

# KANSAS REGISTER



State of Kansas

**JACK H. BRIER**  
Secretary of State

Vol. 1, No. 26

July 1, 1982

Pages 799-814

<i>IN THIS ISSUE . . . .</i>	<i>Page</i>
✓ <i>Kansas State Grain Inspection Department</i>	
Notice of Hearing . . . . .	800
✓ <i>Secretary of State</i>	
Usury Rate for July . . . . .	800
✓ <i>State Planning Council on Developmental Disabilities</i>	
Notice of Meeting . . . . .	800
<i>Legislative Interim Committee Schedule . . . . .</i>	801
<i>Social and Rehabilitation Services</i>	
✓ Public Notice . . . . .	802
✓ Notice of Meeting . . . . .	802
<i>Department of Health and Environment</i>	
✓ Public Notice . . . . .	802
<i>State Corporation Commission</i>	
✓ Notice of Application for Railroad Agency Test . . . . .	802
✓ Notice of Motor Carrier Hearings . . . . .	803
<i>Notices of Bond Sales</i>	
City of Inman . . . . .	804
City of Hutchinson . . . . .	805
<i>State Board of Agriculture</i>	
✓ Notices of Hearings on Proposed Regulations . . . . .	806, 807
✓ <i>Secretary of State</i>	
Notice of Forfeiture . . . . .	808
<i>Notice to Bidders for State Purchases . . . . .</i>	809
<i>New Temporary Administrative Regulations</i>	
✓ Department of Health and Environment . . . . .	810
✓ Department of Revenue . . . . .	811
✓ State Corporation Commission . . . . .	811
<i>Attorney General's Opinions</i>	
Opinions No. 82-134 through 82-140 . . . . .	813

## State of Kansas

**KANSAS STATE GRAIN  
INSPECTION DEPARTMENT****NOTICE OF PUBLIC HEARING**

A public hearing will be held on Friday, July 16, 1982, at 1:00 p.m., in the conference room of the Grain Inspection Department, 535 Kansas Avenue, 8th Floor, Topeka, Kansas, to consider the adoption of a proposed temporary rule and regulation of the Kansas State Grain Inspection Department.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Director, Kansas State Grain Inspection Department, 535 Kansas Avenue, 8th Floor, Topeka, Kansas 66603. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing.

Copies of the full text of the regulation and the fiscal impact statement may be obtained by writing to the Director, Kansas State Grain Inspection Department, 535 Kansas Avenue, 8th Floor, Topeka, Kansas 66603. The following is a summary of the regulation:

**K.A.R. 25-4-1:** Amendment to this regulation adds edible bean inspection services to the Grain Inspection Department's fee schedule.

**MARVIN R. WEBB**  
Director

Doc. No. 000435

## State of Kansas

**SECRETARY OF STATE****NOTICE**

TO ALL TO WHOM THESE PRESENTS SHALL  
COME, GREETING:

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that pursuant to the provisions of Section 1(b) of Ch. 88, 1981 Session Laws of Kansas, the Maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of July 1, 1982 through July 31, 1982 shall be 18.552%.

In testimony whereof: I hereto set my hand and cause to be affixed my official seal. Done at the City of Topeka, this 24th day of June A.D. 1982.

**JACK H. BRIER**  
Secretary of State

Doc. No. 000433

## State of Kansas

**STATE PLANNING COUNCIL ON  
DEVELOPMENTAL DISABILITIES****NOTICE OF GRANT REVIEW  
COMMITTEE MEETING**

The State Planning Council on Developmental Disabilities will hold a Grant Review Committee Meeting on Tuesday, July 20, 1982, Statehouse, Room 529S, at 1:00 p.m. All interested parties are welcome to make public comments.

**JOHN CONWAY**  
Executive Secretary

Doc. No. 000428

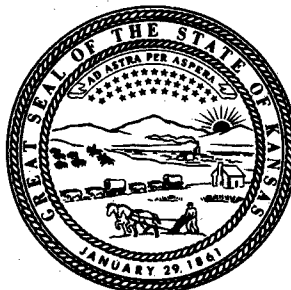
The *Kansas Register* is an official publication of the State of Kansas, published by authority of K.S.A. 1981 Supp. 75-430. The *Kansas Register* is published weekly by the Kansas Secretary of State; State Capitol; Topeka, Kansas 66612. One-year subscriptions are \$47.50; single copies may be purchased, if available, for \$2.00 each. Second class postage paid at Topeka, Kansas.

ISSN No. 0744-2254.

**Postmaster:** Send change of address form to Kansas Register; Secretary of State; State Capitol; Topeka, Kansas 66612.

© Secretary of State of the State of Kansas 1982. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature, and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

**PUBLISHED BY**  
**JACK H. BRIER**  
Secretary of State  
State Capitol  
Topeka, Kansas 66612



PHONE: 913/296-2236

**Carol A. Bell**  
Publications Director

## State of Kansas

**LEGISLATURE**  
**INTERIM AGENDA**

Following is a listing of meetings which are scheduled for the period of July 5 through July 16, 1982. All meetings are to be held in the Statehouse in Topeka unless otherwise indicated.

DATE	ROOM	TIME	COMMITTEE	AGENDA
July 6	123-S	10:00 A.M.	Joint Committee on	Five-Year Review of Department of Administration Begins.
July 7	123-S	9:00 A.M.	Administrative Rules and Regulations	
July 8			Special Committee on Assessment and Taxation	<b>CANCELLED</b> Rescheduled for later date.
July 9				
July 8	527-S	10:00 A.M.	Joint Committee on	Hearings on Claims Filed to Date.
July 9	527-S	9:00 A.M.	Special Claims Against the State	
July 8	529-S	10:00 A.M.	Special Committee on Labor and Industry	1st Day: Staff and Agency Review of the Employment Security Law. 2nd Day: Testimony from Interested Persons on Proposal No. 17 (Employment Security).
July 9	529-S	9:00 A.M.		
July 8	531-N	10:00 A.M.	Special Committee on Hospital Laws	Staff and Committee Review of Current Laws.
July 9	531-N	9:00 A.M.		
July 12	123-S	9:00 A.M.	Special Committee on Data Processing	Review of DISC Operations.
July 14	Salina	10:00 A.M.	Special Committee on Ways and Means	Initial Consideration of all Proposals with Concentration on Proposal No. 30—(Affiliated Family Practice Program).
July 15	Salina	9:00 A.M.		
July 15	526-S	10:00 A.M.	Special Committee on Assessment and Taxation	15th: Hearings on Proposal Nos. 2, 4, 5 and 6.
July 16	526-S	9:00 A.M.		16th: Hearing on Proposal No. 3.
July 15	519-S	10:00 A.M.	Special Committee on Commercial and Financial Institutions	Agenda not available.
July 16	519-S	9:00 A.M.		
July 16	531-N	10:00 A.M.	Special Committee on Public Health and Welfare	Staff Review of Proposal No. 27.

**WILLIAM R. BACHMAN**  
Director of Legislative  
Administrative Services

**State of Kansas**  
**SOCIAL AND REHABILITATION SERVICES**

**BASIC MAXIMUM DAILY RATE  
 OF CHARGE FOR TREATMENT OF  
 PATIENTS IN STATE INSTITUTIONS**

In compliance with K.S.A. 59-2006b, as amended, the following per patient day costs for fiscal year 1983 will be the basic maximum daily rate of charge, effective July 1, 1982, for the following state institutions:

Parsons State Hospital and Training Center	\$ 78.10
Winfield State Hospital and Training Center	77.88
Kansas Neurological Institute	79.43
Norton State Hospital	93.02
Rainbow Mental Health Facility	144.22

ROBERT C. HARDER, Secretary  
 Social and Rehabilitation Services

Doc. No. 000429

**State of Kansas**  
**SOCIAL AND REHABILITATION SERVICES**

**OPEN MEETING NOTICE**

Notice is hereby given to all interested parties that the Department of Social and Rehabilitation Services will hold an Open Meeting on July 6, 1982, at 9:00 a.m. in the Staff Development Training Center, Topeka State Hospital.

