

KANSAS REGISTER

State of Kansas

JACK H. BRIER
Secretary of State

Vol. 3, No. 42

October 18, 1984

Pages 1261-1292

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State of Kansas

ATTORNEY GENERAL

OPINION NO. 84-104

Crimes and Punishments—Crimes Against the Public Safety—Unlawful Use of Weapons; Exemption for Reserve Police Officers While on Duty. Dennis W. Moore, District Attorney, Tenth Judicial District, Olathe, October 8, 1984.

Reserve police officers are not law enforcement officers but rather persons who assist law enforcement officers, and therefore fall within the general prohibition against carrying concealed firearms when off duty. K.S.A. 1983 Supp. 21-4201(1)(d). They may carry concealed firearms when on duty or during those hours they are actively engaged in assisting law enforcement officers. Cited herein: K.S.A. 19-805b, 21-3110; K.S.A. 1983 Supp. 21-4201, 74-5602. BLH

OPINION NO. 84-105

Taxation—Levy of Taxes—Certification of City Levies, Time; Payments by County Treasurer. Edwin A. Van Petten, Wabaunsee County Attorney, Alma, October 8, 1984.

K.S.A. 1983 Supp. 79-1801 and 12-1678a are statutes *in pari materia* which authorize and require the county clerk to place delinquent utility charges (constituting a lien on real property) upon the tax rolls where a city ordinance provides for certification and collection "in the same manner as taxes levied against property." Cited herein: K.S.A. 12-6a17, 12-1617e, 12-1673, K.S.A. 1983 Supp. 12-1678a, K.S.A. 12-1755, 65-3410, K.S.A. 1983 Supp. 79-1801, K.S.A. 79-1804. TRH

ROBERT T. STEPHAN
Attorney General

Doc. No. 002564

State of Kansas

DEPARTMENT OF HUMAN RESOURCES

NOTICE OF REVIEW
OF GRANT APPLICATIONS

Below are applications which have been submitted to the Kansas Review Process. For those requiring review, comments should be sent to the Kansas Single Point of Contact, Judy Krueger, Kansas Department of Human Resources, Office of the Secretary, 401 Topeka Ave., Topeka, KS 66603. The due date for comments is indicated.

KS841011-001-13303KS— Preapplication for \$150,000—The concept of the proposed project is to study transitional employment as a method of placing Developmentally Disabled/Disabled Elderly populations in competitive employment in cooperation with the Marriott Corporation. Kenneth Ogren, The Menninger Foundation, Rehabilitation Program, 700 Jackson, Jayhawk Tower, 9th Floor, Topeka, KS 66603, 913/233-2051. Comments due by November 5, 1984.

The following grant has been awarded:

The Kansas Department of Human Resources was awarded \$1,372,235: of that amount \$769,994 was awarded to Local Veterans' Employment Representative (LVER) and \$602,241 was awarded to Disabled Veterans' Outreach Programs (DVOP). The purpose of this grant is to provide support services for veterans. Larry E. Wolgast, Ed.D., Kansas Department of Human Resources, Office of the Secretary, 401 Topeka Ave., Topeka, KS 66603, 913/296-7474.

LARRY E. WOLGAST, Ed.D.
Secretary of Human Resources

Doc. No. 002570

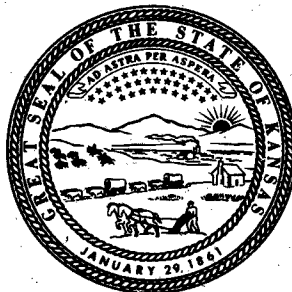
The *Kansas Register* is an official publication of the State of Kansas, published by authority of K.S.A. 1983 Supp. 75-430. The *Kansas Register* is published weekly by the Kansas Secretary of State; State Capitol; Topeka, Kansas 66612. One-year subscriptions are \$47.50; single copies may be purchased, 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

DEPARTMENT OF HUMAN RESOURCES**NOTICE OF JTPA MEETING**

The Private Industry Council for Service Delivery Area II of the Job Training Partnership Act will meet at 9:30 a.m., Thursday, October 25, at the YWCA, 225 W. 12th, Topeka, KS.

