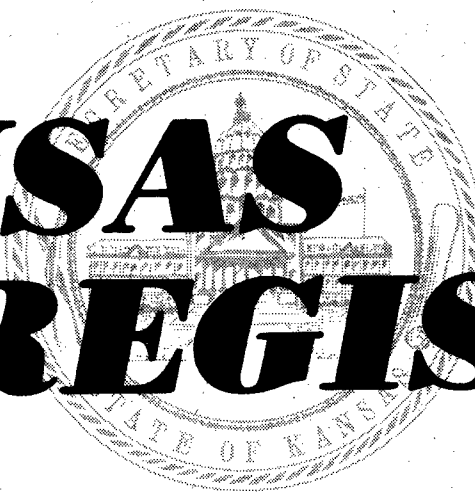


# KANSAS REGISTER



**State of Kansas**

**JACK H. BRIER  
Secretary of State**

Vol. 2, No. 44

November 3, 1983

Pages 1287-1308

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State of Kansas

**DEPARTMENT OF  
HEALTH AND ENVIRONMENT  
STATEWIDE HEALTH COORDINATING  
COUNCIL**

**NOTICE OF MEETING**

The Statewide Health Coordinating Council and its two Health Care Cost Study Committees will meet on November 16, 1983, at the Holiday Inn South, 3802 South Topeka Avenue, Topeka, Kansas. Committee meetings will begin at 9:00 a.m.; the Council will meet at 1:30 p.m.

The scheduled agenda for the Committee meetings and Council include: Reimbursement Issues Committee study of diagnostic related grouping (DRG) payment plans, health maintenance organizations, the Medicaid program, and Health Insurance issues; Alternative Issues Committee study of Health Promotion Programs, Accidental Injuries and Deaths, Ambulatory Surgery, and Physician involvement in Health Care Costs; and the full Council chairman's report, review of credentialing procedures, committee reports, and nominating committee report.

The public is invited to attend these meetings. Persons wishing additional information should contact the Office of Health Planning, Kansas Department of Health and Environment, 6700 South Topeka Avenue, Building 321, Topeka, Kansas 66620, (913) 862-9360, extension 535.

**BARBARA J. SABOL**  
Secretary

Doc. No. 001594

State of Kansas

**BOARD OF NURSING**

**NOTICE OF HEARING  
ON PROPOSED TEMPORARY  
AND PERMANENT  
ADMINISTRATIVE REGULATIONS**

A public hearing will be held on November 17, 1983, commencing at 9:00 a.m. in Room 201, Frank Carlson Federal Building, 444 Southeast Quincy, Topeka, Kansas, to consider adoption of proposed permanent and temporary regulations.

All interested parties may submit written comments any time prior to the hearing by addressing them to the Board of Nursing, 503 Kansas Avenue, Topeka, Kansas 66601. All interested parties will be given a reasonable opportunity to present their views on the adoption of the proposed regulations during the hearing.

The following is a summary of the regulations:

**K.A.R. 60-11-101—60-11-111. Advanced Registered Nurse Practitioner.** The proposed regulations define the role of the Advanced Registered Nurse Practitioner, describe four categories of certification, including specific responsibilities. Requirements for certification, fees and the educational programs are included.

Copies of the full text of the regulations and the fiscal impact statement may be obtained by writing to the Board of Nursing, 503 Kansas Avenue, Topeka, Kansas 66601.

**LOIS RICH SCIBETTA, Ph.D., R.N.**  
Executive Administrator

Doc. No. 001585

The *Kansas Register* is an official publication of the State of Kansas, published by authority of K.S.A. 1982 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.

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

PHONE: 913/296-2236

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 1983 House Bill No. 2489, 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 November 1, 1983 through November 30, 1983 shall be 14.79%.

In testimony whereof: I hereto set my hand and cause to be affixed my official seal. Done at the City of Topeka, this 1st day of November, A.D. 1983.

JACK H. BRIER  
Secretary of State

Doc. No. 001602

State of Kansas

**SECRETARY OF STATE**

**INVITATION FOR BIDS  
FOR LAND SURVEY  
PROFESSIONAL SERVICES**

Notice is hereby given to all interested parties that the Secretary of State, pursuant to K.S.A. 82a-201 *et seq.*, will select a land surveyor to survey the abandoned channel of the Kansas River as it existed immediately prior to the 1951 flood and the corresponding new channel created by that flood as either channel may be found in the NW ¼, Sec. 18, T.11S., R.7E. in Riley County.

Sealed bids for these services will be received by the Secretary of State at the address appearing below until 2:00 p.m. CST, on November 15, 1983, and then will be publicly opened.

Any licensed surveyor who desires bid specifications or additional information about the survey to be performed should contact: John R. Wine, Jr., Legal Counsel; Secretary of State; State Capitol; Topeka, Kansas 66612; (913) 296-2236.

JACK H. BRIER  
Secretary of State

Doc. No. 001584

State of Kansas

**COMMISSIONER OF INSURANCE**

**NOTICE OF  
CANCELLATION OF PUBLIC HEARING  
ON PROPOSED REGULATION**

The public hearing on proposed K.A.R. 40-2-16 has been cancelled. The hearing was scheduled to be held on Friday, November 18, 1983 at 10:00 a.m. in the Kansas Insurance Department. The proposed regulation has, however, been withdrawn from further consideration at this time.

FLETCHER BELL  
Commissioner of Insurance

Doc. No. 001588

State of Kansas

**BOARD OF COSMETOLOGY**

**NOTICE OF HEARING  
ON PROPOSED PERMANENT  
ADMINISTRATIVE REGULATIONS**

A public hearing will be held on Monday, November 21, 1983 at 1:00 p.m. in the Board offices, 630 Kansas Avenue, Topeka, to consider the adoption of permanent rules and regulations of the Kansas State Board of Cosmetology.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Board of Cosmetology, 630 Kansas Avenue, Topeka, Kansas 66603. All interested parties will be given reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing.

Copies of the full text of the regulations and the fiscal impact statement may be obtained by writing to the board offices. The following is a summary of the regulations:

**K.A.R. 69-1-1.** Requirements of date for student examination application to be received in office.

**K.A.R. 69-11-1.** Authority to increase renewal fees for: Cosmetology licenses, cosmetology technician license, senior cosmetology license, manicurist license, additional training license and new beauty shop license.

HENRI FOURNIER  
Executive Director

Doc. No. 001597

## State of Kansas

## LEGISLATURE

## INTERIM AGENDA

Notice is hereby given to all interested parties that the following legislative committee meetings have been scheduled during the period of November 7 through November 18, 1983.

DATE	ROOM	TIME	COMMITTEE	AGENDA
Nov. 7 Nov. 8			Joint Committee on Administrative Rules and Regulations	CANCELLED.
Nov. 7 Nov. 8	519-S 519-S	10:00 A.M. 9:00 A.M.	Special Committee on Energy and Natural Resources	Review of committee reports on Proposals 20, 21, 22, 23 and 24, and bill drafts.
Nov. 7 Nov. 8 Nov. 9	123-S 123-S 527-S	10:00 A.M. 9:00 A.M. 9:00 A.M.	Joint Committee on State Building Construction Special Committee on Commercial and Financial Institutions	Corrections and SIBF-financed institutions. Review bill drafts and committee report re: Proposal 6—UCCC.
Nov. 9 Nov. 10 Nov. 14	531-N 531-N 527-S	10:30 A.M. 9:00 A.M. 10:00 A.M.	Health Planning Review Commission Special Committee on Furley and Strother Field	Agenda unavailable. Review conferees' recommendations and committee report.
Nov. 14 Nov. 15	519-S 519-S	10:00 A.M. 9:00 A.M.	Special Committee on Assessment and Taxation	Review and approval of bills and committee reports for Proposals 1, 2 and 3.
Nov. 14 Nov. 15	531-N 531-N	10:00 A.M. 9:00 A.M.	Special Committee on Special Care Services	Review of Proposals.
Nov. 15 Nov. 16	527-S 527-S	10:00 A.M. 9:00 A.M.	Legislative Educational Planning Committee	Agenda unavailable.
Nov. 15 Nov. 16	514-S 514-S	10:00 A.M. 9:00 A.M.	Special Committee on Ways and Means	Review of committee reports and final action on Proposals 45, 46 and 50.
Nov. 16	519-S	9:30 A.M.	Special Committee on Judiciary	Review draft committee reports and bills.
Nov. 17 Nov. 18 Nov. 18	519-S 519-S 527-S	10:00 A.M. 9:00 A.M. 10:00 A.M.	Communication, Computers and Technology Joint Committee on Special Claims Against the State	Final recommendations: Proposals 8, 9, 10 and 11. Hearings on claims filed to date.

WILLIAM R. BACHMAN  
Director of Legislative  
Administrative Services

Doc. No. 001593

## State of Kansas

**STATE FIRE MARSHAL****NOTICE OF HEARING  
ON PROPOSED TEMPORARY  
AND PERMANENT  
ADMINISTRATIVE REGULATIONS**

A public hearing will be held on Wednesday, November 30, 1983, commencing at 10:00 a.m., in the Green Room of the Topeka Fire Academy, 324 Jefferson, Topeka, Kansas, to consider the adoption of proposed temporary and permanent rules and regulations of the State Fire Marshal.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the State Fire Marshal, Suite 303, 503 Kansas Avenue, Topeka, Kansas 66603. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally, in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit oral presentation to not more than five minutes.

Following the hearing on November 30, 1983, all written and oral comments submitted by interested parties will be considered by the State Fire Marshal as the basis for making changes to the proposed regulations.

Summaries of the regulations follow. Copies of the regulations and the fiscal impact statement may be obtained by writing: State Fire Marshal, Suite 303, 503 Kansas Avenue, Topeka, Kansas 66603.

The following is a brief summary of the proposed regulations:

**K.A.R. 22-8-1** is proposed to be amended to adopt by reference the 1983 edition of National Fire Protection Association pamphlet no. 58 which regulates liquefied petroleum gases. The 1983 edition will replace the currently adopted 1979 edition.

**K.A.R. 22-8-2** is proposed to be amended to accurately reflect the history of the regulation. No substantive change is proposed for the regulation which regulates bulk storage containers for LP gas.

**K.A.R. 22-11-8** is proposed to be amended to more clearly define the required frequency of fire drills in one and two bed adult care homes and three and four bed boarding care adult care homes.

