



# Kansas Register

Bill Graves, Secretary of State

Vol. 10, No. 42    October 17, 1991    Pages 1505-1534

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## State of Kansas

## Private Industry Council

## Public Notice

The Kansas Private Industry Council of Service Delivery Area (SDA) III is submitting a modification of its two-year Job Training Plan to the Governor of Kansas through the Department of Human Resources. Funding for this plan is through Title IIA of the Job Training Partnership Act (JTPA), designed to provide training to disadvantaged adults and youth. The respective program years are July 1, 1990 to June 30, 1991, and July 1, 1991 to June 30, 1992. The funding level for program year 1991 is expected to be \$2,676,694. The SDA plans to serve an estimated 770 eligible adults and youth during this program year. The plan modification will become effective January 1, 1992. The purpose of the program is to prepare unskilled adults and youth for entry into the labor force and to afford job training to economically disadvantaged individuals and other individuals having serious barriers to employment.

The council is also submitting to the Governor through the Department of Human Resources a Summer Youth Employment and Training Plan modification, as a sub-part of the Title IIA two-year plan. The respective program years are October 1, 1991 to September 30, 1992, and October 1, 1992 to September 30, 1993. The funding level for program year 1991 (the summer of 1992) is based on the previous year's allocation and is estimated to be \$953,000. The SDA

plans to serve an estimated 700 eligible youth during this program year. Funding for the Summer Youth Employment and Training program is through Title IIB of the Job Training Partnership Act (JTPA), which is designed to provide job training for economically disadvantaged youth, ages 14-21, facing serious barriers to employment.

The council will also submit to the Governor through the Department of Human Resources a modification to its Title III Economic Dislocation and Worker Adjustment Act (EDWAA) Plan, as a sub-part of the Title IIA two-year plan. The respective program years are July 1, 1990 to June 30, 1991, and July 1, 1991 to June 30, 1992. The funding level for program year 1991 is expected to be \$424,951. The SDA plans to serve approximately 210 eligible participants during this program year. The purpose of the program is to reassess and reconfigure service to meet the needs of workers who have been terminated, laid off or have received a notice of termination or layoff due to a permanent closure or substantial layoff at a plant or facility.

There is a 30-day review and comment period for the plan modification.

The full plan and its Title IIB and Title III sub-parts are available at the following location and may be reviewed upon request. Questions and comments may be directed to: Kansas Private Industry Council, SDA III, 717 Gateway Centre Tower II, 4th and State Ave., Kansas City, KS 66101, (913) 371-1607.

Ann Conway  
Executive Director

Doc. No. 011181

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Topeka, KS 66612-1594  
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235-N, State Capitol  
(913) 296-3489

## State of Kansas

## Legislature

## Interim Committee Schedule

The following committee meetings have been scheduled October 21 through November 1:

Date	Room	Time	Committee	Agenda
October 21	514-S	10:00 a.m.	Joint Committee on Administrative Rules and Regulations	21st: Review of the rules and regulations filing act. 22nd: Review of rules and regulations filed by SRS; Board of Pharmacy; Wildlife and Parks; Board of Nursing; Securities Commissioner; Insurance Commissioner; Real Estate Commissioner; Dept. of Administration; and Board of Regents.
October 22	514-S	9:00 a.m.		
October 28	Hutchinson Holidome	3:00 p.m.	Waste Reduction, Recycling and Market Development Commission	Agenda not available.
October 28	531-N	10:00 a.m.	Joint Committee on Claims Against the State	Hearings on claims filed to date.
October 29	531-N	9:00 a.m.		
October 29	313-S	10:00 a.m.	Joint Standing Committee on Apportionment (House only)	Review of workgroup regional legislative redistricting plans.
October 29	514-S	10:00 a.m.	Joint Standing Committee on Apportionment (Senate only)	Review of workgroup regional legislative redistricting plans.
October 30	521 & 522	10:00 a.m.	Special Committee on Governmental Organization <i>Subcommittees</i>	Schedule not available.
October 31	521 & 522	9:00 a.m.		
October 30	519-S	10:00 a.m.	Special Committee on Governmental Organization	Continued review of Proposals No. 9, 10 and 11.
October 31	519-S	9:00 a.m.		
October 30	514-S	10:00 a.m.	Special Committee on Judiciary	Hearings on Proposal No. 13—Presumptive Sentencing & Recodification of the Criminal Code.
October 31	514-S	9:00 a.m.		
October 30	531-N	9:00 a.m.	SRS Task Force Mental Health and Retardation Subcommittee	Agenda not available.
October 31	527-S	10:00 a.m.	SRS Task Force Long Term Care Subcommittee	Discussion and recommendations on previously discussed topics.
November 1	527-S	9:00 a.m.		

Emil Lutz  
Director of Legislative  
Administrative Services

State of Kansas

## Animal Health Department

Notice of Hearings on Proposed  
Administrative Regulations

The Kansas Livestock Commissioner will conduct three public hearings on proposed administrative regulations of the Kansas Animal Health Department on Thursday, November 21, at the Animal Health Department, Anchor Savings Building, Suite 4B, 712 Kansas Ave., Topeka.

The first hearing will begin at 10 a.m. and concerns the adoption of K.A.R. 9-19-1 through 9-19-11, which adopt specific rules and regulations for animal dealers. These rules and regulations are adopted from the U.S.D.A. 9 CFR 3.1 through 3.12 only if found to be applicable to animal dealers. Kansas animal dealers may have to bear costs to modify their existing kennels to comply with these standards. During the previous licensing year, out of 565 Kansas animal dealers, 525 are also licensed by the U.S.D.A. and are already subject to these specifications.

These regulations will provide standards and guidelines for the operation of facilities under the Animal Dealers Act. The Animal Health Department will experience minimal cost of the proposed regulations.

The second hearing will begin at 10:45 a.m. and concerns the adoption of K.A.R. 9-18-1, which will provide adequate fee funds to operate the Animal Facilities Inspection Program from the Animal Health Department. This regulation establishes new and increased registration and licensing fees for animal dealers, pet shops, pounds and shelters, research facilities, hobby kennel operators, and kennel operators. This will be a 100 to 300 percent increase in revenues.

The third hearing will begin at 1 p.m. and concerns the adoption of K.A.R. 9-20-1 through 9-20-3. These regulations will provide standards and guidelines for the operation of pet shops, research facilities, pounds and shelters and hobby kennel operators.

These regulations are in content the same rules and regulations that these categories have previously been inspected under when they appeared as K.A.R. 9-13-1 through 9-13-11 (revoked) and have been rewritten for clarity and to be specifically appropriate to each category. Operators of any of the regulated categories should experience no additional costs.

Copies of the regulations may be obtained by writing the Animal Health Department at the address above. All interested parties may submit written comments prior to the hearing to the Animal Health Department.

This 35-day notice of the public hearings constitutes a public comment period. Interested parties may present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

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

State of Kansas

## Board of Regents

Correction Notice Concerning Permanent  
Administrative Regulation

Kansas Administrative Regulation 88-3-2, which was published in the Kansas Register October 3, 1991, contained several errors. The regulation is being republished in its entirety.

**88-3-2. Definition of "residence" for fee purposes.**

(a) Except as otherwise provided in the rules and regulations of the state board of regents, "residence" means a person's place of habitation, to which, whenever the person is absent, the person has the intention of returning. A person shall not be considered a resident of Kansas unless that person is in continuous physical residence and intends to make Kansas a permanent home, not only while in attendance at an educational institution, but indefinitely thereafter as well.

(b) The factors which, while not conclusive, will be given probative value in support of a claim for resident status include, but are not limited, to the following:

- (1) continuous presence in Kansas during periods when not enrolled as a student;
- (2) employment in Kansas;
- (3) payment of Kansas state resident income taxes;
- (4) reliance on Kansas sources for financial support;
- (5) commitment to an education program which indicates an intent to remain permanently in Kansas;
- (6) acceptance of an offer of permanent employment in Kansas;
- (7) admission to a licensed practicing profession in Kansas; or
- (8) ownership of a home in Kansas.

No factor shall be considered in support of a claim for resident status unless the factor has existed for at least one year prior to enrollment or re-enrollment.

(c) The following circumstances, standing alone, ordinarily will not constitute sufficient evidence of a change to Kansas residence:

- (1) voting or registration for voting in Kansas;
- (2) employment in any position normally filled by a student;
- (3) lease of living quarters in Kansas;
- (4) a statement of intention to acquire residence in Kansas;
- (5) residence in Kansas of the student's spouse;
- (6) vehicle registration in Kansas;
- (7) acquisition of a Kansas driver's license;
- (8) payment of Kansas personal property taxes; or
- (9) continuous enrollment in a postsecondary educational institution in Kansas.

(d) If a person is continuously enrolled for a full academic program as defined by the institution where enrolled, it will be presumed that the student is in Kansas for educational purposes and the burden will be on the student to prove otherwise.

(e) Maintenance of ties with another state or country, including financial support, voting, payment of personal property taxes, registering a vehicle or se-

curing a driver's license in that state or country, may be considered sufficient evidence that residence in the other state or country has been retained. (Authorized by K.S.A. 76-730; implementing K.S.A. 76-729; effective, E-71-35, Aug. 20, 1971; effective Jan. 1, 1972; amended, E-76-50, Oct. 10, 1975; amended, E-77-5, March 19, 1976; amended Feb. 15, 1977; amended May 1, 1986; amended Nov. 18, 1991.)