CHUCK HERNANDEZ
SDA II PIC Manager

Doc. No. 002552

(Published in the KANSAS REGISTER, October 18, 1984.)

State of Kansas

DEPARTMENT OF TRANSPORTATION**NOTICE TO CONTRACTORS**

Notice is hereby given that sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, Kansas, until 10:00 a.m., November 15, 1984 and then publicly opened:

DISTRICT ONE—Northeast

Douglas—23 C-1804-01—2.6 miles north of Baldwin City, then east, 0.1 mile, bridge replacement. (Federal Funds)

Douglas—23 C-1805-01—3.0 miles east and 1.0 mile north of Baldwin City, then north, 0.1 mile, bridge replacement. (Federal Funds)

Douglas—23 U-0639-01—Haskell Avenue, 31st Street north to 23rd Street in Lawrence, 1.0 mile, grading and surfacing. (Federal Funds)

Johnson—56-46 K-1781-01—Cedar Creek Bridge No. 84, 0.4 mile southwest of Olathe on US-56, 0.3 mile, bridge replacement. (Federal Funds)

Johnson—635-46 K-2134-02—I-635 and I-35 interchange in the city of Overland Park, Stage I, 0.662 mile, grading, surfacing and four bridges. (Federal Funds)

Leavenworth—73-52 K-1779-01—Nine Mile Creek (southbound) Bridge 1.8 miles north of Wyandotte-Leavenworth County line on US-73, 0.2 mile, bridge replacement. (Federal Funds)

Nemaha—66 C-0653-01—2.5 miles north of Oneida, then north, 0.2 mile, bridge replacement. (Federal Funds)

Nemaha—66 C-1676-01—5.7 miles west and 6.8 miles north of Seneca, then north, 0.2 mile, bridge replacement. (Federal Funds)

Nemaha—66 C-1708-01—6.5 miles west and 8.0 miles north of Seneca, then north, 0.2 mile, bridge replacement. (Federal Funds)

Shawnee—70-89 K-0841-01—I-70 and Adams Street, traffic signal. (Federal Funds)

Wyandotte—70-105 K-2483-03—partial lighting at I-70 and 57th Street interchange, lighting. (Federal Funds)

DISTRICT TWO—Northcentral

Clay—14 C-1857-01—0.5 mile east and 1.3 miles north of Longford, then north, 0.2 mile, bridge replacement. (Federal Funds)

Cloud—15 C-1612-01—0.5 mile north and 1.0 mile east of Jamestown, then east, 0.2 mile, bridge replacement. (Federal Funds)

Saline—85 C-2036-01—Salina U.A.B., south to Magnolia Road, 0.9 mile, grading and surfacing. (Federal Funds)

DISTRICT FOUR—Southeast

Labette—50 C-1554-01—1.5 miles north of Parsons, then north, 0.2 mile, bridge replacement. (Federal Funds)

DISTRICT FIVE—Southcentral

Cowley—18 C-1970-01—4.0 miles north and 0.1 mile east of Winfield, then east, 0.2 mile, bridge replacement. (Federal Funds)

Harvey—40 C-1652-01—2.7 miles southeast of Hesston, then southeast, 0.1 mile, bridge replacement. (Federal Funds)

Kingman—42-48 K-2018-01—Bridge Nos. 44, 46, 49, 50 and 51 west and east of Rago on K-42, bridge repair. (State Funds)

Rush—83 C-2012-01—0.2 mile east of Liebenthal, then east, 0.3 mile, bridge replacement. (Federal Funds)

Sedgwick—87 C-1946-01—Greenwich Road, 13th Street north to 29th Street north, 2.0 miles, surfacing. (Federal Funds)

Sedgwick—87 C-1207-01—junction of K-15, then east on 63rd Street, 0.6 mile, grading and surfacing. (Federal Funds)

Sedgwick—87 C-2037-01—0.3 mile north of Garden Plain, then north, 3.3 miles, surfacing. (Federal Funds)

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

Plans and specifications for the project(s) may be examined at the offices of the respective County Clerks or at the Kansas Department of Transportation district offices responsible for the work.)

