 2, Box 135, West Highway 156, Jetmore 67854, until 7 p.m. March 18 and then opened. A copy of the invitation for bids and the plans and specifications can be obtained from the district office, (316) 357-6420.

Kenneth F. Kern  
Executive Director

Doc. No. 010273

**State of Kansas  
Attorney General**

**Opinion No. 91-10**

**Procedure, Civil—Process—Summons; By Whom Served; Certified Mail by Sheriff.**

**Procedure, Civil—Costs—Items Allowable as Costs; Postage Fees Incurred Pursuant to K.S.A. 60-303. Representative Cindy Empson, 8th District, Independence, February 15, 1991.**

While postage costs might initially be incurred by a county, K.S.A. 1990 Supp. 60-2003(6) and K.S.A. 1990 Supp. 28-110 permit certain service costs to be taxed against and collected from parties or attorneys utilizing a county sheriff to effectuate such service. Cited herein: K.S.A. 1990 Supp. 28-110; 60-303; 60-2003. TMN

**Opinion No. 91-11**

**Counties and County Officers—County Treasurer—County Treasurer; Local Board of Education; Incompatibility of Offices. Representative Donna Whiteman, 102nd District, Hutchinson, February 15, 1991.**

Neither Kansas statutes nor the common law doctrine of incompatibility of offices prohibits an individual from simultaneously serving as county treasurer

and member of the board of education of a unified school district. Cited herein: K.S.A. 1990 Supp. 12-1922; K.S.A. 19-505; 19-506; 19-506a; 19-507; 19-508a; 19-508b; 19-509; 19-510; 19-515; 19-516; 19-520; 19-524; K.S.A. 1990 Supp. 19-547; K.S.A. 72-8201; 72-8202b; 72-8202c; 72-8202d; 72-8202e; 72-8204a; 72-8205; 72-8209; K.S.A. 1990 Supp. 72-8801. RDS

**Opinion No. 91-12**

**Waters and Watercourses—Water Storage—State Water Plan Storage Act; Contracts for Withdrawal and Use; Effective Date; Filing of Contract with Secretary of State and Legislature; Disapproval and Revocation by Legislature.**

**Waters and Watercourses—Water Transfers—Decision of Panel; Review of Legislature. Joseph F. Harkins, Director, Kansas Water Office, Topeka, February 15, 1991.**

K.S.A. 82a-1307 and 82a-1504, authorizing the legislature to disapprove and revoke water transfer decisions by the adoption of a concurrent resolution, violate the separation of powers doctrine and article 2, section 14 of the Kansas constitution. Cited herein: K.S.A. 82a-1305; 82a-1307; 82a-1503; 82a-1504; Kan. Const., Art. 2, § 14. GE

**Opinion No. 91-13**

**State Boards, Commissions and Authorities—Public Employees Retirement Systems; Kansas Public Employees Retirement System—Employment After Retirement; Compensation Limit; Exemptions; Constitutionality. Senator Lana Oleen, 22nd District, Manhattan, February 19, 1991.**

Under K.S.A. 1990 Supp. 74-4914(6), a retirant who retired on or after July 1, 1988, and is employed or appointed in or to any position or office for which compensation for service is paid, in an amount equal to \$6,000 or more in any one calendar year, by any participating employer for which such retirant was employed or appointed during the final two years of such retirant's participation, may not receive any retirement benefit for any month for which such retirant serves in such position or office. Retirants employed as substitute teachers or officers, employees, appointees or members of the legislature, or any other elected officials are exempt from application of K.S.A. 1990 Supp. 74-4914(6). The classifications set forth in the statute need have only a rational basis to the purpose of the legislation to be deemed valid classifications. Because legislative classifications have a presumption of constitutionality and no evidence which would override such a presumption has been presented, the classifications set forth in K.S.A. 1990 Supp. 74-4914(6) are not deemed to violate the equal protection clauses of the United States constitution and Kansas constitution. Cited herein: K.S.A. 74-4901; K.S.A. 1990 Supp. 74-4914; K.S.A. 74-4929; Kan. Const., Bill of Rights, §§ 1, 2; U.S. Const., 14th Amend., § 1. RDS

Robert T. Stephan  
Attorney General

Doc. No. 010291

## State of Kansas

## Kansas Apprenticeship Committee

## Notice of Meeting

The Kansas Apprenticeship Committee will meet from 9 a.m. to noon Friday, March 1, in the Center Classroom, 1309 Topeka Blvd., Topeka. The agenda includes new program standards, revised program standards and subcommittees of the KAC.

The meeting is open to the public.

Michael Johnston  
Secretary of Human Resources

Doc. No. 010285

## State of Kansas

## Kansas Water Office

## Notice of Meetings

The Kansas Water Office will conduct a series of public meetings across the state to afford public comment on the preliminary draft of the fiscal year 1993 Kansas Water Plan. The schedule for these meetings is listed below. All meetings will begin at 7 p.m.

**Lower Arkansas Basin**  
March 27  
Council Chambers, City Hall  
455 N. Main, Wichita

**Upper Arkansas Basin**  
March 26  
Centel Room  
314 W. Spruce, Dodge City

**Cimarron Basin**  
March 25  
Student Union  
Seward County Community  
College, Liberal

**Kansas-Lower Republican Basin**  
April 2  
Jackson County 4-H Fair Bldg.  
5th and Dakota, Holton

**Smoky Hill-Saline Basin**  
March 27  
Auditorium  
Fort Hays Experiment Station,  
Hays

**Solomon River**  
March 28  
Municipal Building  
119 N. Hersey, Beloit

**Marais des Cygnes Basin**  
April 4  
Community Building  
902 Palm, Pleasanton

**Missouri Basin**  
April 4  
North Campus Cafeteria  
Benedictine College, Atchison

**Neosho Basin**  
April 3  
Civic Building, Little Theatre  
522 Mechanic, Emporia

**Upper Republican Basin**  
March 25  
Student Union, Room 108  
Colby Community College,  
Colby

**Verdigris Basin**  
April 1  
Community Center  
118 S. 6th, Neodesha

**Walnut Basin**  
March 28  
Butler County Community  
College, El Dorado

For further information contact the Kansas Water Office, 109 S.W. 9th, Suite 300, Topeka 66612-1249, (913) 296-3185.

Joseph F. Harkins  
Director

Doc. No. 010266

## State of Kansas

## Board of Education

Notice of Hearing on Proposed  
Administrative Regulations

The State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, April 9, in Room 121 of the State Education Building, 120 E. 10th, Topeka, to consider proposed changes in State Board Regulation 91-31-7.

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

S.B.R. 91-31-7 concerns the length of time substitute teachers may teach. The present regulation imposes a 90-day limit on the use of substitute teachers and a 60-day limit on the use of emergency substitute teachers by school districts in any school year. With National Guardsmen and Military Reservists being called to active duty as a result of the Persian Gulf conflict, there is a need for school districts to utilize substitute teachers for longer periods of time than authorized under the existing regulation. Thus, the board proposes to amend the regulation to provide that, if the board declares a time of emergency, the time restrictions would be eliminated for the duration of the time of emergency. There will be no economic impact upon the Kansas State Department of Education or upon other governmental agencies, private businesses or individuals.

The proposed regulation is printed in its entirety below. A copy of the complete economic impact statement may be obtained by contacting the secretary of the State Board of Education at the address above.

All interested persons will be given a reasonable opportunity at the hearing to present their views or arguments, either orally or in writing, in regard to the proposed regulation. In addition, the period of public notice hereby provided constitutes a public comment period for the purpose of receiving written public comments on the proposed regulation. Such written comments may be submitted to the secretary of the State Board of Education at the address above. The hearing shall be conducted in compliance with the public hearing procedures of the board.

**91-31-7. Staff.** (a) District school administrator.

(1) Each school in a district shall be under the supervision of a district school administrator who holds a valid certificate with the appropriate endorsement for that assignment. Each district school administrator shall be assigned at least one-half time to administration and supervision of the schools in the district.

(2) Any school district with an enrollment of fewer than 400 students may also assign the district school administrator as elementary and high school building administrator if the district school administrator is also certified as a building administrator.

(b) Building administrators. Each board of education shall employ building administrators under a written contract, and except as provided in subsection (a)(2), each building administrator shall hold a valid certificate

with the appropriate endorsements for the level or levels of assignment.

(c) Assistant building administrator. In schools where the building administrator requires assistance because of administrative responsibilities, the staff shall include an assistant building administrator.

(d) Alternative administrative plan; management by objectives. As an alternative to S.B.R. 91-31-12a(b) and 91-31-14a(d), any board of education may develop and disseminate an administrative plan based upon management by objectives. The plan shall be in writing and set out the goals, objectives and expected outcomes for the administrative assignment. There shall be broad-based community involvement in the plan. The plan shall provide for the services of a building administrator who shall be assigned the necessary time to perform administrative responsibilities, and shall indicate the amount and kinds of supportive services available to supplement particular administrative responsibilities. The plan shall be approved by and filed with the state board.

(e) Teachers. Each teacher shall hold a valid certificate with the appropriate endorsement or endorsements for the subject and level of assignment.

(f) Aides. Non-certified personnel may be employed to supervise pupils in noninstructional activities and shall work under the supervision of certified personnel. Each instructional paraprofessional hired as a special teacher in special education services shall be authorized to assist certified personnel in the instruction of exceptional children as provided by K.S.A. 1987 Supp. 72-962 and K.A.R. 91-12-61, and any amendments.

(g) Substitutes. Each person holding a substitute teaching endorsement shall teach not more than 90 days in any school year, *unless a time of emergency has been declared by the state board. If the state board has declared a time of emergency, any person holding a substitute teaching endorsement may teach for the duration of the time of emergency in a position made vacant by reason of the emergency.*

(h) Emergency substitute. Each person holding an emergency substitute teaching endorsement shall teach not more than 30 days in one semester, *unless a time of emergency has been declared by the state board. If the state board has declared a time of emergency, any person holding an emergency substitute teaching endorsement may teach for the duration of the time of emergency in a position made vacant by reason of the emergency.*

(i) If a teacher holding a valid certificate with an appropriate elementary, secondary K-12 or substitute endorsement is not available, any school district may:

(A) Use a substitute teacher holding a valid Kansas certificate at any level and in any field or subject; or

(B) employ persons who have been certified by the state board as emergency substitute teachers.

(j) Report staff assignments. The names of each certified staff member shall be reported on the certified personnel report or the supplemental certified personnel report. Each certified personnel staff change that occurs between September 15 and the end of the school year shall be reported on a form prescribed by the state board within 30 days of the staff change. (Au-

thorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1987; amended July 1, 1989; amended P-\_\_\_\_\_.)

Dr. Lee Droegemueller  
Commissioner of Education

Doc. No. 010287

## State of Kansas

### Board of Education

#### Notice of Hearing on Kansas Migrant Education State Plan

The State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, April 9, in Room 121 of the State Education Building, 120 E. 10th, Topeka, to consider the proposed Kansas Migrant Education State Plan for fiscal years 1992 through 1994.

The Migrant Education Program is identified as a state-operated program under Public Law 100-297, specifically designed to provide special educational services for migratory children of migratory agricultural workers or migratory fishers.

Approximately \$3.8 million was appropriated to Kansas migrant education for fiscal year 1991. Based on an annual needs assessment, the plan includes objectives which relate to identification and recruitment of migrant students; student instruction; staff development; migrant student record transfer system; parent involvement; interstate, intrastate, and interagency cooperation; and support services, early childhood education, and summer school programs. The plan will be implemented to serve approximately 6,353 students participating in 37 regular programs and 16 summer educational programs.

A copy of the plan may be obtained by contacting the secretary of the State Board of Education, State Education Building, 120 E. 10th, Topeka 66612, prior to the date of the hearing.

All interested persons will be given a reasonable opportunity at the hearing to present their views or arguments, either orally or in writing, in regard to the proposed plan. In addition, the period of public notice hereby provided constitutes a public comment period for the purpose of receiving written public comments on the proposed plan. Such written comments may be submitted to the secretary of the State Board of Education at the address above. The hearing shall be conducted in compliance with the public hearing procedures of the board.

Dr. Lee Droegemueller  
Commissioner of Education

Doc. No. 010288

## State of Kansas

## Kansas Public Disclosure Commission

## Advisory Opinion No. 91-5

Written February 12, 1991, to Jannette Luthi, Parsons.

This opinion is in response to your letter of February 4, 1991, in which you request an opinion from the Kansas Public Disclosure Commission concerning the local conflict of interest law, K.S.A. 75-4301 *et seq.*

You advise us that you are running for the Board of Education of U.S.D. 503 and are a school teacher in the same district.

You ask whether the situation you describe is permissible under the local conflict law.

K.S.A. 75-4304 is the operative section. For the prohibitions contained in the section to apply the local official must hold a "substantial interest" in or be employed by a "person" or "business." We have consistently held that a government entity such as a board of education does not constitute a "person" or "business" under the local law. Thus, the situation you described is permissible. We note under the state law definitions that "business" does include government entities and thus this action would be impermissible if the state law applied.

## Advisory Opinion No. 91-6

Written February 12, 1991, to John L. Sullivan, Overland Park.

This opinion is in response to your letter of January 30, 1991, in which you request an opinion from the Kansas Public Disclosure Commission concerning the local conflict of interest law, K.S.A. 75-4301 *et seq.*

We understand you request this opinion in your capacity as a candidate for Water District No. 1 in Johnson County, Kansas.

You advise us that on January 1, 1989, you retired from Water District No. 1 of Johnson County, having served 19 years as director of finance and treasurer. You now receive a monthly pension payment for your service with the water district. The pension was funded prior to your retirement, representing past service performed over the years. Payment is made by a bank acting as trustee of the pension fund. This payment does not represent to you current salary or earnings and is not paid from current water district operations or funds.

You ask whether it is permissible for you to be elected to Water District No. 1 while receiving a pension for services rendered to it.

We have reviewed K.S.A. 75-4301 *et seq.* in its entirety and found nothing prohibiting the situation you have described.

## Advisory Opinion No. 91-7

Written February 12, 1991, to the Honorable Janis Lee, State Senator, Topeka.

This opinion is in response to your letter of February 7, 1991, in which you request an opinion from the Kansas Public Disclosure Commission concerning the conflict of interest law, K.S.A. 46-215 *et seq.*

We understand you request this opinion in your

capacity as a state senator. You indicate that you serve on the board of directors of Ag in the Classroom, which is a non-profit organization that receives funding from the state of Kansas through the Department of Education.

You ask whether this situation causes a conflict. K.S.A. 46-233(b) is the only section of the law that might apply to your situation. That section states:

"No individual shall, while a legislator or within one year after the expiration of a term as legislator, be interested pecuniarily, either directly or indirectly, in any contract with the state, which contract is funded in whole or in part by any appropriation or is authorized by any law passed during such term, except that the prohibition of this subsection (b) shall not apply to any contract interest in relation to which a disclosure statement is filed as provided by K.S.A. 46-239."

Since Ag in the Classroom is a non-profit organization, we assume you do not receive payment for service on its board. If this is true, there simply is no conflict for you. If you do receive payment, then a disclosure statement should be filed.

In your letter to us you also note other legislators with similar situations. The same analysis would apply to those matters. You also raised a question concerning a member of the State Board of Education. Since a different section of law might apply to that situation, we would suggest that individual request a separate opinion.

## Advisory Opinion No. 91-8

Written February 12, 1991, to Kathy Maag, Topeka.

This opinion is in response to your letter of January 28, 1991, in which you request an opinion from the Kansas Public Disclosure Commission concerning the lobbying laws.

We understand you request this opinion as a member of the Marian Clinic Resource Council.

The Marian Clinic is a non-profit care facility providing primary medical and dental care to the medically indigent (working poor) in Topeka and the surrounding area. It is your intention to host a night at Topeka Civic Theater for legislators and elected state officials with lobbyists purchasing tickets to cover the cost of the ticket to the performance and a donation to the clinic. You plan to charge \$20 for each person attending. Of this \$20, \$7 represents the actual cost of the ticket to the non-dinner performance of "Do Black Patent Leather Shoes Really Reflect Up?", leaving a donation to the clinic of \$13.00.

You ask if a lobbyist is host to a legislator for this event, is the entire \$20 charge or just the \$7 ticket price considered a "gift" under current law and regulation?

The general rule is that the value of a gift is the fair market value of the goods or services if the recipient were to go out and purchase it him or herself. As we understand this precise factual situation, all the recipient is receiving is the value of the ticket and that value of \$7 is therefore the value of the gift.

**Advisory Opinion No. 91-9**

Written February 12, 1991, to W. Lee Fowler, Chase County Attorney, Cottonwood Falls.

This opinion is in response to your letter of January 24, 1991, in which you request an opinion from the Kansas Public Disclosure Commission concerning the local conflict of interest law, K.S.A. 75-4301 *et seq.*

We note that our jurisdiction is limited to K.S.A. 75-4301 *et seq.* Thus, whether some other common law or statutory system relates to your question is not covered by this opinion.

We understand you request this opinion in your capacity as the county attorney for Chase County, Kansas, on behalf of a councilman of Cedar Point, Kansas.

You ask whether a city councilman or other city official may have an ownership interest in a bank where the city keeps funds.

We have reviewed K.S.A. 75-4301 *et seq.* in its entirety and it does not prohibit a city from doing business with a bank when a city councilman or official holds ownership interest therein. However, if the ownership interest is sufficient to constitute a "substantial interest" (see K.S.A. 75-4301) then the city councilman or city official must abstain from participating in the making of contracts between the city and the bank unless the contract is competitively bid or the rate or price of the contract is fixed by law.