Ted D. Ayres  
General Counsel

## State of Kansas

### Attorney General

#### Opinion No. 91-121

**Public Health—Solid and Hazardous Waste—Kansas Storage Tank Act; Reimbursement from Trust Fund for Corrective Action Costs, When; Violation of Equal Protection Clause. Senator Dave Kerr, 34th District, Hutchinson; Representative Eugene Shore, 124th District, Johnson, Representative Michael O'Neal, 104th District, Hutchinson, October 3, 1991.**

To the extent discussed herein the statutory classifications for determining eligibility for and amounts of reimbursement from the underground petroleum storage tank trust fund as set forth in K.S.A. 1990 Supp. 65-34,119 violate the equal protection clause of the United States constitution. Other provisions of the Kansas storage tank act are severable and therefore not affected by this opinion. Cited herein: K.S.A. 1990 Supp. 65-34,100; 65-34,104; 65-34,106; 65-34,107; 65-34,114; 65-34,115; 65-34,119; 65-34,120; 65-34,125; P.L. 98-616; 40 C.F.R. § 280. CN

#### Opinion No. 91-122

**Housing and Urban Development—Office of Assistant Secretary of Community Planning, Development, HUD—Eligible Activities; Ineligible Activities; Community Development Block Grant Program; Ottawa University's Science Hall Renovation. Representative Bob J. Mead, 112th District, Pawnee Rock, October 4, 1991.**

The renovation of the science hall and the listed improvements are an economic development project pursuant to 24 C.F.R. §§ 570.203 (1990). Therefore, these renovations are eligible community development block grant activities. Cited herein: 24 C.F.R. §§ 570 *et seq.* MJS

#### Opinion No. 91-123

**Cities and Municipalities—Ordinances of Cities—Petition for Proposed Ordinance; Requirements; Passage or Election. Representative Garry G. Boston, 72nd District, Newton, October 4, 1991.**

An ordinance regulating abortions may be the proper subject of an initiative petition under K.S.A. 12-3013. A city may, however, refuse to place an unconstitutional initiative ordinance on an election ballot. Such a refusal is reviewable by the courts. Cited herein: K.S.A. 12-3013. TRH

#### Opinion No. 91-124

**State Departments; Public Officers and Employees—Kansas Tort Claims Act—Kansas Department of Civil Air Patrol.**

**Labor and Industries—Workers Compensation—Definitions. Major Ward P. Ferguson, Director, Kansas Department of Civil Air Patrol, McConnell Air Force Base, October 4, 1991.**

Volunteer members of the Kansas Department of Civil Air Patrol are covered by the provisions of the Kansas tort claims act, including complete immunity for the functions set out at K.S.A. 75-6104, and are entitled to a legal defense in the event they are sued for acts or omissions in the scope of their employment.

Volunteer members of the Kansas Department of Civil Air Patrol are covered by and subject to the provisions of the Kansas workers compensation act, but only to the extent and during such periods as they are officially engaged in the performance of functions specified in K.S.A. 1990 Supp. 48-3302. Cited herein: K.S.A. 1990 Supp. 44-508, as amended by L. 1991, ch. 144, § 2; 44-511; 48-3302; K.S.A. 75-6101; K.S.A. 1990 Supp. 75-6102, as amended by L. 1991, ch. 82, § 5; K.S.A. 75-6104; 75-6108; 75-6109. TRH

#### Opinion No. 91-125

**Bonds and Warrants—General Bond Law—Municipal Liability. Fred W. Rausch, Jr., Counsel for Community Hospital District No. 1, Topeka, October 7, 1991.**

All of the taxable, tangible property located within a municipality at the time general obligation bonds of the municipality are issued is primarily responsible for the payment of principal and interest on bonds issued. Cited herein: K.S.A. 10-119. REF

#### Opinion No. 91-126

**State Departments; Public Officers and Employees—Kansas Tort Claims Act—Tort Claims Fund for Payment of Claims and Defense Expenses. Ted D. Ayres, General Counsel, Kansas Board of Regents, Topeka, October 9, 1991.**

Settlements of tort claims against a state agency or its employees must be approved by the state finance council only if payment of the settlement is to be made from the tort claims fund. Finance council "approval" of a settlement not paid from the tort claims fund has no binding effect. Cited herein: K.S.A. 75-3711c; 75-6106; 75-6109; K.S.A. 1990 Supp. 75-6117, as amended by L. 1991, ch. 182, § 6. JLM

Robert T. Stephan  
Attorney General

Doc. No. 011193

## State of Kansas

## Grain Inspection Department

## Notice of Meeting

The Kansas State Grain Inspection Department will conduct its quarterly Grain Advisory Commission meeting at 10 a.m. Friday, October 25, at the Black Angus Restaurant, located approximately two miles west of the U.S. Highway 281/U.S. Highway 56 junction in Great Bend. The meeting is open to the public.

T. D. Wilson  
Director

Doc. No. 011188

## State of Kansas

## Department of Transportation

Disadvantaged Businesses Utilization  
Program Policy Statement

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

To administer this program, a KDOT External EEO Officer shall be designated who will be responsible for developing, managing and implementing the DBE program on a daily basis. The program objective will be to meet or exceed the established DBE program goals.

Contract goals will be established monthly on individual projects having practical and feasible DBE subcontracting possibilities.

Overall goals will be established on an annual basis and will be based on the following factors:

1. A projection of the number of DBEs available to compete for subcontracts.
2. A projection of the number and type of federal aid contracts to be let for bid.
3. An analysis of the past year's performance and capabilities of the active DBEs.

The overall DBE goal for federal fiscal year 1992 (October 1, 1991, to September 30, 1992) shall be 10 percent for DBEs. Comments, for informational purposes only, will be accepted from the general public in relation to these goals for 45 days following the date of publication of this notice.

Verbal comments may be directed to Sandra E. Greenwell at (913) 296-7940. Written comments may be sent to: Sandra E. Greenwell, Administrative Officer, Kansas Department of Transportation, Office of Engineering Support, 7th Floor, Docking State Office Building, 915 Harrison, Topeka 66612.

Michael L. Johnston  
Secretary of Transportation

Doc. No. 011176

## State of Kansas

Kansas Continuing Legal Education  
Commission

## Notice of Meeting

The Kansas Continuing Legal Education Commission will meet at 1:30 p.m. Friday, October 18, in the Fatzler Courtroom, third floor, Kansas Judicial Center, 301 W. 10th, Topeka.

Carol G. Green  
Chair

Doc. No. 011189

## State of Kansas

## Department of Transportation

## Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas county will be received at the office of the Chief of Construction and Maintenance, KDOT, Topeka, until 10 a.m. C.S.T. November 6, 1991, and then publicly opened:

## District Two—Northcentral

Morris—4-64 K-4736-01—K-4, from the junction of K-4 and K-149, north two miles except bridge 4-64-250.03 and from the junction of K-4 and K-57, east 4.9 miles to the junction of K-4 and K-177, totaling 6.8 miles, surface recycling. (State Funds)

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

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

Plans and specifications for the project may be examined at the office of the respective county clerk or at the KDOT district offices responsible for the work.

Michael L. Johnston  
Secretary of Transportation

Doc. No. 011194

State of Kansas

Wichita State University

Notice to Bidders

The Wichita State University is accepting bids on the following item:

Furnish and install ITFS repeater station  
Quotation #920148-2  
Closing November 1, 1991

Bids must be submitted to The Wichita State University, Office of Purchasing, Morrison Hall, Room 021, 1845 N. Fairmount, Wichita 67208, by 2 p.m. on the above specified closing date. Please refer to the above quotation number on all correspondence. For additional information contact the Office of Purchasing, (316) 689-3080.

Gary D. Link  
Director of Purchasing

Doc. No. 011195

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

Monday, October 28, 1991  
90080

Department of Health and Environment—Breath test devices

90089

Department of Human Resources—Furnish and install intrusion alarm, fire detection and access control systems

90131

University of Kansas—Camera ready composition

Tuesday, October 29, 1991  
27516

Statewide—December (1991) meat products  
28603

Statewide—Frozen eggs

Wednesday, October 30, 1991  
90104

El Dorado Correctional Facility—Riding mowers

Thursday, October 31, 1991  
A-6601(a)

Larned State Hospital—Abatement of asbestos insulation from boiler stacks

90120

Kansas State University—Tree seed drill, El Dorado

90121

Kansas State University—Microcomputers  
90122

Kansas State University—Sparc-based workstation

90125

Kansas State University—Microcomputers

Friday, November 1, 1991

28598

Statewide—Frozen foods

90132

Kansas State University—Seamless floor

90134

Kansas State University—Furnish and install concrete structures

90135

Kansas State University—Furnish and install water lines

90136

Kansas Bureau of Investigation—Night vision equipment

Tuesday, November 5, 1991

90105

Department of Social and Rehabilitation Services—Tape cartridge system for Wang VS

90106

Department of Social and Rehabilitation Services—Wang VS peripherals and components

Wednesday, November 6, 1991

27399

University of Kansas Medical Center—Antibiotic analyzer supplies

27409

Statewide—Catheter (Class 07)

90119

Department of Social and Rehabilitation Services—Data general peripherals and components

Thursday, November 7, 1991

A-6785

Department of Administration—Energy conservation, connect to heat plant—Landon State Office Building and Kansas Judicial Center

Monday, November 25, 1991

26750

Statewide—Boiler insurance

\*\*\*\*\*

Request for Proposals

Tuesday, November 12, 1991

27397

Statewide travel services

Wednesday, November 13, 1991

28613

Department of Health and Environment—Community relations plan for environment site

Leo E. Vogel  
Acting Director of Purchases

Doc. No. 011191

## State of Kansas

## Office of the Securities Commissioner

Notice Concerning Permanent  
Administrative Regulations

Administrative regulations published by the Office of the Securities Commissioner (81-4-3 and 81-5-9) in the September 26, 1991, Kansas Register contained an error in their effective date. The effective date of the regulations should be November 12, 1991.

