



Kansas Register

Bill Graves, Secretary of State

Vol. 13, No. 25

June 23, 1994

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State of Kansas

Kansas Council on Privatization

Notice of Meeting

The Kansas Council on Privatization will meet from 10 a.m. to 4 p.m. Wednesday, June 29, at Wichita State University, The Devlin Center for Entrepreneurship, second floor, 1845 N. Fairmount, Wichita. The meeting is open to the public.

Charles R. Warren
President, Kansas Inc.

Doc. No. 015016

State of Kansas

Kansas Criminal Justice Coordinating Council

Notice of Meeting

The initial meeting of the Kansas Criminal Justice Coordinating Council will be from 9 to 10 a.m. Thursday, June 30, in the Governor's Office, second floor, State Capitol, 300 S.W. 10th, Topeka.

Lisa A. Moots
Executive Director

Doc. No. 015030

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of June 27 through July 10:

Date	Room	Time	Committee	Agenda
June 29	514-S	10:00 a.m.	Joint Committee on Children and Families	June 29: a.m.—Review of actions of 1994 Legislature re: children and families; p.m.—presentations by consultants on Family Resource Centers.
June 30	514-S	9:00 a.m.		
June 29	123-S	10:00 a.m.	Joint Committee on Pensions, Investments and Benefits	June 30: Agenda not available. Agenda not available.
June 30	123-S	9:00 a.m.		

Emil Lutz
Director of Legislative Administrative Services

Doc. No. 015029

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State of Kansas

Kansas Inc.

Action Planning Committee on Work Force Training and Education

Notice of Meeting

The Kansas Inc. Action Planning Committee on Work Force Training and Education will meet from 10 a.m. to 2 p.m. Tuesday, June 28, at the Kaw Area Technical School Conference Center, 5724 Huntoon, Topeka. The meeting is open to the public.

Charles R. Warren
President, Kansas Inc.

Doc. No. 015015

State of Kansas

**Department of Administration
Division of Architectural Services**

Notice of Commencement of Negotiations for Architectural and Engineering Services

Notice is hereby given of the commencement of negotiations for "on-call" architectural and engineering services for the State Adjutant General's office. There will be two architectural and two engineering firms selected. Interested firms should be capable of assisting agency personnel on miscellaneous small architectural and engineering projects for up to three years.

Any questions or expressions of interest should be directed to Gary Grimes, Director of Planning and Project Management, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, on or before July 8. An original and six copies of the SF 255 form (plus attachments as required) should be submitted with letters of interest.

J. David DeBusman
Director, Division of Architectural Services

Doc. No. 015017

State of Kansas

**Department of Administration
Division of Purchases**

Notice to Bidders

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

Tuesday, July 5, 1994

30552

Department of Wildlife and Parks—Kansas migratory waterfowl stamp

30557

Topeka State Hospital—Audiology services

30558

University of Kansas Medical Center—Physicists support for diagnostic radiology

Wednesday, July 6, 1994

A-7412

Department of Transportation—Chemical storage building, Topeka

A-7413

Department of Transportation—Chemical storage building, Kansas City

30555

Statewide—Coffee and tea

99399

University of Kansas—Fume hoods and storage cabinets

Thursday, July 7, 1994

A-7239(k), A-7368

Department of Human Resources—Remodel Job Service Center, Hays

29658-Rebid

Statewide—Linens

99406

Kansas State University—Corn and milo

Friday, July 8, 1994

30556

Statewide—Consumer Grade AA eggs

99411

Kansas Highway Patrol—Aircraft engine repair

Wednesday, July 13, 1994

30551

Department of Revenue—Tax payment coupon books

Thursday, July 14, 1994

A-7066(a)

Pittsburg State University—Site demolition and rough grading, Kansas Technology Center

Monday, July 18, 1994

99390

Adjutant General's Department—Construction of National Guard Armory, Great Bend

Friday, July 29, 1994

30550

Pittsburg State University—Property insurance

Wednesday, August 10, 1994

30549

Health Care Commission—Consulting services

Request for Proposals

Friday, July 8, 1994

99407

High-speed duplicator for the Kansas Corporation Commission

Jack R. Shipman
Director of Purchases

Doc. No. 015028

State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for the item listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 532-6214 or FAX (913) 532-5632 for additional information.

Wednesday, July 6, 1994
#40168

Foil/target changer

William H. Sesler
Director of Purchasing

Doc. No. 015018

State of Kansas

Department on Aging

Notice of Hearings on Proposed Amendments to the Kansas State Plan on Aging

The Kansas Department on Aging (KDOA) will be conducting four public hearings on proposed amendments to the FY 95-97 Kansas State Plan on Aging. The hearing schedule is as follows:

- Tuesday, July 5, at the Dodge City Senior Shepherd's Center, 2408 Central, Dodge City
- Wednesday, July 6, at the Downtown Senior Service Center, 200 Walnut, Wichita
- Thursday, July 7, at the Pittsburg Senior Center, 3003 Joplin, Pittsburg
- Friday, July 8, at the Roeland Park Community Center, 4850 Rosewood Blvd., Roeland Park

All hearings are to begin at 10 a.m.

Copies of the proposed amendments are available for review at area agencies on aging or at KDOA, Room 122-S, Docking State Office Building, 915 S.W. Harrison, Topeka 66612, (913) 296-4986 or 1-800-432-3535. Persons wishing to comment on the proposed amendments should contact Ray Menendez at KDOA prior to the hearings. KDOA asks that at least one written copy of any prepared comments be provided at the hearings. Depending upon the number of persons wishing to be heard, the time available for oral presentations may be limited. Written comments will be accepted through July 31.

A lunch will be available for purchase following the hearing. Persons interested in remaining for the luncheon are requested to contact Alma or Selena at KDOA, (913) 296-3238.

Joanne E. Hurst
Secretary of Aging

Doc. No. 015027

State of Kansas

Kansas Science and Technology Council

Notice of Meeting

The Kansas Science and Technology Council will meet from 10 a.m. to 3 p.m. Friday, June 24, at the University of Kansas, Adams Alumni Center, Lawrence. The meeting is open to the public.

Charles R. Warren
President, Kansas Inc.

Doc. No. 015014

State of Kansas

Attorney General

Opinion No. 94-70

Criminal Procedure—Release Procedures—Parole Eligibility; Release, When; Hearings. James L. Francisco, Chairman, Kansas Parole Board, Topeka, May 27, 1994.

The Kansas Parole Board remains under a statutory duty to conduct a revocation hearing for a parolee who, while on parole for a crime committed prior to July 1, 1993, commits a crime after July 1, 1993. Cited herein: K.S.A. 1993 Supp. 22-3717; 75-5217; 1994 S.B. 552, §§ 1, 4; 1994 H.B. 2332, §§ 66, 82, 94; L. 1973, ch. 339, § 23; U.S. Const., Amend. XIV. RDS

Opinion No. 94-71

Minors—Kansas Juvenile Offenders Code; Dispositional Procedure—Procedure When New Offense Alleged; Authorized Dispositions; Commitment to State Youth Center; Expense of Care and Custody of Juvenile.