**Advisory Opinion No. 91-10**

Written February 12, 1991, to the Honorable Carol Dawson, State Representative, Topeka.

This opinion is in response to your letter of January 23, 1991, in which you request an opinion from the Kansas Public Disclosure Commission concerning the conflict of interest law.

We understand you request this opinion in your capacity as a newly elected member of the legislature serving on the House of Representatives' Commercial and Financial Institutions Committee. You advise us in 1989 you were appointed to serve on the state of Kansas Savings and Loan Board.

You ask whether it is permissible for you to continue service on the board during your tenure in the legislature.

Based on this specific fact pattern, we find nothing in the Conflict of Interest Act (K.S.A. 46-215 *et seq.*) which prohibits the situation you have described.

Ruth A. Schrum  
Chairman

Doc. No. 010279

State of Kansas

**Department of Revenue**

**Division of Alcoholic Beverage Control**

**Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing is scheduled for 9 a.m. Tuesday, April 2, at the office of the Division of Alcoholic Beverage Control, 512 W. 6th, Topeka, to consider proposed amendments to existing regulations of the division.

This 30-day notice constitutes a public comment period for the purpose of receiving written public comments on the proposed regulations. Comments should be sent to Jim Conant, Acting Director, Division of Alcoholic Beverage Control, 512 S.W. 6th, Topeka 66603.

Complete copies of the regulations and the economic impact statements may be obtained at the address above, (913) 296-3946.

None of the affected regulations are mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program. The amended regulations will have no significant economic impact on the division, any other state agency, the alcoholic beverage industry or the consuming public.

A summary of the proposed regulations is as follows:

**Article 13—Retail Liquor**

The proposed amendments are being made to allow a reasonable time for licensee to register new employees with the director (14-13-5), to eliminate the \$5 cost assessment for vehicle cab cards (14-13-9).

**Article 14—Manufacturers; Distributors**

The proposed amendment is being made in response to industry concerns regarding marketplace inequities in the regulation (14-14-5).

**Article 19—Employee; registration  
of same; prohibitions**

The proposed amendment is being made to allow a reasonable time for licensees to register new employees with the director (14-19-24), (14-19-36).

**Article 20—Class B Clubs**

The proposed amendments are being made to allow a reasonable time for licensee to register new employees with the director (14-20-26), to include new temporary membership provisions for Class B Clubs located on "RV" resort premises (14-20-25).

**Article 21—Drinking Establishments**

The proposed amendment is being made to allow a reasonable time for licensees to register new employees with the director (14-21-9).

**Article 22—Caterers**

The proposed amendments are being made to include new statutory changes (14-22-6) and allow a reasonable time for licensees to register new employees with the director (14-22-9).

(continued)

**Article 23—Temporary Permits**

The proposed amendments are being made to correct and clarify requirements of applicant and to include new statutory requirements (14-23-4), 14-23-5).

Jim Conant  
Acting Director  
Division of Alcoholic Beverage Control

Doc. No. 10300

**State of Kansas****Department of Administration****Division of Purchases****Notice to Bidders**

Sealed bids for the purchase of 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.S.T. on the date indicated and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

**Monday, March 11, 1991**

27025

Department of Human Resources—Computer output microfiche supplies

28414

Kansas Correctional Industries—Twill and poplin fabric

87089

Lansing Correctional Facility—"Used" loader/backhoe

**Tuesday, March 12, 1991**

A-6447

Winfield State Hospital and Training Center—Resurface and seal coat asphalt roads and parking lots

27538

Kansas Correctional Industries—Rendering materials—service

27557

Kansas State University—April (1991) meat products

27891

University of Kansas—Maintenance plumbing service, Hutchinson

28400A

Kansas Correctional Industries—Blended BC solvent

87069

Department of Transportation—Aggregate, Horton

87078

University of Kansas—Microcomputer 486-33

**Wednesday, March 13, 1991**

A-6200 (c)

Osawatomie State Hospital—Protective ceiling of South Main Building

87087

El Dorado Correctional Facility—Power Files

87090

Department of Transportation—Wood signposts, Hutchinson

87096

Kansas State University—Elevator repair service

87097

Department of Transportation—Aggregate, Riley

**Thursday, March 14, 1991**

A-6489, 6490, 6491, 6492

Department of Transportation—Reroof various buildings, Garden City

A-6546

Department of Social and Rehabilitation Services—Paint exterior of buildings, Chanute

27953

Kansas State University—Floor care products

87107

Pittsburg State University—Furnish all labor and materials for remodeling of Yates Hall, Rooms 409 and 412

87124

El Dorado Correctional Facility—Armor vests

87140

Department of Corrections—Law enforcement equipment, El Dorado

**Friday, March 15, 1991**

87132

Department of Corrections—Metal detectors, El Dorado and Larned

87135

El Dorado Correctional Facility—Kitchen smallwares

87136

El Dorado Correctional Facility—Clothing

87137

Wichita State University—Dental equipment

87138

El Dorado Correctional Facility—Blankets

87139

Department of Administration, Division of Personnel Services—Magnets

**Tuesday, March 19, 1991**

87106

Kansas State University—Milo

**Wednesday, March 20, 1991**

28234

University of Kansas—Braille program guide

**Monday, April 1, 1991**

26973

Department of Administration—Aircraft insurance

28415

Department of Wildlife and Parks—Agriculture lease, Perry wildlife area

28418

Department of Wildlife and Parks—Agriculture lease, Glen Elder wildlife area

28419

Department of Wildlife and Parks—Agriculture lease, Finney wildlife area

Nicholas B. Roach  
Director of Purchases

Doc. No. 010293



## State of Kansas

## Department of Transportation

## Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.S.T. March 28, 1991, and then publicly opened:

## District One—Northeast

**Doniphan**—7-22 K-0243-01—K-7, Squaw Creek 18, 12.2 miles northwest of the west junction of U.S. 36, bridge replacement. (Federal Funds)

**Johnson**—35-46 K-2578-01—I-35, from I-435 north-east to U.S. 69 (except the 95th Street interchange), 2.5 miles, pavement reconstruction. (Federal Funds)

**Johnson**—56-46 K-4245-01—Intersection of U.S. 56 and Moonlight Road in Gardner, traffic signal. (State Funds)

**Johnson**—46 C-2746-01—County road, 6.8 miles south of K-10 on the Douglas County line, 0.2 mile, grading, surfacing and bridge. (Federal Funds)

**Osage**—56-70 K-0634-01—U.S. 56, Dragoon Creek 20, 3.7 miles north of the south junction of K-31, bridge replacement. (Federal Funds)

**Osage**—68-70 K-3150-01—K-68, Salt Creek bridge 56, 0.9 mile south of K-268, bridge replacement. (Federal Funds)

**Osage**—75-70 K-3248-01—U.S. 75, 0.5 mile north of the Union Pacific Railroad, north to the two lane/four lane, 8.7 miles, overlay. (State Funds)

**Shawnee**—89 C-2759-01—Southeast 77th Street; Adams Street to Berryton Road, 1.8 miles, grading and surfacing. (Federal Funds)

## District Two—Northcentral

**Chase**—177-9 K-4296-01—K-177, 0.8 mile south of Cottonwood Falls, culvert. (State Funds)

**Ellsworth**—156-27 K-4035-01—K-156, from the junction of K-140, northeast to the junction of I-70, 10.7 miles, recycling. (State Funds)

**Jewell**—14-45 K-3942-01—K-14, Missouri-Pacific Railroad bridge 17, 0.7 mile north of the east junction of U.S. 36, bridge deck. (State Funds)

**Jewell**—45 C-2633-01—County road, 3.5 miles south and 1.5 miles west of Ionia, then west, grading, surfacing and bridge. (Federal Funds)

**Lincoln**—181-53 K-4297-01—K-181, 5 miles north of the junction of K-18, culvert. (State Funds)

**Marion**—57 C-2725-01—County road, 0.5 mile west and 2.2 miles north of Marion, then north, 0.2 mile, grading and bridge. (Federal Funds)

**McPherson**—61-59 K-4271-01—K-61, K-153 at the Chicago, Rock Island and Pacific Railroad overpass 97, 0.6 mile northeast to K-153, bridge overlay. (State Funds)

## District Three—Northwest

**Graham**—24-33 K-4254-01—U.S. 24, South Fork Solomon River drainage bridge 17, 6 miles east of U.S. 283, bridge repair. (State Funds)

**Norton**—383-69 K-4302-01—K-383, Prairie Dog Creek

bridge 26, 10.5 miles northeast of the Decatur County line, bridge. (State Funds)

**Rooks**—24-82 K-4257-01—U.S. 24, South Fork Solomon River drainage bridge 18, at the Rooks-Osborne county line, bridge repair. (State Funds)

**Smith**—281-92 K-4301-01—U.S. 281, Spring Creek bridge, 27, 4.3 miles north of K-9, bridge repair. (State Funds)

## District Four—Southeast

**Allen**—1 C-2711-01—County road, 0.7 mile south and 4.7 miles east of Humboldt, then east, 4.0 miles, grading and surfacing. (Federal Funds)

**Anderson**—59-2 K-4270-01—U.S. 59, Pottawatomie Creek bridge 7, 3.2 miles north of K-31, bridge painting. (State Funds)

**Bourbon**—7-6 K-4248-01—K-7, Little Osage River bridge 33, 13.2 miles north of U.S. 54, bridge painting. (State Funds)

**Cherokee**—11 K-4481-01—K-96, Spring River bridge 61 and U.S. 166 Fly Creek bridge 31, bridge painting. (State Funds)

**Cherokee**—102-11 K-3151-01—K-102, Little Cherry Creek bridge 63, 3.1 miles west of K-7, bridge replacement. (Federal Funds)

**Greenwood**—57-37 K-4268-01—K-57, Verdigris River bridge 11, 1.6 miles south of the Greenwood-Lyon county line, bridge painting. (State Funds)

**Montgomery**—63 U-0744-01—5th Street, Buckeye to Union in Coffeyville, 1.3 miles, grading and surfacing. (Federal Funds)

**Wilson**—103 C-2757-01—County road, 2.0 miles south and 1.5 miles east of Altoona, then east, 0.1 mile, grading and bridge. (Federal Funds)

## District Five—Southcentral

**Harper**—39 C-2790-01—County road, 2.7 miles north of Attica, then north, 2.0 miles, surfacing. (Federal Funds)

**Renov**—78 C-2777-01—County road, 5.0 miles north and 3.2 miles west of Pretty Prairie, then north, 0.1 mile, bridge. (Federal Funds)

**Rush**—183-83 K-4416-01—Intersection of U.S. 183 and 5th Street in LaCrosse, traffic signal. (State Funds)

## District Six—Southwest

**Finney**—50-28 K-4526-01—U.S. 50, Railroad crossings 0.5 mile and 2.5 miles west of the west junction of U.S. 50 and U.S. 83, railroad improvements. (State Funds)

**Seward**—83-88 K-3337-01—U.S. 83, from the four lane/two lane north of Liberal to 0.9 mile north of the north junction of K-51, 7.8 miles, recycling. (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.

(continued)

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.

Gary Stotts  
Secretary of Transportation

Doc. No. 010301

State of Kansas

Department of Health  
and Environment

Notice Concerning Kansas  
Water Pollution Control Permits

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

Name and Address of Applicant	Legal Description	Receiving Water
Hess Cattle Co., Inc. Gene Hess Route 3, Box 161 Scott City, KS 67871	NE/4 Section 31, Township 12S, Range 33W, Scott County, Kansas	Smoky Hill River Basin

Kansas Permit No: A-SHSC-C002 Federal Permit No: KS-0080624  
The feedlot has capacity for approximately 2,000 cattle and a contributing drainage area of approximately 15 acres. This is an existing facility.

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

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas of application of all wastes. Detailed guidance and

requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Mueller Farms Inc. 413 N. Denver Ave. Hanover, KS 66945	NW/4 Section 4, Township 2S, Range 5E, Washington County, Kansas	Big Blue River Basin

Kansas Permit No: A-BBWS-B001

The feedlot has capacity for approximately 500 cattle and a contributing drainage area of approximately 4.2 acres. This is an existing facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent disposal upon agricultural land. Storage capabilities are provided in excess of 1.7 acre-feet.

Compliance Schedule:

- 1) A written agreement must be obtained for the use of a 100 gpm pump and irrigation equipment to distribute wastewater to at least 11 acres of agricultural land. The agreement shall be submitted to KDHE by April 1, 1991.
- 2) A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas of application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Written comments on the proposed NPDES permits may be submitted to the attention of Angela Buie, Bureau of Environmental Quality, Kansas Department of Health and Environment, Forbes Field, Topeka 66620-0001. All comments received prior to March 30 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-AG-91-05/06) and name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations within 30 days of this notice. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61.

The application, proposed permit, special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 740, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the address above.

Stanley C. Grant  
Acting Secretary of Health  
and Environment

Doc. No. 010299

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

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 limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Name and Address of Applicant	Waterway	Type of Discharge
City of Burlingame City Hall, 101 E. Santa Fe Burlingame, KS 66413 Osage County, Kansas	Marais des Cygnes via Dragoon Creek via Switzler Creek	Secondary wastewater treatment facility
Kansas Permit No. M-MC07-0001      Fed. 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.		

Name and Address of Applicant	Waterway	Type of Discharge
Lawrence Technology 2400 Packer Road P.O. Box 945 Lawrence, KS 66044 Douglas County, Kansas	Kansas River via unnamed tributary	Contact cooling water
Kansas Permit No. I-KS31-P011      Fed. Permit No. KS-0081574		
Description of Facility: This facility is engaged in the manufacturing of electrical cable. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).		

Name and Address of Applicant	Waterway	Type of Discharge
City of Osage City City Hall, 5th and Main Osage City, KS 66523 Osage County, Kansas	Salt Creek	Secondary wastewater treatment facility
Kansas Permit No. M-MC29-0001      Fed. Permit No. KS-0022675		
Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.		

Name and Address of Applicant	Waterway	Type of Discharge
Ottawa Municipal Power Plant 103 S. Cherry Ottawa, KS 66067 Franklin County, Kansas	Marais des Cygnes Marais des Cygnes River Basin	Process wastewater and cooling tower
Kansas Permit No. I-MC31-P004      Fed. Permit No. KS-0079804		
Description of Facility: This facility generates electrical power. A three stage oil/water separator treats wastewater from Buildings #1 and #2. This is an existing facility and the previous limitations are continued. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).		

Name and Address of Applicant	Waterway	Type of Discharge
Sunflower Electric Power Corporation P.O. Box 1649 Garden City, KS 67846 Finney County, Kansas	Arkansas River Upper Arkansas River Basin	Cooling and process wastewater
Kansas Permit No. I-UA14-B002		Fed. Permit No. KS-0080063

Description of Facility: This facility generates electrical power and operates as a peaking unit. This is an existing facility and the previous limitations are continued. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Waterway	Type of Discharge
City of White City City Hall White City, KS 66872 Morris County, Kansas	Neosho River via tributary	Secondary wastewater treatment facility
Kansas Permit No. M-NE68-0001		Fed. Permit No. KS-0116491
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, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments received prior to March 29 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-91-33/38) and the name of applicant as listed when preparing comments.

If no objections are received, 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. Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Division of Environment offices from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Stanley C. Grant  
Acting Secretary of Health  
and Environment

Doc. No. 010297

State of Kansas

University of Kansas

Notice to Bidders

Sealed bids for items listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 864-3416 or FAX (913) 864-3454 for additional information.

Monday, March 11, 1991  
RFQ #91 0768

80386 based microcomputers

Gene Puckett, L.C.P.M.  
Director of Purchasing

Doc. No. 010286

State of Kansas

Department of Health  
and Environment

Notice Concerning Kansas  
Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 28-16-63, 28-16-83 through 28-16-98, 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 publicly owned treatment works for the applicants described below. The tentative determinations for permit content are based on preliminary staff review applying the appropriate standards and regulations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit to discharge subject to certain limitations and special conditions.

Name and Address	POTW	Type of Discharge
Clark Manufacturing, Inc. 1936 N. A St. Wellington, KS 67152 Sumner County, Kansas Kansas Permit No. P-AR92-0004	Wellington MWWTP	Process wastewater

Description of Facility: This facility is a job shop which performs sheet metal work, heat treating and conversion coating operations on military and commercial aircraft parts. This facility discharges less than 10,000 gallons per day of process wastewater.

Name and Address	POTW	Type of Discharge
Excel Industries, Inc. Box 7000 Hesston, KS 67062-2097 Harvey County, Kansas Kansas Permit No. P-LA07-1001	Hesston MWWTP	Process wastewater

Description of Facility: This facility manufactures various types of landscape equipment including mowers and industries cabs. Steel parts are welded, phosphated and painted to produce the final product. The phosphating operation is a three-stage, automatic washing system. This facility also discharges wastes from two paint booths and plasma arc operation.

Name and Address	POTW	Type of Discharge
Fermenta Animal Health Company P.O. Box 338 Elwood, KS 66024 Doniphan County, Kansas Kansas Permit No. P-M005-0002	Elwood MWWTP	Process wastewater

Description of Facility: This facility formulates and packages animal health products including solid dosage forms, sterile injectable antibiotics and oral solutions. It also produces ear tags for cattle and dogs and flea collars containing dichlorvos.