**K.A.R. 22-19-1 through 22-19-4** are proposed new temporary and permanent regulations that implement K.S.A. 31-157 and establish a system for the certification of arson investigators. The regulations establish requirements for certification, set maximum numbers of certified arson investigators for local fire departments, require continuing education for renewal of certificates, and provide a mechanism for the denial, suspension or revocation of certificates or applications for certificates.

EDWARD C. REDMON  
State Fire Marshal

Doc. No. 001586

## State of Kansas

**PARK AND RESOURCES AUTHORITY****NOTICE OF HEARING  
ON PROPOSED TEMPORARY  
AND PERMANENT  
ADMINISTRATIVE REGULATIONS**

A public hearing will be held on Friday, November 18, 1983, commencing at 9:00 a.m. in the Auditorium of the State Office Building, 10th and Harrison, Topeka, Kansas, to consider the adoption of proposed temporary and permanent rules and regulations of the Kansas State Park and Resources Authority.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Director, Kansas State Park and Resources Authority, P.O. Box 977, Topeka, Kansas 66601. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally, in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit oral presentations to not more than five (5) minutes.

Following the hearing on November 18, 1983, all written and oral comments submitted by interested parties will be considered by the Authority as the basis for making changes to these proposed regulations.

Summaries of the regulations follow. Copies of the regulations and the fiscal impact statements may be obtained by writing: Kansas State Park and Resources Authority, P.O. Box 977, Topeka, KS 66601.

The following is a brief summary of the proposed regulations:

**K.A.R. 33-2-4 (Temporary and Permanent)** is a section of Article 2 of the Kansas Administrative Regulations relating to motor vehicle permits in State Parks. Revision of this section will allow the purchase of Additional Motor Vehicle Permits for each vehicle of the same owner, upon purchase of an Annual Motor Vehicle Permit.

**K.A.R. 33-4-5 (Permanent)** is a section of Article 4 of the Kansas Administrative Regulations relating to the State Park system. Revision of this section will allow the Authority to waive the motorized boating restriction on the River Pond area of Tuttle Creek State Park, if specifically approved in writing for special events which are determined by the Authority to be of major public interest.

LYNN BURRIS, JR.  
Director

Doc. No. 001592

## State of Kansas

**ATTORNEY GENERAL****OPINION NO. 83-156**

**Intoxicating Liquors and Beverages—Certain Prohibited Acts and Penalties—Transactions Between Distributors and Retailers.** Thomas J. Kennedy, Director, Division of Alcoholic Beverage Control, Topeka, October 24, 1983.

The prohibitions and limitations prescribed in K.S.A. 41-702, 41-703, and K.A.R. 1982 Supp. 14-10-1 permit the sale of items, other than furnishings, fixtures and equipment, by distributors to retailers, only in those instances where the particular item conveyed has no value in excess of the amount of consideration paid. Cited herein: K.S.A. 41-321, 41-323, 41-702, 41-703, K.A.R. 1982 Supp. 14-10-1. RJJ

**OPINION NO. 83-157**

**Taxation—Property Valuation, Equalization, Assessment—Powers of the Director of Property Valuation.** C. Robert Bell, Assistant Sedgwick County Counselor, Wichita, October 26, 1983.

The Director of Property Valuation has ample authority under the provisions of K.S.A. 79-1404 to issue orders or directives regarding the appraisal of any property, real or personal, which, in the judgment of the Director, are just and necessary to assure that all property in this state is valued and assessed in accordance with the law. Cited herein: K.S.A. 79-1404. RJJ

**OPINION NO. 83-158**

**Cities and Municipalities—General Improvement and Assessment Law—Levy of Assessments.**

**Taxation—Collection and Cancellation of Taxes—Time for Payment of Real Estate Taxes; Interest.** John Dekker, Wichita City Attorney, Wichita, October 26, 1983.

In the absence of a statute directing otherwise, interest charged upon delinquent special assessments levied under the General Improvement and Assessment Law must be credited to the county general fund, as provided in K.S.A. 1982 Supp. 79-2004. Cited herein: K.S.A. 12-6a01, 12-6a10, K.S.A. 1982 Supp. 79-2004, 79-2004a. TRH

**OPINION NO. 83-159**

**Public Health—Community Mental Health and Retardation Assistance; State Participation in Financing.**

**Taxation—Sales of Liquor by Clubs—Disposition of Revenues.** Robert G. Suelter, Center for Counseling and Consultation, Great Bend, October 26, 1983.

Money received by a community mental health center pursuant to a tax imposed by K.S.A. 1982 Supp. 79-41a01 *et seq.*, on the gross receipts derived from the sale of alcoholic liquor by clubs is income received from state government within the meaning of K.S.A. 65-4403. Such income cannot be the subject of the matching fund provisions of K.S.A. 65-4403. Cited

herein: K.S.A. 65-4403, K.S.A. 1982 Supp. 79-41a01, 79-41a02(b), 79-41a03, as amended by L. 1983, ch. 315, 79-41a04. MFC

ROBERT T. STEPHAN  
Attorney General

Doc. No. 001589

## State of Kansas

**CRIME VICTIMS REPARATIONS BOARD****NOTICE OF HEARING  
ON PROPOSED PERMANENT  
ADMINISTRATIVE REGULATIONS**

A public hearing will be held on November 18, 1983, commencing at 10:00 a.m. in Room 212, 503 Kansas Avenue, Topeka, Kansas, to consider the adoption of proposed permanent rules and regulations of the Crime Victims Reparations Board.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Crime Victims Reparations Board, 503 Kansas Avenue, Room 212, Topeka, Kansas 66603. All interested parties will be given a reasonable opportunity at the hearing to express their views, orally, in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit oral presentation to not more than five (5) minutes.

Following the hearing on November 18, 1983, all written and oral comments submitted by interested parties will be considered by the Crime Victims Reparations Board as the basis for making changes to the proposed regulations.

Copies of the regulations and the fiscal impact statement may be obtained by writing: Kenneth E. Bahr, Director, Crime Victims Reparations Board, 503 Kansas Avenue, Room 212, Topeka, Kansas 66603.

The following is a brief summary of the board's proposed regulations:

**K.A.R. 20-1-1 (a) through (h)** are definitions of terms used in subsequent regulations. Revision of these sections is being made to delete statutory language and to clarify existing language.

**K.A.R. 20-2-1 through 20-2-5** clarifies the process involved with the investigation of claims, decision on a claim, tentative awards, and review of a decision of a claim.

**K.A.R. 20-3-1 and 20-3-2** addresses the notice of a formal hearing and procedures to be followed at such hearings by the claimants and by the board members.

**K.A.R. 20-4-1** is a regulation describing the allowance of attorney's fees and increasing those attorney's fees from \$30.00 per hour to \$45.00 per hour.

KENNETH E. BAHR  
Director

Doc. No. 001581

## State of Kansas

**KANSAS BUREAU OF INVESTIGATION****NOTICE OF HEARING  
ON PROPOSED TEMPORARY  
AND PERMANENT  
ADMINISTRATIVE REGULATIONS**

The Kansas Bureau of Investigation hereby gives notice that a public hearing will be held at 1:00 p.m. on November 21, 1983, at the Kansas Bureau of Investigation, 3420 Van Buren, Topeka, Kansas to receive written or oral testimony concerning the proposed adoption of new regulations number 10-16-1 through 10-18-2 and the amendment of K.A.R. 10-12-2. These regulations are intended to be adopted on a temporary and permanent basis.

Following the hearing on November 21, 1983, all written and oral comments submitted by interested parties will be considered by the Director of the Kansas Bureau of Investigation as the basis for making changes to these proposed regulations.

Copies of the proposed regulations and the fiscal impact statement may be obtained by writing to the Kansas Bureau of Investigation, 3420 Van Buren, Topeka, Kansas 66611.

Summaries of the proposed regulations and amendments follow:

**K.A.R. 10-16-1 through K.A.R. 10-18-2** relate to the collection and reporting of juvenile offender information to the central repository and set forth the obligation to report, forms for reporting, reportable events, responsibility for reporting and implementation and administration of the juvenile offender information system. Adoption of these sections is necessary to implement the provisions of L. 1983, chap. 140.

The proposed amendment of **K.A.R. 10-12-2** would allow non-conviction criminal history record information to be disseminated to federal agencies for such purposes as authorized by law or presidential executive order.

THOMAS E. KELLY  
Director

Doc. No. 001596

(Published in the *KANSAS REGISTER*, November 3, 1983.)

**NOTICE OF BOND SALE  
\$10,480,000.00  
CITY OF WICHITA, KANSAS  
GENERAL OBLIGATION BONDS  
(Internal Improvement)**

SEALED bids will be received in the Office of the City Clerk, at City Hall, 455 North Main, City of Wichita, Kansas 67202-1679, until 10:00 o'clock a.m., Central Standard Time, on November 15, 1983, and will be considered by the Governing Body of the City of Wichita, Kansas at its regular place of meeting in the City Commission Room in the City Hall, 455 North Main Street, in the City of Wichita, Kansas, at 10:00 o'clock a.m., Central Standard Time on November 15, 1983, at which time and place all proposals will be

publicly opened, read aloud, and considered for the purchase of all, but not less than all, of two series of General Obligation Bonds totaling \$10,480,000: Series 697, in the principal amount of \$3,090,000.00 and Series 698, in the principal amount of \$7,390,000.00. No oral or auction bids will be considered.

**DETAILS OF THE BONDS**

The Bonds shall be issued in the form of fully registered certificated bonds without coupons, each in the denomination of \$5,000.00 or integral multiples thereof, not exceeding the principal amount of bonds maturing in each year. Interest on Series 697 Bonds will be payable semi-annually, commencing June 1, 1985, and each December 1 and June 1 thereafter. Interest on Series 698 Bonds will be payable semi-annually commencing June 1, 1984 and each December 1 and June 1 thereafter. The Bonds shall be dated December 1, 1983, and shall become due serially on December 1 in each of the years and in the principal amounts, as follows:

Date of Maturity	Series 697	Series 698	Total
December 1, 1984	-0-	\$270,000.	\$ 270,000.
December 1, 1985	\$115,000.	295,000.	410,000.
December 1, 1986	125,000.	320,000.	445,000.
December 1, 1987	135,000.	345,000.	480,000.
December 1, 1988	145,000.	370,000.	515,000.
December 1, 1989	155,000.	400,000.	555,000.
December 1, 1990	165,000.	430,000.	595,000.
December 1, 1991	180,000.	465,000.	645,000.
December 1, 1992	195,000.	505,000.	700,000.
December 1, 1993	210,000.	545,000.	755,000.
December 1, 1994	225,000.	590,000.	815,000.
December 1, 1995	245,000.	635,000.	880,000.
December 1, 1996	265,000.	685,000.	950,000.
December 1, 1997	285,000.	740,000.	1,025,000.
December 1, 1998	310,000.	795,000.	1,105,000.
December 1, 1999	335,000.	-0-	335,000.