James W. Parrish  
Kansas Securities Commissioner

## State of Kansas

## Department of Wildlife and Parks

Notice Concerning Permanent  
Administrative Regulations

Administrative regulations published by the Department of Wildlife and Parks (23-21-1 through 23-21-14, and 115-14-1 through 115-14-10) in the September 26, 1991, Kansas Register contained an error in their effective date. The effective date of the regulations should be November 12, 1991.

Jack Lacey  
Acting Secretary of Wildlife  
and Parks

## State of Kansas

## Secretary of State

## Executive Appointments

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

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

The following appointments were filed October 1-11:

## Kansas Arts Commission

Robert Quinn Rohde, 1191 S.W. Oakley, Topeka 66604. Term expires June 30, 1993. Succeeds Don A. Johnston, resigned.

Kansas Commission on Children, Youth  
and Families

(Created by Executive Order No. 91-145. Members serve at the pleasure of the Governor.)

Joe Dick, Secretary of Human Resources, 401 S.W. Topeka Blvd., Topeka 66603.

Robert Harder, 1420 S.W. Wark Parkway, Topeka 66604.

Chief Justice Richard Holmes, Supreme Court, Kansas Judicial Center, 301 W. 10th, Topeka 66612.

Gary Stotts, Secretary of Corrections, 4th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66612.

Donna Whiteman, Secretary of Social and Rehabilitation Services, Room 603-N, Docking State Office Building, 915 S.W. Harrison, Topeka 66612.

Azzie Young, Secretary of Health and Environment, 9th Floor, Landon State Office Building, Topeka 66612.

## State Emergency Response Commission

Robert K. Baird, General Motors Fairfax Plant, 3201 Fairfax Trafficway, Kansas City 66115. Term expires April 30, 1993. Succeeds George Jensen.

James "Dennis" Bowen, Mobay Corporation, P.O. Box 390, Shawnee Mission 66201. Term expires April 30, 1992. Succeeds Michael Everhart.

## Kansas Grain Sorghum Commission

LeRoy Bower, Route 5, Box 529, Pittsburg 66762. Term expires June 30, 1995. Succeeds John Stroble.

Wayne Fowler, Route 1, Box 31B, Emporia 66801. Term expires June 30, 1995. Succeeds Cecil "Gene" Vining.

## Milk Advisory Committee

Myron Schmidt, Route 2, Box 132A, Newton 67114. Term expires August 25, 1994. Reappointment.

## Kansas Public Employees Retirement System

Thomas E. Sullivan, Special Prosecutor, 10990 Quivira, Suite 280, Overland Park 66210. Serves at the pleasure of the Governor.

Rail Service Assistance Program  
Advisory Committee

(Created pursuant to 1991 Session Laws Kansas, Chapter 149. Terms expire September 30, 1994.)

Rep. Joan Adam, General Public Appointee, 305 N. Terrace, Atchison 66602.

Marvin Groff, Rail Shipper Appointee (non-grain), Monarch Cement, Humboldt 66748.

Patrick Hubbell, Rail Management-Class I Company Appointee, 800 Jackson, Suite 1120, Topeka 66612.

Don Lindsey, Rail Labor-Class I Representative Appointee, 1st and Main, Box 537, Osawatomie 66064.

Rick Webb, Rail Management-Shortline or Regional Appointee, 1604 Spruce, Coffeyville 67337.

Bill York, Rail Shipper Appointee, Andale Farmers Coop, Andale 67001.

## Commission on Travel and Tourism

Nick Jordan, Chairman, 7013 Albervan, Shawnee 66216. Term expires September 16, 1992. Succeeds Phylliss Windle.

## Kansas Water Authority

James Mason, 1145 Jackson, Wichita 67203. Term expires June 30, 1993. Appointed by the Speaker of the House of Representatives.

Bill Graves  
Secretary of State



## State of Kansas

## Kansas Water Authority

## Notice of Meeting

The Kansas Water Authority will meet October 30 at the Holidome, 1616 Crawford, Salina. Water Authority committees will meet at 8 a.m. and the full authority will convene at 1 p.m. A copy of the agenda may be obtained by contacting Dotty Kester, 109 S.W. 9th, Suite 300, Topeka 66612-1249, (913) 296-3185.

John L. Baldwin  
Chairman

Doc. No. 011199

## State of Kansas

Department of Health  
and EnvironmentNotice Concerning Proposed  
Permit Action

The Secretary of Health and Environment is proposing to issue a permit in accordance with K.A.R. 28-19-14 (permits required) to Associated Natural Gas, Inc. (ANG), Denver, Colorado, to install and operate two natural gas compressor stations at Sections 9 and 25, T31S, R41W, Morton County, Kansas.

Written materials, including the permit application and information relating to the application submitted by ANG, draft permit, permit summary and analysis by KDHE describing the basis for the proposed permit, are available for public inspection during normal business hours through November 18 by contacting Wayne Neese, KDHE, 302 W. McArtor Road, Dodge City 67801, (316) 225-0596. Questions concerning this proposed permit should be directed to L. C. Hinthier, KDHE, (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 its issuance. 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 66612, before November 18.

Azzie Young  
Secretary of Health  
and Environment

Doc. No. 011183

## State of Kansas

## Pooled Money Investment Board

## Notice of Meeting

The Pooled Money Investment Board will meet at 9:30 a.m. Tuesday, October 22, in the State Treasurer's conference room 203, Landon State Office Building, 900 S.W. Jackson, Topeka. The board considers matters relating to its responsibilities and duties pursuant to K.S.A. 75-4201 *et seq.*

Lyell D. Ocobock  
Executive Director

Doc. No. 011201

## State of Kansas

Department of Health  
and EnvironmentNotice Concerning Proposed  
Permit Action

The Secretary of Health and Environment is proposing to issue a permit in accordance with K.A.R. 28-19-14 (permits required) to Great Plains Manufacturing, Inc. (GPM), Assaria, for installation and operation of surface coating equipment at its facility at 1733 Dewey St., Salina.

Written materials, including the permit application and information relating to the application submitted by GPM, draft permit, permit summary and analysis by KDHE describing the basis for the proposed permit, are available for public inspection during normal business hours through November 18 by contacting Peter Denning, KDHE, 2501 Market Place, Salina 67401, (913) 827-9639. Questions concerning this proposed permit should be directed to L. C. Hinthier, KDHE, (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 its issuance. 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 66612, before November 18.

Azzie Young  
Secretary of Health  
and Environment

Doc. No. 011186

State of Kansas

Department of Revenue
Division of Taxation

Request for Bids for Oil and Gas Lease

The Director of Taxation will receive bids for the leasing of oil and gas rights in and to the portion of the Arkansas Riverbed, the property of the state of Kansas, described as follows:

That portion of the Arkansas Riverbed as it meanders thru Section(s) 27, 28, 31, 32 & 33, Township 27 South, Range 21 West, Ford County, Kansas; containing 260.4 acres, more or less.

The bidding shall be considered upon the amount of bonus annual rental and the amount of royalty to be paid. Due to the cost of processing, no bids will be accepted for less than \$100 on small tracts of less than 100 acres.

Bids shall be submitted upon forms obtained from the Director of Taxation, Sand and Oil Lease Section, 3rd Floor, Robert B. Docking State Office Building, 915 S.W. Harrison, Topeka 66612.

Lease shall be made on Form 88--(Producers) Kansas, Oklahoma, Colorado, 1956 Rev. W. for a term of five years. The successful bidder pays publication costs in the local paper and in the Kansas Register.

Bids will be opened at 2 p.m. November 18 at the office of the Director of Taxation.

The Director of Taxation reserves the right to reject any and all bids and to readvertise.

Alisa M. Dotson
Director of Taxation

Doc. No. 011203

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

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Public Notice No. KS-ND-91-9/10

Table with 3 columns: Name and Address of Applicant, Waterway, Type of Discharge. Row 1: Columbian Chemicals Company, Non-discharge, Non-discharge.

Hickok Evaporative Pond
Route 1, Box 83
Ulysses, KS 67880

Grant County, Kansas
Kansas Permit No. I-CI23-N001

Description of Facility: This is a reverse osmosis water system. Influent pond wastewater with concentrated minerals from well water demineralization is directed to a lined two-cell evaporation lagoon.

Table with 3 columns: Name and Address of Applicant, Waterway, Type of Discharge. Row 1: Parsons Railway Shops, Inc., Non-discharge, Non-discharge.

Labette County, Kansas
Kansas Permit No. I-NE55-N004

Description of Facility: This is a railroad maintenance and equipment repair shop. Wastewater with oils, greases, and grit from steam cleaning railroad equipment and cooling water from welding and cutting are directed to a lined two-cell lagoon.

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Public Notice No. KS-ND-91-9/10

Table with 3 columns: Name and Address of Applicant, Waterway, Type of Discharge. Row 1: City of Arlington, North Fork Ninnescah River, Secondary wastewater treatment facility.

Reno County, Kansas
Kansas Public No. M-AR07-0001 Fed. Permit No. KS-0049760

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.

Table with 3 columns: Name and Address of Applicant, Waterway, Type of Discharge. Row 1: City of Arkansas City, Arkansas River, Secondary wastewater treatment facility.

Cowley County, Kansas
Kansas Public No. M-AR06-I001 Fed. Permit No. KS-0044831

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 water quality limited.

Table with 3 columns: Name and Address of Applicant, Waterway, Type of Discharge. Row 1: City of Corning, Vermillion Creek to Vermillion River, Secondary wastewater treatment facility.

Nemaha County, Kansas
Kansas Permit No. M-KS94-0001 Fed. Permit No. KS-0081141

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.

Table with 3 columns: Name and Address of Applicant, Waterway, Type of Discharge. Row 1: City of Erie, Neosho River, Secondary wastewater treatment facility.

Neosho County, Kansas
Kansas Permit No: M-NE25-I001 Fed. Permit No. KS-0045977

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: City of Moran, P.O. Box 236, Moran, KS 66755. Waterway: Marmaton River via unnamed tributary. Type of Discharge: Secondary wastewater treatment facility.