The scheduled agenda for the Open Meeting includes:

- Public hearing with clients and providers regarding SRS budget for 1984.
- Public hearing on the Social Services block grant, Energy Assistance block grant, the Community Services block grant, and the Alcohol, Drug Abuse and Mental Health block grant.
- Kansas Weatherization Volunteer Effort.

Telephone hook-ups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hutchinson, Junction City, Kansas City, Lawrence, Olathe, Ottawa, Parsons, Pittsburg, Pratt, Salina, Topeka (Area Office and State Office Building), Wichita, and Winfield.

ROBERT C. HARDER, Secretary  
 Social and Rehabilitation Services

Doc. No. 000409

**State of Kansas**  
**DEPARTMENT OF HEALTH  
 AND ENVIRONMENT**

**PUBLIC NOTICE**

The following Certificate of Need Applications have been approved by the Kansas Department of Health and Environment. These Certificates of Need shall become effective on the date indicated below unless appealed.

**NAME OF APPLICANT:** Bethany Medical Center  
**TYPE OF PROJECT:** Renovation of 26-Bed Wing  
**LOCATION:** Kansas City, Kansas  
**E F F E C T I V E DATE:** July 18, 1982

**NAME OF APPLICANT:** Olathe Community Hospital  
**TYPE OF PROJECT:** Construct 150-Bed Replacement Facility  
**LOCATION:** Olathe, Kansas  
**E F F E C T I V E DATE:** July 18, 1982

JOSEPH F. HARKINS, Secretary  
 Department of Health and Environment

Doc. No. 000436

**State of Kansas**  
**STATE CORPORATION COMMISSION**

**NOTICE OF APPLICATION FOR A  
 RAILROAD AGENCY TEST**

The Atchison, Topeka and Santa Fe Railway Company has filed an application to proceed with a Service System Test and for an order authorizing and permitting it to discontinue the services of its Agents at its stations of Humboldt, Fredonia, Pittsburg, Independence, Coffeyville and Girard. The Commission will examine Docket 133,915-R on July 29, 1982, to determine if more than 50% of the consignees and consignors protested and/or of those protesting generated more than 50% of the total agency revenue. If the 50% basis is exceeded in either category the matter will be set for hearing. If the protestants do not exceed the 50% basis the Test Period will become effective August 13, 1982, AS MANDATED BY K.S.A. 66-112.

JACK TIERCE  
 Compliance Administrator

Doc. No. 000434

**State of Kansas  
STATE CORPORATION COMMISSION**

**NOTICE PERTAINING TO  
MOTOR CARRIER HEARINGS  
BEFORE THE  
STATE CORPORATION COMMISSION**

Applications set for hearing are to be heard before the State Corporation Commission, State Office Building, 4th Floor, Topeka, Kansas, commencing at 10:00 a.m.

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, 4th Floor, State Office Building, Topeka, Kansas 66612, or telephone (913) 296-3352 or 296-2110.

Your attention is invited to Kansas Administrative Regulations (K.A.R.) 82-1-228 of "Rules of Practice and Procedure Before the Commission."

**Applications set for October 5, 1982—TOPEKA, KANSAS**

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

O. E. Brunner, dba ) Docket No. 133,763 M  
O. T. Cab Co. )  
122 E. 5th )  
Newton, Kansas )  
Applicant's Attorney: Clyde N. Christey, 1010 Tyler,  
Suite 110-L, Topeka, Kansas  
66612

***Passengers, and Light Hand Baggage,***

Between points in KS. bounded on the west by U.S. Highway 83, bounded on the north by Interstate Highway 70 and bounded on the east by U.S. Highway 75 and bounded on the south by the Kansas-Oklahoma state line.

Restricted, however, to movements which originate on or are destined to railroad trackage of Santa Fe Railway Co. or railway trackage utilized by Santa Fe Railway Co.

\*\*\*\*\*

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

Red Line, Inc. ) Docket No. 130,259 M  
P.O. Box 823 )  
Emporia, Kansas 66801 ) Route No. 19572  
Applicant's Attorney: Larry Gregg, 641 Harrison, P.O.  
Box 1979, Topeka, Kansas  
66601

Food and Related Products and Such Commodities as are dealt in or used by Grocery and Food Business Houses and Institutions,  
Between points in Kansas.

\*\*\*\*\*

***Application for Contract Carrier Permit:***

Transportation, Inc. ) Docket No. 133,642 M  
P.O. Box 362 )  
Ottawa, Kansas )

Applicant's Attorney: Clyde N. Christey, 1010 Tyler, Suite 110-L, Topeka, Kansas 66612

Coal, for Clemens Coal Company and Mackie-Clemens Fuel Co., Between points and places in Crawford County, KS.

Also, Between points and places in Crawford County, KS on the one hand, and points in KS on the other hand.

\*\*\*\*\*

***Application to Amend Contract Carrier Permit:***

Thies Transportation, Inc. ) Docket No. 120,230 M  
P.O. Box 49 )  
Great Bend, Kansas 67530 ) Permit No. 33-909  
Applicant's Attorney: John Jandera, 641 Harrison,  
P.O. Box 1979, Topeka, Kansas  
66601

Meat, Meat Products, Meat By-Products and articles distributed by meat packing houses as described in Sections A and C of Appendix I to the report in Descriptions in *Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except in hides and skins), for John Morrell & Co.

Between the facilities of John Morrell & Co. located in the State of Kansas.

\*\*\*\*\*

**Applications set for October 7, 1982—TOPEKA, KANSAS**

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

Charles Colvin, dba ) Docket No. 33,943 M  
Colvin Trucking Service )  
Box 63 )  
Burden, Kansas ) Route No. 3147  
Applicant's Attorney: Clyde N. Christey, 1010 Tyler,  
Suite 110-L, Topeka, Kansas  
66612

Grain, Between all points and places in Cowley, Sedgwick and Sumner Counties, KS; that portion of Chautauqua County north of US Hwy 166 and west of KS Hwy 99; and that portion of Elk County west of KS Hwy 99 and south of US Hwy 160.

Also, Between all points and places within the above described territory, on the one hand, and points and places in the State of Kansas, on the other hand.

Restricted, however, to originate no Grain in that portion of Cowley County, west of US Hwy 177.

\*\*\*\*\*

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

All-Vets, Inc. ) Docket No. 133,762 M  
P.O. Box 404 )  
Salina, Kansas 67401 )  
Applicant's Attorney: John Jandera, 641 Harrison,  
P.O. Box 1979, Topeka, Kansas  
66601

Passengers, Baggage and Express, Restricted to operate no vehicles for the transportation of more than 12 passengers,

Between points and places within an area bounded on the south by U.S. Hwy 54, on the north by U.S.

(continued)

Hwy 36, on the west by U.S Hwy 183, and on the east by U.S. Hwy 77, Also, between the points and places above described, on the one hand, and on the other, between points and places in the state of Kansas.

\*\*\*\*\*

AMENDED

Application for Extension of Certificate of Convenience and Necessity:

Jerry and Ralph Arensdorf, ) Docket No. 72,611 M
dba Arensdorf Trucking )
Box 155 )
Medicine Lodge, ) Route No. 6624
Kansas 67104 )

Applicant's Attorney: Clyde N. Christey, 1010 Tyler, Suite 110-L, Topeka, Kansas 66612

Gypsum and Gypsum Products and Building Materials,

Between points in Barber County, KS., on the one hand, and points in the State of Kansas, on the other hand.