Crimes and Punishments—Crimes Affecting Governmental Functions—Escape From Custody; Definition of "Custody." Lawrence M. Wright, Franklin County Attorney, Ottawa, May 27, 1994.

"Forthwith," as used in K.S.A. 38-1672(a), is not susceptible to a fixed term definition and is dependent upon the circumstances.

There is no time period within which SRS must act between the time a juvenile offender is placed in the custody of a state youth center and the time a juvenile is actually admitted to the youth center.

If the court commits a juvenile offender to a state youth center the county is responsible for the expenses for the care and custody of the juvenile until the juvenile is delivered to the youth center.

Placing a juvenile offender in the custody of both the secretary of SRS and a youth residential facility is not an "appropriate" combination of dispositions under K.S.A. 38-1663(a)(5). The juvenile offender code does not address the length of time between the point at which a juvenile offender is placed in the custody of SRS and the time SRS decides where the juvenile will be placed. A juvenile, under house arrest, who cuts his or her electronic monitoring equipment and absconds may be charged with escape from custody. Cited herein: K.S.A.

(continued)

1993 Supp. 21-3809; 21-3810; K.S.A. 38-1602, as amended by 1994 S.B.'s No. 500, 853, 657; 38-1616; 38-1663, as amended by 1994 S.B.'s No. 500, 657, 853; 38-1664; 38-1671, as amended by 1994 S.B. 657; 38-1672. MF

Opinion No. 94-72

Cities and Municipalities—Public Recreation and Playgrounds—Recreation Commission; Annual Budget; Tax Levy.

Counties and County Officers—General Provisions—Home Rule Powers; Recreation District. James R. Cobler, Director, Division of Accounts and Reports, Topeka, May 27, 1994.

The board of county commissioners may create a recreation district based on its home rule power by adopting a proper resolution. However, the county must follow statutory procedure in order to levy a tax for the recreation district. Cited herein: K.S.A. 12-1923; K.S.A. 1993 Supp. 12-1927; 19-101a; K.S.A. 19-117 NKF

Opinion No. 94-73

Taxation—Property Valuation, Equalizing Assessments, Appraisers and Assessment of Property; General Provisions—Listing and Appraisal of Escaped Personal Property; Tax Amnesty Program; 1994 Senate Bill No. 542. David C. Van Parys, Leavenworth County Counselor, Leavenworth, May 27, 1994.

1994 Senate Bill No. 542 does not prohibit collection of delinquent personal property taxes on escaped property discovered prior to January 1, 1994, nor does it require the county to automatically refund 1992 and prior tax years' delinquent personal property taxes for escaped property discovered after January 1, 1994 that were paid to the county before enactment of the bill. Cited herein: 1994 S.B. No. 542. JLM

Opinion No. 94-74

Procedure, Civil—Protection from Abuse Act—Restraining Order.

Crimes and Punishments—Crimes Against Property—Criminal Trespass.

Crimes and Punishments—Crimes Against Persons—Assault and Battery.

Criminal Procedure—Preliminary Proceedings—Domestic Violence Calls; Duty to Arrest. Terry J. Solander, Garnett City Attorney, Garnett, June 8, 1994.

Violation of a restraining order issued pursuant to K.S.A. 1993 Supp. 60-3107 or 60-1607 constitutes criminal trespass and it is not the province of the police to decide whether a perpetrator's anticipated defense to the charge has merit. Consequently, whether the person protected under the restraining order "invited" the person restrained by the order onto the premises is not a factor the police should consider in deciding whether there is probable cause to arrest. Cited herein: K.S.A. 1993 Supp. 21-3408; 21-3412; 21-3721; 22-2307; 60-1607; 60-3107. MF

Opinion No. 94-75

Public Health—Solid and Hazardous Waste; Solid Waste—Ability of County to Require a City Within the

County to Establish a Mandatory Trash Collection. Robert L. Eastman, Montgomery County Counselor, Coffeyville, June 8, 1994.

The Montgomery County Board of Commissioners is authorized to pass a resolution requiring the city of Coffeyville to establish a mandatory trash collection schedule. Cited herein: K.S.A. 12-2106; K.S.A. 1993 Supp. 19-101a; K.S.A. 65-3405; 65-3410; 1992 H.B. No. 2801. MJS

Opinion No. 94-76

Public Utilities—Powers of the State Corporation Commission; Telecommunications Public Utilities—Telecommunications Public Utility; Power; Authority and Jurisdiction. Representative Carl Holmes, 125th District, Liberal, June 8, 1994.

Rate making is a legislative function which necessarily implies a range of legislative discretion. Within this discretion lies the authority to prescribe specific conditions in a rate order such as the conditions found in 1994 House Bill No. 3039. Cited herein: K.S.A. 66-101b; 66-104; 66-128b; 66-1,189; 66-1,191; 66-1,192, as amended by L. 1994, H.B. No. 2665; 66-1,194; 1994 H.B. No. 3039; Kan. Const., art. 2, § 1; U.S. Const., amend. IV. GE

Opinion No. 94-77

State Boards, Commissions and Authorities—Parimutuel Racing—Simulcasting; Interstate Horse-racing Act of 1978.

Commerce and Trade—Interstate Horseracing—Regulation of Interstate Off-Track Wagering. Janet A. Chubb, Executive Director, Topeka, June 8, 1994.

The Interstate Horseracing Act of 1978, 15 U.S.C.S. §§ 3001 *et seq.*, requires any entity accepting wagers on a race that is being conducted in another state to obtain the consent of certain interested parties. In states, such as Kansas, with fewer than 250 scheduled on-track parimutuel horse race days per year, approval must be obtained from all tracks conducting horseracing at the same time of day as the track conducting the race upon which the wagers are placed (currently operating tracks) that are within 60 miles of the track where the wagers are accepted. If there are no currently operating tracks within 60 miles, approval must be sought from the nearest currently operating track in any adjoining state. The 60 mile criteria refers to road miles. Cited herein: K.S.A. 74-8836, as amended by 1994 H.B. 3097; 15 U.S.C.S. §§ 3002, 3003, 3004. JLM

Opinion No. 94-78

Constitution of the United States—Amendments to the Constitution of the United States—Freedom of Religion, Speech and Press. Gary House, Attorney for Unified School District No. 286, Sedan, June 13, 1994.