Allen County, Kansas. Kansas Permit No. M-MC25-0001. Fed. Permit No. KS-0047490.

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: Woodson County Improvement District No. 2, P.O. Box 35, Piqua, KS 66761. Waterway: Neosho River via Owl Creek via Cherry Creek via Plum Creek. Type of Discharge: Secondary wastewater treatment facility.

Woodson County, Kansas. Kansas Permit No. M-NE72-0002. Fed. Permit No. KS-0084085.

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.

\*\*\*\*\*

Public Notice No. KS-AG-91-101/103

Name and Address of Applicant: Kan-Tex Feeders, Inc., 10925 S. Road P, Ulysses, KS 67880. Waterway: Sections 15, 16, 21, and 22, Township 30, Range 36W, Grant County, Kansas. Type of Discharge: Cimarron River Basin.

Kansas Permit No. A-CIGT-C002. Federal Permit No. KS-0036749. The feedlot has capacity for approximately 56,000 cattle and a contributing drainage area of approximately 376 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 300 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: Ernest Kuehn, HRC 1, Box 113, Alamota, KS 67830. Waterway: NW/4 Section 22, Township 18S, Range 27W, Lane County, Kansas. Type of Discharge: Arkansas River Basin.

Kansas Permit No. A-UALE-S004. The existing facility has the capacity for approximately 500 swine and 350 cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant: Edwin Parker, Route 2, Robinson, KS 66532. Waterway: E/2 Section 36, Township 1S, Range 17E, Brown County, Kansas. Type of Discharge: Missouri River Basin.

Kansas Permit No. A-MOBR-H002. Federal Permit No. KS-0088463. The proposed expanded facility will have capacity for approximately 10,150 swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule:

1) Before the final 1200 head farrowing/nursery facility is put in operation, documentation must be submitted to the department to verify adequate land area has been acquired for application of all livestock waste.

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 determinations may be submitted to Bethel Spotts or Angela Buie (agricultural permits), Permit Clerk, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments received prior to November 15 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-91-170/175, KS-ND-91-9/10, KS-AG-91-101/103) 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 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 Division of Environment.

Azzie Young, Secretary of Health and Environment

Doc. No. 011202

## State of Kansas

**Department of Health  
and Environment**

**Notice of Meeting**

The Kansas Department of Health and Environment has scheduled an analysis meeting of the technical committee, which is reviewing the alcohol and drug addiction counselors' credentialing application, from 1 to 4 p.m. Wednesday, October 30, in Room 452-W, Docking State Office Building, 915 S.W. Harrison, Topeka. For further information, contact Cathy Rooney at (913) 296-1281.

Azzie Young  
Secretary of Health  
and Environment

Doc. No. 011187

## State of Kansas

**Board of Emergency Medical Services**

**Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing will be conducted at 1 p.m. Wednesday, November 20, in Room 11 of the State Defense Building, 2800 Topeka Blvd., Topeka, to consider the adoption of proposed permanent rules and regulations of the board of Emergency Medical Services. All interested parties may submit written comments prior to the hearing to the chairman of the Board of Emergency Medical Services, 109 S.W. 6th, Topeka 66603-3805. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally, in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to express their view, it may be necessary to request each participant to limit oral presentation to five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered by the Board of Emergency Medical Services as the basis for making changes to the proposed regulations.

A summary of the regulations follows. Copies of the regulations and the economic impact statement may be obtained by writing the Board of Emergency Medical Services at the address above.

**109-1-1.** Establishes definitions of terms used in emergency medical services regulations; amended to clarify single-program providers, training officers, instructor-coordinators, and categories of continuing education.

**109-2-7.** Establishes a requirement for first responders as the minimum qualifications for the second attendant on a licensed ambulance; amended to postpone the implementation date.

**109-5-1.** Establishes annual continuing education requirements for first responders, attendants, and instructor-coordinators; amended to confer to regulations rather than to the board.

**109-5-4.** Establishes requirements for first responders and attendants to regain certification within two years of expiration of certification.

**109-7-1.** Establishes fees for ambulance services and attendants; amended to include fees for instructor-coordinators and attendants holding dual certification as an emergency medical technician-intermediate and emergency medical technician-defibrillator.

**109-8-1.** Establishes an examination for certification for first responders and attendants; amended to include a maximum number of attempts at the examination for these individuals and includes instructor-coordinators.

**109-9-1.** Establishes requirements for instructor-coordinators; amended to include physicians and licensed professional nurses as eligible for instructor-coordinator certification and establishes new requirements for certification and continuing education requirements for regaining certification within two years of certification expiration.

**109-9-4.** Establishes training requirements to become an instructor-coordinator; amended to include physicians and licensed professional nurses.

**109-9-5.** Establishes minimum standards instructor-coordinators shall maintain with their training programs.

**109-11-2.** Establishes crash injury management technician course approval requirements; amended to delete this course approval and establish requirements for crash injury management technicians to certify as first responders or emergency medical technicians.

**109-11-6.** Establishes mobile intensive care technician course approval requirements; amended to modify the minimum number of hours required for clinical training.

**109-11-9.** Establishes minimum requirements instructor-coordinators and training officers shall use in selecting instructors for their training programs.

This economic impact statement is for the following proposed administrative regulations: K.A.R. 109-1-1, 109-2-7, 109-5-1, 109-5-4, 109-7-1, 109-8-1, 109-9-1, 109-9-4, 109-9-5, 109-11-2, 109-11-6, and 109-11-9.

With the exception of 109-5-4, 109-9-5, and 109-11-9, all the regulations are existing permanent regulations which are being amended. Each regulation will be discussed separately.

**109-1-1.** The amendments clarify single-program providers, training officers, and categories of continuing education. There is no economic impact.

**109-2-7.** The amendments postpone the implementation date of the requirement of minimum staffing as the second attendant to be a certified first responder. The economic impact is to allow the local level to postpone the \$100 to \$300 cost per person of training and certifying the individual.

**109-5-1.** The amendments confer the annual continuing education requirements for first responders, attendant, and instructor-coordinators to regulations rather than to the board and modifies the continuing education requirements of instructor-coordinators. There is no economic impact.

109-5-4. This regulation establishes requirements for first responders and attendants to regain certification within two years of expiration of certification. There is no economic impact.

109-7-1. The amendments establish certification and re-certification fees for instructor-coordinators and individuals who possess dual certification as an emergency medical technician-intermediate and emergency medical technician-defibrillator, and examination fees for instructor-coordinators. The amendments also eliminate fees for crash injury management technicians. The economic impact is \$15.00 per instructor-coordinator annually and \$65.00 initial fees for individuals seeking certification as an instructor-coordinator. Individuals holding dual certification as EMT-I and EMT-D will save \$15.00 per year.

109-8-1. Amendments adopt an examination for certification for instructor-coordinators and limit the number of times an individual may take the attendant and first responder examinations. There is no economic impact.

109-9-1. Amendments allow physicians and licensed professional nurses to be eligible for instructor-coordinator certification and establishes new criteria to be met to achieve instructor-coordinator certification. The amendments also establish the continuing education requirements for instructor-coordinators to regain expired certification within a two year period. There is no economic impact.

109-9-4. Amendments allow physicians and licensed professional nurses to be considered as applicants for approved instructor-coordinator training. There is no economic impact.

109-9-5. This regulation establishes minimum standards instructor-coordinators shall maintain with their training programs. There is no economic impact.

109-11-2. Amendments eliminate course approval of crash injury management technician courses and establishes criteria for crash injury management technicians to gain certification as a first responder or emergency medical technician. There is no economic impact.

109-11-6. Amendments restructure the required 1200 hours of training in a mobile intensive care technician course and clarifies that qualified instructors shall be used. There is no economic impact.

109-11-9. This regulation establishes qualifications of instructors to be used in training programs. There is potential of an economic impact on training facilities to assure their students are supervised in a clinical facility by a physician or licensed professional nurse. It is anticipated this could be as much as \$5,000.00 per training program, but this regulation is required to implement the requirement established by Senate Bill 271.

Bob McDanel  
Administrator

Doc. No. 011192

## State of Kansas

### Board of Emergency Medical Services

#### Notice of Meeting

The Board of Emergency Medical Services will meet by teleconference at 9 a.m. Friday, October 25, at 109 S.W. 6th, Topeka. The agenda will be limited to the review of requirements for the Advance Endorsement I/C Workshop, November 7-8, and the consideration of applicants for that workshop.

All meetings of the board are open to the public. For more information, contact the administrator at the address above, (913) 296-7296.

Bob McDanel  
Administrator

Doc. No. 011200

## State of Kansas

### Wildlife and Parks Commission

#### Notice of Meeting and Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 6:30 p.m. Thursday, November 21, at the Hutchinson Public Library, 901 Main, Hutchinson, to consider the adoption of six department regulations. If necessary, the public hearing will continue at 9 a.m. Friday, November 22, at the same location. A general business meeting will begin at 1:30 p.m. Thursday, November 21, at the same location. If necessary, the business meeting will continue following the conclusion of the public hearing. The business meeting agenda will be announced at a later date and the public is also invited to attend the business meeting.

This 30-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the regulations. All interested parties may submit written comments prior to the hearing to the chairman of the commission, Kansas Department of Wildlife and Parks, Suite 502, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The following is a brief summary of the permanent and exempt regulations proposed for adoption:

**K.A.R. 115-1-1. Definitions.** This permanent regulation is proposed for amendment. It provides definitions which are used throughout other regulations of the department. There are 14 definitions which are changed or added to the regulation. Of these, six defined terms were previously found in K.A.R. 23-21-2, which has been revoked.

Economic Impact Summary: No economic impact is anticipated.