JOHN B. KEMP
Secretary of Transportation

Doc. No. 002568

State of Kansas

DEPARTMENT OF TRANSPORTATION**NOTICE TO BIDDERS**

Sealed bids on Quotation 6859 for the sale of junk tires, junk storage batteries and miscellaneous junk scrap iron and other metals, located in the following Kansas Department of Transportation Districts: Topeka, Salina, Norton, Hutchinson and Garden City, will be received until 10:00 a.m., Friday, November 2, 1984.

Bid blanks may be obtained from H. E. Shubert, Purchasing Agent, 7th Floor, State Office Building, Topeka, KS; J. D. Jones, District Engineer, Topeka, KS; R. L. Anderson, District Engineer, Salina, KS; E. L. Olson, District Engineer, Norton, KS; M. S. Fry, District Engineer, Hutchinson, KS; and E. D. Crockett, District Engineer, Garden City, KS.

JOHN B. KEMP
Secretary of Transportation

Doc. No. 002562

State of Kansas

DEPARTMENT OF CORRECTIONS

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

ADMINISTRATIVE REGULATIONS

A public hearing will be held Wednesday, November 14, 1984, from 1:00-2:00 p.m. in the Conference Room of the Kansas Department of Corrections, 5th Floor, Jayhawk Tower, 700 Jackson, Topeka, KS 66603, to consider the adoption of proposed temporary and permanent regulations of the Kansas Department of Corrections.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Secretary of Corrections, attention Charles E. Simmons, Chief Legal Counsel, 5th Floor, Jayhawk Tower, 700 Jackson, Topeka, KS 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 November 14, 1984, all written and oral comments submitted by interested parties will be considered by the Secretary of Corrections as the basis for making changes to these proposed regulations.

Summaries of the regulations follow. Copies of the regulations and the fiscal impact statement may be obtained by writing the Department of Corrections, 5th Floor, Jayhawk Tower, 700 Jackson, Topeka, KS 66603, attention: Charles E. Simmons.

The following is a brief summary of the proposed regulations:

Permanent Regulations

K.A.R. 44-1-105 relating to administration of oaths in certain administrative proceedings.

K.A.R. 44-5-110 relating to procedures for inmate marriage ceremonies.

K.A.R. 44-5-113 relating to serious illness or funeral visits by inmates.

K.A.R. 44-6-126 relating to awarding of meritorious good time credits.

K.A.R. 44-6-138 relating to the computation of sentence begin dates.

K.A.R. 44-9-101 relating to the definition of parole officer.

K.A.R. 44-12-202, 44-12-1301, 44-12-1307, 44-12-1308 relating to inmate disciplinary code. These regulations are necessary to refine the disciplinary code for certain offenses and to modify the penalties for certain offenses.

K.A.R. 44-13-101, 44-13-101a, 44-13-106, 44-13-301, 44-13-302, 44-13-401, 44-13-407, 44-13-601, 44-13-610, 44-13-703, 44-13-704. These regulations relate to the inmate disciplinary procedure. They are necessary to further refine and clarify matters relating to the disciplinary procedure, to increase its efficiency and fairness, and to attempt compliance with the American Correctional Association standards for disciplinary procedures in prisons.

K.A.R. 44-14-303 relating to the notice requirements for placement in administrative segregation.

K.A.R. 44-15-101a, 44-15-102 relating to the inmate grievance procedure. These regulations are necessary to come into compliance with federal standards for certification of the grievance procedure.

Temporary Regulations

K.A.R. 44-1-105, 44-13-106 relating to administration of oaths in certain administrative proceedings. It is necessary to issue these regulations as temporary regulations to promote the effectiveness of the proceedings. They were authorized by L. 1984, chapter 319.