**PLACE OF PAYMENT**

The principal of, and premium, if any, on the Bonds shall be payable in lawful money of the United States of America, at the principal trust office of the Chase Manhattan Bank, N.A., in the City and State of New York (the Paying Agent and Bond Registrar) to the registered owners thereof upon presentation of the Bonds for payment and cancellation. Interest on the Bonds shall be payable in lawful money of the United States of America, by check or draft of the Paying Agent and Bond Registrar to the registered owners appearing on the books maintained by the Bond Registrar as of the 15th day of the month next preceding the interest payment dates (the "Record Dates"). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the City.

**REDEMPTION**

The Bonds maturing on and after December 1, 1994, are subject to redemption prior to maturity at the City's option on or after December 1, 1993, in whole at any time or in part in integral multiples of \$5,000.00, in inverse order of maturity and by lot within maturities, on any interest payment date at the redemption prices set forth below, plus accrued interest to the redemption date:

(continued)

<i>Redemption Periods (dates inclusive)</i>	<i>Redemption Prices</i>
December 1, 1993 to November 30, 1994	102.00%
December 1, 1994 to November 30, 1995	101.50%
December 1, 1995 to November 30, 1996	101.00%
December 1, 1996 to November 30, 1997	100.50%
December 1, 1997 and thereafter	100.00%

Notice of any call for redemption will be mailed to the registered owners of such bonds to be redeemed at the address shown on the registration books maintained by the Bond Registrar not less than thirty (30) days prior to the date fixed for such redemption and payment. Interest will not be payable on the Bonds to be redeemed after the redemption date if notice has been given and if sufficient monies have been deposited with the Bond Registrar on or prior to the redemption date to pay the principal of, applicable redemption premiums, if any, and interest on the bonds to be redeemed to the redemption date.

**INTEREST RATE**

Proposals will be received on the Bonds bearing such rate or rates of interest not exceeding six (6) different interest rates as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). The difference between the highest interest rate bid and the lowest rate of interest bid shall not exceed three percent (3%) per annum. No interest rate shall exceed the maximum interest rate allowed by Kansas law; said rate being the "Twenty Bond Index of Tax Exempt Municipal Bonds" published by the *Weekly Bond Buyer* in New York, New York, on the Monday next preceding the day on which the Bonds are sold, plus two percent (2%). A bid for the purchase of less than all of the bonds or bid at a price less than par and accrued interest will not be considered.

**BID FORM AND GOOD FAITH DEPOSIT**

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City and should be addressed to Donald C. Gisick, City Clerk, 455 North Main Street, Wichita, Kansas 67202-1679, plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, and the net interest cost of the bid, and the average annual net interest rate, all certified by the bidder to be correct; and the City may rely upon the certificate of correctness of the bidder. No bid will be considered if made on other than the Official Bid Form and no bid will be considered if such form is amended or modified. Each bid must be accompanied by a certified or cashier's check in the amount of two percent (2%) of the total par value of the Bonds payable to the City Treasurer, City of Wichita, on which no interest will be allowed. The checks of unsuccessful bidders will be returned promptly. The check of the successful bidder or the proceeds thereof will be held as security for the performance of the contract to purchase the Bonds; but in the event that the successful bidder shall fail to comply with the terms of the bid, the check or the

proceeds thereof shall then be forfeited and retained by the City as and for liquidated damages.

**AWARD OF THE BONDS**

The sealed bids for the Bonds shall be opened publicly and only at the time and place specified in this Notice; and the Bonds will be sold to the best bidder. The City reserves the right to reject any and/or all of the bids, and to waive any irregularities or informalities. Unless all bids are rejected, the Bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the City; and the net interest cost will be determined by deducting the amount of any premium bid from the aggregate amount of interest upon all of the Bonds from their date until their respective maturities. If there is a discrepancy between the lowest net interest cost and the average annual interest rate specified, the net interest cost figure shall govern and the interest rates in the bid shall be adjusted accordingly.

**DELIVERY AND PAYMENT**

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City. Delivery of the Bonds will be made on or before December 15, 1983, in New York, New York. Payment shall be made in immediately available federal reserve funds. The number, denomination of Bonds, and the names of the initial registered owners to be initially printed on the Bonds must be submitted in writing by the successful bidder to the Bond Registrar at least ten (10) business days prior to the date of delivery of the Bonds. In the absence of such information, the City will deliver the Bonds in the denomination of each maturity registered in the name of the successful bidder.

**LEGAL OPINION**

The Bonds will be sold subject to the unqualified approving opinion of Curfman, Harris, Stallings, Grace & Snow, Bond Counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each Bond. The cost of this legal opinion and the expense of printing the Bonds and legal opinion will be paid by the City. Said legal opinion will state in part substantially that the Bonds will constitute general obligations of the City, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the City; and that, under existing law, the interest on said Bonds is exempt from present Federal income taxation and the Bonds are exempt from intangible personal property taxes levied by Kansas cities, counties and townships. A manually signed original of such opinion will be furnished without expense to the purchaser of the Bonds at the delivery thereof. The purchaser will be furnished with a complete transcript of proceedings evidencing the authorization and issuance of the Bonds; and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity and a

(continued)



certificate relating to the completeness and accuracy of the Official Statement and Notice of Bond Sale.

#### PURPOSE OF ISSUE

The Bonds are being issued for the purpose of constructing certain internal improvements in the City of Wichita, Kansas as follows:

- Paving projects in the amount of \$6,437,956.73;
- Sewer projects in the amount of \$2,127,964.58;
- Water main extension projects in the amount of \$482,918.09;
- Traffic signalization projects in the amount of \$103,667.65;
- Public improvement projects in the amount of \$1,021,708.03;
- Fire Department improvements in the amount of \$305,784.92;

all of which total \$10,480,000.00.

#### SECURITY

The Bonds constitute general obligations of the City of Wichita, Kansas, and the full faith, credit and resources of the City are pledged to the payment of the principal of and the interest on such Bonds; and the City is obligated to levy ad valorem taxes without limitation as to rate or amount upon all the taxable property within the territorial limits of said City to pay the principal of and interest on the Bonds.

#### CUSIP IDENTIFICATION NUMBERS

CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for failure or refusal by the successful bidder to accept delivery of and to pay for said Bonds in accordance with the terms of this Notice. All expenses in relation to printing of CUSIP numbers on said Bonds and the expenses of CUSIP Service Bureau for the assignment of said numbers shall be the responsibility of and shall be paid for by the City.

#### ASSESSED VALUATION

The assessed valuation of all taxable tangible property within the City of Wichita, Kansas, for the year 1982, is as follows:

Equalized assessed valuation of taxable tangible property .....	\$ 921,796,787
Estimated tangible valuation of motor vehicles .....	\$ 181,852,878
Estimated tangible valuation of motor vehicle dealers' inventory .....	\$ 4,855,212
Equalized assessed tangible valuation for computation of bonded indebtedness limitations	\$1,108,504,877

#### BONDED INDEBTEDNESS

The total bonded indebtedness of the City of Wichita, Kansas, as of December 1, 1983, is \$228,579,750, which amount excludes all revenue and refunding Bonds, but includes temporary notes in the amount of \$19,305,000 (including the \$12,070,000 of temporary notes to be sold on November 22, 1983) and the Series of Bonds described in this Notice of Bond Sale in the amount of \$10,480,000. Of the currently issued and

outstanding temporary notes of the City, \$7,724,590 will be retired out of the proceeds of the Bonds herein offered for sale.

#### RATING OF THE BONDS

The City has applied to Moody's Investors Service, Inc., and Standard & Poor's Corporation for ratings on the Bonds. General Obligation Bonds issued by the City of Wichita since 1975 have been rated Aa by Moody's Investors Service and rated AA by Standard & Poor's Corporation.

#### OTHER PENDING BOND AND TEMPORARY NOTE ISSUES

Neither the City of Wichita, nor Sedgwick County, nor Unified School District No. 259 (Wichita Public School System), contemplates the issuance of any additional General Obligation Bonds within the next thirty (30) days. The City of Wichita plans to sell \$12,070,000 in temporary notes on November 22, 1983, to be dated December 1, 1983, to become due on June 21, 1984. These temporary notes will consist of \$8,835,410 in renewals and \$3,234,590 in new notes. Sedgwick County is planning the issuance of two series of temporary notes in the amounts of \$118,175 and \$478,700 within the next thirty (30) days.

#### REDISTRIBUTION OF NOTICE AND OFFICIAL STATEMENT

Authorization is given to redistribute this Notice of Bond Sale and the Official Statement, but the entire Notice of Bond Sale and Official Statement, and not portions thereof, must be redistributed. The successful bidder, upon request, will be furnished with fifty (50) copies of the Notice of Bond Sale and Official Statement, without cost; additional copies will be furnished at a nominal charge.

#### OFFICIAL STATEMENT

This Notice of Bond Sale and Official Statement has been prepared under the authority of the Governing Body of the City of Wichita, Kansas. Additional copies of this Notice of Bond Sale, or copies of the Official Statement, or further information may be received from the office of the City Treasurer, City Hall, 455 North Main Street, Wichita, Kansas 67202-1679 (316/268-4109).

Figures used in this Notice of Bond Sale and in the Official Statement through December 1, 1983, were obtained from the City of Wichita, Kansas Annual Financial Report for 1982, which Report has been audited by an outside firm of certified public accountants appointed by the Governing Body of the City of Wichita, Kansas.

BY ORDER OF THE GOVERNING BODY  
OF THE CITY OF WICHITA, KANSAS  
THIS 25TH DAY OF OCTOBER, 1983.

MARGALEE WRIGHT  
Mayor

ATTEST: DONALD C. GISICK  
City Clerk

(SEAL)

Doc. No. 001587

(Published in the KANSAS REGISTER, November 3, 1983.)