(continued)

**K.A.R. 115-8-9. Camping.** This permanent regulation is proposed for amendment. Currently, it provides that camping equipment, vehicles or other property cannot be left unattended in a campground for longer than 24 hours. The amended regulation would remove the unattended provision.

**Economic Impact Summary:** No economic impact is anticipated.

**K.A.R. 115-12-3. Game breeder permit requirement; other wildlife.** This proposed new regulation would require a game breeder permit to raise and sell the following: species of reptiles and amphibians native to Kansas, mountain lion, wolf, black bear and grizzly bear.

**Economic Impact Summary:** It would be necessary for those individuals raising and selling the listed species to purchase a \$10 permit. The number of such individuals is unknown, but is not expected to be large. Costs to administer the permit system will be insignificant.

**K.A.R. 115-20-3. Exotic wildlife; possession, sale and requirements.** This permanent regulation is proposed for amendment. The provision which requires a game breeder permit to raise and sell any exotic wildlife would be removed.

**Economic Impact Summary:** Removal of the permit requirement will allow certain businesses and individuals to operate without a game breeder permit. The number of such businesses and individuals is unknown. The department will lose revenue from the \$10 permit, but will avoid costs associated with permit administration and field inspections by department personnel.

**K.A.R. 115-20-4. Possession of certain wildlife.** This proposed new regulation would require a possession permit of any person possessing a mountain lion, wolf, black bear or grizzly bear. Application procedures, reporting, exemptions and other requirements are specified in the regulation.

**Economic Impact Summary:** Costs associated with administration of the permit will be borne by the department. The affected public will incur some expense through permit application and reporting requirements. The regulation does not establish a permit cost.

**K.A.R. 115-25-6. Turkey; spring season, bag limit, permits and game tags.** This exempt regulation establishes the 1992 spring turkey hunting season.

**Economic Impact Summary:** It is estimated that 12,600 turkey permits and 2,000 game tags would be issued under the structure of the proposed regulation. This would provide an estimated revenue of \$275,300 to the department and represents an equal expenditure by those members of the public who choose to participate.

James Holderman  
Chairman

Doc. No. 011190

## State of Kansas

### State Corporation Commission

#### Notice of Motor Carrier Hearings

Applications set for hearing are to be heard on the date indicated before the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, at 9:30 a.m. unless otherwise noticed.

This list does not include cases previously assigned hearing dates for which parties of record have received notice.

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka 66604-4027, (913) 271-3196 or 271-3149.

Your attention is invited to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

#### Applications set for October 29, 1991

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

Raymond O. & Jayne A. ) Docket No. 177,592 M  
Eves, dba )  
R.O. Eves Trucking )  
1206 Pinecrest )  
Garden City, KS 67846 ) MC ID No. 141284

Applicant's Attorney: None

*General commodities (except classes A and B explosives, salt water, household goods and hazardous materials),*

Between all points and places in Kansas.

\*\*\*\*\*

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

Barry N. Isaacson, dba ) Docket No. 177,590 M  
Barry Isaacson Trucking )  
315 Grant )  
Scandia, KS 66966 ) MC ID No. 141283

Applicant's Attorney: None

*Grain, hay, feed, feed ingredients, fertilizer, fertilizer ingredients, seeds and salt,*

Between all points and places in Kansas.

\*\*\*\*\*

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

Midwest Freight Systems, ) Docket No. 178,272 M  
Inc. )  
2111 Davis Boulevard )  
Joplin, MO 64802 ) MC ID No. 141285

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

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

Between all points and places in Kansas.

\*\*\*\*\*

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

Gene Peacock, dba ) Docket No. 178,271 M  
 Rib Eye Trucking Co. )  
 Box 501 )  
 Cottonwood Falls, KS 66845 ) MC ID No. 142445

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

*Grain, feed, feed ingredients, fertilizer, fertilizer ingredients, livestock, salt, building materials (restricted against the transportation of hazardous materials),*

Between all points and places in Kansas.

\*\*\*\*\*

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

Bruce D. Voigts, dba ) Docket No. 177,593 M  
 Voigts Trucking Co. )  
 Route 1, Box 134 A )  
 Fontana, KS 66026 ) MC ID No. 140489

Applicant's Attorney: None

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

Between all points and places in Miami, Linn, Bourbon, Crawford, Cherokee, Labette, Neosho, Allen, Anderson, Franklin, Douglas, Leavenworth, Atchison, Wyandotte, Johnson, Osage, Lyon, Coffee, Woodson, Wilson, Rice, Shawnee and Sedgwick counties, Kansas.

\*\*\*\*\*

**Applications set for November 5, 1991**

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

Earl Anthony ) Docket No. 144,787 M  
 516 Ponderosa Lane )  
 Sterling, KS 67579 ) MC ID No. 121068

Applicant's Attorney: None

\*\*\*\*\*

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

Leslie L. Rush, dba ) Docket No. 56,561 M  
 Rush Tank Service )  
 617 3rd St. )  
 WaKeeney, KS 67672 ) MC ID No. 100533

Applicant's Attorney: None

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

Waechter Hay & Grain, ) Docket No. 178,270 M  
 Inc. )  
 2307 W. 7th )  
 Emporia, KS 66801 ) MC ID No. 102695

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

*General commodities (except household goods, classes A and*

*B explosives, commodities requiring temperature control, liquid commodities and hazardous materials),*  
 Between all points and places in the state of Kansas.

\*\*\*\*\*

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

Best Value Mobile Homes, ) Docket No. 178,273 M  
 Incorporated )  
 5201 S. Topeka Blvd. )  
 Topeka, KS 66609 ) MC ID No. 138642

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

*Mobile homes, modular homes and trailer homes,*

Between all points and places in the state of Kansas.

\*\*\*\*\*

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

Muse Transportation, Inc. ) Docket No. 178,276 M  
 P.O. Box 1195 )  
 Guymon, OK 73942 ) MC ID No. 120133

Applicant's Attorney: John Jandera, 2101 S.W. 21st, P.O. Box 237, Topeka, KS 66604-3174

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

Between points and places in the state of Kansas.

\*\*\*\*\*

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

John B. Roenbaugh, dba ) Docket No. 178,274 M  
 Roenbaugh Trucking )  
 Route 1, Box 87B )  
 Lewis, KS 67552 ) MC ID No. 142437

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

*Grain, feed, feed ingredients, fertilizer, fertilizer ingredients, salt, livestock, building materials and machinery (restricted against the transportation of hazardous materials),*

Between all points and places in Kansas.

\*\*\*\*\*

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

Road Runner Transport Co.) Docket No. 178,275 M  
 320 S. Main )  
 Dighton, KS 67839 ) MC ID No. 141286

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

*Grain, grain products, feed, feed ingredients, fertilizer, fertilizer ingredients, livestock, salt, machinery and building materials (restricted against the transportation of hazardous materials),*

Between all points and places in Kansas.

\*\*\*\*\*

Don Carlile  
 Administrator  
 Transportation Division

State of Kansas

**Office of Judicial Administration  
Court of Appeals Docket**

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

Kansas Court of Appeals  
Court of Appeals Courtroom, 2nd Floor, Kansas Judicial Center  
Topeka, Kansas

Before Briscoe, C.J.; Elliott, J.; and Philip L. Sieve,  
District Judge, assigned.

Tuesday, October 29, 1991  
9:30 a.m.

Case No.	Case Name	Attorneys	County
66,696	Jarrold B. Lowe, Appellant, v. American Family Mutual Insurance Co., Appellee.	John J. Bryan Steven R. Fabert	Shawnee
64,304	Judy R. Allen, Appellant, v. Showcase, Inc., Appellee.	Michael M. Jackson Anne L. Baker	Shawnee
10:30 a.m.			
65,309	State of Kansas, Appellee, v. Alonzo Brown, Appellant.	County Attorney Attorney General Steven Zinn	Barton
65,176	Vista Franchises, Inc., <i>et al.</i> , Appellants, v. Keller Fire & Safety, Inc., Appellee.	Kevin M. McMaster Hal D. Meltzer	Douglas
Summary Calendar—No Oral Argument			
66,237	State of Kansas, Appellee, v. Michael G. Berkholtz, Appellant.	Gene M. Olander Attorney General Jessica R. Kunen	Shawnee

Before Elliott, P.J.; Gernon, J.; and Philip L. Sieve,  
District Judge, assigned.

Tuesday, October 29, 1991  
1:30 p.m.

Case No.	Case Name	Attorneys	County
66,481	James P. House, Appellant, v. American Family Mutual Insurance Co., Appellee.	Kathryn D. Myers Steven R. Fabert	Shawnee
66,061	Ronald Wayne Graham, Appellant, v. State of Kansas, Appellee.	Tom Jacquinot Attorney General County Attorney	Geary
2:30 p.m.			
66,328	State of Kansas, Appellee, v. John L. Blackburn, Appellant.	County Attorney Attorney General Tom Jacquinot	Logan



66,614 City of Ottawa, Appellee, John W. Cole Franklin  
 v.  
 Stephen L. Lester, Appellant. William K. Rork

Summary Calendar—No Oral Argument

66,565 State of Kansas, Appellee, Debra Byrd Wagner Sedgwick  
 Attorney General  
 v.  
 Hai Gia Vo, Appellant. Jessica R. Kunen

Before Briscoe, C.J.; Gernon, J.; and Philip L. Sieve,  
 District Judge, assigned.

Wednesday, October 30, 1991

9:30 a.m.

Case No.	Case Name	Attorneys	County
66,604	Kansas Power & Light Co., Appellee, v. Kyle Aarens, et al., Appellants.	Jeffrey S. Southard William P. Coates Jr.	Shawnee
66,048	Craig T. Musick, Appellee, v. Kansas Department of Revenue, Appellant.	Terry E. Beck Leonard Buddenbohm Brian Cox	Shawnee

10:30 a.m.