K.A.R. 44-6-126 relating to awarding of meritorious good time credits. It is necessary to issue this regulation as a temporary regulation to implement the authority of L. 1984, chapter 131.

K.A.R. 44-6-138 relating to computation of sentence begins date. It is necessary to issue this regulation as a temporary regulation to provide for the proper computation of sentences of individuals committed to the custody of the Secretary of Corrections.

K.A.R. 44-13-101 relating to a description of the inmate disciplinary procedure. It is necessary to issue this regulation as a temporary regulation to provide for a correct understanding of the regulation in that it was inadvertently made effective May 1, 1984 with a line missing.

MICHAEL A. BARBARA
Secretary of Corrections

Doc. No. 002563

State of Kansas**OFFICE OF THE GOVERNOR****EXECUTIVE ORDER NO. 84-75
ESTABLISHING THE KANSAS
INTERGOVERNMENTAL
REVIEW PROCESS**

WHEREAS, Presidential Executive Order 12372 called for reform in intergovernmental consultation processes through greater responsiveness to state and local elected officials' concerns; modifications in Federally-required state plan submission; flexibility in the design of individual state's review processes; and revocation of OMB Circular A-95; and

WHEREAS, the Governor of each state must certify to the Director of the Office of Management and Budget the intention and implementation of its state review process to be completed; and

WHEREAS, on November 21, 1983, the Governor designated the Kansas Single Point of Contact, charged with the responsibility of consulting with state and local elected officials for the purpose of designing a review process and selecting those programs to be included in that process; and

WHEREAS, that consultation was done with representatives of state agencies and local government officials and staff, including the Kansas Association of Counties, the League of Kansas Municipalities, and the Kansas Association of Regional Planning Commissions; and the opportunity to participate has been extended to all regional planning commissions, metropolitan planning organizations, unaffiliated county commissions and relevant state agencies; and

WHEREAS, the majority of state agencies, the regional planning commissions and metropolitan planning organizations concurred that maintaining review and comment privileges and a central clearinghouse would be their preferred choice; and

WHEREAS, several unaffiliated county commissions also desire to assume review responsibilities and privileges; and

WHEREAS, those entities electing to participate in a state-level Federal grant review process have designated Coordinating Officials; and

WHEREAS, the State of Kansas desires to maintain and improve effective coordination at departmental levels of policy formation, program design and program execution, provide a mechanism for local governments to review and coordinate Federally-assisted programs and projects, maintain a readiness to qualify for and help local governments qualify for Federally-funded programs of value to their respective citizens, and promote more harmonious and consistent intergovernmental relations among Federal, State, regional and local governmental units; and

WHEREAS, federal grants, loans, planning activities, and direct development programs have a significant effect on the economic, social, and aesthetic well-being of the citizens of Kansas.

NOW, THEREFORE, pursuant to the authority vested in me as Governor and chief executive of the State of Kansas, I hereby establish the Kansas Inter-

governmental Review Process in conformance with Presidential Executive Order 12372 and direct the Kansas Single Point of Contact to implement such Process for the State of Kansas.

The Governor shall designate the Kansas Single Point of Contact.

This document shall be filed with the Secretary of State as Executive Order No. 84-75 and shall become effective immediately.

Dated October 12, 1984.

JOHN CARLIN
Governor

Attest: JACK H. BRIER
Secretary of State

Doc. No. 002571

State of Kansas**OFFICE OF THE GOVERNOR****NOTICE**

Pursuant to Executive Order No. 84-75, I do hereby designate the Office of the Secretary of Human Resources, Department of Human Resources, 401 Topeka Avenue, Topeka, KS 66603, (913) 296-5075, as the Kansas Single Point of Contact for the Kansas Intergovernmental Review Process.