**NOTICE OF BOND SALE**  
**\$415,000**  
**GENERAL OBLIGATION BONDS**  
**OF THE**  
**CITY OF OSWEGO, KANSAS**

THE CITY OF OSWEGO, KANSAS will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, 703 FIFTH STREET, OSWEGO, KANSAS, until 7 o'clock P.M., C.S.T., on

**Monday, November 14, 1983**

for \$415,000 par value GENERAL OBLIGATION BONDS of the City, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The Series 1983A Bonds will be dated as of November 1, 1983, and shall mature on November 1 in each of the years and in the amounts set forth below. Such Bonds shall be fully registered Bonds, each in the denomination of \$5,000 or integral multiples thereof not exceeding the principal amount of Bonds maturing in each year. The Bonds will mature serially in accordance with the following schedule:

Principal Amount	Maturity Date	Principal Amount	Maturity Date
\$15,000	November 1, 1985	\$30,000	November 1, 1993
15,000	November 1, 1986	30,000	November 1, 1994
15,000	November 1, 1987	35,000	November 1, 1995
20,000	November 1, 1988	35,000	November 1, 1996
20,000	November 1, 1989	40,000	November 1, 1997
20,000	November 1, 1990	45,000	November 1, 1998
25,000	November 1, 1991	45,000	November 1, 1999
25,000	November 1, 1992		

\* **OPTIONAL REDEMPTION:** Bonds due November 1, 1994 to November 1, 1999, inclusive, are callable for redemption on November 1, 1993, or any interest payment date thereafter, in inverse numerical order at par and accrued interest to date of redemption plus a premium (expressed as a percentage of principal amount) as set out below:

Redemption Period (Dated Inclusive)	Redemption Premium
November 1, 1993 through May 1, 1995	2%
November 1, 1995 through May 1, 1997	1%
November 1, 1998 and thereafter	0%

Interest will be payable semi-annually, commencing May 1, 1985, and each November 1 and May 1 thereafter. The principal of, and premium, if any, on the Bonds shall be payable in lawful money of the United States of America, at the principal office of the Treasurer of the State of Kansas, in the City of Topeka, Kansas, (the Paying Agent and Bond Registrar) to the registered owners thereof upon presentation of the Bonds for payment and cancellation. Interest on the Bonds shall be payable in lawful money of the United States of America, by check or draft of the Paying Agent to the registered owners appearing on the books maintained by the Bond Registrar as of the 15th day of the month next preceding the Interest Payment Dates (the "Record Dates").

**TYPES OF BIDS AND INTEREST RATES**

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding five (5) different interest rates or four (4) interest rate changes, as may be specified by the bidder. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). The difference between the highest and lowest interest rates specified in any bid shall not exceed three percent (3%). No interest rate shall exceed the maximum rate allowed by Kansas law; said maximum rate being two percent (2%) above the "Bond Buyer's 20 Bond Index," published on the Monday next preceding the day on which the Bonds are sold, and no bid of less than par and accrued interest will be considered. Bids involving the use of extra or supplemental interest rates will not be considered. Bids for less than the entire issue of Bonds will not be considered.

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City at the CITY HALL, 703 FIFTH STREET, OSWEGO, KANSAS 67356, ATTENTION: NADINE HERRIDGE, CITY CLERK, and shall be plainly marked BOND BID. 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; and the City will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and shall be payable to TREASURER, CITY OF OSWEGO, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

**BASIS FOR AWARD**

The sealed bids for the Bonds shall be opened publicly and only at the time and place specified in this Notice; and the Bonds will be sold to the best bidder. The City reserves the right to reject any and/or all of the bids, and to waive any irregularities. Unless all bids are rejected, the Bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the City; and the net interest cost will be determined by deducting the amount of any premium paid from the aggregate amount of interest upon all of the Bonds from their date until their respective maturities.

**DELIVERY**

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City; and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond Counsel, of Wichita, Kansas, whose opinion will be paid for by the City. The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authoriza-

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tion and issuance of the Bonds. Delivery of the Bonds will be made to the successful bidder on or about December 14, 1983, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

It is anticipated that CUSIP identification numbers will be printed on the Bonds; but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for a failure by the successful bidder to accept delivery of and pay for the Bonds in accordance with the terms of its Contract and this Notice of Bond Sale. All expenses in connection with the printing of CUSIP numbers on the Bonds shall be paid for by the City.

**SECURITY**

The Bonds will constitute general obligations of the City, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable, tangible property within the territorial limits of the City. The Bonds are being issued for the purpose of paying the cost of sewer utility improvements in the City of Oswego, Kansas.

**FINANCIAL INFORMATION**

Assessed valuation figures for the City of Oswego, Kansas for the year 1982, are as follows:

Equalized Assessed Valuation of Taxable, Tangible Property .....	\$3,706,555
Tangible Valuation of Motor Vehicles .....	901,047
Tangible Valuation of Motor Vehicle Dealers' Inventory .....	<u>38,300</u>
Equalized Assessed Tangible Valuation for Computation of Bonded Debt .....	\$4,645,902

The total general obligation bonded indebtedness of the City of Oswego, Kansas, including this issue of Bonds, is \$734,000. The City of Oswego, Kansas has Temporary Notes outstanding in the amount of \$919,475, including \$319,475 which will be retired by the proceeds of this issue.

**FURTHER INFORMATION**

Ranson & Company, Inc., acting as financial advisor, may be contacted at Suite 610, 120 South Market, Wichita, Kansas 67202, telephone (316) 262-2651, for additional information regarding these Bonds.

DATED this 2nd day of November, 1983.

NADINE HERRIDGE  
City Clerk  
Oswego, Kansas

Doc. No. 001583

**State of Kansas**

**SOCIAL AND REHABILITATION SERVICES**

**NOTICE TO ALL  
PERSONS HAVING AN INTEREST  
IN THE ADMINISTRATIVE REGULATIONS  
PROMULGATED BY THE  
SECRETARY OF SOCIAL AND  
REHABILITATION SERVICES**

Notice is hereby given to all interested parties that the Secretary of Social and Rehabilitation Services will hold a public hearing on November 22, 1983, at 9:00 a.m., in the State Department of Social and Rehabilitation Services' Board Room, 6th Floor, State Office Building, Topeka, Kansas, concerning the adoption of certain administrative regulations to become effective on a temporary and/or permanent basis.

A summary of the proposed regulations is set forth below:

**I. Temporary Regulations.**

1. **30-5-71. Co-pay requirements.** This regulation is being amended to exempt recipients participating in the home and community based services program from co-pay requirements.

2. **30-6-103. Determined eligibles; protected income levels.** This regulation is being amended to increase the one person protected income level for persons in independent living to \$315 a month.

3. The Secretary is promulgating a new regulation concerning corporate guardians. The text of the proposed regulation is set forth below:

**30-43-1. Certification of corporate guardians.** (a) Each corporation requesting to be certified as suitable to perform the duties of a guardian shall make application on forms prescribed by the secretary. Each corporation, along with its application, shall furnish the agency with a copy of its articles of incorporation, an organizational chart, including the names of the board of directors, a current financial statement, and a detailed plan of operation concerning its functions as a corporate guardian. The corporation shall update the information provided on the application and attachments, as necessary.

(b) To be eligible for certification, each corporation shall:

(1) Have been incorporated for at least two years prior to its application for corporate guardian certification;

(2) provide proof of financial solvency;

(3) have access to qualified professionals to provide consultation concerning the needs of the wards for whom the corporation is acting as guardian;

(4) have access to an attorney to provide necessary legal services in relationship to its guardian responsibilities;

(5) maintain liability insurance coverage of at least \$25,000.00 per occurrence for the protection of the wards from corporate negligence;

(6) provide orientation and in-service training, as approved by the agency, to persons working with wards and their supervisors. No person may serve as a

(continued)

supervisor or be directly responsible for a ward unless that person has attended the required orientation or in-service training sessions, as appropriate;

(7) assign a specific individual to be directly responsible for each ward. No person shall be directly responsible for more than 10 wards;

(8) assign a supervisor to each person who is directly responsible for a ward. No supervisor shall have more than 10 supervisees;

(9) not assign a person to be a supervisor or to work with wards if that person has ever been:

(A) Convicted of a felony or crime against persons;

(B) removed as a guardian or conservator by the court for cause; or

(C) relieved of responsibilities in the guardianship program by a corporation for cause;

(10) ensure that the person assigned the direct responsibility for a ward lives within 50 miles of the ward, has an active involvement with the ward and makes contact with the ward, as necessary, encourages appropriate interaction of immediate family members, relatives, and friends with the ward, and effectively carries out the corporation's guardianship responsibility to the ward. The person who is assigned responsibility for a ward shall contact the ward at least once each week and shall meet in person with the ward at least once each month. If a ward's mental status is diminished to the extent that the ward cannot communicate with the person assigned to the ward, the weekly contact shall be with a person who has day to day contact with the ward or who supervises such activities;

(11) designate back-up persons for each person assigned to a ward and maintain a 24 hour telephone system, at no cost to the ward, to ensure coverage in an emergency;

(12) ensure that a ward is not used in a fund raising or publicity campaign without the approval of the agency;

(13) have a written grievance procedure for wards;

(14) assign a specific staff person to act on behalf of the corporation to carry out the corporation's guardianship responsibility for each ward for whom the corporation is acting as guardian;

(15) maintain a file and case log for each ward;

(16) furnish reports to the agency, as requested;

(17) report serious injuries of wards to the agency within 72 hours of their occurrence;

(18) notify the agency if a supervisor or person working with a ward is:

(A) Convicted of a felony or crime against persons;

(B) removed as a guardian or conservator by the court for cause; or

(C) relieved of responsibilities in the guardianship program by a corporation for cause;

(19) prohibit any member of the board of directors, any employee, or volunteer, or any member of their immediate families, from serving as a conservator for any ward entrusted to the corporation; and

(20) allow the agency to have access to wards and their records.

(c) Hearings to revoke certification shall be conducted pursuant to K.A.R. 30-7-26, *et seq.*

## II. Permanent Regulations.

### A. Medicaid/Medikan Program—Provider Participation, Scope of Services, Reimbursement

1. **30-5-58. Definitions.** This regulation is being amended to clarify the following terms: "physician extender" and "related to the community mental health center."

2. **30-5-61. Suspension of payments to medical providers.** This regulation is being revoked and repromulgated as two separate regulations: 30-5-61a and 30-5-61b.

3. **30-5-61a. Withholding of payments to medical providers.** The only substantive change in the material set forth in this new regulation is to allow the withholding of payments whenever the agency has been notified by the Department of Health and Human Services to withhold all or part of the federal share from payment to a medical provider.

4. **30-5-61b. Suspension of payment liability to medical providers.** There are no substantive changes in the material set forth in this new regulation.

5. **30-5-70. Recipient eligibility for the payment of specific medical expenses.** The temporary regulation effective May 1, 1983 is being adopted as a permanent regulation with the following amendments:

(a) Grant the Division of Medical Programs the authority to lock adult medikan program recipients into designated providers.