Name and Address	POTW	Type of Discharge
General Electric Company of England, p.l.c. GEC Precision Corporation 1 Stan Hope Gate London, England W1A 1EH Sumner County, Kansas Kansas Permit No. P-AR92-0001	Wellington MWWTP	Process wastewater

Description of Facility: This facility manufactures sheet metal parts and assemblies for the aircraft and missile industries. This facility does conversion coating of aluminum parts and passivating (chemical cleaning) of stainless steel parts.

Name and Address	POTW	Type of Discharge
Plating, Inc. Westport Addition Industrial Park Great Bend, KS 67530 Barton County, Kansas Kansas Permit No. P-UA16-0001	Great Bend MWWTP	Process wastewater

Description of Facility: This facility is a job shop which performs hard chromium and zinc electroplating and performs conversion coating operations. This facility discharges more than 10,000 gallons per day of process wastewater.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments received prior to March 29 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-PT-91-1/5) and the name of applicant as listed when preparing comments.

If no objections are received, 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. Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Division of Environment offices from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Stanley C. Grant  
Acting Secretary of Health  
and Environment

Doc. No. 010298

State of Kansas

**Information Network of Kansas**

**Notice of Meeting**

The Information Network of Kansas board will meet from 9:30 a.m. to 5 p.m. Wednesday, March 6, and from 9 a.m. to 1 p.m. on Thursday, March 7, in the Kansas Inc. conference room, Suite 113, 400 S.W. 8th, Topeka. The meetings are open to the public.

Charles R. Warren  
President, Kansas Inc.

Doc. No. 010272

State of Kansas

**Department of Health  
and Environment**

**Notice Concerning Proposed Permit Action**

The secretary of the Kansas Department of Health and Environment is proposing to issue a permit in accordance with K.A.R. 28-19-14 (permits required) and K.A.R. 28-19-17 (new source permit requirements for designated attainment and unclassified areas) to KN Energy, Inc. (KN), Lakewood, Colorado, to install and operate new gas compressor units at the Scott City Compressor Station, Section 16, T18, R33W, Scott County.

Written materials, including the application and information relating to the application submitted by KN, the draft permit, permit summary, and analysis of KDHE describing the basis for the proposed permit, are available for public inspection during normal business hours through March 29 by contacting Rick Robinson, KDHE, 2301 E. 13th, Hays 67601, (913) 625-5664. This material also can be reviewed at the KDHE office in Building 740, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to L. C. Hinthner, (913) 296-1576.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to issuance of the permit. The request must be in writing and addressed to the secretary. If the secretary determines there is sufficient reason in the request, a public hearing will be conducted—the place, date and time of the hearing will be announced in this publication.

A request for a hearing or written comments on the proposed permit must be submitted to the Secretary, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka, KS 66612, before March 29.

Stanley C. Grant  
Acting Secretary of Health  
and Environment

Doc. No. 010282

State of Kansas

**Employee Award Board**

**Notice of Meeting**

The Employee Award Board will meet at 1 p.m. Friday, March 1, in the Division of Personnel Services, Room 951-S, Landon State Office Building, 900 S.W. Jackson, Topeka.

Ben Barrett  
Chairperson

Doc. No. 010289

State of Kansas

**Animal Health Department**

**Permanent Administrative  
Regulations**

**Article 13.—ANIMAL WELFARE**

**9-13-4.** (Authorized by and implementing K.S.A. 1989 Supp. 47-1712; effective June 11, 1990; revoked April 15, 1991.)

Dan Walker, D.V.M.  
Kansas Livestock Commissioner

Doc. No. 010281

State of Kansas

**Department of Health  
and Environment**

**Permanent Administrative  
Regulations**

**Article 4.—MATERNAL AND CHILD  
HEALTH**

**28-4-405. Providers of service.** (a) Application. Each person or corporation desiring to supply services or sell prosthetic devices, equipment, appliances or supplies shall file an application with the secretary. The secretary shall approve or disapprove each application, notify interested parties of the action taken, and maintain a list of approved providers of service.

(b) Designation of hospitals. Each hospital approved to provide medical and surgical services for the care and treatment of eligible persons except for those hospitals out-of-state authorized by K.A.R. 28-4-408 shall:

(1) For inpatient services:

(A) Be licensed as a hospital in Kansas;

(B) be certified by the joint commission on accreditation of hospitals;

(C) have a social work department;

(D) have staff physicians certified by specialty boards in the specialty appropriate for the needs of the eligible person;

(E) have facilities to isolate persons with communicable diseases or other conditions requiring isolation or separation;

(F) have available consultation in other specialty areas for the cases being treated;

(continued)

(G) have adequate operating facilities for the specialty for which the hospital is approved;

(H) have persons qualified to give anesthesia;

(I) have hematologic, chemistry, microbiology and serologic laboratory facilities appropriate for the needs of the eligible person;

(J) have x-ray facilities appropriate for the needs of the eligible person;

(K) have facilities for the application of plaster or other cast material for orthopedic cases;

(L) have a physical therapy department with qualified personnel to treat eligible persons;

(M) have regularly scheduled inservice programs; and

(N) have the following services for children:

(i) A separate department for pediatrics and for adult medicine, with qualified nurses assigned to each area;

(ii) at least one pediatrician on the hospital staff, with a designated chief of pediatrics; and

(iii) a separate area for children, with provisions made for parents who wish to live in with their child; and

(iv) nonrestrictive visiting hours for parents and suitable recreational facilities for children; and

(2) For outpatient services;

(A) Be licensed as a hospital in Kansas;

(B) have an x-ray department with facilities and qualified personnel equipped to treat children;

(C) have a physical therapy department with qualified personnel equipped to treat children;

(D) have an occupational therapy department with qualified personnel equipped to treat children;

(E) have a respiratory therapy department with qualified personnel equipped to treat children;

(F) have regularly scheduled inservice programs for all health-care staff relating to children and pediatric conditions;

(G) have a laboratory department with facilities and qualified personnel for hematologic, chemistry, microbiology and serologic testing; and

(H) have persons qualified to give anesthesia.

(c) Designation of laboratory facilities. Each laboratory facility approved to provide services for the care and treatment of eligible persons, except for those laboratory facilities authorized by K.A.R. 28-4-408, shall meet the requirements for medicare approval as an independent laboratory.

(d) Designation of radiology and nuclear medicine facilities. Each x-ray facility approved to provide services for the care and treatment of eligible persons, except for those x-ray facilities authorized by K.A.R. 28-4-408, shall:

(1) Maintain compliance with K.A.R. 28-35-145 through 28-35-338 as authorized by K.S.A. 1988 Supp. 48-1607;

(2) have on staff a radiologist supervising the facility and all patient services;

(3) have on staff technical personnel who are qualified for the type of services being provided;

(4) have written medical policies and procedures, developed and maintained under the direction of the radiologist responsible for patient services. These shall include, but not be limited to, policies and procedures

related to interpretation of all radiologic exams, preparation and provision of written reports, and emergency situations; and

(5) have regularly scheduled inservice programs for all staff relating to children and pediatric conditions.

(e) Designation of ambulatory surgical facilities. Each ambulatory surgical facility approved to provide services for the care and treatment of eligible persons, except for those ambulatory surgical facilities authorized by K.A.R. 28-4-408, shall:

(1) Be licensed by Kansas or certified by medicare as an ambulatory surgical facility;

(2) have qualified pediatric nurses regularly assigned to care for the pediatric clients;

(3) have physicians performing the surgeries that are certified by specialty boards in the specialty appropriate for the needs of the child and for which the facility is approved;

(4) have dentists that are qualified to perform the procedures for which the facility is approved;

(5) have qualified personnel to give anesthesia to pediatric clients;

(6) have a separate area for children with provisions made for parents who wish to remain with their child during preparation for surgery and the post-operative period, including the recovery from anesthesia;

(7) have facilities to isolate clients with conditions requiring isolation or separation;

(8) have operating facilities appropriate for the type of procedures conducted at the facility;

(9) have a laboratory department with facilities and qualified personnel for hematologic, chemistry, microbiology and serologic testing as appropriate for the type of procedures conducted at the facility;

(10) have a radiology department with facilities and qualified personnel equipped to treat children related to the type of procedures conducted at the facility;

(11) have adequate facilities for application of plaster or other cast material as they relate to the type of procedures conducted at the facility;

(12) have regularly scheduled inservice programs for all health-care staff relating to children and pediatric conditions;

(13) have written protocols which state the conditions under which a client would be transferred to a hospital to receive services not available within the ambulatory surgical facility;

(14) have written protocols which state the method of transfer of a client to the hospital, when necessary; and

(15) have a written agreement with a hospital to accept a patient in transfer from the ambulatory surgical facility in an emergency situation.

(f) Designation of other providers. Other providers approved to provide medical, surgical and other services for the care and treatment of eligible persons, except for providers out-of-state authorized by K.A.R. 28-4-408, shall meet the following standards:

(1) Audiologists shall meet the requirements for certification by the American speech and hearing association, or its equivalent, and possess professional experience.

(2) Dentists shall be licensed by the Kansas dental

board and dental specialists shall be licensed to practice their specialty by the Kansas dental board.

(3) Hearing aid dealers shall be licensed by the Kansas board of examiners to fit and dispense hearing aids.

(4) Nurses shall be registered with the Kansas state board of nursing.

(5) Nutritionists shall meet the requirements for registration by the American dietetic association.

(6) Occupational therapists shall have completed the requirements necessary to be registered by the national registry of the American occupational therapy association.

(7) Optometrists shall be licensed by the Kansas board of examiners in optometry.

(8) Pharmacists shall be licensed by the Kansas state board of pharmacy.

(9) Physical therapists shall be registered by the Kansas state board of healing arts.

(10) Physicians shall be licensed by the Kansas state board of healing arts and shall be certified by their respective specialty board.

(11) Prosthetic and orthotic appliance facilities shall have employees who meet the requirements for certification by the American board of certification in orthotics and prosthetics.

(12) Social workers shall have a master's degree in social work and shall be licensed by the Kansas behavioral sciences regulatory board.

(g) Responsibilities. Each provider of service shall agree:

(1) That race, color, religion, national origin or ancestry will not be basis for refusing to provide service;

(2) to submit reports requested by services for children with special health care needs;

(3) to accept personal responsibility for the care and treatment provided to persons under services for children with special health care needs;

(4) to accept and bill insurance, title XIX Medicaid and other coverage, when available;

(5) to accept payment in accordance with the fees established by the secretary as payment in full and not to bill families for any service covered by services for children with special health care needs without permission of the secretary; and

(6) to notify the secretary of withdrawal from services for children with special health care needs. (Authorized by and implementing K.S.A. 1989 Supp. 65-5a08; effective May 1, 1982; amended May 1, 1983; amended, T-85-41, Dec. 19, 1984; amended May 1, 1985; amended, T-86-46, Dec. 18, 1985; amended May 1, 1986; amended May 1, 1987; amended Dec. 26, 1989; amended April 15, 1991.)

Stanley C. Grant  
Acting Secretary of Health  
and Environment

Doc. No. 010280

## State of Kansas

### Kansas Insurance Department

#### Permanent Administrative Regulations

#### Article 2.—LIFE INSURANCE

**40-2-20. Life insurance; accelerated benefits; requirements and restrictions.** (a) As used in this regulation, these terms shall have the following meanings:

(1) "Accelerated benefits" means benefits, other than those considered long-term care benefits as defined and regulated pursuant to K.S.A. 1989 Supp. 40-2225 et seq., payable under an individual or group life insurance or annuity contract:

(A) To a policyowner or certificate holder, during the lifetime of the insured for the occurrence of a qualifying event;

(B) which reduce the death benefit otherwise payable under the life insurance contract; and

(C) upon the occurrence of a single qualifying event which results in the payment of a benefit amount fixed at the time of acceleration.

(2) "Qualifying event" means one or more of the following:

(A) A medical condition which a health care provider licensed to practice medicine and surgery or osteopathy predicts will result in a limited life expectancy of 24 months or less;

(B) a medical condition which has required or requires extraordinary medical intervention including, but not limited to, a major organ transplant or continuous artificial life support, without which the insured would die; or

(C) any condition which usually requires continuous confinement in an eligible institution as defined in the contract if the insured is expected to remain there for the rest of the insured's life;

(D) a medical condition which medical evidence indicates would, in the absence of extraordinary medical intervention, result in a limited life expectancy of 24 months or less. Such conditions may include, but are not limited to, one or more of the following:

(i) Coronary artery disease resulting in an acute infarction or requiring surgery;

(ii) permanent neurological deficit resulting from cerebral vascular accident;

(iii) end stage renal failure; or

(iv) acquired immune deficiency syndrome.

(E) any other qualifying event approved by the commissioner.

(3) "Commissioner" means the commissioner of insurance, state of Kansas.

(b) Each accelerated benefit shall have a title printed on or attached to the first page of the policy or rider. The title shall describe the coverage provided and shall be followed or accompanied by a description of the coverage which contains the phrase "accelerated benefit" or words of similar import.

(c) Each applicant shall be given a summary of the accelerated benefit provisions at or before the time an

(continued)

application is completed. In the case of group policies, each certificate holder shall be given a copy of the summary with their certificate. This summary shall include:

(1) a brief description of the accelerated benefit and definitions of the conditions or occurrences that would result in payment of the benefit;

(2) the existence and amount of any separately identifiable premium for the accelerated benefit and a description of any charge for administrative expense;

(3) a generic illustration numerically demonstrating the effect of the payment of a benefit on cash values, accumulation accounts, death benefits, premiums, policy loans and policy liens;

(4) a statement that receipt of the accelerated benefit could be taxable;

(5) a statement that receipt of accelerated benefits may affect medicaid eligibility; and

(6) an acknowledgement, signed and dated by the agent and the applicant for the group or individual coverage, that the summary has been furnished. A direct response insurer shall incorporate the summary and acknowledgement vehicle in the application or attach them thereto.

(d) Contract payment options shall include the option to take the benefit as a lump sum. The benefit shall not be made available as an annuity contingent upon the life of the insured.

(e) No restrictions are permitted on the use of the proceeds.

(f) If the accelerated benefit is offered without an additional premium, a separate written explanation of how the benefit is funded shall be filed with the commissioner and included with the summary.

(g) Each time an accelerated benefit is requested and whenever a previous summary becomes invalid, the individual policyowner or group certificate holder and irrevocable beneficiary shall be given a summary. This summary shall include statements:

(1) warning that receipt of the accelerated benefit could be taxable and that assistance from a tax advisor is suggested;

(2) showing the effect the payment of the benefit will have on cash values, accumulation accounts, death benefits, premiums, policy loans and policy liens; and

(3) disclosing that receipt of accelerated benefit payments may adversely affect the recipient's eligibility for medicaid or other government benefits or entitlements.

(h) Each time an accelerated benefit option is exercised the policyowner and certificate holder shall be given an endorsement, rider or schedule page which reflects any revisions to cash values, death benefits, accumulation accounts, premiums, policy loans, policy liens and any other values that change as a result of the payment or payments.

(i) Insurers shall not unfairly discriminate among insureds with different or similar qualifying events covered under the policy. Insurers shall not apply any additional conditions to the payment of the accelerated benefits other than those conditions specified in the policy or rider.

(j) The insurer may offer a waiver of premium for

the accelerated benefit provision in the absence of a regular waiver of premium provision being in effect. At the time the benefit is claimed, the insurer shall explain any continuing premium requirement to keep the policy in force.

(k) Accelerated benefits shall be funded either by:

(1) requiring the policyowner to pay an additional premium;

(2) utilizing the present value of the face amount of the policy if:

(A) the present value calculation is based on an actuarial discount appropriate to the policy design;

(B) the interest rate used in the present value calculation is based on sound actuarial principles and disclosed in the contract or actuarial memorandum; and

(C) the maximum interest rate is no greater than the greater of:

(i) The current yield on 90 day treasury bills; or

(ii) the current maximum policy loan interest rate permitted by K.S.A. 40-420c; or

(3) accruing an interest charge on the amount of the accelerated benefits at an interest rate based on sound actuarial principles and disclosed in the contract or actuarial memorandum and no greater than the greater of:

(i) The current yield on 90 day treasury bills; or

(ii) the current maximum policy loan interest rate permitted by K.S.A. 40-240c.

(l) When an accelerated benefit is payable, no greater than a pro-rata reduction in the cash value shall be made, except where the payment of the accelerated benefits and any accrued interest may be treated as a lien against the death benefit of the policy or rider. Therefore, access to the cash value may be restricted to any excess of the cash value over the sum of any other outstanding loans, and the lien and access to additional policy loans may be limited to the difference between the cash value and the sum of the lien and any other outstanding policy loans on the policy under which the accelerated benefits were paid.

(m)(1) When payment of an accelerated benefit results in a pro rata reduction in the cash value, the payment may not be applied toward repaying an amount greater than a pro rata portion of any outstanding policy loans; or

(2) if the payment is considered a lien as provided in section (1), the insurance company may require any accelerated death benefit payment to be applied toward repaying the portion of any other outstanding policy loan which causes the sum of the accelerated death benefit and policy loan to exceed the cash value.

(n) The death benefit shall not be reduced more than the amount of the accelerated benefits after adjustment for any actuarial discount or accrued interest as provided in (k) plus any administrative expense charge required by policies providing accelerated benefits without additional premium charge as disclosed on the summary required by (c).

(o) If any death benefit remains after payment of an accelerated benefit, the accidental death benefit, if any, in a policy or rider shall not be affected by the payment of an accelerated benefit.