JOHN CARLIN
Governor

Doc. No. 002572

State of Kansas**OFFICE OF JUDICIAL ADMINISTRATION****NOTICE OF HEARING**

The Supreme Court will hold a public hearing Friday, November 16, 1984 at 9:30 a.m., concerning the feasibility of continuing the use of radio and television coverage of trial court proceedings. The hearing will be in the Supreme Court Courtroom in the Kansas Judicial Center in Topeka. Persons or organizations wishing to appear before the Court should submit a written copy of their comments before Friday, November 9 to the Judicial Administrator, Kansas Judicial Center, 301 W. 10th, Topeka, KS 66612. It may be necessary to limit each conferee's presentation to not more than five minutes. Persons desiring to submit written comments, but who do not want to appear before the Court, should do so prior to the November 16th hearing.

HOWARD SCHWARTZ
Judicial Administrator

Doc. No. 002554

State of Kansas

**DEPARTMENT OF
HEALTH AND ENVIRONMENT****NOTICE OF HEARING
ON PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

The Kansas Department of Health and Environment hereby gives notice that a public hearing will be conducted at 10:00 a.m., Friday, November 2, 1984 in the auditorium of the Topeka-Shawnee County Health Department, 1615 W. 8th, Topeka, KS, to receive oral or written testimony concerning amendment of Kansas Administrative Regulations 28-19-7, 28-19-8, 28-19-14, 28-19-14a and 28-19-14b and adoption of new regulation 28-19-26. These regulations are intended to amend the air pollution construction/alteration and operating permit fee system which became effective January 1, 1984, so that smaller facilities, primarily in the grain handling industry, will not be affected by the permit fee system. The new regulation will limit sulfuric acid mist emissions from existing sulfuric acid production facilities.

Any person wishing to present testimony may do so at the hearing either orally or by presenting written testimony to the hearing officer. The written testimony will not be read aloud to those in attendance at the hearing. Written testimony will also receive consideration if mailed to and received by the Department by November 7, 1984.

Copies of the proposed regulations and a statement of financial impact due to these proposed regulations may be obtained or reviewed at the Bureau of Air Quality and Radiation Control, Building 321, Forbes Field, Topeka, KS 66620, telephone (913) 862-9360, ext. 268.

BARBARA J. SABOL
Secretary of Health
and Environment

Doc. No. 002551

State of Kansas

SECRETARY OF STATE**KANSAS PUBLIC
DISCLOSURE COMMISSION****Advisory Opinion No. 84-15**

Written July 31, 1984 to LaDeen White, LBSW, SRS, 1723 Sims, Topeka, Kansas 66604.

This opinion is in response to your letter of June 15, 1984, in which you request an opinion from the Kansas Public Disclosure Commission.

We note at the outset that the Commission's jurisdiction is limited in this case to the application of K.S.A. 46-215 *et seq.* Thus, whether some other statutory system, common law or rule or regulation applies to your question is not covered by this opinion.

You request this opinion in your capacity as a Social Worker I employed by S.R.S. in the child protection

unit. You advise us that you are not involved in licensing or granting contracts on behalf of the state. You indicate you are interested in working part-time for the Catholic Social Services Agency in Topeka. The agency is wholly funded by the United Way. Your specific interest is a position with project ASSIST, a support group for single women who are pregnant or have children.

Based on this factual situation, you ask whether you may accept this part-time position with the Catholic Social Services Agency during your service as a state employee.

Based on the situation described to us, it is our opinion that the positions do not create a conflict of interest, so long as the part-time position does not interfere with your duty hours owed to the state.

Advisory Opinion No. 84-16

Written August 23, 1984 to Victor Raymont, 2146 Plass Avenue, Topeka, Kansas 66611.

This opinion is in response to your letter of July 15, 1984, 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 application of K.S.A. 46-215 *et seq.*, and K.S.A. 75-4301 *et seq.*, the later law not applying to your question. Thus, whether some other common law, statutory system, or administrative rule or regulation applies to your question is not covered by this opinion.