Also, Gypsum Rock,

Between points in Barber County, KS, on the one hand, and points and places in the State of Kansas, on the other hand.

CAROL J. LARSON Executive Secretary

Doc. No. 000430

(Published in the KANSAS REGISTER, July 1, 1982.)

NOTICE OF BOND SALE \$168,813.31 PAR VALUE GENERAL OBLIGATION INTERNAL IMPROVEMENT BONDS (SEWER AND WATER) OF THE CITY OF INMAN, KANSAS

The City Council of the City of Inman, McPherson County, Kansas, on the 12th day of July, 1982, at 9:00 p.m. at the City Hall, at Inman, Kansas, will receive and consider written sealed bids for the sale of \$168,813.31 Internal Improvement Bonds for cash at not less than par and accrued interest. Part of such bonds are special assessment in nature. However, such bonds constitute general obligations of the City of Inman, if need be, payable from unlimited ad valorem taxes.

Such bonds will be dated August 1, 1982, and shall consist of 34 bonds each in the denomination of \$5,000.00, except Bond Number 1 which shall be \$3,813.31. Interest will be payable on April 1 and October 1 of each year, with the first coupon payable on April 1, 1983. Both principal and interest shall be payable at the office of the State Treasurer, Topeka, Kansas. The bonds will mature serially in accordance with the following schedule:

Table with 2 columns: Principal Amount, Maturity Date. Rows: \$13,813.31 October 1, 1983; 15,000.00 October 1, 1984

Table with 2 columns: Amount, Date. Rows: 15,000.00 October 1, 1985; 15,000.00 October 1, 1986; 15,000.00 October 1, 1987; 15,000.00 October 1, 1988; 20,000.00 October 1, 1989; 20,000.00 October 1, 1990; 20,000.00 October 1, 1991; 20,000.00 October 1, 1992

and shall not be subject to call for prior payment. Said bonds will be printed at the expense of the City of Inman. Said bonds will be sold subject to the legal opinion of William P. Timmerman, Municipal Bond Counsel, Wichita, Kansas, whose unqualified approving opinion will be furnished to the successful bidder, and the cost of this legal opinion shall be at the expense of the City of Inman. All other expenses of legal services shall be at the expense of the City of Inman.

Proposals will be received on bonds bearing such rate or rates of interest as may be specified by the bidders, provided that not more than five (5) different rates shall be specified in any bid and the same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of one-eighth (1/8) or one-tenth (1/10) of one percent.

No interest rate shall exceed the interest rate as provided by law, pursuant to K.S.A. 10-1009 as amended.

Purchasers shall submit their bids in writing, sealed and marked "Bond Bid", and shall be addressed to the City of Inman at City Hall, Inman, Kansas 67546, Attention: Malinda Toews, City Clerk. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid and the average annual interest rate, all certified by the bidder to be correct. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid. In case any bidder whose bid is accepted shall fail to carry out his contract of purchase, said deposit shall be forfeited to the municipality. The checks of unsuccessful bidders will be returned.

Such sealed bids shall be opened publicly and only at the time and place specified in this notice, and the bonds will be sold to the highest and best bidder. The City of Inman reserves the right to reject any or all bids.

The assessed valuation for the City of Inman, Kansas, for the year 1981, is as follows:

Table with 2 columns: Description, Value. Rows: Equalized assessed valuation of taxable tangible property \$2,402,232.00; Estimated tangible valuation of motor vehicles 428,293.00; Equalized tangible valuation for computation of bonded indebtedness 2,830,525.00

The total bonded indebtedness of the City of Inman, Kansas, on August 1, 1982, including the bonds submitted for bid will be \$676,813.31, of which sum \$298,840.57 is exempt from the debt limit. The City of Inman also has Temporary Notes outstanding in the total amount of \$176,685.00, of which sum \$154,000.00 will be paid and retired from the proceeds of this proposed issue of bonds.

Said bonds duly printed, executed and registered (continued)

will be delivered to the successful bidder on or about August 30, 1982, at any bank in Inman, Kansas, Topeka, Kansas, Wichita, Kansas, or Kansas City, Missouri, as the purchaser may designate.

The purchaser will prepare the bond registry.  
Dated at Inman, Kansas, this 7th day of June, 1982.

CITY OF INMAN, KANSAS  
By: Adolf W. Neufeld  
Mayor  
Attest: Malinda Toews  
City Clerk

SEAL

Doc. No. 000421

(Published in the KANSAS REGISTER, July 1, 1982.)

**NOTICE OF BOND SALE**  
**\$533,000**  
**GENERAL OBLIGATION BONDS, SERIES A-93**  
**of the**  
**CITY OF HUTCHINSON, KANSAS**

Sealed bids will be received by the Governing Body of the City of Hutchinson, Kansas, until 10:00 A.M., C.D.S.T., Tuesday, July 13, 1982, at the Office of the City Clerk in City Hall of said City, at which time said bids will be publicly opened and read, for the purchase of the above named bonds of the City of Hutchinson, Kansas.

All bonds will be negotiable coupon bonds, each in the denomination of \$5,000 except for Bond No. 1 which will be in the denomination of \$8,000. Said bonds will be dated August 1, 1982, and will be issued in series maturing as follows:

- \$23,000 due August 1 of 1983; \$25,000 due August 1 of each year 1984-1995, inclusive;
- and \$30,000 due August 1 of each year 1996-2002, inclusive.

Bids will be received on bonds bearing such rate or rates of interest as may be specified by the bidders subject to the following conditions:

Not more than five different rates shall be specified, and the same rate shall apply to all bonds of the same maturity. Each interest rate shall be in a multiple of .05% or 1/20%.

No bid of less than par and accrued interest will be considered.

Each bid shall state the total interest cost to the City, calculated to maturity at the rates specified, the premium, if any, and the average annual net interest rate to the City on the basis of such bid.

Interest on said bonds will be payable on February 1, 1983, and thereafter semiannually on August 1 and February 1 of each year until maturity. Both principal of and interest on said bonds will be paid in lawful money of the United States of America at the Office of the State Treasurer in the City of Topeka, Kansas.

The issue hereinbefore described has been duly authorized as provided by law for the general statutory purpose of providing money for sewer and street improvements in the City of Hutchinson, Kansas, and all

of said bonds will constitute General Obligations of said City payable both as to principal and interest from ad valorem taxes, which may be levied without limitation as to rate or amount upon all taxable, tangible property within the territorial limits of said City.

Said bonds duly printed, executed and registered will be furnished and paid for by the City of Hutchinson, and said bonds will be sold subject to the legal opinion of GAAR & BELL of Kansas City, Missouri, and of Overland Park and Wichita, Kansas, whose unqualified approving opinion will be paid for by the City of Hutchinson, Kansas. All other legal services rendered by the City of Hutchinson in connection with the issuance of these bonds will be paid for by said City. The successful bidder will be furnished with said opinion, together with a certified transcript of proceedings, evidencing the authorization and issuance of said bonds, and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the issue affecting the validity of the bonds. Said bonds will be delivered to the purchaser on or before August 30, 1982, at such bank in the contiguous United States as the purchaser may specify.

Each bid must be accompanied by a cashier's or certified check or bank draft payable to the order of the City of Hutchinson, Kansas, for two percent of the par value of the bonds being sold. The City of Hutchinson reserves the right to reject any or all bids.