(p) The valuation method and assumptions used to produce the accelerated benefit provisions shall be filed with the insurance department with the related policy form or rider. The assumptions shall reflect the statutory mortality and interest rate assumptions for the life insurance provisions and appropriate assumptions for the other provisions incorporated in the policy or rider. The insurer shall maintain in its files descriptions of the bases and procedures used to calculate benefits and shall be made available for examination by the commissioner or a designee upon request.

(q) A qualified actuary shall describe the accelerated benefits, the risks, the expected costs and the calculation of statutory reserves in an actuarial memorandum accompanying each filing of such products with the commissioner. The insurer shall maintain in its files descriptions of the bases and procedures used to calculate benefits payable under these provisions. These descriptions shall be made available for examination by the commissioner upon request.

(1) When benefits are provided through the acceleration of benefits under group or individual life policies or riders to such policies, policy reserves shall be determined in accordance with the standard valuation law. All valuation assumptions used in constructing the reserves shall be determined as appropriate for statutory valuation purposes by a member in good standing of the American academy of actuaries. Mortality tables and interest rates currently recognized for life insurance reserves by the national association of insurance commissioners may be used as well as appropriate assumptions for the other provisions incorporated in the policy form. The actuary must follow both actuarial standards and certification for good and sufficient reserves. Reserves in the aggregate should be sufficient to cover:

(A) Policies upon which no claim has yet arisen; and

(B) policies upon which an accelerated claim has arisen.

(2) For policies and certificates which provide actuarially equivalent benefits, no additional reserves need to be established.

(3) Policy liens and policy loans, including accrued interest, represent assets of the company for statutory reporting purposes. For any policy on which the policy lien exceeds the policy's statutory reserve liability such excess must be held as a non-admitted asset.

(r) The accelerated benefit provision shall become effective for accidents on the effective date of the policy or rider and shall become effective for illness no more than 30 days following the effective date of the policy or rider. (Authorized by K.S.A. 40-103 and K.S.A. 1989 Supp. 40-401, as amended by L. 1990, Ch. 164, Sec. 1; implementing K.S.A. 1989 Supp. 40-401, as amended by L. 1990, Ch. 164, Sec. 1; effective, T-40-11-29-90, Nov. 29, 1990; effective April 15, 1991.)

Ron Todd  
Commissioner of Insurance

Doc. No. 010284

## State of Kansas

### The Kansas Lottery

#### Temporary Administrative Regulations

#### Article 7.—CASH LOTTO GAME RULES

**111-7-58. Selection of KENO Dream Month Winners.** The following process shall be used for the selection of winners in the daily "KENO Dream Month Drawing":

(a) Kansas lottery mail room personnel shall pick up all mail containing "KENO Dream Month Drawing" envelopes at the Topeka United States Post Office on a daily basis.

(b) The mail room personnel shall transport the mail to the mail room where the envelopes will be opened and the tickets placed in a receptacle to be held until taken by lottery security personnel and deposited in the drum or receptacle on a daily basis prior to 2:00 p.m. Lottery security will transfer tickets from the receptacle located in the Topeka regional office to the warehouse before 2:00 p.m. Monday through Friday for the daily 2:00 p.m. drawing. Following each deposit of tickets in the drum or receptacle, the security person making the deposit shall reseal the drum or receptacle.

(c) The selection process shall be held at 2 p.m. daily, Monday through Friday. The first drawing will be held on Friday, February 1, 1991, and the last on Thursday, February 28, 1991. All drawings shall be held in a place accessible to the public and be open for public attendance and with lottery security personnel present. All drawings shall be audio and videotaped.

(d) Drawings for the previous Saturday and Sunday will be held on the following Monday.

(e) Prior to the drawing the drum or receptacle shall be sealed and the contents mixed. If a drum is used, the contents shall be mixed by rotating the drum ten (10) times. If a receptacle is used, the contents shall be mixed with a shovel for two minutes.

(f) The designated individual shall then unseal the drum or receptacle, and using the bare-arm technique, remove one (1) "KENO" ticket from the drum or receptacle.

(g) The designated Kansas lottery security official shall review the ticket to determine if it is eligible for the "KENO Dream Month Draw" in accordance with this regulation.

(h) If the ticket is determined to be ineligible, the ticket removed shall be discarded, the drum or receptacle resealed, and another ticket removed. This procedure will be repeated until a valid selection is obtained from the drum or receptacle.

(i) The person whose name appears on the back of the ticket drawn shall win \$1,000, subject to validation by the lottery as set forth in these rules.

(j) All "KENO Dream Month Drawing" tickets remaining in the drum or receptacle on February 28, 1991, after all valid winners have been selected shall be destroyed.

(continued)

(k) In the event the lottery security official determines that the drum is too full, or its contents cannot be appropriately mixed by rotation, non-winning tickets shall be placed in a receptacle with a capacity larger than the drum prior to the drawing. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710(b); effective, T-111-2-1-91, Feb. 1, 1991; amended, T-111-2-18-91, Feb. 15, 1991.)

**111-7-60. Security of Equipment.** The drum or receptacle shall be stored in a locked secure area at all times when not in use. Keys to the secure area shall be under the exclusive control of the Kansas lottery division of security. Prior to use, the drum or receptacle shall be inspected by an auditor and by the Kansas lottery division of security to ensure it has not been tampered with and is in good working order. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710(b)&(d); effective, T-111-2-1-91, Feb. 1, 1991; amended, T-111-2-18-91, Feb. 15, 1991.)

**Article 9.—INDIVIDUAL PULL-TAB GAME RULES**

**RULES FOR PULL TAB GAME NO. 6 "ACES HIGH"**

**111-9-31. Name of Game.** The Kansas Lottery shall conduct an instant pull-tab game entitled "Aces High" commencing on February 1, 1991. The specific rules for the "Aces High" game are contained in K.A.R. 111-9-31 through 111-9-36. Other applicable rules for the game may be found in K.A.R. 111-8-1 et seq. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-2-18-91, Feb. 15, 1991.)

**111-9-32. Definitions.** The following definitions shall apply to the "Aces High" pull-tab lottery game.

(a) "Ticket" means the Kansas Lottery instant pull-tab Game No. 6 "Aces High."

(b) "Play symbols" are the numbers, letters, symbols or pictures printed on the front and under each tab on the back of each pull-tab ticket and which determine if the ticket bearer is entitled to a prize. In this pull-tab game, the play symbols consist of the numbers 2 through 10, or the letters J, Q, K and A, representing a Jack, Queen, King and Ace with the playing card symbols for clubs, diamonds, hearts or spades located beneath the numbers or letters. Numbers and symbols depicting diamonds or hearts are printed in red and those depicting clubs or spades are printed in black. Various combinations of these symbols appear under each tab on the back of each ticket.

(c) "Carton" or "deal" means a box of pull-tab tickets containing 2,208 tickets.

(d) "Carton serial number" is the 9-digit number appearing on the front of the ticket.

(e) "Quarter carton" or "quarter deal" means one-fourth of a carton or deal.

(Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-2-18-91, Feb. 15, 1991.)

**111-9-33. Determination of Instant Prize Winners.** Each tab on the back of the ticket is to be pulled open. Under each tab is printed a card hand. The

player wins by matching one of the winning hand combinations indicated on the front of the ticket. The prize amounts are as follows:

Combination	Prize
Four Aces	\$50.00
Full House (Three Aces and Two Kings)	20.00
Any Three Aces	5.00
Any Two Pair	2.00
Any Pair	.50

(Authorized by K.S.A. 1989 74-8710(b), (c) and (i); implementing K.S.A. 1989 Supp. 74-8710(b), (c) and (i), and K.S.A. 1989 Supp. 74-8720(b) and (d); effective, T-111-2-18-91, Feb. 15, 1991.)

**111-9-34. Number and Value of Prizes Per Carton of Tickets.** The prize structure for each carton of "Aces High" instant pull-tab tickets is as follows:

Prize	Number of Winners Per Carton	Prize Payout in Dollars Per Carton	Number of Winners Per Quarter Carton	Prize Payout in Dollars Per Quarter Carton
\$50	4	\$200	1	\$ 50
\$20	4	\$ 80	1	\$ 20
\$ 5	8	\$ 40	2	\$ 10
\$ 2	20	\$ 40	5	\$ 10
50¢	600	\$300	150	\$ 75
	636	\$660	159	\$165

Overall odds of winning a prize are 1 in 3.5.

(Authorized by K.S.A. 1989 Supp. 74-8710(b), (c) & (f); implementing K.S.A. 1989 Supp. 74-8710 (b), (c) & (f) and K.S.A. 1989 Supp. 74-8720; effective, T-111-2-18-91, Feb. 15, 1991.)

**111-9-35. Validation Requirements.** The following validation requirements shall apply to all winning instant pull-tab tickets:

(a) Under each tab is printed a five card hand. The player wins by matching one of the winning hand combinations indicated on the front of the ticket.

(b) All winning combinations will have a winner code printed in red under the winner tab at the far left side of the symbol combination or card hand. These winner codes will always appear on every winning combination or hand and will indicate the level of prize as follows:

CODE	PRIZE	COMBINATION
4	\$50	Four Aces
FH	\$20	Full House (Three Aces & Two Kings)
3	\$10	Any Three Aces
2P	\$ 5	Any Two Pair
P	\$ 1	Any Pair

(c) The ticket must pass all validation requirements as specified in K.A.R. 111-8-6.

(Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-2-18-91, Feb. 15, 1991.)

**111-9-36. Price.** The retail price of the tickets is 50¢ per ticket.

(Authorized by K.S.A. 1989 Supp. 74-8710 as amended by L. 1989; effective, T-111-2-18-91, Feb. 15, 1991.)

Gerald F. Simpson  
Executive Director

## State of Kansas

## Kansas Racing Commission

Temporary Administrative  
Regulations

## Article 11.—SECURITY AND SAFETY

**112-11-21. Prohibited acts.** (a) When on the grounds of a race track facility, no person shall: (1) Violate a federal, state or local criminal or civil law;

(2) unless authorized by the commission, possess a firearm or other dangerous weapon;

(3) damage or destroy property of the race track facility or adjoining facilities;

(4) smoke in nonsmoking areas as designated by the commission;

(5) unless authorized by the stewards or racing judges, communicate or attempt to communicate with a jockey or driver during racing hours, or attempt to gain entrance to the jockeys' and drivers' quarters at any time;

(6) fail to secure an occupation license if required for performance of duties at the race track facility;

(7) employ unlicensed personnel;

(8) alter or forge a prescription for medication for a racing animal;

(9) mar or alter any identification mark on any racing animal;

(10) unless authorized by the stewards or racing judges, use any radio transmitter or other transmitting device at a race track facility during a race meet;

(11) unless authorized by the commission, transmit or receive or attempt to transmit or receive wagering information through the use of a communication device; or

(12) participate in a race meet while suspended by the official racing body of any racing jurisdiction.

(b) When on the grounds of any racetrack facility where they are employed, the following occupation licensees shall not wager or cause anyone to wager on their behalf at any time:

(1) general manager;

(2) executive director;

(3) director of mutuels;

(4) director of racing;

(5) racing secretary;

(6) lead out;

(7) starter;

(8) paddock judge;

(9) clerk of scales;

(10) clocker;

(11) photo finish operator;

(12) identifier;

(13) lure operator;

(14) brakeman;

(15) kennel master; and

(16) assistants to any of these positions.

(c) When on the grounds of any race track facility where they are employed, the following occupation licensees shall not wager or cause anyone to wager on their behalf while on duty:

(1) jockey;

(2) mutuel employee;

(3) outrider;

(4) pony person;

(5) track superintendent;

(6) testing technician; and

(7) assistants to any of these positions.

(d) No occupation licensee shall display the occupation license while wagering at any race track facility. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8804 and 74-8810; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989; amended, T-112-2-15-91, Feb. 15, 1991.)

Dana Nelson  
Executive Director

Doc. No. 010277

## State of Kansas

## Kansas Development Finance Authority

Temporary Administrative  
Regulations

## Article 1.—HOUSING DEVELOPMENT ELIGIBILITY

**119-1-1. Definitions.** For the purposes of the regulations in this article, the following words, terms and phrases are defined as follows:

(a) "Annual gross income" means the aggregate gross income of all persons who occupy or will occupy a unit within a housing development as evidenced by those persons' adjusted gross income for purposes of federal income taxation or other sources that more accurately reflect adjusted gross income.

(b) "Authority" means the Kansas development finance authority.

(c) "Bonds" means any bonds issued by the authority pursuant to K.S.A. 1989 Supp. 74-8901 *et seq.*, as amended.

(d) "Developer" means the person or entity which owns or leases and is responsible for completing a housing development, including, but not limited to a sole proprietorship, a limited liability company, a corporation, a general partnership, or a general partner of a limited partnership.

(e) "Elderly person" means:

(1) a person who is at least 62 years old; or

(2) any person who is defined as an elderly person under any applicable Kansas or federal statute or administrative regulation.

(f) "Family" means one or more persons, whether or not related by birth or marriage, who combine to form a domestic unit and share dwelling accommodations.

(g) "Housing development" means any work or undertaking, whether new construction or rehabilitation, which is designed and financed pursuant to K.S.A. 1989 Supp. 74-8901 *et seq.*, as amended, for the primary purpose of providing dwelling accommodations for elderly persons or low income families in need of housing.

(h) "Low income family" means:

(continued)

(Published in the Kansas Register, February 28, 1991.)

**Notice of Call for Redemption  
to the holders of  
City of Augusta, Kansas  
Waterworks Revenue Bonds  
Series 1976-A**

Notice is hereby given that pursuant to Section 3 of Ordinance No. 1287 of the city of Augusta, Kansas, the hereinafter described bonds of the above-mentioned series, and all unmatured coupons appertaining thereto, have been called for redemption and payment on April 1, 1991, at the office of the Kansas State Treasurer, 900 S.W. Jackson, Suite 201, Topeka, KS 66612-1235 (the paying agent). The bonds to be called, each in the denomination of \$5,000, are described as follows:

Bond Nos. (Inclusive)	Maturity Date	Interest Rate
14	October 1, 1991	6.75%
15 to 16	October 1, 1992	6.75%
17 to 23	October 1, 1993	7.00%
24 to 30	October 1, 1994	7.00%

On the redemption date there shall become due and payable the redemption price (expressed as a percentage of the principal amount) of 103 percent, plus accrued interest thereon to the redemption date, upon the presentation and surrender of each such bond and appropriate coupons appertaining thereto. Interest shall cease to accrue on the bonds so called for redemption, and all unmatured coupons appertaining thereto, from and after April 1, 1991, subject to the condition that sufficient funds for redemption are then on deposit with the paying agent from escrowed securities purchased from the proceeds of refunding bonds issued by the city.

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

Dated February 28, 1991.

City of Augusta, Kansas  
Elsie E. George, City Clerk

Doc. No. 010269

(1) a family whose annual gross income at the time of the initial lease or purchase of a unit within a housing development is 60% or less of the area median gross income for families living in the metropolitan area in which the housing development is located or proposed to be located; or

(2) any family which is defined as a low income family under any applicable Kansas or federal statute or administrative regulations.

(i) "Area median gross income" means the area median gross income with respect to the political subdivision within which a housing development is located, as published from time to time by the United States department of housing and urban development and in effect at the time that a housing development is placed in service or the time that bonds are issued for financing the housing development, whichever is later.

(j) "Metropolitan area" means:

(1) the standard metropolitan statistical area, as identified by the United States government, in which a housing development is located or proposed to be located; or

(2) if the housing development is not located within a standard metropolitan statistical area, the political subdivision in which the housing development is located or proposed to be located. (Authorized by K.S.A. 1989 Supp. 74-8904; implementing K.S.A. 1989 Supp. 74-8905; effective, T-119-2-15-91, Feb. 15, 1991.)

**119-1.2. Housing development project eligibility.**

(a) A housing development shall be deemed to be for the primary purpose of providing dwelling accommodations for elderly persons or low income families if at least 80% of the housing development's dwelling units are at all times required to be occupied by elderly persons or by low income families.

(b) Elderly persons and low income families shall be deemed to be in need of housing if they execute a lease or purchase agreement by which they are legally obligated to lease or purchase a dwelling unit within the housing development. (Authorized by K.S.A. 1989 Supp. 84-8904; implementing K.S.A. 1989 Supp. 74-8905; effective, T-119-2-15-91, Feb. 15, 1991.)

**119-1.3. Evidence of compliance.** Any developer or any person owning real property on which a housing development is located or proposed to be located shall demonstrate compliance with the provisions of K.S.A. 1989 Supp. 74-8901 *et seq.*, as amended, by executing a legally binding agreement that:

(a) restricts the use of the property to use as a housing development as long as any bonds issued by the authority are outstanding; and

(b) has the authority's approval of its form and substance prior to the issuance of any bonds by the authority. (Authorized by K.S.A. 1989 Supp. 84-8904; implementing K.S.A. 1989 Supp. 84-8905; effective, T-119-2-15-91, Feb. 15, 1991.)

Allen Bell  
President

Doc. No. 010276

(Published in the Kansas Register, February 28, 1991.)

(Published in the Kansas Register, February 28, 1991.)