65,926	G.T., Inc., Appellant, v. Robert W. Heilman, Appellee.	J. Franklin Hummer Thomas L. Theis	Clay
66,297	Diana Schenkel, Appellee, v. Charles Lewis and Mid-Kansas Produce, Inc., Appellants.	John T. Bird Robert L. Feldt	Russell

Summary Calendar—No Oral Argument

66,478	State of Kansas, Appellee, v. Scott J. Taylor, Appellant.	County Attorney Attorney General Richard M. Blackwell	Marshall
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Before Briscoe, C.J.; Elliott and Gernon, JJ.

Wednesday, October 30, 1991

1:30 p.m.

Case No.	Case Name	Attorneys	County
66,179	Elda I. Dietz, et al., Appellants, v. ATSF Railway, et al., Appellees.	James C. Morrow Douglas G. Simms Paul R. Hoferer Theresa Pasek	Republic
66,117	First National Bank, Appellant, v. Van Allen Implement Co., Inc., Appellee.	William F. Kluge III James M. Milliken	Wallace

(continued)

2:30 p.m.

65,667	State of Kansas, Appellee,	County Attorney Attorney General	Butler
	v.		
	Darril L. Pratt, Appellant.	Jessica R. Kunen	
66,296	Edith Shafer Foster, <i>et al.</i> , Appellants,	Caleb Boone	Sheridan
	v.		
	Stella Gahm Shafer, <i>et al.</i> , Appellees.	Ron Shalz	

**Summary Calendar—No Oral Argument**

66,064	State of Kansas, Appellee,	County Attorney Attorney General	Atchison
	v.		
	Matthew D. Warzeka, Appellant.	Jessica R. Kunen	

**Kansas Court of Appeals**  
**Court of Appeals Courtroom, 3rd Floor, Old Sedgwick County Courthouse**  
**541 N. Main, Wichita, Kansas**

**Before Rees, P.J.; Davis, J.; and Stephen D. Hill,**  
**District Judge, assigned.**

**Tuesday, October 29, 1991**

9:30 a.m.

Case No.	Case Name	Attorneys	County
66,007	In the Matter of the Marriage of Suzonne J. Heitschmidt and Roger W. Heitschmidt.	Keith D. Richey James A. Walker	Sedgwick
66,642	Board of County Commissioners, Appellant, v. Magnum Land Corp., <i>et al.</i> , Appellees.	County Counselor Debra Byrd Wagner  Benjamin Foster	Sedgwick

10:30 a.m.

66,075	St. Francis Regional Medical Center, Inc., Appellee, v. Tamara Bowles, <i>et al.</i> , Appellants.	Troy H. Gott Wayne T. Stratton  John Black	Sedgwick
66,033	In the Interest of J.C.E.	Robert R. Johnson Michael Quint County Attorney Randall D. Grisell	Finney

**Summary Calendar—No Oral Argument**

66,520	In the Matter of the Adoption of Baby Boy S.	Julia A. Craft Don W. Riley	Sedgwick
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**Before Davis, P.J.; Pierron, J.; and Stephen D. Hill,**  
**District Judge, assigned.**

**Tuesday, October 29, 1991**

1:30 p.m.

Case No.	Case Name	Attorneys	County
66,281 SC	State of Kansas, Appellee, v. Andrew Lee Mitchell, Appellant.	County Attorney Attorney General  Kaye Messer	Finney

66,082	State of Kansas, Appellee,	Debra Byrd Wagner Attorney General	Sedgwick
	v. Dion Ware, Appellant.	Kaye Messer	
66,094	State of Kansas, Appellee,	Debra Byrd Wagner Attorney General	Sedgwick
	v. Neeley H. Stotler, Appellant.	Jessica R. Kunen	

2:30 p.m.

66,170	In the Matter of the Marriage of Anna V. Boehringer and Robert A. Boehringer.	Robert A. Levy Debra J. Wilson	Gray
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Summary Calendar—No Oral Argument

65,997	State of Kansas, Appellee,	Debra Byrd Wagner Attorney General	Sedgwick
	v. Donald W. Gray, Jr., Appellant.	Jessica R. Kunen	

Before Rees, P.J.; Pierron, J.; and Stephen D. Hill,  
District Judge, assigned.

Wednesday, October 30, 1991

9:30 a.m.

Case No.	Case Name	Attorneys	County
66,758	State of Kansas, Appellee,	County Attorney Attorney General	Sumner
	v. Elinor P. Orndoff, Appellant.	Charles E. Watson	
66,636	Duane and Marilyn Ellis, Appellants,	David H. Snapp	Ford
	v. Gilbert Ellis, et al., Appellees.	Donald E. Shultz	

10:30 a.m.

66,087	State of Kansas, Appellee,	County Attorney Attorney General	Meade
	v. Archie Boyd, Appellant.	Hazel Haupt	
65,988	State of Kansas, Appellee,	Debra Byrd Wagner Attorney General	Sedgwick
	v. Toni Y. Scofield, Appellant.	Tom Jacquinot	

Summary Calendar—No Oral Argument

65,491	State of Kansas, Appellee,	Debra Byrd Wagner Attorney General	Sedgwick
	v. Michael O. Gordon, Appellant.	Jessica R. Kunen	

(continued)

# Kansas Register

Before Rees, P.J.; Davis and Pierron, JJ.

Wednesday, October 30, 1991

1:30 p.m.

Case No.	Case Name	Attorneys	County
65,820	Gary Wagner, <i>et al.</i> , Appellants, v. Travis W. Stenbridge, <i>et al.</i> , Appellees.	Bradley J. Prochaska Charles E. Hill Carl L. Wagner Donald Arthur McKinney	Sedgwick
65,921	Ann Marie Tamplin, <i>et al.</i> , Appellees, v. Star Lumber & Supply Co., Inc., Appellant.	Arden J. Bradsahw John J. Murphy	Sedgwick
2:30 p.m.			
66,213	Roy L. Helm, Appellee, v. Carla Burney Carter, <i>et al.</i> , Appellants.	Larry Wall Gerald L. Green	Sedgwick
Summary Calendar—No Oral Argument			
65,981	State of Kansas, Appellee, v. John Cope, Appellant.	Debra Byrd Wagner Attorney General Jessica R. Kunen	Sedgwick
66,041	State of Kansas, Appellee, v. Elisha Rich III, Appellant.	Debra Byrd Wagner Attorney General Jessica R. Kunen	Sedgwick

**Kansas Court of Appeals**  
**Division 1, Courtroom 300, Johnson County Courthouse**  
**Olathe, Kansas**

Before Lewis, P.J.; Larson and Rulon, JJ.

Tuesday, October 29, 1991

9:30 a.m.

Case No.	Case Name	Attorneys	County
65,593	State of Kansas, Appellee, v. Vinson D. Irvin, Appellant.	Nick A. Tomasic Attorney General Tom Jacquinet	Wyandotte
66,455	Guy Agnew, Appellant, v. Dillons, Inc., Appellees.	Bradley A. Fotnik Barry E. Warren	Johnson
10:30 a.m.			
66,506	Benny L. Edmonds, <i>et al.</i> , Appellants, v. Lawrence National Bank & Trust Co., Appellee.	Gary H. Hanson Eugene F. Deshazo Donald E. Bucher	Douglas
66,397	John H. and Theresa A. Haddad, Appellees, v. Edward and Margaret Droessler, Appellants.	Dale L. Pohl Robert Forer	Allen

## Summary Calendar—No Oral Argument

66,168 66,169	In the Interest of S.R. and P.R.	Louis M. Clothier Michael J. Waite County Attorney Michael F. Willcott	Leavenworth
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Before Lewis, P.J.; Rulon, J.; and Robert C. Helsel,  
District Judge Retired, assigned.

Tuesday, October 29, 1991

1:30 p.m.

Case No.	Case Name	Attorneys	County
66,632	Michael K. Swift, Appellant, v. Planning Analysis Corp., Appellee.	Blaise R. Plummer	Johnson
66,523	Kevin D. Christian, Appellee, v. College Blvd. National Bank, Appellant.	Eileen M. Smyth Stephanie G. Hazelton Thomas A. Sheehan James P. O'Hara	Johnson
2:30 p.m.			
66,151	State of Kansas, Appellee, v. Francis R. Balda, Appellant.	District Attorney Attorney General Blaise R. Plummer	Johnson
66,682	In the Matter of the Marriage of Edward D. Hockenberry and Margarete W. Hockenberry.	Leo T. Gensweider Kurt F. Kluin	Neosho

## Summary Calendar—No Oral Argument

66,055	Robert Melchior, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen Attorney General District Attorney	Johnson
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Before Larson, P.J.; Rulon, J.; and Robert C. Helsel,  
District Judge Retired, assigned.

Wednesday, October 30, 1991

9:30 a.m.

Case No.	Case Name	Attorneys	County
65,799	State of Kansas, Appellee, v. Kenneth Ray Nichols, Appellant.	Nick A. Tomasic Attorney General Kris Paredes	Wyandotte
66,356	State of Kansas, Appellant, v. Truong N. Nguyen, Appellee.	District Attorney Attorney General Max Rowinski	Johnson
10:30 a.m.			
66,291	KFB Ins. Co., Inc., , <i>et al.</i> , v. Cynthia A. Reynolds, <i>et al.</i> , Appellants, and Farmers Insurance Co., Appellee.	Michael K. Schmitt N. Jack Brown	Brown
66,490	In the Matter of the Adoption of D.R.S.	Phillip A. Burdick Michael A. Ireland	Jackson

(continued)

## Summary Calendar—No Oral Argument

66,079	State of Kansas, Appellee,	Hiram E. Bloomquist Attorney General	Johnson
	v. William M. Hall, Appellant.	Jessica R. Kunen	
66,220	State of Kansas, Appellee,	District Attorney Attorney General	Johnson
	v. Jeffrey M. Bendure, Appellant.	Benjamin C. Wood	

Before Lewis, P.J.; Larson, J.; and Robert C. Helsel,  
District Judge Retired, assigned.