The total General Obligation Bonded Indebtedness of the City of Hutchinson on August 1, 1982, will be \$23,048,000 including this proposed issue and temporary notes not taken up by proceeds from this bond sale. Present GO Bonds have been rated "A-1" by Moody's of N.Y.

The 1982 assessed valuation of the City of Hutchinson, Kansas, for the purpose of computing bonded indebtedness, is as follows:

Assessed Valuation of Taxable, Tangible Property .....	\$ 99,000,000
Tangible Valuation of Motor Vehicles .....	14,000,000
Total	\$113,000,000

All bids must be made on forms which may be procured from the undersigned, and no additions or alterations on said forms shall be made.\* Bids should be addressed to the City Clerk of Hutchinson, Kansas, and marked "Bids for the Purchase of Bonds, Series A-93."

DATED June 22, 1982.

\* Photocopies or reproductions of the City-furnished forms may be used.

MILTON N. MARTIN, CMC, City Clerk  
P.O. Box 1567, Phone 316-663-6151  
City of Hutchinson, Kansas 67501

Doc. No. 000426

## State of Kansas

**STATE BOARD OF AGRICULTURE****NOTICE OF PUBLIC HEARING  
FOR THE ADOPTION OF TEMPORARY  
AND PERMANENT REGULATIONS**

You are hereby notified that a public hearing will be held on July 22, 1982, at 9:00 a.m., in Conference Room A of the Kansas State Board of Agriculture, 109 S.W. 9th Street, Topeka, Kansas, at which time all interested persons will have an opportunity to be heard regarding the adoption of proposed rules and regulations promulgated under authority of the Water Appropriation Act, K.S.A. 82a-701 *et seq.*, as temporary and permanent rules and regulations of the Division of Water Resources and the Kansas State Board of Agriculture. These regulations will become effective on September 1, 1982, as temporary regulations and effective on May 1, 1983, as permanent regulations.

All interested persons may attend the hearing and those attending will be given an opportunity to express comments either orally or in writing, or both. If it is not possible for any person to be present, he or she may submit comments in writing to be received in the office of the Chief Engineer-Director of the Division of Water Resources, Kansas State Board of Agriculture, 109 S.W. 9th Street, Topeka, Kansas 66612, on or before the time of the hearing. If you intend to present testimony in person at the hearing, prior notice to this office would be helpful in arranging the agenda. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentations not more than five (5) minutes.

The Division of Water Resources proposes to adopt the following regulations:

**5-9-10.** The fee for an application for a temporary permit or extension of a temporary permit shall be twenty-five dollars (\$25.00).

**5-10-1.** The fee for an application for a permit to appropriate water for beneficial use shall be:

ACRE FEET	FEE
0-100	\$ 50.00
101-250	\$ 75.00
251-320	\$100.00
more than 320	\$100.00 + 7.50 for each additional 200 acre feet or any part thereof

**5-10-2.** Establishes fee for an application for a permit to appropriate water for storage.

**5-10-3.** The fee for an application to change the place of use, the point of diversion, or the use made of the water shall be twenty-five dollars (\$25.00).

Copies of the proposed regulations and the Fiscal Impact Statement may be obtained by writing to Guy E. Gibson, Chief Engineer-Director, Division of Water

Resources, Kansas State Board of Agriculture, 109 S.W. 9th Street, Topeka, Kansas 66612.

GUY E. GIBSON  
Chief Engineer-Director  
Division of Water Resources

HARLAND E. PRIDDLE, Secretary  
Kansas State Board of Agriculture

Doc. No. 000423

## State of Kansas

**STATE BOARD OF AGRICULTURE****NOTICE OF PUBLIC HEARING  
FOR THE ADOPTION OF TEMPORARY  
AND PERMANENT REGULATIONS**

You are hereby notified that a public hearing will be held on July 21, 1982, at 1:00 p.m., in Conference Room B of the Kansas State Board of Agriculture, 109 S.W. 9th Street, Topeka, Kansas, at which time all interested persons will have an opportunity to be heard regarding the adoption of a proposed temporary and permanent rule and regulation of the State Sealer and the Kansas State Board of Agriculture. This regulation will become effective on September 1, 1982, as a temporary regulation and effective on May 1, 1983, as a permanent regulation.

All interested persons may attend the hearing and those attending will be given an opportunity to express comments orally, in writing, or both. If it is not possible for any person to be present, he or she may submit comments in writing to be received in the office of the State Sealer, Kansas State Board of Agriculture, 2016 S.W. 37th Street, Topeka, Kansas 66611, on or before the time of the hearing. If you intend to present testimony in person at the hearing, prior notice to this office would be helpful in arranging the agenda. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentations not more than five (5) minutes.

The regulation proposed for adoption is as follows:

**99-26-1. Fees.** Fees charged for services rendered by the state sealer or his or her authorized representative in conjunction with the testing and proving of weights, measures and other devices are established at the rate of twenty-five dollars (\$25.00) per hour or fraction thereof. This regulation shall be effective on and after September 1, 1982.

Copies of this regulation and of the Fiscal Impact Statement may be obtained by writing to John L. O'Neill, State Sealer, Kansas State Board of Agriculture, 2016 S.W. 37th Street, Topeka, Kansas 66611.

JOHN L. O'NEILL  
State Sealer

HARLAND E. PRIDDLE, Secretary  
Kansas State Board of Agriculture

Doc. No. 000422



## State of Kansas

**STATE BOARD OF AGRICULTURE****NOTICE OF PUBLIC HEARING  
FOR THE ADOPTION OF TEMPORARY  
AND PERMANENT REGULATIONS**

You are hereby notified that a public hearing will be held on July 22, 1982, at 1:00 p.m., in Conference Room B of the Kansas State Board of Agriculture, 109 S.W. 9th Street, Topeka, Kansas, at which time all interested persons will have an opportunity to be heard regarding the adoption of proposed temporary and permanent rules and regulations of the Director of the Entomology Division and the Kansas State Board of Agriculture. These regulations will become effective on September 1, 1982, as temporary regulations and effective on May 1, 1983, as permanent regulations.

All interested persons may attend the hearing and those attending will be given an opportunity to express comments orally, in writing, or both. If it is not possible for any person to be present, he or she may submit comments in writing to be received in the office of the Director of Entomology Division, Kansas State Board of Agriculture, 109 S.W. 9th Street, Topeka, Kansas 66612, on or before the time of the hearing. If you intend to present testimony in person at the hearing, prior notice to this office would be helpful in arranging the agenda. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentations not more than five (5) minutes.

A summary of the proposed regulations is as follows:

**4-14-1.** Establishes the fee for inspection of honeybees for disease detection and control at the rate of thirty dollars (\$30.00) per hour plus mileage expenses.

**4-14-2.** Establishes the fee for a permit to import honeybees or used beekeeping equipment into Kansas.

**4-14-3.** Establishes the registration fee for an apiary at twenty cents (\$.20) for each colony of bees.

**4-15-1.** Establishes certification and inspection fees for plant nurseries.

**4-15-2.** Establishes fees for the inspection and certification of plant and plant products for other than plant nurseries.

**4-15-3.** Establishes the nursery dealer's license fee at forty dollars (\$40.00).

Copies of these regulations and of the Fiscal Impact Statement may be obtained by writing to H. Dean Garwood, Director, Entomology Division, Kansas State Board of Agriculture, 109 S.W. 9th Street, Topeka, Kansas 66612.