Use of a blue devil as a mascot by a unified school district does not violate the establishment clause of the First Amendment of the United States Constitution. Cited herein: U.S. Const., amend. I; U.S. Const., amend. XIV. RDS

Robert T. Stephan
Attorney General

Doc. No. 015019

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, KDOT, Topeka, until 10 a.m. July 21 and then publicly opened:

District One—Northeast

Brown—36-7 K-5323-01—U.S. 36, safety rest area at the junction of U.S. 36/U.S. 75, safety rest area improvement. (State Funds)

Johnson—46 N-0018-01—Lamar Avenue and Metcalf Avenue intersection, grading and surfacing. (Federal Funds)

Leavenworth—73-52 K-5275-01—Intersection of U.S. 73 and Lansing Lane in the city of Lansing, 0.1 mile, intersection improvement. (State Funds)

Leavenworth—92-52 K-5244-01—K-92, bridge 26, over the Missouri River and the Missouri Pacific Railroad, bridge painting. (State Funds)

Leavenworth—73-52 K-5358-01—U.S. 73/K-7 at Lansing Lane and East Mary Street in the city of Lansing, traffic signal. (State Funds)

Lyon—56 C-2869-01—County road, 3 miles south and 1 mile west of Hartford, 0.3 mile, grading and bridge. (Federal Funds)

Lyon—35-56 K-5560-01—I-35, from 150 feet east of the east junction of U.S. 50 east to 0.5 mile west of the Lyon-Coffey county line, 9.4 miles, overlay. (State Funds)

Riley—70-81 K-5565-01—I-70, from the Geary-Riley county line, east to the Riley-Wabaunsee county line (eastbound lanes only), 6 miles, overlay. (State Funds)

Shawnee—24-89 K-5577-01—U.S. 24, intersections of Rochester Road and Kansas Avenue in the city of Topeka, overlay. (State Funds)

Shawnee—24-89 K-5578-01—U.S. 24, from the west Goodyear Plant entrance at Topeka, then west, 0.3 mile, overlay. (State Funds)

Shawnee—75-89 K-5413-01—U.S. 75, from the junction of U.S. 75/I-70 north to Soldier Creek, 2.3 miles, overlay. (State Funds)

Shawnee/Douglas—40-106 K-5551-01—U.S. 40, from Green Road in Shawnee County to Stull Road in Douglas County, marking. (Federal Funds)

Wabaunsee—70-99 K-5260-01—I-70, from the Riley-Wabaunsee county line east to the junction of I-70/K-30, 19 miles, overlay. (State Funds)

Wabunsee—70-99 K-5566-01—I-70, from the junction of I-70/K-30, east to the Wabaunsee-Shawnee county line, 5 miles, patching. (State Funds)

Wabaunsee—185-99 K-5545-01—K-185, bridge 10, over I-70, bridge repair. (State Funds)

Wyandotte—35-105 K-5561-01—I-35, east of Southwest Boulevard, northeast to the Kansas-Missouri state line in Kansas City, 1.7 miles, overlay. (State Funds)

Wyandotte—70-105 K-5576-01—Eastbound I-70 bridge 149 (over northbound I-635), and bridge 167 (over 37th Street), bridge repair. (State Funds)

Wyandotte—73-105 K-5412-01—U.S. 73, from U.S. 24, north to the Wyandotte-Leavenworth county line (southbound lanes only), 6 miles, recycle. (State Funds)

Wyandotte—105 N-0010-01—72nd Street, State Avenue to Parallel Parkway in Kansas City, 1.1 miles, grading and surfacing. (Federal Funds)

District Two—Northcentral

Cloud—15 C-3026-01—County road, 6 miles east and 0.5 mile south of Randall, then east, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

Dickinson—4-21 K-5202-01—K-4, culvert, 10.2 miles east of the Dickinson-Saline county line, 0.1 mile, culvert replacement. (State Funds)

Morris—64 C-3232-01—County road, 4 miles north of Burdick, then north, 2.5 miles, surfacing. (Federal Funds)

Republic—79 C-3150-01—County road, 1 mile south and 2 miles east of Belleville, 0.3 mile, grading and bridge. (Federal Funds)

Republic—148-79 K-5216-01—Two culverts on K-148, 0.1 mile, culvert replacements. (State Funds)

District Three—Northwest

Gove—70-32 K-5562-01—I-70, from the junction of I-70/K-23, east to the Gove-Trego county line, milling. (State Funds)

Osborne—71 C-2052-01—County road, 7 miles east and 1.2 miles south of Alton, then south, 0.5 mile, bridge replacement. (Federal Funds)

Sherman/Thomas—106 X-1899-01—Kyle Railroad line from the Kansas-Colorado state line to Rexford, signing. (Federal Funds)

Trego—70-98 K-5563-01—I-70, from the Gove-Trego county line, east to the junction of U.S. 283, 14 miles, seal. (State Funds)

Trego—70-98 K-5564-01—I-70, from the junction of U.S. 283, east to the Trego-Ellis county line, 16.6 miles, overlay. (State Funds)

District Four—Southeast

Crawford—19 K-1426-04—Crawford State Park roads and parking in the Farlington hatchery area, overlay. (State Funds)

Crawford—19 K-1426-05—Glen Elder State Park interior roads and parking areas, overlay. (State Funds)

Greenwood—37 K-2495-03—Toronto State Park Quarry Bay area and South Shore area, overlay. (State Funds)

Montgomery—63 K-1427-04—Elk City Reservoir North Squaw Creek area, overlay. (State Funds)

Woodson—104 K-2496-03—Fall River State Park, overlay. (State Funds)

District Five—Southcentral

Butler—8 TE-0006-01—Missouri Pacific railroad depot in El Dorado, historical rehabilitation. (Federal Funds)

Cowley—18 C-3178-01—County road, 4.7 miles west and 0.9 mile south of Atlanta, 0.1 mile, grading and bridge. (Federal Funds)

Harvey—135-40 K-2266-01—I-135, from the north junction of K-15, north to the Harvey-McPherson county line, 8.3 miles, patching. (State Funds)

Kiowa—49 C-3129-01—County road, 1 mile north of Mullinville, then north, 5 miles, surfacing. (Federal Funds)

Reno—61-78 K-5524-01—K-61, bridge 51, Little Arkansas River drainage, bridge repair. (State Funds)

Rice—14-80 K-5503-01—K-14, bridge 39, Arkansas River, 0.8 mile north of the Reno-Rice county line, bridge repair. (State Funds)

Sedgwick—87 C-2172-01—County road, 1.2 miles west and 0.4 mile north of Valley Center, then north, 0.2 mile, bridge replacement. (Federal Funds)

Sedgwick—135-87 K-2255-01—I-135, from the end of I-135 viaduct, north to the Sedgwick-Harvey county line, 13.7 miles, patching. (State Funds)

Sedgwick—96-87 K-4460-01—K-96, from the west junction of K-296 southeast to the existing 4-lane at Maize, 10.8 miles, grading, bridge and surfacing. (State Funds)

Sumner—55-96 K-5520-01—K-55, bridge 116, Arkansas River, 7.6 miles east of U.S. 81, bridge repair. (State Funds)

District Six—Southwest

Finney—83-28 K-5531-01—U.S. 83, bridge 16, over the Atchison, Topeka and Santa Fe Railway, bridge overlay. (State Funds)

Ford—34-29 K-5515-01—Culvert at milepost 33.9 on K-34, culvert replacement. (State Funds)

Grant/Haskell/Seward—190-106 K-5602-01—K-190 through Grant, Haskell and Seward counties, 24.2 miles, seal. (State Funds)

Gray—56-35 K-5462-01—U.S. 56, from the Haskell-Gray county line, northeast to the east city limits of Montezuma, 12.8 miles, seal. (State Funds)

Hamilton—27-38 K-5514-01—K-27, bridge 39, Arkansas River 15.8 miles north of the Stanton-Hamilton county line, bridge repair. (State Funds)

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

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder be-

fore a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid-approval package will make the bid nonresponsive and not eligible for award consideration.