We understand you request this opinion in your capacity as a state employee currently with the Kansas Department of Aging. You advise us that you serve in the capacity as Grants Manager, but in that capacity have no responsibilities related to nursing homes. You also advise that you were formerly employed by S.R.S. but in that capacity did not participate in the making of any contracts with nursing homes.

You state you are interested in doing consulting work with nursing homes and ask whether you may do so during your service as a state officer.

Based on the factual situation provided to us, it is our opinion that you may undertake the consulting you have described given your current job duties. Should these duties change, another opinion request would be appropriate.

LOWELL ABELDT, Vice-Chairman
By Direction of the Committee

Filed with the Secretary of State October 10, 1984.

Doc. No. 002558

State of Kansas

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

A public hearing will be held Friday, November 2, 1984, at 1:00 p.m. in Room 519-S of the State Capitol, Topeka, KS, to consider the adoption of proposed temporary and permanent rules and regulations of the Crime Victims Reparations Board regarding administration of the Domestic Violence Fund.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Crime Victims Reparations Board, 112 W. 6th, Suite 400, Topeka, KS 66603. All interested parties will be given a reasonable opportunity to present their views orally in regard to the adoption of the proposed regulations.

Following the hearing on November 2, 1984, all written and oral comments submitted by interested parties will be considered by the Crime Victims Reparations Board as a basis for making changes in these proposed regulations.

The adoption of these regulations is necessitated by passage of SB 678 during the 1984 Legislature (L. 1984, ch. 135, sec. 4,) which increases the Marriage License Fee for the purpose of providing funds for programs providing services to victims of domestic violence. The following is a brief summary of the proposed new regulations.

A summary of the regulations follow. Copies of the regulations and a fiscal impact statement may be obtained by writing the Crime Victims Reparations Board, 112 W. 6th, Suite 400, Topeka, KS 66603.

K.A.R. 20-6-1 defines "domestic violence" and other terms used in these proposed regulations.

K.A.R. 20-7-1 through K.A.R. 20-7-4 establishes funding priorities for use of the domestic violence fund.

K.A.R. 20-8-1 through K.A.R. 20-8-4 establishes program eligibility requirements.

K.A.R. 20-9-1 through K.A.R. 20-9-6 establishes a procedure by which funds will be allocated to each priority area.

K.A.R. 20-10-1 through K.A.R. 20-10-3 establishes requirements regarding the contents of grant applications.

K.A.R. 20-11-1 through K.A.R. 20-11-5 establishes procedures by which grants will be reviewed by the Crime Victims Reparations Board.

K.A.R. 20-12-1 through K.A.R. 20-12-6 establishes a schedule for funding disbursement.

K.A.R. 20-13-1 through K.A.R. 20-13-2 establishes reporting requirements for grant recipients.

K.A.R. 20-14-1 through K.A.R. 20-14-3 establishes procedures for monitoring and technical assistance to be conducted by the Crime Victims Reparations Board.

HOWARD KLINK
Executive Director

Doc. No. 002561

State of Kansas

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

Notice is hereby given to all interested parties that November 5, 1984, at 10:00 a.m. C.S.T., a public hearing will be held in the conference room of the office of the Board of Regents, Suite 609, Capitol Tower, 400 S.W. 8th, Topeka, KS, at which time all interested persons will be given a reasonable opportunity to orally present their views regarding the adoption of proposed amendments to the regulations of the Board of Regents concerning Student Assistance Programs.

All interested persons may submit written comments at any time prior to the hearing by addressing them to Mr. Stanley Z. Koplik, Executive Director, Kansas Board of Regents, Suite 609, Capitol Tower, 400 S.W. 8th, Topeka, KS 66603.

The proposed amendments are to become effective December 1, 1984, or as soon thereafter as they are approved by the State Rules and Regulations Board and filed with the Revisor of Statutes as temporary regulations, and May 1, 1985 as permanent regulations. A copy of the regulations and fiscal impact statement may be obtained by writing to the Kansas Board of Regents at the above address or calling 913/296-3689.