H. DEAN GARWOOD, Director  
Entomology Division

HARLAND E. PRIDDLE, Secretary  
Kansas State Board of Agriculture

Doc. No. 000425

## State of Kansas

**STATE BOARD OF AGRICULTURE****NOTICE OF PUBLIC HEARING  
FOR THE ADOPTION OF TEMPORARY  
AND PERMANENT REGULATIONS**

You are hereby notified that a public hearing will be held on July 16, 1982, at 10:00 a.m., in Conference Room A of the Kansas State Board of Agriculture, 109 S.W. 9th Street, Topeka, Kansas, at which time all interested persons will have an opportunity to be heard regarding the adoption of proposed temporary and permanent rules and regulations of the State Dairy Commissioner and the Kansas State Board of Agriculture. These regulations will become effective on October 1, 1982, as temporary regulations and effective on May 1, 1983, as permanent regulations.

All interested persons may attend the hearing and those attending will be given an opportunity to express comments orally, in writing, or both. If it is not possible for any person to be present, he or she may submit comments in writing to be received in the office of the State Dairy Commissioner, Kansas State Board of Agriculture, 109 S.W. 9th Street, Topeka, Kansas 66612, on or before the time of the hearing. If you intend to present testimony in person at the hearing, prior notice to this office would be helpful in arranging the agenda. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentations not more than five (5) minutes.

A summary of the proposed regulations is as follows:

**4-7-300.** Establishes the tax for butterfat at ten cents (\$.10) per each one thousand (1,000) pounds or fraction thereof of butterfat purchased.

**4-7-301.** Establishes the ice cream and ice milk fee at one dollar (\$1.00) for each one thousand (1,000) gallons of ice cream or ice milk.

**4-7-302.** Establishes the grade A milk fee at one cent (\$.01) per one hundred (100) pounds of grade A milk or grade A pasteurized milk or milk products which are produced, sold in or are exported from Kansas.

**4-7-303.** Establishes fees for all licenses and permits required by either K.S.A. 65-708 or K.S.A. 65-719.

Copies of these regulations and of the Fiscal Impact Statement may be obtained by writing to Brace Rowley, State Dairy Commissioner, Kansas State Board of Agriculture, 109 S.W. 9th Street, Topeka, Kansas 66612.

BRACE ROWLEY  
State Dairy Commissioner

HARLAND E. PRIDDLE, Secretary  
Kansas State Board of Agriculture

Doc. No. 000424

## State of Kansas

**SECRETARY OF STATE****NOTICE OF FORFEITURE**

In accordance with K.S.A. 17-7510, the authority of the following foreign corporations to do business in the State of Kansas was forfeited on May 17, 1982, for failure to file an annual report and pay the annual franchise tax, as required by the Kansas General Corporation Code.

**Cancelled 5/17/82 for failure to file the 10/31/81 Annual report:**

**Foreign for Profit**

Banta Construction Co., Inc., 410 E. Hackberry, Enid, OK.  
 B & B Trading Company, 1201 Petroleum Club Bldg., Tulsa, OK.  
 Big Horse Energy Company, Inc., 2415 Holly Road, Claremore, OK.  
 Cactus Growers, Inc., P.O. Box 386, Cactus, TX.  
 Clements Energy, Inc., 3031 N.W. 64th, Suite 150, Oklahoma City, OK.  
 Cornhusker Tractor & Equipment Company, 633 North Jeffers Street, North Platte, NE.  
 Evans & Associates Construction Co., Inc., 3320 North 14th, Ponca City, OK.  
 First Communication Corporation of Kansas City, 1177 W. Warson Road, St. Louis, MO.  
 Fleming, Eyler, Francis Associates, Inc., 600 Fifth Avenue, Des Moines, IA.  
 Friedrich Air Conditioning & Refrigeration Co., 17250 Dallas Pkwy, Dallas, TX.  
 Glenrock Refinery, Inc., Petroleum Building, Casper, WY.  
 Helder Industries, Inc., 350 Sackett Point Road, North Haven, CT.  
 Howard, Howard & Barnard, Inc., 4350 Von Karman, Ste. 350, Newport Beach, CA.  
 Joseph Lee Miller, Inc., 3911 Main Street, Grandview, MO.  
 K.C. International Fitness Centers, Inc., 5030 Main Street, Kansas City, MO.  
 Keyton, Inc., 13700 East 42nd Terrace, P.O. Box 1980, Independence, MO.  
 Main Drilling, Inc., 11514 Wornall Road, Kansas City, MO.  
 Management Analysis Company, 11095 Torreyana Road, San Diego, CA.  
 The Marley Heat Transfer Company, 5800 Foxridge Drive, Mission, KS.  
 Midwest Resource Management, Ltd., 4722 Broadway, Kansas City, MO.  
 MWY, Inc., 5800 Foxridge Drive, Mission, KS.  
 MYL Liquidating Corp., 5800 Foxridge Drive, Mission, KS.  
 Omeco-St. John Co., 6930 F Street, Omaha, NE.  
 Orthotic Center, Inc., 7806 Foster, Overland Park, KS.  
 Professional Pulmonary Services, Inc., 408 West Lowell, Shenandoah, IA.  
 Star Wars Corporation, c/o Corporation Trust Co., One East First St., Reno, NV.

Techni-Communications Corporation, 9528 Benson, Overland Park, KS.

Top Brands Distributors, Inc., 2425 Industrial Drive, Jefferson City, MO.

Upshaw Investment Corporation, Bank of the Southwest Bldg, Suite 404, Box 1576, Amarillo, TX.

Vickers Trading Corporation, Vickers-KSB&T Bldg., Wichita, KS.

Welco Investment Corporation, R.R. #1, Box O, Goodland, KS.

Western Truck & Trailer Sales, Inc., 9090 Highway 85, Henderson, CO.

Wichita Cash Register Co., 813 S. Van Buren, Enid, OK.

Winkler Mud Co., Inc., 315 South Main, Perryton, TX.

Woodward Management Corporation, 1627 Main Street, Kansas City, MO.

**Cancelled 5/17/82 for Failure to Submit a Certificate of Good Standing with the Annual Report**

**Foreign for Profit**

Arrowhead Point Drilling Company, 7611 East 46th Place, Tulsa, OK.

Band-cast, Inc., Box 399, Eudora, KS.

Delta Truck Body Company, Inc., 1831 Southern Blvd., Parsons, KS.

Hamilton Drilling Company, 7611 East 46th Place, Tulsa, OK.

John B. Lester, M.D., Inc., Suite 811, 3100 Broadway, Kansas City, MO.

Key Pit Linings, Inc., 2310 West 44th Street, Odessa, TX.

K. R. Masonry, Inc., 3325 Linn Road, P.O. Box 23021, San Antonio, TX.

Mid Central/Sysco Food Services, Inc., Box 57, Kansas City, MO.

Midwest Quality Distributors, Ltd., 2012 Meadow Lane, Keokuk, IA.

Rickelson Oil and Gas Company, 7611 East 46th Place, Tulsa, OK.

Summit Machine Tool Manufacturing Corp., 518 North Indiana Street, Oklahoma City, OK.