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

Michael L. Johnston
Secretary of Transportation

Doc. No. 015022

State of Kansas

Department of Transportation

Notice of Public Auction

The Kansas Secretary of Transportation will offer for sale and removal at public auction July 26 the following described improvements located on the south side of Winfield, Kansas, described as follows:

9 a.m. Tract 9—Located approximately 1200 feet east of the intersection of 19th Avenue and Wheat Road on the south side of 19th Avenue. One 1500 sq. ft. frame single family, two story house, one barn, one shed, and one silo. Unit has 6 rooms, 3 bedrooms, 1 bath.

An inspection of the property will be July 19 from 9 a.m. to 10 a.m. and 30 minutes prior to the sale.

The successful bidder will be required to remove the structures from the right of way on or before August 31.

A performance bond of \$2,500 must be posted on the day of the sale for the buildings as a guarantee of removal of the structures. Any item not removed from the right of way on or before the specified date shall revert to and become the property of the Kansas Department of Transportation. The purchaser shall have no right, title or interest or claim to or lien upon said remaining items or part thereof, nor any claim against the Kansas Department of Transportation for the sale price paid after said date. The purchaser shall not permit use or occupancy of said structures pending removal from highway right of way.

The Kansas Department of Transportation ensures the acceptance of bids pursuant to this notice will be without discrimination on the grounds of sex, race, color, religion, physical handicap, or national origin.

Terms of Sale:

Money order, certified or cashier's check for full price. Make check payable to "Secretary of Transportation." Purchaser will receive a bill of sale.

The seller reserves the right to reject any and all bids and is not responsible for accidents. For additional information, contact Gerald Cain at (708) 898-0532.

Michael L. Johnston
Secretary of Transportation

Doc. No. 015020

State of Kansas

State Banking Board

Notice of Meeting

The State Banking Board will meet at 9 a.m. Monday, July 18, in the conference room of the Office of the State Bank Commissioner, Suite 300, Jayhawk Tower, 700 S.W. Jackson, Topeka. The board reviews matters relating to its supervisory authority set forth in K.S.A. 9-1801 et seq.

Frank D. Dunnick
State Bank Commissioner

Doc. No. 015010

State of Kansas

Department of Transportation

Notice of Public Auction

The Kansas Secretary of Transportation will offer for sale and removal at public auction July 26 the following described building located on the south side of Mulvane, Kansas, described as follows:

- 1 p.m. Tract 11—Located approximately 150 feet east of the intersection of K-15 and K-53 on the south side of K-15. 1600 sq. ft. framed single family house. Unit has 7 rooms, 3 bedrooms, 1 bath and a one car attached garage.

An inspection of the property will be July 19 from 1 p.m. to 2 p.m. and 30 minutes prior to the sale.

The successful bidder will be required to remove the structures from the right of way on or before August 31.

A performance bond of \$2,500 must be posted on the day of the sale as a guarantee of removal of the structure. Any item not removed from the right of way on or before the specified date shall revert to and become the property of the Kansas Department of Transportation. The purchaser shall have no right, title or interest or claim to or lien upon said remaining items or part thereof, nor any claim against the Kansas Department of Transportation or the sale price paid after said date. The purchaser shall not permit use or occupancy of said structure pending removal from highway right of way.

The Kansas Department of Transportation ensures the acceptance of bids pursuant to this notice will be without discrimination on the grounds of sex, race, color, religion, physical handicap, or national origin.

Terms of Sale:

Money order, certified or cashier's check for full price. Make check payable to "Secretary of Transportation." Purchaser will receive a bill of sale.

The seller reserves the right to reject any and all bids and is not responsible for accidents. For additional information, contact Gerald Cain at (708) 898-0532.

Michael L. Johnston
Secretary of Transportation

Doc. No. 015021

State of Kansas

Kansas Commission on Governmental Standards and Conduct

Advisory Opinion No. 94-16

Written June 2, 1994, to Rogers L. Brazier, Jr., Chief Attorney, Department of Wildlife and Parks, Topeka.

This opinion is in response to your letter of April 27, 1994, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state conflict of interests law (K.S.A. 46-215 et seq.).

Factual Statement

We understand you request this opinion in your capacity as chief attorney for the Department of Wildlife and Parks. You advise us that KDWP is without a contractor for office cleaning at Marais des Cygnes wildlife area headquarters and for restroom cleaning at LaCygne Lake. KDWP advertised for bids (labor only) for two weeks and received eight bids. The low bidder at \$1,630 per year was Ms. Robin Allen. Ms. Allen's bid is almost \$300 lower than the next lowest bid. Ms. Allen is, however, the wife of Barry Allen, a KDWP employee. Ms. Allen is not an officer or employee of the state of Kansas. The bids were kept absolutely confidential from Mr. Allen and, in fact, he was on two weeks annual leave during the bid process. In addition, Mr. Allen will not be responsible for supervising the work performed by the contractor.

Question

Under the above stated factual situation, would a violation of the state conflict of interest law occur if Ms. Allen is awarded the cleaning contract? Assuming that the contract is awarded to Ms. Allen, would a potential conflict of interest exist if, in the future, Mr. Allen's duties require his supervision or oversight of his wife's performance under the contract?

Opinion

Three sections of the act might apply to the situation you describe.

K.S.A. 46-233 prohibits a state officer or employee from participating in the making of contracts with his or her spouse's private business. This section, however, does not apply to "(d)(1) contracts let after competitive bidding has been advertised for by published notice," nor does it apply to the later question of oversight of an existing contract. Thus, this section does not apply to this specific factual situation.

K.S.A. 46-246a relates to nepotism. That law, however, applies to discretionary decisions that one state officer may make in regard to a family member who is to become or already is a state officer. This factual situation is not covered by K.S.A. 46-246a since the spouse will be merely a contractor with the state.

K.S.A. 46-286(a) states:

No state officer or employee, in the officer's or employee's official capacity, shall participate directly in the licensure, inspection or administration or enforcement of any regulation of or in any contract with any outside organization with which the officer or employee holds a position.

This section would apply to the situation if the husband holds a position in the wife's business. If at any time he does, then during that time, he may not participate directly in the licensure, inspection or administration or enforcement of any regulation of or in any contract with his wife's business.

So long as Mr. Allen does not hold a position with Ms. Allen's business, then the section does not apply. Otherwise, we find no other sections of the act which apply to the situation you have described.

Advisory Opinion No. 94-17

Written June 2, 1994, to the Honorable Barbara Allen, State Representative, Prairie Village.