**Notice of Call for Redemption  
to the holders of  
City of Augusta, Kansas  
Waterworks Revenue Bonds  
Series 1977-A**

**Notice of Call for Redemption  
to the holders of  
City of Augusta, Kansas  
Waterworks Revenue Bonds  
Series 1972-A**

Notice is hereby given that pursuant to Section 3 of Ordinance No. 1308 of the city of Augusta, Kansas, the hereinafter described bonds of the above-mentioned series, and all unmatured coupons appertaining thereto, have been called for redemption and payment on April 1, 1991, at the office of the Kansas State Treasurer, 900 S.W. Jackson, Suite 201, Topeka, KS 66612-1235 (the paying agent). The bonds to be called, each in the denomination of \$5,000, are described as follows:

Notice is hereby given that pursuant to Section 3 of Ordinance No. 1211 of the city of Augusta, Kansas, the hereinafter described bonds of the above-mentioned series, and all unmatured coupons appertaining thereto, have been called for redemption and payment on April 1, 1991, at the office of the Kansas State Treasurer, 900 S.W. Jackson, Suite 201, Topeka, KS 66612-1235 (the paying agent). The bonds to be called, each in the denomination of \$5,000, are described as follows:

Bond Nos. (Inclusive)	Maturity Date	Interest Rate
13 to 14	October 1, 1991	6.50%
15 to 16	October 1, 1992	6.50%
17 to 18	October 1, 1993	6.50%
19 to 20	October 1, 1994	6.50%

Bond Nos. (Inclusive)	Maturity Date	Interest Rate
49 to 53	October 1, 1991	5.75%
54 to 58	October 1, 1992	5.75%

On the redemption date there shall become due and payable the redemption price (expressed as a percentage of the principal amount) of 103 percent, plus accrued interest thereon to the redemption date, upon the presentation and surrender of each such bond and appropriate coupons appertaining thereto. Interest shall cease to accrue on the bonds so called for redemption, and all unmatured coupons appertaining thereto, from and after April 1, 1991, subject to the condition that sufficient funds for redemption are then on deposit with the paying agent from escrowed securities purchased from the proceeds of refunding bonds issued by the city.

On the redemption date there shall become due and payable the redemption price (expressed as a percentage of the principal amount) of 103 percent, plus accrued interest thereon to the redemption date, upon the presentation and surrender of each such bond and appropriate coupons appertaining thereto. Interest shall cease to accrue on the bonds so called for redemption, and all unmatured coupons appertaining thereto, from and after April 1, 1991, subject to the condition that sufficient funds for redemption are then on deposit with the paying agent from escrowed securities purchased from the proceeds of refunding bonds issued by the city.

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

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

Dated February 28, 1991.

Dated February 28, 1991.

City of Augusta, Kansas  
Elsie E. George, City Clerk

City of Augusta, Kansas  
Elsie E. George, City Clerk

Doc. No. 010270

Doc. No. 010268

(Published in the Kansas Register, February 28, 1991.)

**NOTICE OF REDEMPTION  
SEDGWICK COUNTY, KANSAS**

**Single Family Mortgage Revenue Bonds  
(Multiple Originators and Servicers)**

**1980 Series A**

**Due April 1, 1992/1995 and April 1, 2011**

NOTICE IS HEREBY GIVEN that, pursuant to Section 3.01 of the Indenture dated as of April 1, 1980, and as amended by the First Supplemental Trust Indenture, dated as of September 1, 1986, \$685,000 principal of Bonds has been drawn pro-rata among maturities and by lot within each maturity, for redemption at par on April 1, 1991.

**Coupon Bonds of \$5,000 Denominations, called in full, bearing CUSIP No. 815618 and Suffix:**

<b>AL7</b>	1433	<b>AP8</b>	2619	4138	4911	5966	6975	7479	7841	8601	9203	9821	10412
1250	1454	1723	2743	4232	5038	6108	7120	7417	7973	8619	9263	9899	10445
1251		1769	3042	4367	5062	6569	7233	7530	8075	8810	9310	9917	10475
<b>AM5</b>	<b>AN3</b>	1943	3923	4411	5119	6599	7243	7537	8123	8816	9370	9981	
1341	1679	<b>AQ6</b>	3951	4672	5224	6846	7376	7561	8409	8819	9562	10052	
1408	1682	2613	3992	4741	5929	6952	7379	7634	8513	8983	9742	10283	

The serial numbers of the Registered Bonds, bearing CUSIP No. 815618, to be redeemed in whole or in part, and the principal amount to be redeemed are as follows:

<u>Bond Number</u>	<u>Par Amount</u>	<u>Amount Called</u>	<u>Suffix</u>	<u>Bond Number</u>	<u>Par Amount</u>	<u>Amount Called</u>	<u>Suffix</u>
R391	\$ 5,000	\$ 5,000	AL7	R438	\$100,000	\$5,000	AQ6
R429	15,000	5,000	AN3	R439	20,000	5,000	AQ6
R396	305,000	290,000	AQ6				

Coupons Bonds with the April 1, 1991 and all subsequent coupons attached and all Registered Bonds should be presented to one of the offices of the Paying Agents:

**BY HAND DELIVERY:**

**Continental Bank, National Association  
Attention: Corporate Trust Operations  
230 South Clark Street-19th Floor  
Chicago, Illinois 60697**

**Morgan Guaranty Trust Company of New York  
Attention: Corporate Trust Department  
30 West Broadway-12th Floor  
New York, New York 10015**

**BY MAIL:**

**Continental Bank, National Association  
Attention: Corporate Trust Operations  
231 South LaSalle Street-19th Floor  
Chicago, Illinois 60697**

**Southwest National Bank of Wichita  
Attention: Corporate Trust Department  
P.O. Box 1401  
Wichita, Kansas 67201**

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. While registered bondholders have the option of presenting Bonds to any of the above-mentioned Paying Agents, there will be a delay in the issuance of Bonds for any unredeemed portion unless such presentation is made to the principal Paying Agent in Chicago at the above given address.

To assure prompt payment of the redemption price, bond certificates should be sent, unendorsed, approximately two weeks before April 1, 1991 to one of the above given addresses. The method of delivery of the Bonds for payment is at the election and risk of the holder but, if sent by mail, insured, registered or certified mail, return receipt requested, is recommended.

Interest on the Bonds or portions of Bonds called for redemption will cease to accrue on April 1, 1991.

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.

March 1, 1991

**By: Continental Bank, National Association  
Trustee for Sedgwick County, Kansas**

(Published in the Kansas Register, February 28, 1991.)

(Published in the Kansas Register, February 28, 1991.)

**Notice of Call for Redemption  
to the holders of  
City of Augusta, Kansas  
Waterworks Revenue Bonds  
Series 1980-A**

**Summary Notice of Bond Sale  
Kansas City, Kansas, Community College District,  
Wyandotte County, Kansas  
\$2,500,000**

**General Obligation Capital Outlay Bonds  
(general obligation bonds payable from  
unlimited ad valorem taxes)**

Notice is hereby given that pursuant to Section 3 of Ordinance No. 1409 of the city of Augusta, Kansas, the hereinafter described bonds of the above-mentioned series, and all unmatured coupons appertaining thereto, have been called for redemption and payment on April 1, 1991, at the office of the Kansas State Treasurer, 900 S.W. Jackson, Suite 201, Topeka, KS 66612-1235 (the paying agent). The bonds to be called, each in the denomination of \$5,000, are described as follows:

Bond Nos. (Inclusive)	Maturity Date	Interest Rate
14 to 15	October 1, 1991	9.00%
16	October 1, 1992	9.00%
17 to 18	October 1, 1993	9.00%
19 to 20	October 1, 1994	9.00%

On the redemption date there shall become due and payable the redemption price (expressed as a percentage of the principal amount) of 103 percent, plus accrued interest thereon to the redemption date, upon the presentation and surrender of each such bond and appropriate coupons appertaining thereto. Interest shall cease to accrue on the bonds so called for redemption, and all unmatured coupons appertaining thereto, from and after April 1, 1991, subject to the condition that sufficient funds for redemption are then on deposit with the paying agent from escrowed securities purchased from the proceeds of refunding bonds issued by the city.

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

Dated February 28, 1991.

City of Augusta, Kansas  
Elsie E. George, City Clerk

Doc. No. 010271

**Sealed Bids**

Subject to the terms and conditions of the complete notice of bond sale and preliminary official statement dated February 27, 1991, sealed bids on the official bid form will be received by Dr. William Spencer, President, at the district office, 7250 State Ave., Kansas City, KS 66112, on behalf of the governing body, until 11 a.m. C.S.T. on Tuesday, March 12, 1991, for the purchase of \$2,500,000 principal amount of General Obligation Capital Outlay Bonds. The bids will be publicly opened, read and considered at a meeting of the governing body of the district at 5 p.m. on said day. 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 shall be accompanied by a cashier's or certified check in the amount of \$50,000.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated April 1, 1991, and will become due serially on March 1 in the years as follows:

Year	Principal Amount
1992	\$780,000
1993	830,000
1994	890,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on September 1, 1991.

**Paying Agent and Bond Registrar**

The Kansas State Treasurer will be the paying agent and bond registrar for the bonds.

**Delivery**

The district will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about April 17, 1991, at such location as may be specified by the purchaser.

**Assessed Valuation and Indebtedness**

The equalized assessed valuation for computation of bonded debt limitations for the year 1990 is \$663,392,976. The total general obligation indebtedness of the district as of the date of the bonds, including the bonds being sold, is \$2,500,000.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Stinson, Mag & Fizzell, Kansas City, Missouri, bond counsel, whose approving opinion as to the validity of the bonds will be furnished and paid for by the

(continued)

district, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

#### Additional Information

Additional information regarding the bonds may be obtained from the undersigned.

Dated February 27, 1991.

Kansas City, Kansas, Community  
College District  
By Dr. William Spencer, President  
District Office  
7250 State Ave.  
Kansas City, KS 66112  
(913) 334-1100

Doc. No. 010278

(Published in the Kansas Register, February 28, 1991.)

#### Summary Notice of Sale

City of Lenexa, Kansas

General Obligation Bonds, Series 1991-A

and

General Obligation Temporary Notes, Series 1991-A

(general obligations payable from  
unlimited ad valorem taxes)

#### Sealed Bids

Subject to the official notice of sale and preliminary official statement dated February 27, 1991, sealed bids will be received by the city clerk of the city of Lenexa, Kansas, on behalf of the governing body at the City Hall, 12350 W. 87th St. Parkway, Lenexa, KS 66215, until 11 a.m. central time, Thursday, March 7, 1991, for the purchase of \$7,845,000 principal amount of General Obligation Bonds, Series 1991-A, and \$9,455,000 principal amount of General Obligation Temporary Notes, Series 1991-A. No bid for the bonds or the notes of less than the entire par value of the bonds or the notes, as applicable, and accrued interest to the date of delivery will be considered.

#### Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated March 1, 1991, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
1992	\$295,000
1993	290,000
1994	315,000
1995	330,000
1996	730,000
1997	755,000
1998	785,000
1999	765,000
2000	790,000
2001	835,000
2002	325,000
2003	365,000
2004	375,000
2005	435,000
2006	455,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable

semiannually on March 1 and September 1 in each year, beginning on March 1, 1992.

#### Note Details

The notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof, dated March 1, 1991. The 1991-A notes will become due on December 1, 1991. Interest on the notes will be payable at their maturity.

#### Paying Agent and Registrar

Kansas State Treasurer, Topeka, Kansas.

#### 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 2 percent of the principal amount of the bonds, if the bid is for the bonds, and 2 percent of the principal amount of the applicable note series, if the bid is for the notes.

#### Delivery

The city will pay for printing the bonds and notes and will deliver the same properly prepared, executed and registered without cost to the successful bidder within 30 days after the date of sale in the Kansas City, Missouri, metropolitan area.

#### Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1990 was \$398,211,410. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds and the notes being sold, is \$67,703,350.07. Temporary notes in the amount of \$16,385,000 will be redeemed using the proceeds of the bonds and the notes and other available funds.

#### Approval of Bonds and Notes

The bonds and notes will be sold subject to the legal opinion of Stinson, Mag & Fizzell, Overland Park, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds and notes will be furnished and paid for by the city, printed on the bonds and notes and delivered to the successful bidder as and when the bonds or notes, as applicable, are delivered.

#### Additional Information

Additional information regarding the bonds and notes may be obtained from the city clerk or from the financial advisor, Investment Bankers of Kansas City, Inc., 1101 Walnut, Suite 900, Kansas City, MO 64106, (816) 421-4440.

Dated February 27, 1991.

City of Lenexa, Kansas  
By Sandra Howell  
City Clerk/Finance Director  
City Hall  
12350 W. 87th St. Parkway  
P.O. Box 14888  
Lenexa, KS 66215  
(913) 492-8800

Doc. No. 010296



(Published in the Kansas Register, February 28, 1991.)

**Summary Notice of Bond Sale**

**\$360,354**

**Lake Waltanna Improvement District**

**Sedgwick County, Kansas**

**General Obligation Road Improvement Bonds**

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

**Details of the Sale**

Subject to the terms and conditions of the complete official notice of bond sale, dated as of February 22, 1991, prepared by Lake Waltanna Improvement District, Sedgwick County, Kansas, in connection with the General Obligation Road Improvement Bonds, Series 1991, of the district which are hereinafter described, sealed, written bids shall be received at the business office of John G. Wurth, secretary of the district, 120 S. Market, Suite 320, Wichita, until 2 p.m. C.S.T. on Wednesday, March 6, 1991, for the purchase of the bonds. All bids shall be publicly opened, read aloud and considered on said date and at said time and place, and shall be immediately thereafter acted upon by the board of directors of the district.

The bonds to be sold are in the aggregate principal amount of \$360,354. No oral or auction bids for the bonds shall be considered, and no bids for less than the entire amount of the bonds shall be considered.

Bids shall be accepted only on the official bid form that has been prepared for these bonds, which may be obtained from the secretary of the district or from the district's financial advisor. Bids may be submitted by mail or may be delivered in person, and must be received at the place and 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 drawn on a bank located within the United States and made payable to the order of the district, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

**Details of the Bonds**

The bonds shall be issued as fully registered bonds in denominations of \$5,000, or any integral multiple thereof not exceeding the principal amount of bonds maturing in any year, except that one bond maturing September 1, 1992, shall be issued in the denomination of \$5,354. The bonds shall bear a dated date of March 1, 1991. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. The bonds are not subject to redemption prior to their stated maturities.

Interest on the bonds shall be payable semiannually on March 1 and September 1 of each year, commencing September 1, 1992, and the bonds shall mature serially on September 1 in each of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$20,354	1992
20,000	1993
20,000	1994
25,000	1995

25,000	1996
25,000	1997
25,000	1998
25,000	1999
25,000	2000
25,000	2001
25,000	2002
25,000	2003
25,000	2004
25,000	2005
25,000	2006

**Payment of Principal and Interest**

The Kansas State Treasurer shall serve as the bond registrar and paying agent for the bonds, and the principal of the bonds shall be payable upon the surrender thereof at the paying agent's principal offices in the city of Topeka, Kansas. Interest shall be payable by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

**Security for the Bonds**

The bonds and the interest thereon constitute general obligations of the district, and the full faith, credit and resources of the district will be pledged to the payment thereof. The district will be obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the district for the purpose of paying the bonds and the interest thereon.

**Delivery of the Bonds**

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the district to the successful bidder, or at its direction, on or about Friday, March 15, 1991, at such bank or trust company or other qualified depository in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

**Legal Opinion**

The bonds will be sold subject to the legal opinion of Hinkle, Eberhart & Elkouri, Wichita, Kansas, bond counsel, whose fees will be paid by the district. Bond counsel's approving legal opinion as to the validity of the bonds will be printed on the bonds and will be delivered to the successful bidder upon delivery of the bonds. (Reference is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

**Financial Matters**

The district's assessed valuation for the year 1990 is as follows:

Assessed valuation of taxable tangible property ...	\$1,048,294
Taxable value of motor vehicles .....	11,988
Equalized assessed tangible valuation for computation of bonded debt limitations .....	<u>\$1,060,282</u>

The bonds described herein constitute the district's only outstanding general obligation bonded indebtedness.

**Official Statement**

The district has prepared a preliminary official statement relating to the bonds, copies of which may be

(continued)

obtained from the district or the district's financial advisor. The preliminary official statement is in a form "deemed final" by the district for the purpose of the Securities Exchange Commission's Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. Upon the sale of the bonds, the district shall furnish the successful bidder with a reasonable number of copies of the final official statement, without additional cost, upon request. Copies of the final official statement in excess of a reasonable number may be ordered at the successful bidder's expense.

**Additional Information**

For additional information regarding the district, the bonds and the sale, interested parties are invited to request copies of the complete official notice of bond sale and the district's preliminary official statement and official bid form for the bonds, all of which may be obtained from the undersigned or from the district's financial advisor, Stephen E. Shogren, Ranson Capital Corporation, 120 S. Market, Suite 450, Wichita, KS 67202, (316) 262-4955.

John G. Wurth, Secretary  
Lake Waltanna Improvement District  
23 Lakeview Drive  
Goddard, KS 67052

Doc. No. 010294

(Published in the Kansas Register, February 28, 1991.)

**Notice of Bond Sale  
\$1,235,000**

**City of Pittsburg, Kansas  
Water and Sewage System Revenue Bonds  
Series 1991-A**

**Sealed Bids**

Sealed bids for the purchase of \$1,235,000 principal amount of Water and Sewage System Revenue Bonds, Series 1991-A, of the city hereinafter described, will be received by the undersigned, city clerk of the city of Pittsburg, Kansas, on behalf of the governing body of the city at City Hall, 201 W. 4th, P.O. Box 688, Pittsburg, until 5 p.m. C.S.T. on Tuesday, March 12, 1991.