**JACK H. BRIER**

Secretary of State

**BY: JOHN R. WINE, JR.**

Chief Counsel

Deputy Assistant Secretary of State

Doc. No. 000420

## State of Kansas

DEPARTMENT OF ADMINISTRATION  
DIVISION OF PURCHASES

## NOTICE TO BIDDERS

Sealed bids for items hereinafter listed will be received by James I. Tolbert, Director of Purchases, State Office Building, Topeka, Kansas, until 2:00 p.m., C.S.T., or D.S.T., whichever is in effect on the date indicated, and then will be publicly opened:

MONDAY, JULY 12, 1982

#25124 (Supplement)

University of Kansas Medical Center, Kansas City—  
RADIOPHARMACEUTICAL

#25219

Statewide—CALENDARS, 1983

#50807

Department of Transportation, Topeka—GRAPHIC  
ARTS FILM

#50811

Department of Transportation—2,000 TONS  
PLANT MIX, BITUMINOUS MIXTURE, COM-  
MERCIAL GRADE, SIMILAR TO BM-2, for Allen  
County

#50819

University of Kansas Medical Center, Kansas City—  
STOPPED-FLOW SPECTROPHOTOMETER

#50820

University of Kansas Medical Center, Kansas City—  
MOXALACTAM DISODIUM

#50830

State Corporation Commission, Topeka—WORD  
PROCESSING SYSTEM, for Wichita

#50834

Larned State Hospital, Larned—LAUNDRY SUP-  
PLIES

#50854

Kansas State Park and Resources Authority—SALE  
OF STORM DAMAGED MARINA FACILITIES  
AND EQUIPMENT AT CHENEY RESERVOIR  
CONSISTING OF SEVENTY-TWO (72) COVERED  
BOAT DOCKS, FUEL DOCK, FUEL TANK, FUEL  
LINES, FUEL PUMPS AND ELECTRIC SERVICE

#A-4525

Department of Administration, Topeka—CEDAR  
CREST EXTERIOR PAINTING (Governor's Resi-  
dence)

TUESDAY, JULY 13, 1982

#50727-A

Kansas State Park and Resources Authority—MOW-  
ING, BALING, AND REMOVING HAY FROM  
LOVEWELL STATE PARK

#50813

University of Kansas Medical Center, Kansas City—  
MEAT PRODUCTS

#50831

Department of Corrections, Topeka—WORD  
PROCESSING SYSTEM

#50836

University of Kansas Medical Center, Kansas City—  
SPECTROPHOTOMETER

WEDNESDAY, JULY 14, 1982

#25214

Kansas State Agencies—WORK AND WELDERS  
GLOVES

#25216

Statewide—ANTIFREEZE

#50814

Kansas State University, Manhattan—FEED, for  
Fort Hays Experiment Station

#50815

Kansas State University, Manhattan—FEED

#50817

Kansas State Historical Society, Topeka—MOVING  
SERVICES, Shawnee Mission

#50823

Department of Social and Rehabilitation Services,  
Topeka—HEAT BARRIER MATERIALS, Kansas  
City

#50833

Department of Administration (Division of Print-  
ing), Topeka—COMPUTERIZED TYPESETTING  
DEVICE

#50837

Kansas Highway Patrol, Topeka—BREATH ANAL-  
YSIS EQUIPMENT

#50838

University of Kansas Medical Center—ULTRA-  
CENTRIFUGE

THURSDAY, JULY 15, 1982

#50806

Various Agencies—USED VEHICLES

#50824

Department of Social and Rehabilitation Services,  
Topeka—VINYL FILM, for Kansas City

#50825

Department of Social and Rehabilitation Services,  
Topeka—ACA STRIPED TICKING, for Kansas City

#50826

Kansas Correctional Institution for Women, Lans-  
ing—TWO-WAY RADIO EQUIPMENT

#50828

Kansas State University, Manhattan—FEED

#50839

University of Kansas Medical Center, Kansas City—  
REFRIGERATED CENTRIFUGE

MONDAY, JULY 19, 1982

#50816

Kansas State Fair, Hutchinson—DECORATION  
RENTAL FOR KANSAS STATE FAIR

WEDNESDAY, JULY 21, 1982

#25217

Statewide—EYE GLASSES

WEDNESDAY, JULY 28, 1982

#25218

University of Kansas, Lawrence—DAIRY PROD-  
UCTSJAMES I. TOLBERT  
Director of Purchases

Doc. No. 000432

## State of Kansas

DEPARTMENT OF HEALTH  
AND ENVIRONMENT

## TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board June 9, 1982. Will expire May 1, 1983.)

**28-19-80. Power generation facility monitoring programs.** (a) On or before July 1, 1982 and on or before December 31, 1982 the owner or operator of a power generation facility who proposes to conduct any air quality or radiological environmental impact monitoring at the facility for the purpose of consideration under the provisions of K.A.R. 28-19-81 shall submit to the department of health and environment a report describing the activities proposed. The report required on or before July 1, 1982 shall describe the monitoring activities proposed for the twelve (12) month period commencing on July 1, 1982. The report required on or before December 31, 1982 shall describe the monitoring activities proposed for the twelve (12) month period commencing on July 1, 1983. These reports shall include, at a minimum, the following information:

- (1) The types of samples to be collected;
- (2) The method of collecting the samples;
- (3) The types of analyses to be conducted on the samples;
- (4) The number and location of the sampling sites; and
- (5) The sampling schedule.

(b) Upon receipt of the report required under subsection (a) of this regulation, the department shall require that all data obtained as the result of the monitoring activities be submitted, in writing, to the department, in accordance with a schedule prescribed by the department and provided to the plant owner or operator.

(c) All data required to be reported in accordance with subsection (b) of this regulation shall be subject to a quality assurance review by the department. Pursuant to the conduct of this quality assurance review, the department may require the owner or operator of the facility to provide additional information and conduct additional instrumentation and analytical checks as are necessary to verify the data. (Authorized by, and implementing, K.S.A. 65-3022; T-83-11, June 9, 1982.)

**28-19-81. Environmental impact monitoring.** (a) On or before August 1, 1982 and on or before April 1, 1983 the department of health and environment shall notify the owner or operator of each power generation facility of any environmental impact monitoring activities that the department proposes to conduct at the facility. The proposal required on or before August 1, 1982 shall describe the monitoring activities proposed for the nine (9) month period commencing on October 1, 1982. The proposal required on or before April 1, 1983 shall describe the monitoring activities proposed for the twelve (12) month period commencing on July 1, 1983. This proposal shall include the information required to be reported under the provisions of K.A.R. 28-19-80(a) and shall reflect consideration of any pro-

posals received by the department under the provisions of that regulation.

(b) At the time of giving notice as required by subsection (a) of this regulation, the department also shall notify the owner or operator of the facility of the fee to be collected for determining and monitoring the environmental impact of the power generation facility including the conduct of quality assurance reviews. The fee shall be computed in accordance with K.A.R. 28-19-82.

(c) If, upon receipt of the notices provided for in subsections (a) and (b) of this regulation, the owner or operator of a facility who has submitted a monitoring program proposal in accordance with the provisions of subsection (a) of K.A.R. 28-19-80 believes the monitoring activities to be conducted represent an avoidable duplication of effort and expense, the owner or operator may request that the department modify the monitoring activities to be conducted. The request shall be submitted, in writing, within thirty (30) days of the receipt of the notices and shall identify the basis upon which duplication is alleged.

(d) Within thirty (30) days of receipt of a request as provided for by subsection (c), the department shall review the request and make a final determination of the monitoring activities to be conducted at the facility. The department shall notify the owner or operator of the facility, in writing, of that determination and the basis upon which it was made. If the monitoring activities to be conducted at the facility are modified due to the request, the department shall recompute the monitoring fee and notify the owner or operator of the new fee.

(e) All fee remittances shall be made payable to the state of Kansas, power generating facility fee fund. The fee for monitoring activities carried out by the department prior to July 1, 1983, shall be paid on or before October 1, 1982. (Authorized by, and implementing K.S.A. 65-3022; T-83-11, June 9, 1982.)

**28-19-82. Fee determination basis.** (a) The fee to be collected from a power generation facility shall be determined upon the basis of the type of fuel used to power the facility and the generating design capacity of the facility. The fee for any facility powered by coal or by nuclear energy shall be based on the ratio of the generating design capacity of the particular facility to the sum of generating design capacity for all facilities in the state powered by the same type of fuel, multiplied by the costs of the department of health and environment in monitoring all power generation facilities powered by the same type of fuel.