This opinion is in response to your letter of April 30, 1994, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state conflict of interests law (K.S.A. 46-215 *et seq.*).

Factual Statement

We understand you request this opinion in your capacity as a state legislator. You state you are presently affiliated with a law firm, not as an owner, but in the capacity known as "of counsel." You are a salaried employee, but are eligible to receive a bonus of 5 percent of gross fees collected from new clients who engage the firm as a direct result of your efforts. The firm pays for your professional liability coverage with the firm's insurance carrier, and you pay for professional memberships and CLE requirements. A lobbyist also plans to affiliate with the law firm for the practice of law on an "of counsel" basis—not as an owner or employee, but either leasing services or paying for them from revenues.

The lobbyist is not presently engaged in lobbying, and may either structure this activity as part of his private law practice, or he may form a separate corporation for lobbying activities. Either way, it is possible that the owners of the law firm may indirectly receive a percentage of revenue from lobbying activities, and some of their staff and equipment may be used in this activity. You would not share in the lobbyist's revenues.

You also note it would be possible for the lobbyist to isolate the lobbying activities in a separate corporation, with no sharing of revenues with even the law firm. In fact, the lobbyist may decide to do this for unrelated reasons having nothing to do with this request.

Question

You ask whether K.S.A. 46-215 *et seq.* prohibits any of the situations you have described.

Opinion

We have reviewed K.S.A. 46-215 *et seq.* in its entirety and find no provision applicable to the situations you describe. Thus, it is our opinion that the situations you describe are not prohibited by the state level conflict of interests law. We would, however, note that the situation where a member of a law firm may be lobbied by another member of the same firm raises an appearance of impropriety issue which we suggest you consider.

Advisory Opinion No. 94-18

Written June 2, 1994, to David Bybee, Department of Commerce and Housing, Topeka.

This opinion is in response to your letter of May 18, 1994, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state conflict of interests law (K.S.A. 46-215 *et seq.*).

Factual Statement

This request is a follow-up to Opinion No. 94-10 issued by this commission on April 28, 1994. We understand the same factual situation applies and in addition that you may wish to apply to the Community Development Block Group (CDBG) program for funding to purchase a business while you are still working for the state in your present capacity as High Performance Incentive Program (HPIP) manager. Under this scenario, you would resign your position when the CDBG grant had been approved and the state was actually ready to disburse funds. This is important to you because of the lag time between an application for funding and actual commitment from the state to fund the contract. Due to uncertainties in the application and funding process, in particular the possibility of funds not being available for a particular grant, you need direction as to whether you could remain in state service until such time as the state was ready to provide funding.

There is also the possibility that your CDBG loan application could be rejected for funding and in that event you would not wish to terminate your state service prematurely.

Question

May you apply for a CDBG grant in your capacity as an individual during your tenure as a state officer or employee?

Opinion

The answer to your question is that you may apply for a CDBG grant in your individual capacity so long as you do not participate in any fashion whatsoever in your official capacity as a state officer or employee in regard thereto. (See K.S.A. 46-233)

Advisory Opinion No. 94-19

Written June 2, 1994, to the Honorable Melvin J. Neufeld, State Representative, Ingalls.

This opinion is in response to your letter of May 18, 1994, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning both the Campaign Finance Act (K.S.A. 25-4142 *et seq.*) and the state conflict of interests laws (K.S.A. 46-215 *et seq.*).

Factual Statement

We understand you request this opinion in your capacity as a state representative. You advise us that you may have a need to pay legal expenses defending yourself. We also understand that the allegations against you arise from conduct while you were serving as a state officer in relation to state business.

Questions

1. May you use campaign funds for your legal defense?

2. May you establish a separate defense fund and, if so, what reporting requirements exist and what provision should be made for any surplus?

(continued)

Opinion

K.S.A. 25-4147a(a) states:

No moneys received by any candidate or candidate committee of any candidate as a contribution under this act shall be used or be made available for the personal use of the candidate and no such moneys shall be used by such candidate or the candidate committee of such candidate except for legitimate campaign purposes or for expenses of holding political office.

For the purpose of this section, expenditures for "personal use" shall include expenditures to defray normal living expenses for the candidate or the candidate's family and expenditures for the personal benefit of the candidate having no direct connection with or effect upon the campaign of the candidate or the holding of public office.

It is our opinion that the phrase "expenses of holding public office" means costs associated with travel, education, constituent communications, etc. We do not believe this language contemplates the use of campaign funds for defense purposes since crimes by their very nature are personal.

The second question is covered primarily by the state conflict of interests law.

K.S.A. 46-236 states:

No state officer or employee or candidate for state office shall solicit any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service from any person known to have a special interest, under circumstances where such officer, employee or candidate knows or should know that a major purpose of the donor in granting the same could be to influence the performance of the official duties or prospective official duties of such officer, employee or candidate.

Except when a particular course of official action is to be followed as a condition thereon, this section shall not apply to (1) any contribution reported in compliance with the campaign finance act; (2) a commercially reasonable loan or other commercial transaction in the ordinary course of business; or (3) any solicitation for the benefit of any charitable organization which is required to file a registration statement with the secretary of state pursuant to K.S.A. 17-1740 or which is exempted from filing such statement pursuant to K.S.A. 17-1741 or for the benefit of any educational institution or such institution's endowment association, if such association has qualified as a nonprofit organization under paragraph (3) of subsection (c) of section 501 of the internal revenue code of 1954, as amended.

K.S.A. 46-237 (a), (b) and (e) state:

(a) No state officer or employee or candidate for state office shall accept, or agree to accept any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.

(b) No person with a special interest shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate

value of \$40 or more in any calendar year to any state officer or employee or candidate for state office with a major purpose of influencing such officer or employee in the performance of official duties or prospective official duties.

(e) Except when a particular course of official action is to be followed as a condition thereon, this section shall not apply to (1) any contributions reported in compliance with the campaign finance act; or (2) a commercially reasonable loan or other commercial transaction in the ordinary course of business.

K.S.A. 46-236 precludes most solicitations by a state officer of persons who hold "special interests." "Special interests" is a broadly defined term in K.S.A. 46-228 which would include almost anyone who does business with the state. Thus, unless an individual is a personal or business acquaintance, whose relationship is unrelated to state business, most solicitations would be prohibited. If a person could be solicited under this section, then there are no limitations on the amount that may be sought.

For those individuals who do have a "special interest" but wish to make a *voluntary unsolicited* donation, the amount is limited by K.S.A. 46-237(a) and (b) to less than \$40 in a calendar year in the aggregate with all other donations by that individual.

For donations legally made under K.S.A. 46-236 and 46-237, there are no reporting or accounting requirements except for those persons without a "special interest" who may exceed the \$40 limit. Donations from those persons in excess of \$500 must be reported on a Statement of Substantial Interests (see K.S.A. 46-248). The act is silent on the use of residual funds.