(b) Further limit the scope of services for adult medicaid program recipients as set forth in 30-5-156, 30-5-157, 30-5-158, 30-5-160, and 30-5-161.

6. **30-5-71. Co-pay requirements.** This regulation is being amended to:

(a) Exempt services billed through Medicare cross-over claims and recipients participating in the home and community based services program from any co-pay requirements;

(b) Add the following to the list of services covered by co-pay requirements:

(1) Outpatient general hospital services—\$10.00 per visit;

(2) ambulatory surgery center services—\$10.00 per visit;

(3) inpatient general hospital services —\$25.00 per admission; and

(4) inpatient free-standing psychiatric facility services provided by a non-state facility—\$25.00 per admission.

7. **30-5-81. Scope of hospital services.** The temporary regulation effective July 1, 1983 is being promulgated as a permanent regulation with the following amendments:

(a) Clarify that outpatient ambulance services are covered under 30-5-106 and 30-5-106a and not under 30-5-81 or 30-5-81a and 30-5-81b.

(b) Delete elective surgery (except for sterilization operations) as a covered service.

8. **30-5-81a. Participation in the hospital prospective payment system.** The temporary regulation effective May 1, 1983 is being promulgated as a permanent regulation.

9. **30-5-81b. The basis of reimbursement of hospital**  
(continued)

services. The temporary regulation effective May 1, 1983 is being promulgated as a permanent regulation.

10. **30-5-81c. Definitions.** The temporary revocation of this regulation on March 29, 1983 is being made effective on a permanent basis.

11. **30-5-81d. Hospital prospective payment system review committee.** The temporary regulation effective May 1, 1983 is being promulgated as a permanent regulation with the following amendment: If an alternate becomes unavailable, one of the remaining alternates of the same affiliation as the primary alternate may represent the absent member.

12. **30-5-81e through 30-5-81p.** The temporary revocation of the above mentioned regulations on March 29, 1983 is being made effective on a permanent basis.

13. **30-5-81q through 30-5-81s.** The temporary regulations effective March 29, 1983 are being promulgated as permanent regulations with the following amendment: Require that a request for per diem rate modification be filed within 30 days of being established unless there are unusual circumstances.

14. **30-5-83. Scope of services for ambulatory surgical centers.** This regulation is being amended to limit coverage to nonelective surgical services except for elective sterilizations.

15. **30-5-86. Scope of services by community mental health centers.** This regulation is being amended to: (1) delete the term "day treatment"; (2) specify that an admission evaluation may not exceed five hours per calendar year and must include a physical examination; (3) specify that the first three hours of testing associated with admission will not require prior authorization; and (4) specify that services performed by a psychologist must be performed by a Master's degree "clinical" psychologist certified by the Kansas Association of Community Mental Health Center Director professional standards committee.

16. **30-5-87. Scope of early and periodic screening, diagnosis, and treatment (EPSDT).** This regulation is being amended to:

- (a) Make the list of services non-inclusive;
- (b) require that health and developmental histories and physical examinations be comprehensive in nature;
- (c) require that vision and hearing testing and laboratory services be appropriate under the circumstances;
- (d) require direct referral for dental screening services;
- (e) limit coverage to recipients under 18 years of age; and
- (f) require that referrals include—diagnosis and treatment for defects in vision and hearing, including eyeglasses and hearing aids; and dental care needed for relief of pain and infections, restoration of teeth and maintenance of dental health; and appropriate immunizations.

17. **30-5-88. Scope of physician services.** This regulation is being amended to:

- (a) Limit coverage for non-psychiatric office visits to 12 per calendar year;
- (b) limit coverage for psychiatric office visits to 24

hours per calendar year except for EPSDT program participation;

(c) delete elective surgery (except for sterilizations) as a covered service;

(d) clarify that the term "technicians" means medical technicians;

(e) add family planning services and materials provided by a county health department as covered services; and

(f) delete the limitations on psychological testing and evaluation.

18. **30-5-94. Reimbursement for pharmacy services.** This regulation is being amended to specify that individual pharmacy providers with data which exceed selected regression analysis norms by a factor greater than 1.0 standard deviation shall have allocated cost date relative to the selected norm limited to a value at 1.0 standard deviation above the norm.

19. **30-5-95. Cost report requirement for pharmacy services.** This regulation is being amended to assign a \$0.00 professional fee to pharmacies that elect not to file a cost report or prescription survey when required.

20. **30-5-100. Scope of dental services.** The temporary regulation effective May 1, 1983 is being promulgated as a permanent regulation.

21. **30-5-101. Scope of chiropractic services.** The temporary regulation effective July 1, 1983 is being promulgated as a permanent regulation with the following amendment: Limit office visits to 12 per calendar year.

22. **30-5-104. Scope of psychologists' services.** This regulation is being amended to specify that the first three hours of testing and evaluation associated with admission to a community mental health center treatment program, ICF-MR hospital or residential treatment facility for children will not require prior authorization.

23. **30-5-106. Scope of ambulance services.** This regulation is being amended to delete the use of wheelchair vans licensed as type III ambulances as a covered service.

24. **30-5-107. Scope of non-ambulance medical transportation services.** This regulation is being amended to have the words private and public (except for public motor carrier) changed respectively to the words commercial and non-commercial.

25. **30-5-108. Scope of services for durable medical equipment, medical supplies, orthotics, and prosthetics.** This regulation is being amended to allow provision of wheelchairs and other necessary equipment and supplies to program recipients who are residents of intermediate care facilities for the mentally retarded.

26. **30-5-110. Scope of psychiatric partial hospitalization programs.** This regulation is being amended to limit coverage to 2080 hours per calendar year and to delete the term "day treatment."

27. **30-5-110a. Reimbursement for psychiatric partial hospitalization programs.** This regulation is being amended to delete the term "day treatment."

28. **30-5-111. Screening, evaluation, and referral services for persons ineligible to participate in the**

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medicaid/medikan program. The temporary regulation effective October 1, 1983 is being promulgated as a permanent regulation.

**29. 30-5-150. Co-pay requirements for adult medikan program recipients.** The temporary regulation effective April 1, 1983 is being promulgated as a permanent regulation with the following amendment: Waiver of co-pay requirements for persons participating in the home and community based service programs.

**30. 30-5-151. Scope of hospital services for adult medikan program recipients.** The temporary regulation effective July 1, 1983 is being promulgated as a permanent regulation with the following amendment: Add elective sterilization operations as a covered service.

**31. 30-5-152. Scope of rural health clinic services for adult medikan program recipients.** The temporary regulation effective April 1, 1983 is being promulgated as a permanent regulation.

**32. 30-5-154. Scope of services by community mental health centers for adult medikan program recipients.** The temporary regulation effective April 1, 1983 is being promulgated as a permanent regulation.

**33. 30-5-155. Scope of early and periodic screening, diagnosis and treatment services for adult medikan program recipients.** The temporary regulation effective April 1, 1983 is being promulgated as a permanent regulation.

**34. 30-5-156. Scope of physician services for adult medicaid/medikan program recipients.** The temporary regulation effective July 1, 1983 is being promulgated as a permanent regulation with the following amendments: (1) Add elective sterilization operations as a covered service; and (2) make the regulation applicable to adult medicaid program recipients.

**35. 30-5-157. Scope of home health services for adult medikan program recipients.** The temporary regulation effective April 1, 1983 is being promulgated as a permanent regulation with the following amendment: Make the regulation applicable to adult medicaid program recipients.

**36. 30-5-158. Scope of pharmacy services for adult medicaid/medikan program recipients.** The temporary regulation effective April 1, 1983 is being promulgated as a permanent regulation with the following amendment: Make the regulation applicable to adult medicaid program recipients.

**37. 30-5-159. Scope of dental services for adult medikan program recipients.** The temporary regulation effective April 1, 1983 (as modified by 1983 SCR 1632) is being promulgated as a permanent regulation.

**38. 30-5-160 through 30-5-172.** The temporary regulations effective April 1, 1983 are being promulgated as permanent regulations with the following amendments:

(a) Exempt the first three hours of testing and evaluation associated with admissions to a community mental health center treatment program, ICF-MR, or hospital from the prior authorization requirement;

(b) add family planning services provided by a family planning clinic or physician as a covered service;

(c) add elective sterilization operations provided by an ambulatory surgical care center as a covered service; and

(d) make 30-5-160 and 30-5-161 applicable to adult medicaid program recipients.

**B. Medicaid/Medikan Program—Adult Care Homes.**

**1. 30-10-1a. Adult care home program definitions.** The term "Intermediate care facility for the mentally ill . . ." is being amended to read "Intermediate care facility for mental health."

**2. 30-10-1b. Adult care home facilities.** This regulation is being amended to reflect technical changes.

**3. 30-10-1e. Bond.** The Secretary is promulgating a new regulation concerning the requiring of a bond in certain instances. The text of the regulation is, "As a prerequisite for participation in the medicaid/medikan program as an adult care home provider, the owner or lessee, at the request of the agency, shall file a bond to protect the financial interests of the agency. The bond shall be in a form and amount as prescribed by the agency. Any bond shall not exceed \$100,000.00."

**4. 30-10-3. Standard for participation; intermediate care facility and intermediate care facility for mental health.** This regulation is being amended to reflect technical changes.

**5. 30-10-6. Admission procedure.** This regulation is being amended to reflect technical changes.

**6. 30-10-7. Certification and recertification by physicians.** The temporary regulation effective July 1, 1983 is being promulgated as a permanent regulation with the following amendment: A physician who is the owner or lessee of an adult care home will not be able to complete the certification or recertification of residents in that facility.

**7. 30-10-8. Medical review in skilled nursing facilities and independent professional review in intermediate care facilities, intermediate care facilities for the mentally retarded, and intermediate care facilities for mental health.** This regulation is being amended to reflect technical changes.

**8. 30-10-9. Utilization review of adult care homes.** This regulation is being amended to reflect technical changes.

**9. 30-10-11. Personal needs fund.** This regulation is being amended to update material adopted by reference and add 42 CFR 405.1121(m) and 442.311 to such material.

**10. 30-10-12. Reimbursement.** This regulation is being amended to: Revise the reserve day policy to allow for 21 days per state mental institution admission because of an acute condition for residents from an ICF-MH and reduce the number of therapeutic reserve days from 18 to 12 per calendar year for those persons residing in an ICF or SNF.