(b) If the department of health and environment does not monitor all facilities in the state powered by a particular type of fuel, the fee to be collected from facilities powered by that type of fuel and which are monitored by the department of health and environment shall be based upon the ratio of the generating design capacity of the particular facility to the sum of generating design capacity for all facilities powered by the same type of fuel and monitored by the department, multiplied by the costs of the department of health and environment in monitoring all facilities powered by that type of fuel.

(continued)

(c) In the event the department of health and environment annual program entails both monitoring and quality assurance determinations, or only monitoring or only quality assurance determinations on certain plants, the fee shall be based on the ratio of the generating design capacity of each plant of similar type to the sum of generating design capacity for all similar type plants which will be monitored or have quality assurance determinations, as appropriate; multiplied by the cost of the department of health and environment program for monitoring or quality assurance determinations, as appropriate, for the year. (Authorized by, and implementing, K.S.A. 65-3022; effective, T-83-11, June 9, 1982.)

JOSEPH F. HARKINS, Secretary  
Department of Health and Environment

Doc. No. 000418

### State of Kansas

## DEPARTMENT OF REVENUE

### TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board June 9, 1982. Will expire May 1, 1983.)

**92-11-4. Determining tax to be withheld.** (a) *General.* The Kansas income tax to be withheld by an employer shall be determined in accordance with one of the following income tax withholding methods:

Method I—Income tax withholding formula.

Method II—The withholding tax table provided by the department.

Method III—~~Such~~ A computer formula which results in substantially the same amount of withholding for the payroll period as method I above.

The formula method in method I shall be as follows:

$$\frac{(W-T-D-E) \times R}{P} = \text{Kansas withholding}$$

P

When using the withholding tax formula the following values shall be used:

- (1) W = Annualized wage = Gross wage  $\times$  P;
- (2) T = Allowable federal tax deduction = (federal withholding  $\times$  P  $\times$  .85 for single individuals or .80 for married individuals. For taxable wages paid after July 1, 1982: T = Allowable federal tax deduction = (federal withholding  $\times$  P)  $\times$  .80 for single individuals or .85 for married individuals;
- (3) D = Standard deduction = W  $\times$  .16 with a minimum of \$1,700 for single individual or \$2,100 for a married individual and a maximum of \$2,400 for a single individual or \$2,800 for a married individual;
- (4) E = Exemption deduction = personal exemptions claimed  $\times$  \$1,000;
- (5) R = Kansas tax rates pursuant to K.S.A. 1979 1981 Supp. 79-32,110 and amendments thereto; and
- (6) P = Payroll period which is,
  - (A) 252 for daily or miscellaneous pay periods,
  - (B) 52 for weekly pay periods,
  - (C) 26 for bi-weekly pay periods,
  - (D) 24 for semi-monthly pay periods,
  - (E) 12 for monthly pay periods,
  - (F) 2 for semi-annual pay periods, or
  - (G) 1 for annual pay periods.

(b) *Supplemental wages.* The treatment given supplemental wages for federal withholding purposes

shall be the treatment given supplemental wages for Kansas withholding purposes. In each case The Kansas withholding on supplemental wages shall be computed pursuant to subsection (a) of this section.

(c) *Payroll periods.* The Kansas tax shall be withheld on the basis of the same payroll period used for federal income tax purposes.

(d) *Withholding exemptions.* The employer shall allow the number of exemptions claimed by the employee on federal form W-4.

(e) *Withholding of additional amounts pursuant to agreement.* (1) Whenever the employer and employee agree that an additional amount shall be withheld from employee's wages for federal purposes, ~~said~~ that agreement shall also apply for Kansas income tax purposes.

(2) The amount deducted and withheld pursuant to such an agreement between the employer and employee shall be considered as tax required to be deducted and withheld under this section; ~~and~~ All provisions of law and regulations applicable to ~~such~~ the tax are applicable with respect to any amount deducted and withheld pursuant to ~~such~~ the agreement.

(f) *Effective date.* This regulation is to become effective on February 1, 1980 and shall be used to compute the Kansas income tax to be withheld by an employer on all taxable wages paid after February 1, 1980. (Authorized by K.S.A. 79-3236; implementing K.S.A. 79-3297a; effective Jan. 1, 1966; amended, E-67-14, Aug. 9, 1967; amended Jan. 1, 1968; amended, E-77-6, March 19, 1976; amended Feb. 15, 1977; amended, E-78-21, Aug. 10, 1977; amended May 1, 1978; amended, E-80-26, Dec. 12, 1979; amended May 1, 1980; amended T-83-10, effective June 9, 1982.)

MICHAEL LENNEN  
Secretary of Revenue

Doc. No. 000419

### State of Kansas

## STATE CORPORATION COMMISSION

### TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board June 9, 1982. Will expire May 1, 1983.)

**82-1-228. Hearings.** (a) *General provisions.* Public hearings shall be held in the hearing rooms of the commission in the state office building at Topeka, Kansas, in any district courtroom, at such other place in Kansas as the commission may deem appropriate or at any place required by statute. All hearings before the commission shall be conducted by the commission, by a commissioner, by a hearing examiner or by any other person duly authorized by the commission to conduct the hearing. The provisions of these rules governing hearings before the commission shall be applicable to hearings conducted by a commissioner, hearing examiner or other person appointed by the commission to conduct a hearing.

(b) *Convening of hearings.* On the date and at the place and time stated in the notice of the hearing, the chairman or other persons conducting the hearing shall

(continued)

call the docket by announcing the docket number and by reading the caption thereof into the record. Commission hearings shall be opened in a formal way on each day upon which commission business is transacted.

(c) *Scope of hearing.* The commissioner or other person presiding at the hearing may make a concise statement of the scope and the purpose of the hearing and the issues involved therein at the beginning of the hearing.

(d) *Appearances.* ~~Thereupon~~ Attorneys for all parties, or other representatives authorized by the Commission pursuant to paragraph (3) of this subsection, shall enter their appearances by giving their names and addresses to the reporter and to the commission.

The reporter will include said names and addresses in the transcript of the hearing.

(1) Except as otherwise provided in paragraph (2) of this subsection, any party may appear before the commission and be heard in person and in his or her own behalf; or he or she may appear and be represented by any attorney who is a resident of Kansas and regularly admitted to practice in the courts of record of the state of Kansas; or he or she may appear and be represented by any regularly admitted practicing attorney in the courts of record of another state of the United States, who has associated and personally appearing with him or her as local counsel in the proceeding before the commission, an attorney who is a resident of Kansas and duly qualified to practice law therein. Said local counsel shall first enter his or her own appearance and then orally move for the admission of the non-resident attorney with whom he or she is associated.

(2) Except as otherwise provided in paragraph (3) of this subsection, a corporation shall not be permitted to enter an appearance, except by its attorney.

(3) In any intrastate railroad proceeding pursuant to the Staggers Rail Act of 1980 before the Commission, a person not an attorney at law, who is a resident of the State of Kansas, may be allowed to represent a party before the Commission if the person is a duly registered Interstate Commerce Commission Class B Practitioner who is representing his or her permanent employer or is a duly elected officer of a union representing a group of employees of a railroad, and the person has obtained approval of the Commission to appear as a representative upon a motion which shall include said individual's qualifications, the name of the party he or she wishes to represent and the proceeding in which they wish to appear.

The conduct of any non-attorney who may be granted permission to appear before the Commission shall be the same as required of attorneys appearing before the Commission, and the Commission may refuse to allow anyone to appear before it whose conduct is deemed inappropriate.