Advisory Opinion No. 94-20

Written June 2, 1994, to Lisa E Janati, Staff Attorney, Kansas Department of Transportation, Topeka.

This opinion is in response to your letter of May 25, 1994, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state conflict of interests law (K.S.A. 46-215 *et seq.*).

Factual Statement

We understand you request this opinion in your capacity as staff attorney for the Kansas Department of Transportation. You advise us that Ms. Kelly Badenoch is the Information Resource Planning Manager in KDOT's Bureau of Computer Services. KDOT belongs to a professional organization, "Highway Engineering Exchange Program" (HEEP). Ms. Badenoch is KDOT's representative and an officer in the organization. As part of her employment, Ms. Badenoch attended a conference held by HEEP. She, along with others, went to a banquet which was part of the conference. The banquet tickets, with each participant's name on the back, were put in a drawing for various prizes. Several hats and T-shirts were awarded.

The grand prize was a computer software package. The donor was one of several vendors who participated in the conference, and had a booth displaying their products. KDOT does purchase some software from this company. The value of the software is substantial; it is well

over the \$40 limit of K.S.A. 46-237. Ms. Badenoch's name was drawn from all available names in the drawing at the time. She was unsure if she could accept the software, and sought advice from your office. As you understand it, when she indicated to the vendor that she may not be able to accept it, the vendor asked if the agency could accept it, or if they could make a "commercial loan" of the software to KDOT. You believe the purpose is for customers to review and use the software to see if it is a package they would be interested in purchasing. You also note KDOT does not license, regulate or inspect the vendor/donor.

Questions

1. May Ms. Badenoch accept the software package?
2. If not, may the state agency accept the software package?

Opinion

K.S.A. 46-237(a) and (c) state:

(a) No state officer or employee or candidate for state office shall accept, or agree to accept any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.

(c) No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year to such agency or any state officer or employee of the agency.

K.S.A. 46-228 states:

"Special interest" means an interest of any person as herein defined (1) concerning action or non-action by the legislature on any legislative matter affecting such person as distinct from affect upon the people of the state as a whole, or (2) in the action or non-action of any state agency or state officer or employee upon any matter affecting such person as distinct from affect upon the people of the state as a whole.

It is our opinion that Ms. Badenoch may not accept the gift you describe since the vendor does have a "special interest" (see K.S.A. 46-228) and the purpose of the donation is clearly to influence the state officer's possible recommendation to purchase goods from the vendor. The state agency may, however, accept the software since it does not license, regulate or inspect the vendor.

Ms. Badenoch is to be congratulated for recognizing the problem here and taking appropriate action.

Advisory Opinion No. 94-21

Written June 2, 1994, to Eric R. Yost, Chairman, Fourth District Republican Party, Harris, Yost & Cunningham, Wichita.

This opinion is in response to your letter of May 13, 1994, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the Campaign Finance Act (K.S.A. 25-4142 *et seq.*).

Factual Statement

We understand you request this opinion in your capacity as chairman of the Fourth District Republican Party.

You state that in reviewing the Campaign Finance Act, and more specifically, K.S.A. 25-4143(g), you note the definition of "party committee" includes state committees and county central committees. Nowhere in the definition of party committee is a congressional district committee mentioned. You state K.S.A. 25-4143(i) defines political committee in a manner that makes it unclear to you whether or not this is a catch-all which would apply to a congressional district committee, if said congressional district committee does not qualify as a party committee.

Question

Since "political committees" and "party committees" have different limitations on receipts and expenditures that are permitted under the law, you ask if the Fourth District Republican Party Committee, and every other congressional district committee in the state of Kansas, is considered by the commission to be a party committee or a political committee.

Opinion

You have correctly noted that a congressional district committee is not a "party committee" under the definition of that phrase in K.S.A. 25-4143(g).

"Political committee" is defined in K.S.A. 25-4143(i) as follows:

"Political committee" means any combination of two or more individuals or any person other than an individual, a major purpose of which is to support or oppose any candidate for state or local office, but not including any candidate committee or party committee.

This definition does apply to a congressional district committee if it has a major purpose of supporting or opposing any candidate for state or local office. Whether the purpose test is met depends on the facts of each case. We have insufficient information to answer your general question on how this definition would apply to all other congressional district committees. If you wish to provide further information about your committee, we will issue an additional opinion as to the application of this section to your specific situation.

Richard C. Loux
Chair

Doc. No. 015024

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. The following appointments were filed May 30-June 15:

State Representative, 5th District

Bill Feuerborn, Route 1, Garnett 66032. Term expires when a successor is elected and qualifies according to law. Succeeds George Teagarden, resigned.

Sherman County Register of Deeds

Carol S. Armstrong, 6255 Road 20, Goodland 67735. Term expires when a successor is elected and qualifies according to law. Succeeds Dorothea Graybill, resigned.

State Building Advisory Commission

Robert J. Bernica, 1631 Lakeside Drive, Topeka 66604. Term expires December 31, 1998. Reappointment.

D. L. Smith, 1405 S.W. 41st, Topeka 66609. Term expires December 31, 1998. Reappointment.

State Civil Service Board

Gene Bova, 4229 W. 98th, Overland Park 66207. Subject to Senate confirmation. Succeeds Mary Lynn Holbrook.

Coordinating Council on Early Childhood Developmental Services

Debra K. Voth, Chairperson, Special Beginning Special Education Center, P.O. Box 399, Hutchinson 67504. Serves at the pleasure of the Governor. Succeeds Nancy Peterson, resigned.

Governor's Commission on School-to-Work Transition

Loretta Shelley, 1801 S.W. Meadow Lane, Topeka 66604. Serves at the pleasure of the Governor. New position.

State Board of Healing Arts

Laurel H. Rickard, 1202 N. High, Medicine Lodge 67104. Term expires June 30, 1998. Succeeds Harold Guldner.

William I. Koch Commission on Crime Reduction and Prevention

Martin Eby, Source Code Systems, 9406 Shannon Way Circle, Wichita 67206. Term expires January 31, 1996. New position.

Central Kansas Regional Library System

Betty Barker, City Lake, Route 1, P.O. Box 252, Council Grove 66846. Term expires June 30, 1998. Succeeds Margaret White.

Alice Bartow, Route 1, Chapman 67431. Term expires June 30, 1998. Succeeds Anita Bathurst.

Military Advisory Board

Ronald D. Tincher, 16309 Chur, Olathe 66062. Serves at the pleasure of the Governor. Succeeds John W. Mitchell.

Calvin B. Warrem, 3640 S.E. 28th Terrace, Topeka 66605. Serves at the pleasure of the Governor. Succeeds Joseph Guerrein.

State Board of Nursing

Anna B. Coles, 6841 Garfield Drive, Kansas City, KS 66102. Term expires June 30, 1998. Succeeds Joan Felts.

James A. McClinton, 1305 S.W. Washington, Topeka 66607. Term expires June 30, 1998. Reappointment.

Public Employee Relations Board

Paul D. Tompkins, 5655 S.W. Hawick Lane, Topeka 66614. Subject to Senate confirmation. Term expires July 1, 1997. Succeeds Merrill Werts.