Wednesday, October 30, 1991

1:30 p.m.

Case No.	Case Name	Attorneys	County
66,660	Zion Lutheran Church, Appellee,	David J. Waxse	Johnson
	v. Kansas Commission on Civil Rights, Appellant.	Arthur W. Solis	
66,078	State of Kansas, Appellee,	W. Scott Toth Attorney General	Johnson
	v. Ernest R. Davis, Appellant.	Steven Zinn	

2:30 p.m.

66,525	State of Kansas, <i>ex rel.</i> , Stephan, Appellee,	Attorney General	Butler
	v. Commemorative Service Corp., Appellant.	Mark Beam-Ward	

## Summary Calendar—No Oral Argument

65,973	State of Kansas, Appellee,	County Attorney Attorney General	Cowley
	v. Joseph L. Thielen, Appellant.	Jessica R. Kunen	
65,937	State of Kansas, Appellee,	District Attorney Attorney General	Johnson
	v. Curtis R. Spiller, Appellant.	Jessica R. Kunen	

Lewis C. Carter  
Clerk of the Appellate Courts

Doc. No. 011184

## State of Kansas

## The Kansas Lottery

Temporary Administrative  
Regulations

## Article 4.—INDIVIDUAL GAME RULES

## BIRTHDAY GAME SHOW

**111-4-336. Birthday Game Show.** The Kansas lottery shall conduct a televised "Birthday Game Show" at 6:30 p.m., Central Time, on November 20, 1991. The show shall be produced and taped by KSMO-TV of Kansas City, Kansas at a time and place determined

by the executive director. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-111-10-3-91, Sept. 26, 1991.)

**111-4-337. Definitions.** (a) All definitions contained in the Kansas lottery act (K.S.A. 1990 Supp. 74-8701 *et seq.*) and lottery regulations are hereby incorporated by reference.

(b) "Birthday Game Show" means the televised show in which the participants have been selected at the "Birthday Game" drawing conducted by the Kansas lottery pursuant to K.A.R. 111-4-339 in Topeka, Kansas, in which participants are selected to win various prizes as described in K.A.R. 111-4-340.

(c) "Non-winning ticket" means any valid "\$100,000 Birthday Game" instant lottery ticket not eligible to win a prize pursuant to K.A.R. 111-4-332 through 111-4-335. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-111-10-3-91, Sept. 26, 1991.)

**111-4-338. Entry Into Drawing.** Entry into the "Birthday Game" drawing is accomplished by a player following the process detailed in these subparagraphs:

(a) Obtain five valid Kansas "\$100,000 Birthday Game" instant lottery tickets. Only "\$100,000 Birthday Game" tickets will be eligible.

(b) Determine if the tickets are winning tickets in accordance with K.A.R. 111-4-334 instant game rules. If a ticket is a winning ticket, it is not eligible for the "Birthday Game" drawing and shall be redeemed in accordance with K.A.R. 111-4-334.

(c) If the tickets are valid non-winning "\$100,000 Birthday Game" tickets, the holder of five such tickets may enter the "Birthday Game" drawing.

(d) Complete the information form on the back of at least one of the five tickets in a legible manner and sign all five tickets. Unsigned tickets shall not be considered valid entries in the "Birthday Game" drawing.

(e) Place the five tickets into a number 10 envelope (approximately 9½ by 4½) and mail them to "Kansas Lottery Birthday Game," P.O. Box 7777, Lawrence, KS 66044-7777. Entries may also be delivered during regular business hours and placed in the receptacle provided at any of the Kansas lottery's regional offices at the following locations: Cambridge Business Park, 1100 Cambridge Circle Drive, Kansas City, KS; 3112 West Central, Wichita, KS; 3007 West 10th, Great Bend, KS; and 128 N. Kansas, Topeka, KS.

(f) There is no limit on the number of entries a person may make.

(g) All non-winning valid instant game lottery tickets must be received by the lottery at locations identified in subsection (e) by 5:00 p.m., Wednesday, November 13, 1991, to be eligible for entry into the "Birthday Game" drawing. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710(b); effective, T-111-10-3-91, Sept. 26, 1991.)

**111-4-339. Birthday Game Drawing.** (a) To determine those who will be eligible for prizes, the Kansas lottery shall conduct one "Birthday Game" drawing in connection with the televised "Birthday Game" show which will be broadcast at 6:30 p.m. on Wednesday, November 20, 1991.

(b) The "Birthday Game" drawing shall be conducted at the Kansas lottery headquarters at 128 N. Kansas, Topeka, Kansas, at 2:00 p.m. on November 14, 1991.

(c) The drum or receptacle containing the non-winning tickets shall be sealed and rotated a minimum of 10 times or mixed thoroughly with a shovel for two minutes by lottery security personnel to ensure random selection.

(d) The selection of "Birthday Game" drawing winners shall be accomplished by an individual designated by the executive director, using a bare arm technique, removing only one envelope from the drum or recep-

tle in which all entries were placed. The person drawing the envelope shall open the envelope and show the name of the winner to the security person and the auditor present for verification. This process shall be repeated until 10 valid entries have been drawn. The first 10 valid entries selected will be the "finalists" eligible for participation in the "Birthday Game" television show.

(e) After the finalists have been selected and the drum or receptacle is again rotated or mixed as specified in (c), an additional 125 names will be drawn for home viewer prizes. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-111-10-3-91, Sept. 26, 1991.)

**111-4-340. Prizes.** Prizes awarded on the televised "Birthday Game Show" shall include, but are not limited to, the following:

(a) Grand prize winner	\$100,000
(b) Second	\$ 20,000
(c) Third	\$ 15,000
(d) Fourth	\$ 10,000
(e) Fifth	\$ 7,500
(f) Sixth	\$ 5,000
(g) Seventh	\$ 4,000
(h) Eighth	\$ 3,000
(i) Ninth	\$ 2,000
(j) Tenth	\$ 1,000
(k) Home Viewers	\$50 or \$100 each

(Authorized by and implementing K.S.A. 1990 Supp. 74-8710(c); effective, T-111-10-3-91, Sept. 26, 1991.)

**111-4-341. Televised Procedure.** The following procedures shall be used to determine "Birthday Game Show" winners:

(a) The 10 contestants who were finalists from the November 14, 1991, drawing shall be lined up in the television studio across from 10 oversized "Birthday Game" tickets. The covered area of each ticket will either have a dollar amount of the prize won or the words "Go to Round 2" printed underneath. In the order their tickets were selected in the drawing, the contestants choose one of the 10 tickets. Once all 10 tickets have been selected, the contestants will be instructed to remove the covering on the tickets. Five players will win dollar amounts of \$1,000, \$2,000, \$3,000, \$4,000 and \$5,000 appearing under the covering, and continue no further. The other five contestants who uncover tickets with the words "Go to Round 2" will move on to the second round.

(b) In round two, the five remaining contestants shall be lined up opposite five sealed, oversized birthday cards. The contestants, in the order they were selected in the November 14, 1991, drawing, will pick a card. Three of the cards will award prizes of \$7,500, \$10,000 and \$15,000 to the contestants opening them. The other two cards will have the words "Go to Round 3."

(c) The two final contestants will proceed to round three in which they will be asked to open two large birthday presents. The contestant whose name was the first of the two remaining finalists selected in the No-

(continued)

ember 14, 1991 drawing shall choose which present he or she wants to open. The host will ask both contestants to open their presents simultaneously. Indicated underneath the lids of each present will be either the \$100,000 grand prize or the \$20,000 second prize.

(d) The lottery security person at the "Birthday Game Show" shall have a list identifying the 10 contestants and the order in which they were drawn at the November 14, 1991, drawing, and shall be responsible for determining the order in which the contestants make selections in each of the three rounds during the show. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-111-10-3-91, Sept. 26, 1991.)

**111-4-342. Proxy.** (a) If a player is unable to participate for any reason or chooses not to participate in the televised "Birthday Game Show," that player may designate a person to participate as a proxy on his or her behalf in writing on a form provided by the lottery or in a form acceptable to the executive director.

(b) If a player is unable to participate for any reason or chooses not to participate in the televised show and does not designate a person to participate as proxy, the executive director shall designate a proxy to serve to act on the player's behalf. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-111-10-3-91, Sept. 26, 1991.)

**111-4-343. Player Rejection.** The Kansas lottery retains the right to deny a selected player from appearing on the televised "Birthday Game Show." If appearance is denied by the executive director, or by the director of the show, a proxy will be designated pursuant to K.A.R. 111-4-342. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-111-10-3-91, Sept. 26, 1991.)

**111-4-344. Watch 'N Win Drawing.** (a) In addition to the 10 entries selected pursuant to K.A.R. 111-4-338, there shall be an additional 125 tickets drawn at the drawings for the selection of participants for the "Watch 'N Win" segments of televised "Birthday Game Show." The drawing shall take place on November 14, 1991.

(b) The 125 additional names shall appear on the television screen during the show between 6:30 p.m. and 7:00 p.m. Any of those 125 winners calling the lottery at 913/296-5700 by 2:00 p.m. the following Monday shall win \$100. Those who do not call in by that time shall receive \$50.

(c) A claim form will be sent to the winners and will be verified upon receipt by the lottery.

(d) In the event the show or any portion of it is not televised due to unforeseen difficulties which render the televised broadcast impossible, entries of potential "Watch 'N Win" winners drawn for that particular episode but not broadcast on the show, shall receive \$100 each. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710(b); effective, T-111-10-3-91, Sept. 26, 1991.)

**111-4-345. Disposal of Tickets.** Upon completion of the "Birthday Game" drawing, a lottery security official shall take possession of all tickets remaining in

the receptacle and arrange for their disposal. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710(b); effective, T-111-10-3-91, Sept. 26, 1991.)