**11. 30-10-13. Prospective reasonable cost-related reimbursement.** The temporary regulation effective May 1, 1983 is being promulgated as a permanent regulation with the following amendments: (1) The failure of a provider to submit a cost report will cause its payment rate or rates to be adjusted to the greater of the provider's current rate or rates less 10% or to the

(continued)

lowest rate paid for the level or levels of care in which the provider participates in the medicaid/medikan program; (2) any bed days paid for by the patient or any other party on behalf of the patient before an admission date will not be counted as a patient day; and (3) the treatment of costs may include a current use value of the provider's fixed assets used in patient care.

**C. Mental Health and Retardation Services.**

1. 30-23-8. Who shall sign application. This regulation is being amended to reflect technical changes.

**D. Alcohol and Drug Safety Action Program.**

1. 30-31-13. Alcohol and drug safety action program assessment fee. This regulation is being revoked.

**E. Non-Medical Community Based Agencies Providing Services to Handicapped Adults.**

1. The certification regulations set forth in Article 42 are being revoked. Certain items as set forth below are being transferred to the licensing regulations set forth in Article 41.

(a) The transfer of the definitions of the terms "annual goal" and "objective" to 30-41-1.

(b) The transfer of the general admission policies to 30-41-6a.

(c) The transfer of the following client record items to 30-41-6h (a new regulation): application for admission, financial agreement, accident reports, health status, and confidentiality of record.

(d) The transfer of fiscal policies to 30-41-6f.

(e) The transfer of personnel policies to 30-41-6b.

2. The following amendments are being made to the above mentioned transferred material.

(a) Clients records—Require that documentation of health status, etc., by a medical practitioner be on a bi-annual basis in lieu of annually.

(b) Personnel policies—Allow an agency employee who is a blood relative to be a guardian or conservator if the proposed ward is an agency client.

3. 30-41-1. Definitions. The following definitions are being amended: Adult day care, adult life skills training, community living program, corporal punishment, day care, group living, independent living, residential services, respite care, semi-independent living vocational evaluation, work activity or adjustment services, work evaluation, and work training and adjustment.

4. 30-41-6d. Health policies. The term "dairy" products is being amended to the term "milk and milk" products.

5. 30-41-6e. Insurance policies. This regulation is being amended as follows:

Each agency shall maintain liability insurance in an amount not less than \$25,000.00 per occurrence and not less than an annual aggregate of \$75,000.00. Each agency, for the protection of its clients, shall also maintain professional liability coverage for legal liability arising out of the rendering or failure to render professional services by the agency or its staff. This coverage shall be in an amount of not less than \$25,000.00 per claim with an annual aggregate of \$75,000.00.

6. 30-41-7b(b). Buildings, general. This regulation

is being amended to require that deficiencies noted by a fire inspector be corrected within 30 days from the date of inspection.

**F. Corporate Guardians.**

1. The Secretary is promulgating a new regulation concerning corporate guardians. The text of the proposed regulation has previously been set forth in this document under Section I.

A copy of the proposed regulations and fiscal impact statement may be obtained prior to November 22, 1983 by contacting the Legal Division, State Department of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka, Kansas 66612, (913) 296-3969. Written comments may be submitted prior to such date. Such comments should be forward to Dr. Harder, Secretary of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka, Kansas 66612.

Interested persons will be given reasonable opportunity at the hearing to present their views and arguments on the adoption of the proposed temporary and permanent regulations. Depending on the number of persons wanting to speak, the department may require that each participant limit his or her oral presentation to no more than three (3) minutes.

The public is invited to this meeting. Telephone hook-ups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hiawatha, 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

Doc. No. 001590

**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, State Office Building, Topeka, Kansas, until 2:00 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened:

**MONDAY, NOVEMBER 14, 1983**

#25721 (Supplement)

Kansas State Agencies—COOKIES AND CRACKERS  
#25789

All Using Agencies of the State—IBM COMPATIBLE  
TERMINAL DEVICES

#25794

Department of Human Resources, Topeka—JANI-  
TORIAL SERVICES

#25796

Board of Regents Institutions, Topeka—DETECTION  
STRIPS, various locations

#55663

Fort Hays State University, Hays—VAN

(continued)

#55664

Kansas Fish and Game Commission, Pratt—FIELD CULTIVATOR, Trading Post

#55665

University of Kansas, Lawrence—STEEL LIBRARY SHELVING

#55667

Wichita State University, Wichita—DETECTION STRIPS

#55672

University of Kansas, Lawrence—OFFICE SUPPLIES

#55674

Kansas State University, Manhattan—LOUNGE FURNITURE

#55712

Department of Administration, Division of Information Systems and Computing, Topeka—SOFTWARE

#55722

University of Kansas, Lawrence—ELECTRICAL SUPPLIES

#55723

University of Kansas Medical Center, Kansas City—SELECTIVE BI-PLANE CARDIOANGIOGRAPHY SYSTEM

#55726

Kansas State University, Manhattan—CARPET AND INSTALLATION

#55727

Fort Hays State University, Hays—SEDANS

#55728

University of Kansas Medical Center, Kansas City—PEDIATRIC INFANT RADIANT WARMING INTENSIVE CARE CENTER

#55729

Kansas State University, Manhattan—COLOR MONITOR

#55730

Department of Social and Rehabilitation Services, Topeka—CORRUGATED CARTONS, Kansas City

#55731

Department of Transportation, Hutchinson—WEED KILLER

#55743

Department of Transportation, Topeka—WORD PROCESSING SYSTEM

#55746

Department of Revenue, Topeka—CONTINUOUS FORMS—I-FLAG-INC/ja-41

**TUESDAY, NOVEMBER 15, 1983**

#A-4876

Kansas State University, Manhattan—RESTORATION OF LIGHTNING DAMAGE, Putnam Hall

#25787

Kansas State Agencies—DAIRY PRODUCTS

#55675

University of Kansas Medical Center, Kansas City—WORD PROCESSING SYSTEM

#55680

University of Kansas Medical Center, Kansas City—SLEEPING CHAIRS

#55681

Department of Transportation, Hutchinson—LUBRICATING OIL

#55682

Fort Hays State University, Hays—PICKUP

#55683

Fort Hays State University, Hays—SEDAN

#55684

Fort Hays State University, Hays—COMPACT SEDAN

#55685

Department of Transportation, various locations—BLADES

#55693

Kansas State University, Manhattan—ELECTRICAL SUPPLIES

#55694

Kansas State University, Manhattan—ELECTRICAL SUPPLIES

#55695

Department of Transportation, Topeka—ELECTRICAL SERVICE CHANGE

#55696

Kansas State University, Manhattan—MEAT/PRIMAL ROUNDS

#55697

Topeka State Hospital, Topeka—BEDSPREAD /BLANKETS

#55698

University of Kansas, Lawrence—GERMICIDE DETERGENT

#55699

Department of Social and Rehabilitation Services, Topeka—BROOMS

#55713

Department of Administration, Division of Printing, Topeka—PYROFAX FILM

#55762

Department of Transportation, Salina—AGGREGATE FOR SHOULDER CONSTRUCTION, various locations

#55763

Department of Administration, Division of Information Systems and Computing, Topeka—DISK STORAGE UNITS AND CONTROLLER

**WEDNESDAY, NOVEMBER 16, 1983**

#25791

Department of Administration, Buildings and Grounds Services, Topeka—METAL EDGE INSULATING GLASS WINDOWS

#25795

Statewide—TYPEWRITER AND RELATED RIBBONS

#55700

Kansas State University, Manhattan—TRACTOR

#55701

Kansas State University, Manhattan—WORD PROCESSING SYSTEM

#55714

Department of Social and Rehabilitation Services, Topeka—PUSH BROOM HANDLES

#55715

Kansas State University, Manhattan—USED GRAIN DRILL, Colby Experiment Station, Colby

#55716

Kansas State University, Manhattan—TRACTOR

#55717

Department of Transportation, Chanute—POSTS, STEEL SIGN AND STEEL DELINEATOR

#55718

Kansas State University, Manhattan—PREGROUTED GLAZED TILE TUB AND SHOWER SURROUND KIT

#55719

Department of Transportation, Chanute—TREATED WOOD SIGN POSTS

*(continued)*



#55720

Kansas State Penitentiary, Lansing—STEEL PIPE

#55725

Kansas Corporation Commission, Topeka—FINANCIAL INFORMATION SERVICE

#55750

Kansas State Penitentiary, Lansing—RAZOR RIBBON

#55761

University of Kansas Medical Center, Kansas City—STEREOMICROSCOPE

#55764

University of Kansas, Lawrence—CENTRIFUGAL ELUTRIATION SYSTEM

#55765

Kansas State University, Manhattan—OSCILLOSCOPES

#55766

University of Kansas Medical Center, Kansas City—LIQUID CHROMATOGRAPHY SYSTEM

THURSDAY, NOVEMBER 17, 1983

#25792

Department of Social and Rehabilitation Services, Topeka—JANITORIAL SERVICE, Hutchinson

#55047A

Emporia State University, Emporia—INSERTION-TYPE TURBINE FLOW METER

#55703

Kansas State University, Manhattan—DISK AND CONTROLLER SYSTEM

#55724

Kansas State University, Manhattan—ROBOT SYSTEM

#55751

Department of Social and Rehabilitation Services, Topeka—CONTINUOUS MAILERS—FP-1520—FOOD STAMP FORMS

#55752

Department of Revenue, Topeka—CONTINUOUS FORMS—A/R LETTER-INC/ia-11

#55753

University of Kansas, Lawrence—LUMINAIRES

#55754

University of Kansas Medical Center, Kansas City—PLAIN PAPER COPIER

#55755

Kansas State University, Manhattan—SCANNING CALORIMETER

#55756

Kansas Highway Patrol, Topeka—TEMPLATES INDIUM (FOR BREATH ANALYZERS)

#55757

University of Kansas, Lawrence—REPORTING INTEGRATOR

#55767

University of Kansas, Lawrence—HUMAN BEHAVIORAL RESEARCH EQUIPMENT

FRIDAY, NOVEMBER 18, 1983

#55686

University of Kansas, Lawrence—CANNED SOUPS

#55687

Norton State Hospital, Norton—CONVECTION STEAMER

#55702

University of Kansas, Lawrence—WORD PROCESSING SYSTEM

#55721

Winfield State Hospital and Training Center, Winfield—KITCHEN EQUIPMENT

#55739

Kansas State University, Manhattan—MICROCOMPUTER SYSTEM

TUESDAY, NOVEMBER 22, 1983

#25790

Department of Administration, Buildings and Grounds Services, Topeka—SNOW REMOVAL

#55676

Department of Administration, Division of Printing, Topeka—SALE OF USE PHOTOTYPESETTER

MONDAY, DECEMBER 12, 1983

#25779

Statewide—FINE PAPER PRODUCTS: CUT AND WRAPPED AND PRINTING PAPERS

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 001591

## 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. unless otherwise noticed.*

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

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 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, "Rules of Practice and Procedure Before the Commission."