All bids will be publicly opened and read at said time and place and will be acted upon by the city's governing body at its meeting to be held at 7 p.m. C.S.T. on Tuesday, March 12, 1991, at city hall. No oral or auction bids will be considered.

**Bond Details**

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated March 1, 1991, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
1992	\$ 50,000
1993	50,000
1994	55,000
1995	60,000
1996	65,000
1997	70,000

1998	75,000
1999	80,000
2000	85,000
2001	90,000
2002	95,000
2003	105,000
2004	110,000
2005	120,000
2006	125,000

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 September 1, 1991.

**Place of Payment and Bond Registration**

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

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

**Redemption of Bonds Prior to Maturity**

At the option of the city, bonds maturing on September 1, 2000, and thereafter will be subject to redemption and payment prior to maturity on September 1, 1999, 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 paying agent and bond registrar and to the manager or managers of the underwriting account making the successful bid, at least 30 days prior to the redemption date. Upon its receipt of such notice,

the paying agent shall give notice of such call by first class mail, postage prepaid, to the registered owners of said bonds. 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 *MuniWeek*, f/k/a/ *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). The successful bidder shall initially reoffer bonds maturing on or after September 1, 2000, at dollar prices equal to or greater than 100 percent of the principal amount of such bonds.

#### 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 improvements to the water and sewage system of the city. The bonds are payable solely from and secured as to the payment of principal and interest by a pledge of the revenues derived by the city from the operation of the water and sewage system, including revenues derived from extensions and improvements to the water and sewage system hereafter constructed or acquired by the city. The bonds do not constitute a general obligation of the city, nor do they constitute an indebtedness of the city within the meaning of any constitutional, statutory or charter provisions, limitations or restrictions.

The bonds are being issued on parity with the Water and Sewer Revenue Bonds, Series 1989-A, and the Water and Sewage Revenue Bonds, Series 1990-A bonds. The 1989-A bonds were issued in the original principal amount of \$1,095,000, of which \$1,055,000 remains outstanding as of March 1, 1991. The 1990-A bonds were issued in the original principal amount of \$1,295,000, of which \$1,295,000 remains outstanding as of March 1, 1991.

In the ordinance authorizing the issuance of the bonds, the city covenants to fix, establish, maintain and collect such rates, fees and charges for the use and services furnished by or through the water and sewage system, including all extensions and improvements thereto hereafter constructed or acquired by the city, as will produce revenues sufficient to enable the city to have in each fiscal year net operating revenues from the water and sewage system in an amount that will be not less than 125 percent of maximum annual debt service on all water and sewage system revenue bonds of the city at the time outstanding.

In addition, the bond will be secured by a bond reserve account to be fully funded in the amount of \$123,500 from bond proceeds.

#### 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

(continued)

ance 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 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 excludable 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 about March 28, 1991, at such bank or trust company in the state of Kansas or the greater Kansas City, Missouri, metropolitan area. Delivery elsewhere will be at the expense of 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.S.T. on March 20, 1991. 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.S.T. on March 20, 1991, 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 \$24,700, 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. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if its 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 forfeited to the city with the city reserving the right to pursue any consequential damages arising from such default.

#### 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 Water and Sewage System Revenue 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 5 p.m. C.S.T. on Tuesday, March 12, 1991.

#### Date and Delivery of Preliminary and Final Official Statement

The city has authorized the preparation and disbursement of a preliminary official statement containing information relating to the bonds. The preliminary official statement comprises the final official statement required by Rule 15c2-12 of the Securities and Exchange Commission.

The preliminary official statement, when amended to include the interest rates specified by the underwriters and the price or yield at which the underwriters will re-offer the bonds to the public, together with any other information required by law, will constitute a "Final Official Statement" with respect to the bonds

as that term is defined in Rule 15c2-12. No more than seven business days after the date of the sale, the city will provide without cost to the purchasers a reasonable number of printed copies of the final official statement and further copies, if desired, will be made available at the underwriter's expense. If the sale of the bonds are awarded to a syndicate, the city will designate the senior managing underwriter of the syndicate as its agent for purposes of distributing copies of the final official statement to each participating underwriter. Any underwriter executing and delivering a bid form with respect to the bonds agrees thereby that if its bid is accepted it shall accept such designation and shall enter into a contractual relationship with all participating underwriters for the purpose of assuring the receipt and distribution by each such participating underwriter of the final official statement.

The city will deliver to the underwriters on the date of delivery of the bonds a certificate executed by the mayor and the city clerk to the effect that the final official statement, as of the date of delivery of the bonds, does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements made, in the light of the circumstances in which they are made, not misleading.

Copies of the city's preliminary official statement relating to the bonds may be obtained from the city clerk or the city's financial advisor, George K. Baum & Company, 120 W. 12th, Twelve Wyandotte Plaza, Kansas City, MO 64105, (800) 821-7195. George K. Baum & Company has received permission from the city to submit a bid on the bonds.

Dated February 26, 1991.

City of Pittsburg, Kansas  
 Karen Garman  
 City Clerk  
 City Hall  
 201 W. 4th  
 Pittsburg, KS 66762  
 (316) 321-4100

Doc. No. 010303

(Published in the Kansas Register, February 28, 1991.)

**Notice of Bond Sale**  
**\$2,250,000**

**Shawnee Mission Unified School District 512**  
**Johnson County, Kansas**  
**General Obligation Bonds**  
**Series 1991**  
**(Asbestos Control Project)**

**Sealed Bids**

Sealed bids for the purchase of \$2,250,000 principal amount of General Obligation Bonds, Series 1991 (Asbestos Control Project), of the Shawnee Mission Unified School District 512 of Johnson County, Kansas, hereinafter described, will be received by the associate superintendent for business, Shawnee Mission Unified School District 512, Johnson County, on behalf of the governing body of the district at the district's administrative offices, 7235 Antioch, Shawnee Mission, until 11 a.m. C.S.T. on Monday, March 11, 1991.

All bids will be publicly opened and read at the above mentioned time and will be acted upon by the

district on March 11, 1991, at 7:30 p.m. at the district's administrative offices. No oral or auction bids will be considered.

**Bond Details**

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated April 1, 1991, and will become due serially on October 1 in the years as follows:

Year	Principal Amount
1993	\$ 60,000
1994	65,000
1995	70,000
1996	75,000
1997	80,000
1998	85,000
1999	90,000
2000	100,000
2001	105,000
2002	110,000
2003	120,000
2004	125,000
2005	135,000
2006	145,000
2007	155,000
2008	165,000
2009	175,000
2010	190,000
2011	200,000

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 April 1 and October 1 in each year, beginning on April 1, 1992.

**Place of Payment and Bond Registration**

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

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

**Redemption of Bonds Prior to Maturity**

At the option of the district, bonds maturing on October 1, 1997, and thereafter will be subject to redemption and payment prior to maturity on October

(continued)

1, 1996, 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 redemption price (expressed as percentages of principal amount set out below) plus accrued interest to the date of redemption and payment.

Redemption Date	Redemption Price
October 1, 1996 and April 1, 1997	101.00%
October 1, 1997 and April 1, 1998	100.50
October 1, 1998 and thereafter	100.00

Whenever the district 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 district shall elect to call any bond for redemption and payment prior to the maturity thereof, the district 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 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. Thereafter the paying agent and bond registrar will notify the owners of the bonds of the district's redemption call by United States mail, postage prepaid. 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 *MuniWeek*, t/k/a *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 district 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 district on the basis of such bid. Each bid shall also specify the average annual net interest rate to the district 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 district, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the district. 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 district 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 asbestos control improvements to the district's facilities. The bonds will be general obligations of the district payable as to both principal and interest for district's general obligation bonds in part 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 district.

#### Internal Revenue Code of 1986

The Internal Revenue Code of 1986 imposes requirements on the district which must be met subsequent to the issuance of the bonds by the district and, as a result, the district will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The district'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 district'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 environ-

mental 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 district does 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 district, 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 district with the provisions of the resolution authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is excludable from federal income taxation. Interest on the bonds will also be excludable from the computation of Kansas adjusted gross income for taxable years commencing after December 31, 1987.

#### Delivery and Payment

The district will pay for printing the bonds and will deliver the bonds, without cost to the successful bidder, properly prepared, executed and registered, on or about April 4, 1991, at such bank or trust company in the state of Kansas or the greater metropolitan area of Kansas City, Missouri. Delivery elsewhere will be at the expense of 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 district. 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 district and bond registrar not later than 3 p.m. C.S.T. on March 21, 1991. In the absence of such information, the district will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the district by 3

p.m. C.S.T. on March 21, 1991, a certificate acceptable to the district'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 \$45,000, payable to the order of the district to secure the district from any loss resulting from the failure of the bidder to comply with the terms of its bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if its bid is not accepted. If a bid is accepted, said check shall be held by the district 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 district. If a bid is accepted but the district 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 forfeited to the district with the district reserving the right to pursue any consequential damages arising from such default.

#### 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 district.

#### Bid Forms

All bids must be made on forms which may be procured from the district. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The district 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 associate superintendent for business and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the Associate Superintendent for Business, 7235 Antioch, Shawnee Mission, KS 66204, and must be received prior to 11 a.m. C.S.T. on Monday, March 11, 1991.

(continued)

### Date and Delivery of Preliminary and Final Official Statement

The district has authorized the preparation and disbursement of a preliminary official statement containing information relating to the bonds. The preliminary official statement comprises the official statement required by Rule 15c2-12 of the Securities and Exchange Commission.

The preliminary official statement, when amended to include the interest rates specified by the underwriters and the price or yield at which the underwriters will re-offer the bonds to the public, together with any other information required by law, will constitute a "Final Official Statement" with respect to the bonds as that term is defined in Rule 15c2-12. No more than seven business days after the date of the sale, the district will provide without cost to the underwriters such reasonable number of printed copies of the final official statement as such underwriters may request. Further copies, if desired, will be made available at the underwriter's expense. If the sale of the bonds are awarded to a syndicate, the district will designate the senior managing underwriter of the syndicates as its agent for purposes of distributing copies of the final official statement to each participating underwriter. Any underwriter executing and delivering a bid form with respect to the bonds agrees thereby that if its bid is accepted it shall accept such designation and shall enter into a contractual relationship with all participating underwriters for the purpose of assuring the receipt and distribution by each such participating underwriter of the final official statement.

The district will deliver to the underwriters on the date of delivery of the bonds a certificate executed by the president and the district clerk to the effect that the final official statement, as of the date of delivery of the bonds, does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements made, in the light of the circumstances in which they are made, not misleading.

Copies of the district's preliminary official statement relating to the bonds may be obtained from the district clerk or the district's financial advisor, Investment Bankers of Kansas City, Inc., 1101 Walnut, Suite 900, Kansas City, MO 64106, (816) 421-4440.

### Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the district for the year 1990 is \$1,750,380,154 (including motor vehicles). The total general obligation bonded indebtedness of the district as of the date of the bonds, including the bonds, is \$26,510,000.

Dated February 21, 1991.

Shawnee Mission Unified School  
District 512  
Johnson County, Kansas  
Nancy M. Yates, District Clerk  
7235 Antioch  
Shawnee Mission, KS 66204

Doc. No. 010302

### State of Kansas

### Legislature

### Legislative Bills Introduced

The following numbers and titles of bills and resolutions have been recently introduced by the 1991 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, Topeka 66612, (913) 296-4096.

### Bills Introduced February 14-20:

#### House Bills

**HB 2355**, by Committee on Commercial and Financial Institutions: An act relating to credit unions; concerning share insurance; amending K.S.A. 17-2246 and repealing the existing section.

**HB 2356**, by Committee on Agriculture: An act concerning public livestock markets; relating to reporting to the state board of agriculture.

**HB 2357**, by Committee on Agriculture: An act concerning contracts to maintain stock of farm equipment; relating to security interests therein; amending K.S.A. 1990 Supp. 16-1002 and repealing the existing section.

**HB 2358**, by Committee on Agriculture: An act concerning consumer protection; relating to personal information when presenting a credit card.

**HB 2359**, by Committee on Agriculture: An act concerning dairy products; relating to unfair trade practices; amending K.S.A. 50-503 and repealing the existing section.

**HB 2360**, by Committee on Agriculture: An act concerning agriculture; relating to the registration of seed dealers; amending K.S.A. 1990 Supp. 2-1415 and 2-1421a and repealing the existing sections.

**HB 2361**, by Committee on Energy and Natural Resources: An act concerning certain public utilities; prohibiting certain business practices by such utilities and their affiliates; prescribing penalties for violations.

**HB 2362**, by Committee on Pensions, Investments and Benefits: An act concerning state officers and employees; relating to supplemental compensation for active military service in certain cases; prescribing guidelines and providing for administration thereof.

**HB 2363**, by Committee on Public Health and Welfare: An act concerning certain dead bodies; providing for the making of certain dental examinations and records thereof or the preservation of certain dental evidence; requiring the retention of such records or evidence.

**HB 2364**, by Committee on Judiciary: An act concerning certain dead bodies; providing for the making of certain dental examinations and records thereof or the preservation of certain dental evidence; requiring the retention of such records or evidence.

**HB 2364**, by Committee on Judiciary: An act concerning theft; providing certain civil remedies therefore.

**HB 2365**, by Committee on Judiciary: An act concerning crimes and punishments; relating to the possession of a firearm on school grounds; amending K.S.A. 1990 Supp. 21-4204 and repealing the existing section.

**HB 2366**, by Committee on Transportation: An act relating to accessible parking for persons with a disability; amending K.S.A. 58-1311 and K.S.A. 1990 Supp. 8-161, 8-1,124, 8-1,125, 8-1,126, 8-1,127, 8-1,128, 8-1,129, 8-1,130a, 8-1,130b, 8-1,133 and 32-901 and repealing the existing sections.

**HB 2367**, by Committee on Federal and State Affairs: An act concerning the crime of furnishing cereal malt beverage to a minor; relating to exceptions thereto; amending K.S.A. 1990 Supp. 21-3610a and repealing the existing section.

**HB 2368**, by Committee on Taxation: An act amending the homestead property tax refund act; amending K.S.A. 79-4502 and 79-4508 and repealing the existing sections.

**HB 2369**, by Committee on Elections: An act relating to elections; concerning names of political committees; amending K.S.A. 1990 Supp. 25-4145 and repealing the existing section.

**HB 2370**, by Committee on Judiciary: An act concerning civil procedure; relating to dischargeable debt.

**HB 2371**, by Committee on Energy and Natural Resources: An act



concerning public utilities; providing for certain changes in rates based on changes in measurable utility costs and expenses.

**HB 2372**, by Committee on Energy and Natural Resources: An act concerning public utilities; relating to state corporation commission proceedings on proposed rate changes; providing for interim rate changes pending a final order in such proceedings.

**HB 2373**, by Committee on Economic Development: An act concerning the Kansas housing and development authority; renaming the Kansas development finance authority; transferring certain powers, duties and functions from the secretary and department of social and rehabilitation services and from the secretary and the department of commerce to the Kansas housing and development authority; designating the Kansas housing and development authority as the official state agency for purposes of compliance with certain federal acts and programs; amending K.S.A. 1990 Supp. 74-5082, 74-5084, 74-5085, 74-5086, 74-8901, 74-8902, 74-8903 and 74-8913 and repealing the existing sections.

**HB 2374**, by Committee on Judiciary: An act concerning victims rights; relating to plea negotiations, presentence reports and sentencing; amending K.S.A. 21-4604 and 22-3424 and repealing the existing sections.

**HB 2375**, by Committee on Judiciary: An act creating the uniform conservation easement act; repealing K.S.A. 1990 Supp. 58-3803, 58-3804, 58-3805, 58-3806, 58-3807, 58-3808 and 58-3809.

**HB 2376**, by Committee on Judiciary: An act concerning civil procedure; relating to permissive joinder of parties; amending K.S.A. 60-220 and 61-1707 and repealing the existing sections.

**HB 2377**, by Committee on Commercial and Financial Institutions: An act amending the uniform consumer credit code; concerning additional charges; amending K.S.A. 1990 Supp. 16a-2-501 and repealing the existing section.

**HB 2378**, by Committee on Commercial and Financial Institutions: An act relating to the regulation of credit services organizations; providing penalties.

**HB 2379**, by Committee on Agriculture: An act concerning certain contracts to maintain stocks of outdoor power equipment and regulating the business relations between independent retailers and outdoor power equipment suppliers.

**HB 2380**, by Committee on Economic Development: An act concerning attorney fees; relating to allowance thereof in civil actions to recover amounts on certain accounts, instruments and contracts; also repealing K.S.A. 58-2312.

**HB 2381**, by Committee on Taxation: An act relating to property taxation; concerning the cancellation of certain personal property taxes.

**HB 2382**, by Committee on Elections: An act relating to elections; concerning political advertising; defining certain crimes; amending K.S.A. 1990 Supp. 25-4156 and repealing the existing section.

**HB 2383**, by Committee on Judiciary: An act concerning crimes and punishments; relating to littering; amending K.S.A. 21-3722 and repealing the existing section.

**HB 2384**, by Committee on Judiciary: An act concerning civil procedure; relating to court fees for foreign judgments; amending K.S.A. 60-3005 and repealing the existing section.

**HB 2385**, by Committee on Judiciary: An act concerning district coroners; relating to a death that is a suspected homicide; amending K.S.A. 22a-233 and K.S.A. 1990 Supp. 22a-232 and repealing the existing sections.