Kansas Quality Management Planning and Guidance Committee

Charles G. Bredahl, Office of the Adjutant General, 2800 S.W. Topeka Blvd., Topeka 66611. Succeeds Joe Crawford.

Cynthia Cain, Department of Human Resources, 401 S.W. Topeka Blvd., Topeka 66603. Succeeds Rosemary Ingram.

Wendy Fritz, Office of the State Fire Marshal, 700 S.W. Jackson, Suite 600, Topeka 66603. Succeeds Mark Andrews.

Don Jacka, State Board of Agriculture, 901 S. Kansas Ave., 1st Floor, Topeka 66612. Succeeds Bill McGlasson.

Craig Kammen, Department on Aging, Room 122-S, Docking State Office Building, 915 S.W. Harrison, Topeka 66612. New Position.

Linda Kinney, Department of Health and Environment, Room 901, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. Succeeds Nancy Echols.

Carla Nolan, Kansas Lottery, 128 N. Kansas Ave., Topeka 66608. Succeeds Steve Jack.

Alan Ohlstein, Department of Corrections, 1st Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. Succeeds Robert Barnum.

Jack Spurgeon, Department of Wildlife and Parks, 5th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. Serves at the pleasure of the Governor. New position.

Tom Stiles, Kansas Water Office, 901 S.W. 9th, Suite 300, Topeka 66612. New position.

Leo Vogel, Department of Administration, Division of Purchases, 1st Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. Succeeds Clifford Silsby.

Washburn University Board of Regents

Maxine Porter, Route 1, Box 76, Reading 66868. Effective July 1, 1994. Term expires June 30, 1998. Succeeds Mark Heitz.

Kansas Wildlife and Parks Commission

John R. Dykes, 3400 Eastvale Road, Fairway 66205. Term expires July 1, 1998. Succeeds William A. Anderson, Jr.

Bill Graves
Secretary of State

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 for 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.

Public Notice No. KS-AG-94-52/53

Name and Address of Applicant	Legal Description	Receiving Water
Bartel & Peters, Inc. Route 2, P.O. Box 70 Hillsboro, KS 67063	E/2, Sec. 31, T20S, R2E, Marion County	Cottonwood River Basin

Kansas Permit No. A-NEMN-SO13

The proposed facility will have capacity for approximately 1,740 swine. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule:

The waste management plan developed by Muetting Engineering and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquid and solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 1.5 acre-inch per acre per year and solids shall be applied at no greater than 20 ton per acre.

Proof of purchase or copy of a lease agreement for additional dewatering equipment shall be submitted to this agency prior to the construction of Phase II. The dewatering equipment must be capable of pumping 140 gallons per minute. The document is to be submitted to the Kansas Department of Health and Environment, Forbes Field, Topeka 66620.

Name and Address of Applicant	Legal Description	Receiving Water
Dulaney Feedyards, Inc. P.O. Box 1789 Great Bend, KS 67530	Sec. 18, T19S, R13E, Barton County	Upper Arkansas River Basin

Kansas Permit No. A-UABT-C001 Federal Permit No. KS-0040606

The feedlot has capacity for approximately 28,000 cattle and a contributing drainage area of approximately 384 acres. This is an existing facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 127.2 acre-feet.

Compliance Schedule:

1. 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.

2. Dewatering equipment shall be obtained within six months after issuance of this permit through purchase, rental or custom application agreement. Total pumping capacity shall be capable of pumping at least 6,175 gallons per minute and dispersing the wastewater over 420 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

Public Notice No. KS-ND-94-5

Name and Address of Applicant	Waterway	Type of Discharge
Hills Science and Technology Center 1035 N.E. 43rd Street Facility c/o Hills Pet Nutrition, Inc. P.O. Box 1658 Topeka, KS 66601-1658 Shawnee County, Kansas Kansas Permit No. I-IS-72-N023	Non-overflowing	Domestic and small animal wastewater

Description of Facility: Wastewater is discharged to an aeration/clarification package plant followed by three lagoons. Irrigation of wastewater from the final lagoon is conducted on permittee's property when necessary. This is an existing facility and the permit conditions have been modified.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, or Dorothy Geisler (agricultural permits), Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments postmarked or received on or before July 22 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-94-52/53 and KS-ND-94-5) and the name of applicant as listed when preparing comments.

If no objections are received during the public notice period, 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.

Robert C. Harder
Secretary of Health and Environment

Doc. No. 015032

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 19,000 cubic yard detention dam, Site 6-22 in Nemaha County, and a 23,500 cubic yard detention dam, Site 25-21 in Brown County, will be received by the Nemaha-Brown Watershed Joint District No. 7 at the district office, 905 N. 2nd, Seneca 66538, until noon or may be hand submitted prior to the bid opening at 2 p.m. July 20, at the district office. A copy of the invitation for bids and plans and specifications can be obtained at the district office, (913) 336-6044.

Kenneth F. Kern
Executive Director

Doc. No. 015025

State of Kansas

Department of Health
and Environment

Notice of Proposed Permit Action

The Secretary of Health and Environment is proposing to issue an air emission source construction permit in accordance with K.A.R. 28-19-14 (permits required) to Anadarko Petroleum Corporation to install and operate a gas compressor at NE/4 Sec. 10, T33S, R40W in Morton County.

Written materials, including the permit application and information relating to the application submitted by Anadarko, 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 July 22 by contacting Wayne Neese, KDHE Southwest District Office, Dodge City, (316) 225-0596. This material also can be reviewed at the KDHE office in Building 283, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to Eugene Sallee, KDHE, (913) 296-1575.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to the permit's 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 July 22.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 015033

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 42,000 cubic yard detention dam, Site 118 in Shawnee County, will be received by the Wakarusa Watershed Joint District No. 35 at the Wakarusa Watershed District Office, 302 Maple, Box 139, Overbrook 66524-0139, until 2 p.m. July 12, and then opened. A copy of the invitation for bids and plans and specifications can be obtained from the Wakarusa Watershed District Office, (913) 665-7231.

Kenneth F. Kern
Executive Director

Doc. No. 015011

State of Kansas

Kansas Racing Commission

Temporary Administrative
RegulationsArticle 12.—KANSAS HORSE BREEDING
DEVELOPMENT FUND

112-12-14. Registration of Arabian, Appaloosa, Paint and Standardbred horses. (a) Arabian, Appaloosa, Paint and Standardbred horses may be registered into the Kansas bred program if the horse is:

(1) registered with a national breed association; and
(2) owned wholly or in part by a resident of Kansas as defined by these racing regulations, or leased by a resident of Kansas as defined by these racing regulations, and the lease is effective throughout the time the horse is registered as a Kansas-bred horse. Horses leased from nonresident owners shall not be eligible to race for funds to be paid out of the Kansas horse breeding development fund.