Applications set for December 20, 1983—  
TOPEKA, KANSAS*Application for Extension of Certificate of  
Convenience and Necessity:*

Bell Creek, Inc. ) Docket No. 107,905 M  
720 W. Elkhorn )  
Arlington, NE 68002 ) Route No. 12059  
Applicant's Attorney: John Jandera, 641 Harrison St.,  
P.O. Box 1979, Topeka, KS 66601

*Meat and meat byproducts, materials and supplies  
used in meat packing houses and food and  
related products.*

Between all points & places in KS.

\*\*\*\*\*

(continued)

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

LeRoy McConico, Jr., dba ) Docket No. 139,554 M  
Jonathan Transport )  
223 W. Insley )  
Bonner Springs, KS 66012 )

Applicant's Attorney: None

*Liquid commodities in bulk, dry commodities in bulk,  
cement in sacks and in bulk; petroleum and related  
products,*

Between all points & places in KS.

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

Sam Mosshart & Charles ) Docket No. 24,065 M  
Mosshart, )  
dba Mosshart Brothers )  
Ashland, KS 67813 ) Route No. 1699

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

*Livestock, farm products, dry feed and dry feed in-  
gredients, new and used farm machinery and fencing  
materials and emigrant farm movables,*

Between points & places in Clark, Comanche,  
Barber, Pratt, Kiowa & Ford Counties, KS.

Also,

Between points in the above named counties on the  
one hand, & points & places in the state of KS on the  
other hand.

*Building materials,*

Between points & places in Clark, Comanche, Pratt,  
Kiowa & Ford Counties, KS, and

Also,

Between points & places in Clark, Comanche, Pratt,  
Kiowa & Ford Counties on the one hand, & points &  
places in the state of KS on the other hand.

\*\*\*\*\*

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

Robert Nankivell, dba ) Docket No. 51,981 M  
Bob's Garage )  
Rt. 3, Box 180 )  
Pittsburg, KS 66762 ) Route No. 4530

Applicant's Attorney: William Barker, 641 Harrison  
St., P.O. Box 1979, Topeka, KS 66601

*Wrecked, disabled, repossessed and replacement  
vehicles,*

Between points in Bourbon, Allen, Neosho & La-  
bette Counties, KS, on the one hand, & on the other,  
all points & places in KS.

\*\*\*\*\*

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

Tollie Freightways, Inc. ) Docket No. 61,516 M  
1020 Sunshine Rd. )  
Kansas City, KS 66115 ) Route No. 5555

Applicant's Attorney: John Jandera, 641 Harrison St.,  
P.O. Box 1979, Topeka, KS 66601

*General commodities, in truck load lots, (except  
commodities in bulk, household goods),*

Between points in KS lying on & east of KS Hwy 14.  
Also,

Between points in KS lying on & east of KS Hwy 14,  
on the one hand, & on the other, points & places in KS.

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**Applications set for December 22, 1983—  
TOPEKA, KANSAS**

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

Eureka Crude Purchasing, ) Docket No. 136,076 M  
Inc. )  
111 W. Third, Box 190 )  
Eureka, KS 67045 ) Route No. 21151

Applicant's Attorney: Eugene Hiatt, 627 S. Topeka  
Ave., Topeka, KS 66603-3294

*Crude oil,*

Between all points & places in Wilson, Greenwood,  
Butler, Sedgwick, Cowley & Sumner Counties.

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

Alan Stinemetz, dba ) Docket No. 133,584 M  
Triple "S" Farm Supply )  
R.R. 1 )  
Burdett, KS 67523 ) Route No. 20076

Applicant's Attorney: William Barker, 641 Harrison  
St., P.O. Box 1979, Topeka, KS 66601

*Grain, feed and dry feed ingredients,*

Between points in Sedgwick, Reno, McPherson &  
Saline Counties, KS, on the one hand, & on the other,  
all points in KS.

\*\*\*\*\*

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

Francis-Urban Tank ) Docket No. 139,555 M  
Service, Inc. )  
214 Main St. )  
Clafin, KS 67525 )

Applicant's Attorney: Bob Storey, Shadow Wood  
Office Park, 5863 S.W. 29th St., Topeka, KS 66614

*Crude Oil, used in and for production, processing,  
treating, salvage, construction and for lease road  
purposes, in bulk; Fresh Water for drilling, well*

(continued)

completion, fracturing and acidizing purposes, and Salt Water for disposal purposes.

Between all points & places in the following counties: Barber, Barton, Butler, Cheyenne, Clark, Clay, Cloud, Comanche, Cowley, Decatur, Dickinson, Edwards, Ellis, Ellsworth, Finney, Ford, Gove, Graham, Grant, Gray, Greeley, Hamilton, Harper, Harvey, Haskell, Hodgemen, Jewell, Kearny, Kingman, Kiowa, Lane, Lincoln, Logan, Marion, McPherson, Meade, Mitchell, Morton, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Pratt, Rawlins, Reno, Republic, Rice, Rooks, Rush, Russell, Saline, Scott, Sedgwick, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Trego, Wallace, Washington & Wichita.

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**Application for Contract Carrier Permit:**

Patterson Farms Trucking, ) Docket No. 139,295 M  
Inc. )  
R.R. 2 )  
Garnett, KS 66032 )

Applicant's Attorney: William Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601

*Petroleum products,*

Between points in Anderson County, KS, on the one hand, & on the other, all points & places in KS. Under contract with Lybarger Oil, Inc., of Garnett, KS.

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**Applications set for December 27, 1983—  
TOPEKA, KANSAS**

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

Columbia Trucking & ) Docket No. 139,568 M  
Rigging Co. )  
R.R. #14 )  
Columbia, MO 65205 )

Applicant's Attorney: Richard Bronlee, P.O. Box 1069, Jefferson City, MO 65102

*To transport heavy machinery and building and construction materials,*

Between all points & places in KS.

\*\*\*\*\*

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

Dugan Truck Line, Inc. ) Docket No. 9,995 M  
1407 S. Walnut )  
Wichita, KS 67213 ) Route No. 286

Applicant's Attorney: Paul Dugan, 2707 W. Douglas, Wichita, KS 67213

*Transportation of general commodities; except commodities in bulk, household goods, and classes A and B explosives:*

TO, FROM, & BETWEEN: All points & places within Sedgwick, Kingman, Sumner, Butler, Harvey,

Pratt, Stafford, Rice, McPherson, Saline, Ellsworth, Dickinson, Ottawa, Cloud, Barton, Riley, Geary, Morris, Harper, Pawnee & Reno Counties, KS.  
and,

TO, FROM, & BETWEEN: All points & places in Sedgwick, Kingman, Sumner, Butler, Harvey, Pratt, Stafford, Rice, McPherson, Saline, Ellsworth, Dickinson, Ottawa, Cloud, Barton, Riley, Geary, Morris, Harper, Pawnee & Reno Counties, KS, on the one hand, & all points & places within the state of KS on the other hand.

\*\*\*\*\*

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

Patterson Farms Trucking, ) Docket No. 139,386 M  
Inc. )  
R.R. 2 )  
Garnett, KS 66032 )

Applicant's Attorney: William Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601

*Meat, meat products and byproducts, and materials and supplies used by meat packing houses,*

Between points in Ford County, KS, on the one hand, & on the other, all points in KS.

\*\*\*\*\*

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

Abe R. Thiessen, dba ) Docket No. 139,415 M  
Pioneer Truck Line )  
R.F.D. #1 )  
Inman, KS 67546 )

Applicant's Attorney: Paul Dugan, 2707 W. Douglas, Wichita, KS 67213

*Transportation of petroleum and related products, liquid fertilizers, and phosphoric acid,*

TO, FROM, & BETWEEN all points & places in Saline, McPherson, Barton, Reno & Kingman Counties on the one hand, & all points & places in the state of KS on the other hand, and,

TO, FROM, & BETWEEN all points & places within Saline, McPherson, Barton, Reno & Kingman Counties, KS.

\*\*\*\*\*

WILLIAM E. GREEN  
Administrator  
Transportation Division

Doc. No. 001595

## State of Kansas

**SECRETARY OF STATE****KANSAS PUBLIC  
DISCLOSURE COMMISSION****Advisory Opinion No. 83-37**

Written October 19, 1983 to Michael L. Dey, Ph.D., ACHA, Superintendent, Winfield State Hospital and Training Center, P.O. Box 548, Winfield, Kansas 67156.

This opinion is in response to your letter of July 28, 1983, in which you request an opinion from the Kansas Public Disclosure Commission.

We note at the outset that the Commission's jurisdiction is limited to the applicability of K.S.A. 46-215 *et seq.* and K.S.A. 75-4301 *et seq.*, the latter sections not applying to your questions. Thus, whether some other common law, statutory system or rules and regulations apply to your question is not covered by this opinion.

We understand you request this opinion in your capacity as Superintendent of Winfield State Hospital and Training Center, concerning the Kansas Long Range Mental Retardation Plan supported by H.B. 5054.

You advise us that under the aforementioned plan, Winfield State Hospital and Training Center, a State Institution serving the mentally retarded/developmentally disabled citizens of Kansas, is encouraged to make its resources available within limits of staff and appropriations to community based programs in an assigned region of South Central Kansas.

You state, although Winfield State Hospital and Training Center welcomes the opportunity to develop a closer working relationship with both profit and non-profit community based programs serving the mentally retarded in this region, you do have some uncertainty about providing Regional Resource services to the mentally retarded residing in licensed community based ICF/MR facilities. The ICF/MR facilities in question are operated by private corporations licensed by the Department of Health and Environment, certified by SRS for medicaid and inspected for payment purposes.

You indicate that staff members of Winfield State Hospital and Training Center that are involved in providing a particular service to community based programs as part of a Regional Resource Team realize no monetary gains other than their regular salary paid by the State. However, as a State supported and operated facility, Winfield State Hospital and Training Center is faced with the dilemma of providing service free of charge to a privately owned profit making organization reimbursed by the State for services rendered to the mentally retarded/developmentally disabled individuals residing in their facility, or setting up an accounting mechanism to charge for travel and the employees time away from their regularly assigned duties.

Based on this factual situation, we understand you to ask whether Winfield State Hospital could charge to

privately operated organizations a fee for state employee time and travel to provide services to the organization without violating the conflict of interest laws.