**HB 2386**, by Committee on Pensions, Investments and Benefits: An act concerning the Kansas police and firemen's retirement system; relating to determination of benefits; final average salary; amending K.S.A. 1990 Supp. 74-4958 and 74-4958a and repealing the existing sections.

**HB 2387**, by Committee on Pensions, Investments and Benefits: An act concerning the Kansas police and firemen's retirement system; relating to early retirement benefit reduction; amending K.S.A. 1990 Supp. 74-4958 and 74-4958a and repealing the existing sections.

**HB 2388**, by Committee on Education: An act concerning vocational education; relating to the state council thereon; powers, functions and duties; personnel; amending K.S.A. 72-4409 and K.S.A. 1990 Supp. 72-4408, 72-4412 and 72-4413, and repealing the existing sections.

**HB 2389**, by Committee on Energy and Natural Resources: An act concerning use of lighting by state agencies; requiring use of certain fixtures and extinguishing of certain lighting at certain times.

**HB 2390**, by Committee on Federal and State Affairs: An act

concerning pawnbrokers; relating to amounts of loans made thereby; amending K.S.A. 16-719 and repealing the existing section.

**HB 2391**, by Committee on Federal and State Affairs: An act concerning bingo; relating to certain restrictions; amending K.S.A. 79-4706 and repealing the existing section.

**HB 2392**, by Committee on Education: An act concerning children; relating to school attendance; providing certain exemptions; imposing conditions; amending K.S.A. 72-1111 and 72-53,100 and K.S.A. 1990 Supp. 38-1502, 72-1113, 72-53,101 and 72-53,102, and repealing the existing sections.

**HB 2393**, by Committee on Governmental Organization: An act providing for a daily verbatim transcript of proceedings of the house of representatives and the senate.

**HB 2394**, by Committee on Judiciary: An act concerning interest and charges; relating to interest on personal injury judgments; amending K.S.A. 16-201 and repealing the existing section.

**HB 2395**, by Committee on Judiciary: An act concerning social welfare; relating to recovery of medical assistance paid; fixing attorney fees; amending K.S.A. 1990 Supp. 39-719a and repealing the existing section.

**HB 2396**, by Committee on Judiciary: An act concerning civil procedure; relating to comparative negligence; amending K.S.A. 1990 Supp. 60-258a and repealing the existing section.

**HB 2397**, by Committee on Judiciary: An act concerning civil procedure; relating to damages; amending K.S.A. 1990 Supp. 60-1903, 60-19a01 and 60-19a02 and repealing the existing sections.

**HB 2398**, by Committee on Judiciary: An act relating to property; concerning contract for deed sales; prohibiting certain acts of licensees, associate brokers and brokers; amending K.S.A. 1990 Supp. 58-3062 and repealing the existing section.

**HB 2399**, by Committee on Taxation: An act relating to income taxation; providing for an income tax refund or donation checkoff for the Kansans for Kids program.

**HB 2400**, by Committee on Taxation: An act relating to property taxation; concerning the payment of property valuation updating costs to counties; amending K.S.A. 79-1478 and repealing the existing section.

**HB 2401**, by Committee on Labor and Industry: An act concerning the workers compensation fund; relating to the acquisition of legal services by the commissioner of insurance in administering the fund; amending K.S.A. 1989 Supp. 44-566a, as amended by section 6 of chapter 350 of the 1990 Session Laws of Kansas and repealing the existing section; also repealing K.S.A. 1990 Supp. 44-566a.

**HB 2402**, by Committee on Governmental Organization: An act concerning the profession of land surveying; imposing continuing education requirements on licensees as a condition of license renewal.

**HB 2403**, by Committee on Local Government: An act concerning property taxes; relating to inability to pay such taxes; repealing K.S.A. 79-2102.

**HB 2404**, by Committee on Pensions, Investments and Benefits: An act concerning the Kansas public employees retirement system; relating to retirement benefits of elected state officials as special members thereof; amending K.S.A. 1990 Supp. 74-4998b, 74-4998c and 74-4998d and repealing the existing sections.

**HB 2405**, by Committee on Elections: An act relating to the office of commissioner of elections in certain counties; providing for the election of such commissioner; amending K.S.A. 19-3419, 25-101, 25-213 and 25-611 and repealing the existing sections.

**HB 2406**, by Committee on Transportation: An act regulating traffic; concerning spot inspections; amending K.S.A. 1990 Supp. 8-1759 and 8-1759a and repealing the existing sections.

**HB 2407**, by Committee on Energy and Natural Resources: An act concerning vehicle tires; relating to recycling and disposal; amending K.S.A. 1990 Supp. 65-3424, 65-3424a and 65-3424f and repealing the existing sections; also repealing K.S.A. 1990 Supp. 65-3424c.

**HB 2408**, by Committee on Energy and Natural Resources: An act requiring certification of certain persons providing devices or services related to radon testing or mitigation; prohibiting certain acts and providing penalties for violations.

**HB 2409**, by Committee on Energy and Natural Resources: An act concerning certification of certain laboratories; providing for procedures, qualifications and fees therefor; authorizing penalties for violations; repealing K.S.A. 65-171k.

**HB 2410**, by Committee on Energy and Natural Resources: An act concerning solid waste; requiring permits for importation of solid

(continued)

waste; prohibiting certain acts and providing penalties for violations; amending K.S.A. 65-3409 and repealing the existing section.

**HB 2411**, by Committee on Judiciary: An act concerning the overhead power line accident prevention act; relating to the reporting of accidents; amending K.S.A. 66-132 and 66-137 and K.S.A. 1990 Supp. 66-1704, 66-1705, 66-1706 and 66-1707 and repealing the existing sections.

**HB 2412**, by Committee on Transportation: An act relating to motor vehicles; concerning license plates; amending K.S.A. 8-145a, 8-145b, 8-145c, 8-148, 8-161b and 8-162 and K.S.A. 1990 Supp. 8-127, 8-132, 8-133, 8-134, 8-135, 8-139, 8-142, 8-143, 8-145, 8-161, 8-177a, 8-177c, 8-1,125, 8-1,126, 8-1,129, 8-1,130, 8-1,133, 8-2425, 32-901, 66-1,109 and 79-5107 and repealing the existing sections; also repealing K.S.A. 1990 Supp. 8-135b.

**HB 2413**, by Committee on Insurance: An act relating to title insurance; requiring certain disclosures and prohibiting certain transactions; repealing K.S.A. 1990 Supp. 40-2404b.

**HB 2414**, by Committee on Insurance: An act concerning group-funded workers compensation pools; amending K.S.A. 44-582, 44-589 and 44-592 and repealing the existing sections.

**HB 2415**, by Committee on Insurance: An act amending the Kansas municipal group-funded pool act; amending K.S.A. 1990 Supp. 12-2618, 12-2621, 12-2625 and 12-2628 and repealing the existing sections.

**HB 2416**, by Committee on Local Government: An act concerning exemptions from requirements to engage in the practice of architecture; amending K.S.A. 74-7031 and repealing the existing section.

### House Concurrent Resolutions

**HCR 5011**, by Committee on Insurance: A concurrent resolution approving and directing the commissioner of insurance to implement a health risk pool.

### House Resolutions

**HR 6022**, by Representative Blumenthal, et al.: A resolution congratulating and commending Stan and Shirley Rose for being selected Johnson Countians of the year for 1991.

**HR 6023**, by Representatives McKechnie and Roper: A resolution congratulating and commending the Pittsburg High School football team and Coach Larry Garman for winning the 1990 Class 5A State Football Championship in Kansas.

**HR 6024**, by Representatives McKechnie, Gregory and Roper: A resolution congratulating and commending Pittsburg State University on its successful football program.

**HR 6025**, by Representatives McKechnie, Gregory and Roper: A resolution congratulating and commending the Honorable Richard D. Loffswold on his retirement as Judge from the District Court of Crawford County, Kansas.

**HR 6026**, by Representative Lowther: A resolution congratulating and commending Dr. Harold Hosey for being named 1991 Kansas School Superintendent of the Year.

### Senate Bills

**SB 236**, by Committee on Energy and Natural Resources: An act concerning obstructions in streams; establishing fees for consent or permit to construct dam or other water obstruction or channel change; amending K.S.A. 82a-302 and repealing the existing section.

**SB 237**, by Committee on Governmental Organization: An act concerning vehicle dealers; relating to dealer review board; review procedure; amending K.S.A. 1990 Supp. 8-2410, 8-2411, 8-2428 and 74-7276 and repealing the existing sections.

**SB 238**, by Committee on Elections: An act relating to elections; concerning city elections; filing of petitions or statements of candidacy by candidates; amending K.S.A. 25-2110 and 25-2110a and repealing the existing sections.

**SB 239**, by Committee on Elections: An act relating to drainage districts; concerning the election of directors; amending K.S.A. 24-414 and repealing the existing section.

**SB 240**, by Committee on Elections: An act relating to elections; concerning election boards; amending K.S.A. 25-2506 and 25-2808 and repealing the existing sections.

**SB 241**, by Committee on Elections: An act relating to elections; concerning canvasses by the county board of canvassers; amending K.S.A. 25-3104 and repealing the existing section.

**SB 242**, by Committee on Elections: An act relating to elections; concerning deputy or assistant election commissioners; amending K.S.A. 19-3420 and repealing the existing section.

**SB 243**, Committee on Elections: An act relating to elections; concerning expenses of elections; amending K.S.A. 25-2201 and repealing the existing section.

**SB 244**, by Committee on Education: An act concerning community colleges; relating to the financing thereof; amending K.S.A. 71-204, 71-304, 71-305, 71-306, 71-401, 71-403, 71-610 and 71-701 and K.S.A. 1990 Supp. 71-201, 71-301, 71-302, 71-602, 71-604, 71-605, 71-607, 71-609, 71-609a, 71-611 and 71-618, and repealing the existing sections.

**SB 245**, by Committee on Federal and State Affairs: An act concerning certain charitable organizations; relating to registration requirements; amending K.S.A. 1990 Supp. 17-1762 and repealing the existing section.

**SB 246**, by Committee on Federal and State Affairs: An act concerning the Kansas consumer protection act; relating to penalties for certain violations; amending K.S.A. 50-624, 50-634 and 50-636 and repealing the existing sections.

**SB 247**, by Committee on Federal and State Affairs: An act amending the Kansas consumer protection act; relating to unconscionable acts and practices; amending K.S.A. 50-627 and repealing the existing section.

**SB 248**, by Committee on Federal and State Affairs: An act amending the Kansas consumer protection act; relating to health spas and buying clubs; amending K.S.A. 50-623, 50-624 and 50-640 and repealing the existing sections.

**SB 249**, by Committee on Federal and State Affairs: An act amending the Kansas consumer protection act; relating to deceptive acts and practices; amending K.S.A. 50-626 and repealing the existing section.

**SB 250**, by Committee on Federal and State Affairs: An act amending the Kansas administrative procedure act; concerning default; amending K.S.A. 77-520 and repealing the existing section.

**SB 251**, by Committee on Financial Institutions and Insurance: An act concerning insurance; relating to Kansas municipal group-funded pool act; amending K.S.A. 1990 Supp. 12-2624 and 12-2627 and repealing the existing sections.

**SB 252**, by Committee on Public Health and Welfare: An act relating to the secretary of health and environment; concerning maternity hospitals or homes and homes for children; amending K.S.A. 1990 Supp. 65-504 and 65-505 and repealing the existing sections.

**SB 253**, by Committee on Public Health and Welfare: An act concerning certain infectious diseases; authorizing a court to order tests for such diseases in certain circumstances and authorizing disclosure of certain information; amending K.S.A. 1990 Supp. 65-6001 and 65-6004 and repealing the existing sections; also repealing K.S.A. 22-2913.

**SB 254**, by Committee on Public Health and Welfare: An act relating to prenatal serological testing for syphilis; amending K.S.A. 65-153f and repealing the existing section.

**SB 255**, by Committee on Ways and Means: An act relating to motor vehicle fuel taxes; concerning refunds for motor-vehicle fuel used in motorboats; amending K.S.A. 79-3453, 79-3456 and 79-3459 and repealing the existing sections.

**SB 256**, by Committee on Ways and Means: An act relating to motor vehicle insurance; imposing a fee upon the purchaser thereof; providing for the administration, collection, enforcement and disposition of such fees; providing penalties for violations.

**SB 257**, by Committee on Ways and Means: An act concerning salaries and compensation of justices and judges of the judicial branch of state government; amending K.S.A. 75-31201 and repealing the existing section.

**SB 258**, by Committee on Local Government: An act concerning fire safety; relating to exemptions to regulations adopted by the fire marshal; amending K.S.A. 31-136 and repealing the existing section.

**SB 259**, by Committee on Local Government: An act concerning certain trusts; relating to pledging of other money for trust purposes; amending K.S.A. 58-2433 and repealing the existing section.

**SB 260**, by Committee on Local Government: An act concerning the payment for construction goods and services; amending K.S.A. 75-6402 and repealing the existing section.

**SB 261**, by Committee on Federal and State Affairs: An act relating to district coroner salaries; amending K.S.A. 22a-227 and repealing the existing section.

**SB 262**, by Committee on Federal and State Affairs: An act concerning regulation of travel promoters; prohibiting certain acts and providing penalties for violations.

**SB 263**, by Committee on Transportation and Utilities: An act

relating to the state corporation commission; providing notice of accidents to the commission; amending K.S.A. 66-132 and repealing the existing section.

SB 264, by Committee on Transportation and Utilities: An act relating to the compensation of county treasurers; prohibiting certain acts.

SB 265, by Committee on Transportation and Utilities: An act relating to railroads; concerning the railroad rehabilitation loan and loan guarantee fund; amending K.S.A. 75-5029 and repealing the existing section.

SB 266, by Committee on Transportation and Utilities: An act relating to railroads; establishing the rail service improvement program; amending K.S.A. 1990 Supp. 45-221 and repealing the existing section.

SB 267, by Committee on Transportation and Utilities: An act concerning motor vehicles; relating to vehicle dealers and manufacturers; concerning the establishment, addition or relocation of new vehicle dealers; requirements; burden of proof; relevant market area; prohibitions; effect of noncompliance.

SB 268, by Committee on Energy and Natural Resources: An act amending the nongame and endangered species conservation act;

providing protection of plants thereunder; amending K.S.A. 1990 Supp. 32-958, 32-959 and 32-961 and repealing the existing sections.

Senate Resolutions

SR 1819, by Senator Burke, et al.: A resolution honoring Leslie M. (Les) Wyatt for his many years of service to the Kansas Senate.

SR 1820, by Senator Daniels: A resolution congratulating and commending Kristy Parker on being named a 1991 Rhodes Scholar.

SR 1821, by Senator Martin: A resolution congratulating and commending Pittsburg State University on its successful football program.

SR 1822, by Senator Martin: A resolution congratulating and commending the Pittsburg High School football team and Coach Larry Garman for winning the 1990 Class 5A State Football Championship in Kansas.

SR 1823, by Senator Martin: A resolution congratulating and commending the Honorable Richard D. Loffswold on his retirement as Judge from the District Court of Crawford County, Kansas.

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INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1990 Index Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-5-30	New	V. 9, p. 1387, 1708
1-9-5	Amended	V. 9, p. 837
1-16-8	Amended	V. 9, p. 379
1-16-18	Amended	V. 9, p. 1281
1-16-18	Amended	V. 9, p. 1347
1-16-18a	Amended	V. 9, p. 838
1-18-1a	Amended	V. 9, p. 1708, 1784

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4-4-900		
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4-4-912	New	V. 9, p. 1754-1756
4-4-920		
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4-4-924	New	V. 9, p. 1757, 1758
4-4-931		
through		
4-4-937	New	V. 9, p. 1758-1760
4-4-950		
through		
4-4-954	New	V. 9, p. 1760, 1761
4-7-1	Revoked	V. 9, p. 1761
4-7-2	Amended	V. 9, p. 1762
4-7-4	Amended	V. 9, p. 1762
4-7-5	Revoked	V. 9, p. 1762
4-7-7	Revoked	V. 9, p. 1762
4-7-213	Amended	V. 9, p. 1762
4-7-214	Amended	V. 9, p. 1762
4-7-215	Amended	V. 9, p. 1762
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through		
4-7-306	Revoked	V. 9, p. 1762
4-7-400		
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4-7-407	Revoked	V. 9, p. 1762
4-7-509	Revoked	V. 9, p. 1762
4-7-510	Amended	V. 9, p. 189
4-7-511	New	V. 9, p. 189

4-7-512	New	V. 9, p. 189
4-7-513	New	V. 9, p. 190
4-7-700	Revoked	V. 9, p. 1762
4-7-702	Revoked	V. 9, p. 1763
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4-7-722	Amended	V. 9, p. 1763
4-7-800	Revoked	V. 9, p. 1359
4-7-801	Revoked	V. 9, p. 1359
4-7-802	Amended	V. 9, p. 1076
4-7-802	Amended	V. 9, p. 1359
4-7-803	Revoked	V. 9, p. 1359
4-7-903	Amended	V. 9, p. 1359
4-7-1000	New	V. 9, p. 1764
4-7-1001	New	V. 9, p. 1764
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4-8-40	Amended	V. 9, p. 1359
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4-13-4a	New	V. 9, p. 190
4-13-5	Amended	V. 9, p. 191
4-13-8	Amended	V. 9, p. 191
4-13-15	Amended	V. 9, p. 578
4-13-26	New	V. 9, p. 191
4-13-27	New	V. 9, p. 191
4-16-1a	Amended	V. 9, p. 1785
4-16-1c	Amended	V. 9, p. 1785
4-17-1a	Amended	V. 9, p. 1785
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4-20-3	Amended	V. 9, p. 191
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4-20-7	New	V. 9, p. 192
4-20-8	New	V. 9, p. 192
4-20-11	New	V. 9, p. 192
4-20-12	New	V. 9, p. 192
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4-20-14	New	V. 9, p. 193

AGENCY 5: BOARD OF AGRICULTURE—DIVISION OF WATER RESOURCES

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5-5-7	New	V. 9, p. 1541
5-9-3	Amended	V. 9, p. 1541
5-22-1	Amended	V. 9, p. 1302
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5-22-4	Amended	V. 9, p. 1302
5-22-5	Amended	V. 9, p. 1303
5-22-7	Amended	V. 9, p. 1303
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5-23-3	Amended	V. 9, p. 193

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7-29-1	Amended	V. 9, p. 989
7-29-1	Amended	V. 9, p. 1074
7-33-2	New	V. 9, p. 1675

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14-10-5	Amended	V. 9, p. 990
14-13-1	Amended	V. 9, p. 991
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22-4-1	Amended	V. 9, p. 1168
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AGENCY 33: DEPARTMENT OF WILDLIFE AND PARKS

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Table with 3 columns: Reg. No., Action, Register. Rows include 81-2-1 Amended V. 10, p. 172; 81-3-2 Amended V. 9, p. 83; 81-4-2 New V. 10, p. 172; 81-5-6 Amended V. 9, p. 83; 81-6-1 Amended V. 10, p. 173.