(b) Each person who intends to register a horse under this regulation shall:

(1) file an application for registration with the official registering agency on or before December 31, 1994, on forms approved by the commission;

(2) file with the official registering agency evidence of ownership including:

(A) bills of sale;
(B) the official breed registration certificate issued by the national breed association; and

(C) contracts or other documents that demonstrate proof of ownership and reflect all agreements concerning breeding rights, repurchase and any other terms and conditions;

(3) pay the \$50.00 fee for registering each horse under this regulation; and

(4) make each horse registered under this regulation available at any reasonable time for inspection by representatives of the official registering agency. (Authorized by K.S.A. 1993 Supp. 74-8804 and implementing K.S.A. 74-8830; effective, T-112-6-16-94, June 16, 1994.)

Janet Chubb
Executive Director

Doc. No. 015031

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 50,000 cubic yard (estimated) detention dam and a 44,000 cubic yard (estimated) detention dam, Site No. 103 in Pottawatomie County and Site No. 112 in Jackson County, will be received by Cross Creek Watershed Joint District No. 42, 104 W. Pottawatomie, Rossville 66533, or may be hand carried and submitted prior to bid opening at 8 p.m. July 13 at said address. A copy of the invitation for bids and plans and specifications can be obtained or reviewed at White, Martin & Associates, 1725 S.W. Gage Blvd., Topeka 66604, (913) 271-7100.

Kenneth F. Kern
Executive Director

Doc. No. 015013

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1993 Supp. 75-4210. These rates and their uses are defined in K.S.A. 75-4201(l), 12-1675(b)(c)(d) and 75-4209(a)(1)(B), as amended.

Effective 6-27-94 through 7-3-94

Term	Rate
0-90 days	4.20%
3 months	4.20%
6 months	4.76%
9 months	5.04%
12 months	5.20%
18 months	5.57%
24 months	5.80%
36 months	6.19%
48 months	6.55%

Sally Thompson
State Treasurer

Doc. No. 015012

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 27,900 cubic yard detention dam, Site 117 in Chase County for Diamond Creek Watershed Joint District No. 61, and a 27,900 cubic yard detention dam, Site 104 in Chase County for Peyton Creek Watershed Joint District No. 71, will be received by Lee W. Collinsworth, contracting officer, at the Soil Conservation Service (SCS) Office, 219 Broadway, Cottonwood Falls 66845, until 2 p.m. July 19, and then opened. A copy of the invitation for bids and plans and specifications can be obtained from the contracting officer, Box 29, Cottonwood Falls, (316) 273-8131, and reviewed at either the SCS Office in Cottonwood Falls, (316) 273-8131, or Council Grove, (316) 767-5313.

Kenneth F. Kern
Executive Director

Doc. No. 015026

(Published in the Kansas Register, June 23, 1994.)

Notice of Partial Redemption
to all holders of
City of Eskridge, Kansas
Industrial Revenue Bonds, Series A 1981

You are hereby notified that \$45,000 par value of the outstanding bonds of the above-described bond issue is subject to mandatory redemption on July 1, 1994. In accordance with Section 4(c) of Ordinance No. 341 of the city of Eskridge, Kansas, the fiscal agent has selected by lot the following bonds for redemption. Interest on the called bonds will cease to accrue from and after July 1, 1994.

Bond Number	Face Value
51 thru 59	At \$5,000 Each

Such bonds should be surrendered to the paying agent, First Manhattan Trust Company, Successor to First National Bank of Manhattan, P.O. Box 66, Manhattan, KS 66502-0001, for redemption and payment as indicated above.

First Manhattan Trust Company

Doc. No. 015023

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1993 Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

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1-2-30	Amended	V. 12, p. 902
1-2-46	Amended	V. 12, p. 1705

1-5-15	Amended	V. 12, p. 1705	1-16-2f	Revoked	V. 12, p. 722, 865
1-5-28	Amended	V. 12, p. 902	1-16-2k	Amended	V. 12, p. 722, 865
1-6-22a	New	V. 12, p. 1706	1-16-22	Amended	V. 12, p. 865
1-6-23	Amended	V. 12, p. 1706	1-17-13	Amended	V. 13, p. 720
1-7-4	Amended	V. 12, p. 1707	1-18-1a	Amended	V. 12, p. 865
1-9-5	Amended	V. 12, p. 902	1-21-1	Amended	V. 12, p. 865
1-9-6	Amended	V. 12, p. 1708	1-21-2	Amended	V. 12, p. 866
1-9-13	Amended	V. 12, p. 1709	1-21-3	Revoked	V. 12, p. 866
1-9-21	Amended	V. 12, p. 903	1-21-4	Amended	V. 12, p. 866
1-9-23	Amended	V. 12, p. 903	1-21-5	Revoked	V. 12, p. 866
1-9-24	New	V. 12, p. 1709, 1779	1-21-6	Revoked	V. 12, p. 866
1-10-6	Amended	V. 12, p. 1709	1-21-7	Amended	V. 12, p. 866
1-13-1a	Amended	V. 12, p. 1709	1-21-8	Revoked	V. 12, p. 866
1-14-6	Amended	V. 12, p. 1817	1-21-9	Revoked	V. 12, p. 866
1-14-7	Amended	V. 12, p. 1817	1-21-10	Revoked	V. 12, p. 866
1-14-8	Amended	V. 12, p. 1710	1-21-11	Revoked	V. 12, p. 866
1-14-10	Amended	V. 12, p. 1818	1-21-12	Amended	V. 12, p. 866
1-14-12	New	V. 12, p. 1711	1-22-1		
1-16-2	Amended	V. 12, p. 721, 864	through		
1-16-2a	Amended	V. 12, p. 721, 864	1-22-5	Revoked	V. 12, p. 722, 867
1-16-2b	Amended	V. 12, p. 721, 864	1-28-1	Revoked	V. 12, p. 867
1-16-2d	Amended	V. 12, p. 721, 864			(continued)

1-28-2 Revoked V. 12, p. 867
 1-49-1 Amended V. 13, p. 720
 1-49-11 New V. 12, p. 1711
 1-50-2 Revoked V. 12, p. 867

AGENCY 2: MUNICIPAL ACCOUNTING BOARD

Reg. No. Action Register
 2-3-3 Revoked V. 12, p. 887

AGENCY 4: BOARD OF AGRICULTURE

Reg. No. Action Register
 4-8-14a Amended V. 12, p. 1212
 4-8-28 Amended V. 12, p. 1212
 4-8-32 Amended V. 12, p. 1213

AGENCY 5: BOARD OF AGRICULTURE—DIVISION OF WATER RESOURCES

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 5-1-2 New V. 13, p. 493
 5-3-4a Amended V. 13, p. 493
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 5-7-4 New V. 13, p. 495
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 5-21-1 Amended V. 13, p. 443
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 5-22-2 Amended V. 13, p. 92
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 7-27-1 Amended V. 12, p. 1336
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 7-36-1 through 7-36-6 New V. 13, p. 5
 7-37-1 New V. 13, p. 765
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 17-21-1 Amended V. 12, p. 314
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