Ralph Decker  
Executive Director

Doc. No. 011185

State of Kansas

## Kansas Insurance Department

### Temporary Administrative Regulations

#### Article 1.—GENERAL

**40-1-28. Insurance holding companies; information required; disclaimer of affiliation; termination of registration; acquisition of control.** National association of insurance commissioners insurance holding company system model regulation with reporting forms and instructions, June 1986 edition, is hereby adopted by reference, subject to the following exceptions:

- (a) Sections 1, 2 and 3 are not adopted;
- (b) section 4(b) is completed by inserting "Two"; "Kansas, 420 S.W. 9th Street, Topeka, Kansas"; "Chief Examiner"; and, "30" respectively in the spaces provided;
- (c) section 4(a) is amended by substituting "K.S.A. 40-3304 and 40-3305" for "Sections 3, 4 and 5 of this Act" appearing in the first sentence;
- (d) section 6(b)(3) is completed by inserting "30" in the space provided;
- (e) section 8 is hereby amended by the addition of the following: "The Act means the statutes relating to insurance holding companies contained in Article 33, Chapter 40 Kansas Statutes Annotated";
- (f) section 9 is not adopted;
- (g) section 10 is amended by substituting "K.S.A. 40-3304" for "Section 3 of the Act";
- (h) section 12(a) is amended by substituting "K.S.A. 40-3304(a)" for "Section 3(a)(1) of the Act";
- (i) section 12(b) is amended by substituting "K.S.A. 40-3304(a)" for "Section 3(a)(1)";
- (j) section 13 is amended by substituting "K.S.A. 40-3305" for "Section 4 of the Act";
- (k) section 14 is amended by substituting "K.S.A. 40-3305" for "Section 4 of the Act";
- (l) section 15 is not adopted;
- (m) section 16(a) is amended by substituting "K.S.A. 40-3305" for "Section 4 of the Act" appearing in the first sentence;
- (n) section 16(d) is amended by substituting "K.S.A. 40-3305(f) or K.S.A. 40-3305(g)" for "Section 4(h) or 4(i) of the Act";
- (o) section 19(b) is not adopted;
- (p) section 20 is amended by substituting "K.S.A. 40-3305(b)" for "Section 5(d) of the Act";
- (q) section 21 is added as follows: "Section 21. Acquisition of control—statement filing. (1) A person required to file a statement pursuant to K.S.A. 40-3304 shall, prior to committing any act towards the acqui-



sition of control of a domestic insurer, file a letter with the commissioner of insurance indicating:

(A) the person's interest in the possible acquisition of control;

(B) the name of the domestic insurer to be acquired;

(C) that the person is aware of and will comply with the applicable provisions of the Kansas insurance holding companies act; and

(D) that all negotiations or agreements to acquire control of the domestic insurer will be conditioned upon the approval of the commissioner of insurance.

(2) A person required to file a statement pursuant to K.S.A. 40-3304 shall furnish the required information on form A, hereby made a part of this regulation."

(r) item 12(b) and (c) of form A is amended to read as follows: "(b) The financial statements shall include the annual financial statements of the persons identified in item 2(c) for the preceding five fiscal years or for such lesser period as such applicant and its affiliates and any predecessors thereof shall have been in existence, and similar information covering the period from the end of such person's last fiscal year, to a date not earlier than 90 days prior to the filing of the Form A. Such statements may be prepared on either an individual basis, or on a consolidated basis if such consolidated statements are prepared in the usual course of business.

Unless otherwise permitted by the commissioner, the annual financial statements of the applicant shall be accompanied by the certificate of an independent public accountant to the effect that such statements present fairly the financial position of the applicant and the results of its operations for the year then ended, in conformity with generally accepted accounting principles or with requirements of insurance or other accounting principles prescribed or permitted under law. If the applicant is an insurer which is actively engaged in the business of insurance, the financial statements need not be certified, if they are based on the annual statement of such person filed with the insurance department of the person's domiciliary state and are in accordance with the requirements of insurance or other accounting principles prescribed or permitted under the law and regulations of such state.

(c) File as exhibits copies of all tender offers for, requests or invitations for, tenders of, exchange offers for, and agreements to acquire or exchange any voting securities of the insurer, and if distributed, of additional soliciting material relating thereto, any proposed employment, consultation, advisory or management contracts concerning the insurer, annual reports to the stockholders of the insurer and the applicant for the last two fiscal years, and any additional documents or papers required by form A or K.S.A. 40-3304."

(s) item 13 is amended by substituting "K.S.A. 40-3304" for "Section 3 of the Act";

(t) the second sentence of item 2(c) of form A is not adopted;

(u) the second sentence of item 2 of form B is not adopted;

(v) item 5 of form B is amended by substituting "K.S.A. 40-3305" for "Section 4 of the Act";

(w) item 10 of form B is amended by substituting "K.S.A. 40-3305" for "Section 4 of the Act"; and

(x) the signature section of form C is amended by substituting "K.S.A. 40-3305" for "Section 4 of the Act." (Authorized by K.S.A. 40-103, 40-3309; implementing K.S.A. 40-3304(a) and (b), 40-3305 and 40-3306 as amended by 1991 SB 67, Secs. 4 & 5; effective May 1, 1976; amended May 1, 1979; amended May 1, 1986; amended May 1, 1988; amended May 15, 1989; amended T-40-9-26-91, Sept. 26, 1991.)

**40-1-38. Insurance companies; hazardous financial condition; standards; corrective actions.** Sections 3 and 4 of the national association of insurance commissioner's "model regulation to define standards and commissioner's authority for companies deemed to be in hazardous financial condition," June 1985 edition, are hereby adopted by reference. (Authorized by K.S.A. 40-103; implementing K.S.A. 1990 Supp. 40-222b and K.S.A. 40-222d; effective, T-40-9-26-91, Sept. 26, 1991.)

## Article 2.—LIFE INSURANCE

**40-2-21. Life insurance companies; reinsurance agreements; accounting requirements; limitations.** (a) This regulation shall apply to all life insurers organized under the laws of this state, as well as to all other life insurers admitted to do business in this state who are not subject to substantially similar requirements in their domiciliary state.

(b) No life insurer subject to this regulation shall, for reinsurance ceded, reduce any liability or establish any asset in any financial statement filed with the commissioner if, by the terms of the reinsurance agreement, in substance or effect, any of the following conditions exist:

(1) The primary effect of the reinsurance agreement is to transfer deficiency reserves or excess interest reserves to the books of the reinsurer for a risk charge, and the agreement does not provide for significant participation by the reinsurer in one or more of the following risks:

- (A) mortality;
- (B) morbidity;
- (C) investment; or
- (D) surrender benefit;

(2) the reserve credit taken by the ceding insurer is not in compliance with the laws of this state, administrative rules or regulations adopted by the commissioner;

(3) the reserve credit taken by the ceding insurer is greater than the underlying reserve of the ceding company supporting the policy obligations transferred under the reinsurance agreement;

(4) the ceding insurer is required to reimburse the reinsurer for negative experience under the reinsurance agreement. However, neither the offsetting of experience refunds against the losses of previous years, nor payment by the ceding insurer of an amount equal to the losses of previous years upon voluntary termination of in-force reinsurance by that ceding insurer shall

(continued)

be considered such a reimbursement to the reinsurer for negative experience;

(5) the ceding insurer can be deprived of surplus at the reinsurer's option, or automatically upon the insolvency of the ceding insurer or the occurrence of some similar event except that termination of the reinsurance agreement by the reinsurer for non-payment of reinsurance premiums shall not be considered to be a deprivation of surplus;

(6) the ceding insurer must, at specific points in time scheduled in the agreement, terminate or automatically recapture all or part of the reinsurance ceded;

(7) no cash payment is due from the reinsurer throughout the lifetime of the reinsurance agreement, with all settlements prior to the termination date of the agreement made only in a designated reinsurance account and no funds in such account are available for the payment of benefits; or

(8) the reinsurance agreement involves the possible payment by the ceding insurer to the reinsurer of amounts other than from income reasonably expected from the reinsured policies.

(c)(1) No reinsurance agreement or amendment to any agreement may be used to reduce any liability or to establish any asset in any financial statement filed with the commissioner, unless the agreement, amendment or a letter of intent has been duly executed by both parties no later than the "as of date" of the financial statement.

(2) In the case of a letter of intent, a reinsurance agreement or an amendment to a reinsurance agreement shall be executed within a reasonable period of time, not exceeding 90 days from the execution date of the letter of intent, in order for credit to be granted for the reinsurance ceded.

(d) Any life insurance company subject to this regulation may continue to reduce liabilities or establish assets in financial statements filed with the department for reinsurance ceded if:

(1) The reinsurance agreement produces significant surplus aid for the ceding insurer, while providing little or no indemnification of policy benefits by the reinsurer;

(2) the agreements were executed and in force prior to the effective date of this regulation;

(3) no new business is ceded under the agreements after the effective date of this regulation;

(4) the reduction of the liability or the asset established for the reinsurance ceded is reduced to zero by December 31, 1994, or any later date approved by the commissioner as a result of an application made by the ceding insurer prior to December 31 of the year in which this regulation becomes effective;

(5) the reduction of the liability or the establishment of the asset is otherwise permissible under all other applicable provisions of the insurance laws of this state and administrative rules or regulations; and

(6) the department is notified, within 90 days following the effective date of this regulation, of the existence of those reinsurance agreements and all corresponding credits taken in the ceding insurer's 1990 annual statement. (Authorized by K.S.A. 40-103; implementing K.S.A. 40-221a; effective, T-40-9-26-91, Sept. 26, 1991.)

Ron Todd  
Commissioner of Insurance

Doc. No. 011167

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