AGENCY 82: STATE CORPORATION COMMISSION

Table with 3 columns: Reg. No., Action, Register. Rows include 82-1-201 Amended V. 9, p. 894; 82-1-202 Amended V. 9, p. 895; 82-1-204 Amended V. 9, p. 895; 82-1-205 Amended V. 9, p. 896; 82-1-206 Amended V. 9, p. 896; 82-1-207 Amended V. 9, p. 896; 82-9-1 Amended V. 9, p. 1359; 82-9-3 Amended V. 9, p. 1360; 83-9-5 Amended V. 9, p. 1360; 82-9-6 Amended V. 9, p. 1360; 82-9-8 Amended V. 9, p. 1361; 82-9-14 Amended V. 9, p. 1361; 82-9-16 Amended V. 9, p. 1361; 82-9-24 Amended V. 9, p. 1362; 82-11-3 Amended V. 9, p. 298; 82-11-4 Amended V. 9, p. 298; 82-11-10 New V. 9, p. 302.

AGENCY 84: PUBLIC EMPLOYEES RELATIONS BOARD

Table with 3 columns: Reg. No., Action, Register. Rows include 84-1-1 Amended V. 9, p. 943; 84-1-2 Amended V. 9, p. 943; 84-1-3 New V. 9, p. 943; 84-1-4 New V. 9, p. 943; 84-2-1 through 84-2-7 Amended V. 9, p. 943-945; 84-2-9 Amended V. 9, p. 945; 84-2-11 through 84-2-15 Amended V. 9, p. 945-947; 84-3-1 through 84-3-6 Amended V. 9, p. 948; 84-4-1 through 84-4-5 Amended V. 9, p. 948, 949; 84-4-7 Amended V. 9, p. 949; 84-5-1 Amended V. 9, p. 950.

AGENCY 86: REAL ESTATE COMMISSION

Table with 3 columns: Reg. No., Action, Register. Row: 86-1-10 Amended V. 9, p. 835.

AGENCY 88: BOARD OF REGENTS

Table with 3 columns: Reg. No., Action, Register. Rows include 88-20-1 through 88-20-11 New V. 9, p. 165-167.

AGENCY 91: DEPARTMENT OF EDUCATION

Table with 3 columns: Reg. No., Action, Register. Rows include 91-1-27b Amended V. 9, p. 1099; 91-1-27c New V. 9, p. 1099; 91-1-32 Amended V. 9, p. 1857; 91-1-34 Amended V. 9, p. 1817; 91-1-58 Amended V. 9, p. 1099; 91-1-62 Revoked V. 9, p. 1817; 91-1-80 Amended V. 9, p. 1100; 91-1-82 Amended V. 9, p. 1100; 91-1-101 Revoked V. 9, p. 1101.

(continued)

91-1-106a		
through		
91-1-106m	New	V. 9, p. 1101-1103
91-1-110	Revoked	V. 9, p. 1103
91-1-123a	New	V. 9, p. 1103
91-1-128b	New	V. 9, p. 1857
91-1-132a	Amended	V. 9, p. 1103
91-1-153	New	V. 9, p. 1817
91-12-48	Amended	V. 9, p. 1674
91-12-63	Amended	V. 9, p. 1674
91-12-70	Revoked	V. 9, p. 1674

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-23-40	Amended	V. 9, p. 1076
92-55-2a	New	V. 9, p. 1513

AGENCY 99: BOARD OF AGRICULTURE—  
DIVISION OF WEIGHTS AND MEASURES

Reg. No.	Action	Register
99-26-1	Amended	V. 9, p. 1706, 1753
99-40-1	New	V. 9, p. 1753
99-40-3	New	V. 9, p. 1753

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-46-5	Amended	V. 9, p. 1841
100-47-1	Amended	V. 9, p. 1841
100-49-4	Amended	V. 9, p. 108
100-49-4	Amended	V. 9, p. 257

AGENCY 102: BEHAVIORAL SCIENCES  
REGULATORY BOARD

Reg. No.	Action	Register
102-1-13	Amended	V. 9, p. 1789, 1810
102-2-1a	Amended	V. 10, p. 32
102-2-2a	Amended	V. 10, p. 33
102-2-3	Amended	V. 9, p. 1789, 1810
102-2-4a	Amended	V. 10, p. 34
102-2-7	Amended	V. 10, p. 34
102-2-8	Amended	V. 10, p. 36
102-2-12	Amended	V. 10, p. 36
102-3-1	New	V. 10, p. 37
102-3-2	Amended	V. 9, p. 1790, 1811
102-3-3	New	V. 10, p. 37
102-3-4	New	V. 10, p. 38
102-3-5	New	V. 10, p. 38
102-3-6	New	V. 10, p. 39
102-3-10	New	V. 10, p. 40
102-3-11	New	V. 10, p. 41
102-4-2	Amended	V. 9, p. 1790, 1811
102-4-4	Amended	V. 10, p. 41
102-4-10	New	V. 9, p. 1024

AGENCY 109: EMERGENCY MEDICAL  
SERVICES BOARD

Reg. No.	Action	Register
109-2-5	Amended	V. 9, p. 1076
109-2-7	Amended	V. 9, p. 1077
109-8-1	Amended	V. 9, p. 1077
109-9-1	Amended	V. 9, p. 1077
109-10-1	Amended	V. 9, p. 1078
109-12-1	Amended	V. 9, p. 1078

AGENCY 110: DEPARTMENT OF  
COMMERCE

Reg. No.	Action	Register
110-4-1		
through		
110-4-8	New	V. 9, p. 1282-1284

AGENCY 111: THE KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 8, p. 586
111-2-1	Amended	V. 7, p. 1995
111-2-2	Amended	V. 9, p. 1675
111-2-2a	Revoked	V. 9, p. 1675
111-2-6	New	V. 8, p. 134
111-2-7	Amended	V. 8, p. 586
111-2-13	New	V. 8, p. 1666
111-2-14	New	V. 9, p. 30
111-2-15	New	V. 9, p. 1812
111-2-16	New	V. 10, p. 199
111-3-1	Amended	V. 10, p. 11
111-3-9	Amended	V. 8, p. 1085

111-3-10		
through		
111-3-31	New	V. 7, p. 201-206
111-3-11	Amended	V. 8, p. 299
111-3-12	Amended	V. 10, p. 12
111-3-13	Amended	V. 7, p. 1062
111-3-14	Amended	V. 10, p. 12
111-3-16	Amended	V. 9, p. 1566
111-3-19		
through		
111-3-22	Amended	V. 9, p. 30
111-3-20	Amended	V. 8, p. 1085
111-3-21	Amended	V. 7, p. 1606
111-3-22	Amended	V. 8, p. 1085
111-3-25	New	V. 7, p. 1310
111-3-27	New	V. 7, p. 1310
111-3-31	Amended	V. 8, p. 209
111-3-32	New	V. 7, p. 931
111-3-33	New	V. 7, p. 1434
111-4-1	Amended	V. 8, p. 134
111-4-2	Amended	V. 7, p. 1063
111-4-4	Amended	V. 7, p. 1063
111-4-6	Amended	V. 7, p. 1434
111-4-7	Amended	V. 7, p. 1945
111-4-8	Amended	V. 7, p. 1064
111-4-12	Amended	V. 7, p. 1190
111-4-66		
through		
111-4-77	New	V. 7, p. 207-209
111-4-96		
through		
111-4-114	New	V. 7, p. 1606-1610
111-4-100	Amended	V. 9, p. 1364
111-4-101	Amended	V. 9, p. 1364
111-4-102	Amended	V. 9, p. 1364
111-4-104	Amended	V. 9, p. 1364
111-4-105	Amended	V. 9, p. 1365
111-4-106	Amended	V. 9, p. 1365
111-4-106a	New	V. 9, p. 1365
111-4-107	Amended	V. 9, p. 1366
111-4-108	Amended	V. 9, p. 1366
111-4-111	Amended	V. 9, p. 1366
111-4-113	Amended	V. 9, p. 1366
111-4-114	Amended	V. 9, p. 1366
111-4-153		
through		
111-4-160	Revoked	V. 9, p. 1676, 1677
111-4-177		
through		
111-4-212	Revoked	V. 9, p. 1677, 1678
111-4-213		
through		
111-4-220	New	V. 9, p. 728, 729
111-4-217	Amended	V. 9, p. 986
111-4-221		
through		
111-4-224	New	V. 9, p. 1197
111-4-225		
through		
111-4-228	New	V. 9, p. 1366, 1367
111-4-229		
through		
111-4-236	New	V. 9, p. 1566-1568
111-4-237		
through		
111-4-240	New	V. 9, p. 1678, 1679
111-4-241		
through		
111-4-244	New	V. 9, p. 1812
111-4-245		
through		
111-4-248	New	V. 10, p. 200
111-4-249		
through		
111-4-252	New	V. 9, p. 1813
111-5-1		
through		
111-5-23	New	V. 7, p. 209-213
111-5-9		
through		
111-5-15	Amended	V. 8, p. 210, 211
111-5-11	Amended	V. 9, p. 505
111-5-17	Amended	V. 8, p. 211
111-5-18	Amended	V. 10, p. 13
111-5-19	Amended	V. 8, p. 212

111-6-1		
through		
111-6-15	New	V. 7, p. 213-217
111-6-1	Amended	V. 10, p. 14
111-6-3	Amended	V. 9, p. 200
111-6-5	Amended	V. 10, p. 14
111-6-6	Amended	V. 9, p. 200
111-6-12	Amended	V. 8, p. 212
111-6-13	Amended	V. 8, p. 299
111-6-17	New	V. 7, p. 1191
111-7-1		
through		
111-7-10	New	V. 7, p. 1192, 1193
111-7-1	Amended	V. 8, p. 212
111-7-3	Amended	V. 9, p. 986
111-7-4	Amended	V. 9, p. 1367
111-7-5	Amended	V. 9, p. 986
111-7-6	Amended	V. 9, p. 987
111-7-9	Amended	V. 9, p. 1569
111-7-11	Amended	V. 9, p. 987
111-7-12		
through		
111-7-32	New	V. 7, p. 1194-1196
111-7-33		
through		
111-7-43	New	V. 7, p. 1197, 1198
111-7-33a	New	V. 8, p. 300
111-7-44		
through		
111-7-54	New	V. 9, p. 1367-1370
111-7-55		
through		
111-7-63	New	V. 10, p. 201, 202
111-8-1	New	V. 7, p. 1633
111-8-2	New	V. 7, p. 1633
111-8-3	Amended	V. 9, p. 505
111-8-4	New	V. 7, p. 1714
111-8-4a	New	V. 7, p. 1995
111-8-5		
through		
111-8-13	New	V. 7, p. 1634
111-9-1		
through		
111-9-12	New	V. 7, p. 1714-1716
111-9-1		
through		
111-9-6	Revoked	V. 9, p. 1680
111-9-13		
through		
111-9-18	Revoked	V. 9, p. 1680
111-9-25		
111-9-30	New	V. 9, p. 699, 700
111-10-1		
through		
111-10-9	New	V. 8, p. 136-138
111-10-7	Amended	V. 8, p. 301

AGENCY 112: KANSAS RACING  
COMMISSION

Reg. No.	Action	Register
112-3-16	Amended	V. 9, p. 153
112-3-19	Amended	V. 9, p. 153
112-4-14b	New	V. 10, p. 162
112-4-21	New	V. 10, p. 162
112-5-1	Amended	V. 9, p. 153
112-5-2	Amended	V. 9, p. 154
112-5-3	Amended	V. 9, p. 154
112-5-8	Amended	V. 9, p. 155
112-5-9	Amended	V. 9, p. 155
112-6-1		
through		
112-6-5	Amended	V. 10, p. 163-165
112-6-6	Amended	V. 9, p. 155
112-6-8	Amended	V. 10, p. 165
112-7-6	Amended	V. 10, p. 165
112-8-3	Amended	V. 10, p. 166
112-8-4	Amended	V. 10, p. 167
112-8-5	Amended	V. 10, p. 167
112-8-8	Amended	V. 10, p. 168
112-8-10	Amended	V. 10, p. 168
112-9-5	Amended	V. 9, p. 155
112-9-7	Amended	V. 9, p. 156
112-9-8	Amended	V. 9, p. 156
112-9-11	Amended	V. 9, p. 156
112-9-13	Amended	V. 9, p. 156
112-9-18	Amended	V. 9, p. 157

112-9-21	Amended	V. 9, p. 157
112-9-22	Amended	V. 9, p. 158
112-9-23	Amended	V. 9, p. 159
112-9-29	Amended	V. 9, p. 159
112-9-34	Amended	V. 9, p. 159
112-9-37	Amended	V. 9, p. 159
112-10-4	Amended	V. 9, p. 160
112-10-34	Amended	V. 10, p. 169
112-10-35	Amended	V. 10, p. 170
112-11-2	Amended	V. 9, p. 160
112-11-3	Amended	V. 9, p. 161
112-11-6	Amended	V. 9, p. 161
112-11-7	Amended	V. 9, p. 161
112-11-9	Amended	V. 9, p. 161
112-11-10	Amended	V. 9, p. 161
112-11-12	Amended	V. 9, p. 162
112-11-14	Amended	V. 9, p. 162
112-11-15	Amended	V. 9, p. 162
112-11-20	Amended	V. 9, p. 162
112-12-2	Amended	V. 9, p. 164
112-12-4	Amended	V. 9, p. 164
112-12-12	Amended	V. 10, p. 170
112-13-2	Amended	V. 10, p. 170
112-13-4	New	V. 10, p. 171
112-13-5	New	V. 10, p. 171
112-15-1		
through		
112-15-7	New	V. 9, p. 1074, 1075
112-15-1		
through		
112-15-7	New	V. 9, p. 1346, 1347

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 9, p. 1564
115-2-3	Amended	V. 9, p. 1815
115-2-4	New	V. 9, p. 951
115-4-3	New	V. 9, p. 386
115-4-5	New	V. 9, p. 387
115-4-6	New	V. 9, p. 388
115-4-7	New	V. 9, p. 390
115-4-9	New	V. 9, p. 1135
115-4-10	Amended	V. 9, p. 1135
115-4-11	New	V. 9, p. 1135
115-5-1	New	V. 9, p. 167
115-5-2	New	V. 9, p. 168
115-6-1	New	V. 9, p. 168
115-7-3	New	V. 9, p. 1135
115-7-5	Amended	V. 9, p. 951
115-7-6	New	V. 9, p. 1135
115-8-2	New	V. 9, p. 391
115-8-9	New	V. 9, p. 169
115-8-21	New	V. 9, p. 169
115-10-1		
through		
115-10-8	New	V. 9, p. 391, 392
115-16-1		
through		
115-16-4	New	V. 9, p. 1135-1137
115-17-1		
through		
115-17-5	New	V. 9, p. 1137-1139

115-17-6		
through		
115-17-9	New	V. 9, p. 1564, 1565
115-20-1	New	V. 9, p. 951
115-20-2	New	V. 9, p. 1139
115-20-3	New	V. 9, p. 1140
115-21-1	New	V. 9, p. 1815
115-21-2	New	V. 9, p. 1816
115-30-2		
through		
115-30-8	New	V. 9, p. 1344, 1345
115-30-9	New	V. 9, p. 1816

AGENCY 116: STATE FAIR BOARD

Reg. No.	Action	Register
116-2-1	Amended	V. 9, p. 1022

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-1-1	New	V. 9, p. 1786
117-2-1	New	V. 9, p. 1786
117-2-2	New	V. 9, p. 1787
117-3-1	New	V. 9, p. 1787
117-3-2	New	V. 9, p. 1787
117-6-1	New	V. 9, p. 1788
117-6-2	New	V. 9, p. 1788
117-6-3	New	V. 9, p. 1788
117-7-1	New	V. 9, p. 1789

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