(e) *Preliminary matters.* After the calling of the docket, the statement of the scope and purpose of the hearing, the entries of the appearances of attorneys or other representatives for the parties who meet the above requirements shall be made. The oath required of nonresident attorneys shall be administered to them

those attorneys by the person presiding at the hearing, and thereafter, an oral order admitting them as attorneys in the proceeding then pending shall be made by the person presiding at the hearing and they shall enter their appearances on the record. Thereafter, the following matters should be disposed of in the following order:

- (1) Petitions for leave to intervene
- (2) Any other pending petitions or motions
- (3) Stipulations of the parties; and
- (4) Opening statements of attorneys or other representatives for the parties.

Parties may make written or oral stipulations in conformance with these rules, and stipulations of facts will be regarded as evidence at the hearing; however, such these stipulations shall not be binding upon the commission. Opening statements if any should may be made immediately prior to the introduction of testimony.

(f) *Hearing room conduct.* The conduct of attorneys and other representatives during a hearing shall be the same as is required of attorneys by rules of the district courts of Kansas so as to reflect respect for the dignity and authority of the commission and to maintain the proceeding as an objective search for the applicable facts and the correct principals of law. Attorneys and other representatives shall examine witnesses from a position at the counsel table, except when handling exhibits.

Smoking shall not be permitted in the hearing rooms during sessions or during recesses. The use of photographic equipment or recording devices shall not be prohibited during hearings except that the person presiding at any such the hearing may regulate the use of this equipment or devices to insure the orderly conduct of the proceedings. (Authorized by K.S.A. 55-604, 55-704, 66-106, implementing K.S.A. 1981 Supp. 7-104, 66-103, 66-106 and 66-165, effective January 1, 1966; amended February 15, 1977; amended T-83-12, June 9, 1982.)

#### STATE CORPORATION COMMISSION

Doc. No. 000417



## State of Kansas

**ATTORNEY GENERAL****OPINION NO. 82-134**

**Elections—Primary Elections—Determining Validity of Declarations of Candidacy.** Jack H. Brier, Secretary of State, Topeka, June 21, 1982.

The requirement of K.S.A. 25-208a, that the validity of a candidate's declaration of intent be determined by an election officer within three days of its filing, is directory only. Thus, an election officer may make such determination within a period of time after the declaration is filed that is reasonable under all the attending facts and circumstances.

Within three days after a candidate's receipt of notice that an election officer has found such candidate's declaration of intent to be invalid, the candidate may file written objections to such finding.

Where the secretary of state has erroneously certified a candidate, pursuant to K.S.A. 25-209, as having filed a valid declaration of intent, the secretary of state has an implied legal duty to correct the error when it is discovered. However, in the absence of an actual set of facts and circumstances, the secretary of state's proper course of action and the legal consequences thereof, cannot be determined. Cited herein: K.S.A. 25-206, 25-208a, 25-209, 25-308. WRA

**OPINION NO. 82-135**

**Counties and County Officers—County Clerk—Consolidation of Statutory Duties With Another Office.** Glenis L. Heldenbrand, Reno County Clerk, Hutchinson, June 22, 1982.

The duties of county clerks are prescribed by statutes uniformly applicable to all counties and may be altered by a board of county commissioners only according to the procedure set out in K.S.A. 12-3901 *et seq.* Cited herein: K.S.A. 12-3901, 19-212, 19-229, 19-301, 19-305, 19-306, 19-311, 19-312, 19-313. RVE

**OPINION NO. 82-136**

**Cities and Municipalities—Miscellaneous Provisions—Employee Benefits Contribution Fund and Tax Levy.** James R. Cobler, Director, Division of Accounts and Reports, Topeka, June 23, 1982.

The board of directors of a library established and maintained under the provisions of K.S.A. 1981 Supp. 12-1220 is not authorized, under subsection (c) of K.S.A. 1981 Supp. 12-16,102, to levy a tax for an employee benefits contribution fund.

However, a city or school district that is authorized or required by law to levy taxes for a recreation commission is specifically authorized by K.S.A. 1981 Supp. 12-1920 to create a recreation commission employee benefits contribution fund and levy a tax, annually, to provide moneys for said fund. Cited herein: K.S.A. 1981 Supp. 12-1220, 12-16,102; K.S.A. 12-1901; K.S.A. 1981 Supp. 12-1920. RJB

**OPINION NO. 82-137**

**Cities and Municipalities—Miscellaneous Provisions—Employee Benefits Contribution Fund and**

**Tax Levy.** James R. Cobler, Director, Division of Accounts and Reports, Topeka, June 23, 1982.

Since the legislature did not exempt the tax levy authorized by K.S.A. 1981 Supp. 12-16,102(c) from the aggregate mill levy limitation prescribed in K.S.A. 79-1962, any levy made pursuant to said subsection must be included in the aggregate mill levy limitation prescribed in the latter statute. Cited herein: K.S.A. 1981 Supp. 12-16,102, K.S.A. 79-1962, 79-5001. RJB

**OPINION NO. 82-138**

**Criminal Procedure—Release Procedures—Rescission of Parole to Detainer.** Carroll Mills, Kansas Adult Authority, Topeka, June 23, 1982.

It is proper for the Kansas Adult Authority to rescind a parole to detainer should the detainer be cancelled before the inmate is released. Cited herein: K.S.A. 21-4602, 22-3717, K.A.R. 1981 Supp. 45-7-3. JMF

**OPINION NO. 82-139**

**Counties and County Officers—County Attorney—Power of Court to Appoint When Temporarily Disqualified.** Maxine Cumro, District Magistrate Judge, Marysville, June 23, 1982.

K.S.A. 19-711 authorizes the district court to appoint an attorney to serve as county attorney when the county attorney and his or her deputy have a conflict of interests and are unable to represent the county. Cited herein: K.S.A. 19-711. RVE

**OPINION NO. 82-140**

**Counties and County Officers—General Provisions—Establishment of Tax Levy Funds.** James B. Cobler, Director, Accounts and Reports, Topeka, June 23, 1982.

Generally, items of expense incurred by a county in providing basic governmental services are to be paid from the county general fund. The expense of providing basic law enforcement services is such an expense. Therefore, payment of that expense must be made from the county general fund. Cited herein: K.S.A. 19-241, 79-5001. RJB

ROBERT T. STEPHAN  
Attorney General

Doc. No. 000427

**KANSAS REGISTER**  
**Secretary of State**  
**State Capitol**  
**Topeka, Kansas 66612**

Second Class  
postage paid  
at  
Topeka, Kansas

---

**Use this form (or a copy of it) to enter a  
SUBSCRIPTION**

\_\_\_\_\_ One-year subscriptions @ \$47.50 ea.  
TOTAL ENCLOSED \_\_\_\_\_  
(Make checks payable to Kansas Register)

SEND TO: \_\_\_\_\_  
(Please, no  
more than  
4 address  
lines.) \_\_\_\_\_  
\_\_\_\_\_

Zip code must be included

THIS SPACE FOR REGISTER OFFICE  
USE ONLY, PLEASE

CODE \_\_\_\_\_ REC. NO. \_\_\_\_\_  
EXPIRES \_\_\_\_\_ ENTERED BY \_\_\_\_\_

---

MAIL FORM WITH PAYMENT TO: "Kansas Register"; Secretary of State; State Capitol; Topeka, KS 66612

---

**Use this form (or a copy of it) for  
CHANGE OF ADDRESS**

Remove your mailing label (above) and affix it here:

Indicate change or correction of name or address  
here:

MAIL TO: "Kansas Register"; Secretary of State; State Capitol; Topeka, KS 66612