We have reviewed all of the laws within our jurisdiction and find none that apply to the situation you have described. Thus, it is our opinion that Winfield State Hospital would not be in violation of the conflicts laws were it to charge and accept a fee for the provision of services you have described. We again note, however, that our opinion is specifically limited to the laws within our jurisdiction.

**Advisory Opinion No. 83-38**

Written October 19, 1983 to JoAnn Stevens, Special Investigator, Social and Rehabilitation Services, 520 East William, P.O. Box 1620, Wichita, Kansas 67201.

This opinion is in response to your letter of August 11, 1983, in which you request an opinion from the Kansas Public Disclosure Commission.

You advise us that for the past two years you have held two positions: one as a full-time fraud investigator for SRS, the other as a part-time staff person at the Wichita Children's Home.

Your main responsibilities as an investigator are to: (1) prepare and refer cases to the district attorney's office for criminal prosecution; (2) monitor restitution on criminal cases; (3) prepare and refer cases for other legal action; and (4) complete special assignments.

At the Children's Home, responsibilities include: (1) processing admissions and releases; (2) supervising child care workers; (3) monitoring phone calls and visitations of residents; and (4) overseeing recreational activities for residents.

Based on this factual situation you ask whether you may maintain both positions.

S.B. 379, Section 10, states:

No state officer or employee may accept a position with an outside organization which is licensed by, inspected by or is regulated by the agency in which the state officer or employee is employed. This section shall not apply to appointed or elected members of a state board, council or commission, except that no member of such board, council or commission shall participate in any license, inspection or contract on behalf of their state board, council or commission with any outside organization with which such member is associated.

In applying the above language, we have reviewed K.S.A. 65-504 which we believe to be the statute governing the Wichita Children's Home. Under that section, SRS does have investigatory authority concerning the home. Thus, you may not accept any future employment with it. Any position existing on July 1, 1983, which was the effective date of S.B. 379, may, however, be maintained.

**Advisory Opinion No. 83-39**

Written October 19, 1983 to Benny Skahan, 907 South Olive, Pittsburg, Kansas 66762.

(continued)

This opinion is in response to your letter of September 27, 1983, in which you request an opinion from the Kansas Public Disclosure Commission.

We note at the outset that the Commission's jurisdiction is limited to the applicability of K.S.A. 46-215 *et seq.* and K.S.A. 75-4301 *et seq.*, the latter sections not applying to your questions. Thus, whether some other common law, statutory system or rule and regulation applies to your questions is not covered by this opinion.

You state you have been a Social Worker for the State Department of SRS since April, 1976. Recently, you applied for another job with a private non-profit agency called CLASS LTD. and were accepted for the job. After turning in your resignation to SRS you were informed by SRS authorities that to accept this position with CLASS LTD. could place you in possible violation of Senate Bill 379. After reviewing this bill and taking into consideration that your resignation date was nearing, you withdrew your resignation from SRS and did not accept this job with CLASS LTD. Your reasons for wanting this new job had nothing to do with any possible conflict of interest situations, but stemmed from current dissatisfaction with part of your job assignment at SRS and from your desire to advance.

Based on this factual situation, you ask whether you would be precluded from accepting another position from CLASS LTD. should such an opportunity arise and generally how the conflict law applies to other private agencies and with which you may have contacts in your position as a state officer or employee.

K.S.A. 46-215 *et seq.* contains the law applicable to the situation you have described. K.S.A. 46-233 and S.B. 379, Section 10, are relevant to your questions.

K.S.A. 46-233(a) states in pertinent part:

Whenever any individual has, within the preceding two (2) years participated as a state officer or employee in the making of any contract with any person or business, such individual shall not accept employment with such person or business for one (1) year following termination of employment as a state officer or employee.

(d) Subsections (a) and (b) shall not apply to the following:

- (1) Contracts let after competitive bidding has been advertised for by published notice; and
- (2) Contracts for property or services for which the price or rate is fixed by law.

From a review of the correspondence you have provided to us, it appears that you participated in the making of a contract between the State and CLASS LTD. in relation to the FY-84 block grant application by recommending approval of the grant. Under those circumstances as a general rule you could not accept employment with CLASS LTD. for one year after termination of employment. The same would be true as to any other entity with which you have participated in the making of contracts on behalf of the State subject to the qualification that if you do not participate in the making of a contract for a two-year period

with a specific entity, then under this section you could accept employment with that entity.

S.B. 379, Section 10, states:

No state officer or employee may accept a position with an outside organization which is licensed by, inspected by or is regulated by the agency in which the state officer or employee is employed. This section shall not apply to appointed or elected members of a state board, council or commission, except that no member of such board, council or commission shall participate in any license, inspection or contract on behalf of their state board, council or commission with any outside organization with which such member is associated.

Applying this language to the situation you have described, it is our opinion that SRS does license and inspect CLASS LTD. as set forth in your letter of March 18, 1983, to Ms. Phyllis Henney. Under those circumstances, you could not accept employment with CLASS LTD. while employed by the State of Kansas. Unlike K.S.A. 46-233, this section does not have a one-year exclusionary period. Rather, once State employment is left, a job could immediately be taken with the entity licensed, regulated or inspected by your agency.

#### Advisory Opinion No. 83-40

Written October 19, 1983 to Susan M. Jacobs, Student Intern, Ann Henderson, Field Instructor, Topeka Area SRS Office, P.O. Box 1424, Topeka, Kansas 66601.

This opinion is in response to your letter of September 8, 1983, in which you request an opinion from the Kansas Public Disclosure Commission.

We note at the outset that the Commission's jurisdiction is limited to the applicability of K.S.A. 46-215 *et seq.* and K.S.A. 75-4301 *et seq.*, the latter sections not applying to the situation you have described. Thus, whether some other common law, statutory system or administrative policy applies to your question is not covered by this opinion.

We understand you request this opinion in your capacity as a social worker intern at the Topeka Area Office of Social and Rehabilitation Services in the Family Service Unit. This internship is a requirement for your Baccalaureate Degree in Social Work at Washburn University. Your field placement instructor is Nancy Kirk, a professor in the Social Work Department at Washburn University. Your SRS supervisor is Ann Henderson, a Family Services social worker.

You are interested in volunteering at the Topeka Parents In Stress meetings as a babysitter. Parents In Stress is headed by Nancy Sargent. You anticipate little contact with the parents, because you will be babysitting their children in a separate room during the meeting.

You ask whether there is a possible conflict between your internship with SRS and your volunteer work with Parents In Stress.

The conflicts of interest laws contained in K.S.A. 46-215 *et seq.* generally apply only to persons who

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meet the threshold definition of a "state officer or employee." We have reviewed that definition and are satisfied that you are not a "state officer or employee" during your internship. Since you do not meet the definition, K.S.A. 46-215 *et seq.* simply does not apply to the situation you have described and the situation does not constitute a conflict of interest under the above statute.

#### Advisory Opinion No. 83-41

Written October 19, 1983 to Penny L. Martin, Lawrence SRS, 619 E. 8th, Lawrence, Kansas 66044.

This opinion is in response to your letter of August 15, 1983, in which you request an opinion from the Kansas Public Disclosure Commission.

We note at the outset that the Commission's jurisdiction is limited to the applicability of K.S.A. 46-215 *et seq.* and K.S.A. 75-4301 *et seq.*, the latter sections not applying to your questions. Thus, whether some other common law or statutory system applies to your questions is not covered by this opinion.

We understand you request this opinion in your capacity as a social worker in the Lawrence Office of SRS in Adult Services. Your job responsibilities include a range of programs geared toward the vulnerable adult population. Within these responsibilities, you coordinate efforts between SRS, the court, state institutions, mental health centers, and peer-support groups to provide services to the mentally ill.

You state you are also currently President of the Board of Facilitators for one of these peer-support groups, Project Acceptance. Project Acceptance is a non-profit organization whose funding sources have been private donations and money from the Douglas County Mental Health Association. Since May, the Project and The Bert Nash Community Mental Health Center have been working on a joint mini-grant proposal for funding through the Community Support Programs office of Mental Health and Retardation Services. If the grant is approved, the money will be channeled from the state through the mental health center to Project Acceptance. The money will be used for salary of a coordinator for the peer-support groups. A contract will have to be signed by the Director and by the Chairperson of the Bert Nash Board and also the President of the Board Facilitators.

You ask whether as current President of Project Acceptance you may sign the contract on behalf of the project or should you resign beforehand and if the state does fund the project, can you remain on the Board of Directors of Project Acceptance.

K.S.A. 46-233 applies to your questions. That section states in pertinent part:

No state officer or employee shall in his or her capacity as such officer or employee participate in the making of a contract with any person or business by which such officer or employee is employed or in whose business such officer or employee has a substantial interest and no such person or business shall enter into any contract where any state officer or employee, acting in such capacity, is a signatory to or a participant in

the making of such contract and is employed by or has a substantial interest in such person or business.

We note at the outset that the service on the Board of Directors of Project Acceptance constitutes a "substantial interest" therein pursuant to K.S.A. 46-229. This section does not prohibit contracts between the state and entities in which state officers and employees hold a substantial interest. Rather, the section requires the state officer or employee to absent themselves in their capacity as such from participation in the making of the contract. So long as this is accomplished, the state officer or employee may serve as a signatory on behalf of the entity in which they hold a substantial interest. In answer, then, to your specific question, so long as you did not participate as a state officer or employee in the decision making process to give the grant, then you may be a signatory on behalf of Project Acceptance. If you did participate as a state officer or employee in the decision making process concerning the grant, then the transaction was not appropriate to begin with.

The second issue raised by your question is whether you may continue to serve on the Board after the grant is approved. S.B. 379, Section 10, states:

No state officer or employee may accept a position with an outside organization which is licensed by, inspected by or is regulated by the agency in which the state officer or employee is employed. This section shall not apply to appointed or elected members of a state board, council or commission, except that no member of such board, council or commission shall participate in any license, inspection or contract on behalf of their state board, council or commission with any outside organization with which such member is associated.

In applying this language, it is our opinion as a general rule that monitoring of grants or contracts does not constitute "licensing, inspecting or regulating" as those terms are used in the above section. Thus, so long as SRS does not otherwise license, inspect or regulate Project Acceptance, this section does not apply and you may retain your position with Project Acceptance after the grant is approved.

LOWELL K. ABELDT, Vice Chairman  
By Direction of the Commission

Filed with the Secretary of State October 20, 1983.

Doc. No. 001580

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