The following is a brief summary of the proposed amendments to the regulations:

88-13-4 specifies that the documentation required from an applicant to verify financial need shall be information submitted on the American College Testing Service Family Financial Statement 1985-86 and adopts that statement as the Board's family financial statement. Additionally, the amendment establishes the academic standard of a 3.0 grade point average for state scholarship eligibility and a 2.0 grade point average for tuition grant eligibility.

88-13-11 requires institutions to certify that recipients meet all qualifications established by the Board, including meeting the minimum academic standards of a 3.0 grade point average for the state scholarship program and a 2.0 grade point average for the tuition grant program, and also specifies the documentation for verification of program eligibility.

WILLIAM R. KAUFFMAN
General Counsel

Doc. No. 002560

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 Bldg., Topeka, KS, until 2:00 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

MONDAY, OCTOBER 29, 1984

#59083-B

Department of Social and Rehabilitation Services, Topeka—VIEWSCAN SYSTEM FOR VISUALLY IMPAIRED, Salina

#59296-A

Department of Health and Environment, Topeka—PLAIN PAPER COPIER

#59356-A

Kansas State Penitentiary, Lansing—READY MIX CONCRETE AND NUMBER 4 REBAR

#59647

Wichita State University, Wichita—MICROCOMPUTER

#59648

Department of Human Resources Topeka—PRINTERS, various locations

#59649

Department of Transportation, various locations—COLD ASPHALTIC CONCRETE MIX

#59652

State Park and Resources Authority, Topeka—VEHICLE PARK PERMITS

#59663

University of Kansas, Lawrence—REDWOOD LUMBER

#59675

Kansas State University, Manhattan—PHOTOMETER, Fort-Hays Experiment Station, Hays

#59676

Kansas State University, Manhattan—BEDDING PLANTS

#59677

Department of Social and Rehabilitation Services, Topeka—POLYESTER BONDED BARRIER BATTING, Kansas Industries for the Blind, Kansas City

#59678

Kansas State University, Manhattan—VENETIAN BLINDS

#59679

University of Kansas, Lawrence—PARTS AND ACCESSORIES FOR HUMIDIFYING SYSTEM

TUESDAY, OCTOBER 30, 1984

#A-5178

Topeka State Hospital, Topeka—REMODEL WAREHOUSE AND COMMUNITY BUILDING

#26266

Department of Social and Rehabilitation Services, Topeka—SERVICE OF PROCESS AND INVESTIGATION SERVICES

#59091-A

Pittsburg State University, Pittsburg—REPLACE REFRACTORY, FRONT AND BACK OF BOILER

#59651

Wichita State University, Wichita—TERMINALS

#59666

University of Kansas Medical Center, Kansas City—FLOORING REPLACEMENT, Wahl Hall West

#59667

University of Kansas Medical Center, Kansas City—SPECTROPHOTOMETER

#59668

Department of Social and Rehabilitation Services, Topeka—SPUN BONDED POLYPROPYLENE, Kansas Industries for the Blind, Kansas City

#59669

Kansas State University, Manhattan—LOCKSETS

#59680

Kansas State Industrial Reformatory, Hutchinson—MISCELLANEOUS MEAT

#59684

Kansas State University, Manhattan—REPAIR CHILLER

#59685

University of Kansas Medical Center, Kansas City—DATE AND X-RAY LABELS

#59690

Kansas State University, Manhattan—AIR CONDITIONING EQUIPMENT

#59691

Department of Transportation, Norton—LUBRICATING OIL

#59701

Department of Administration, Division of Printing, Topeka—FILM FOR 3M PYROFAX CAMERA

#59702

Kansas State University, Manhattan—HAY BALER, Fort Hays Experiment Station, Hays

WEDNESDAY, OCTOBER 31, 1984

#A-4964 and A-4964(a)

Osawatomie State Hospital, Osawatomie—PROJECT A—FURNISH AND INSTALL REPLACEMENT SMOKE DETECTORS, various buildings; PROJECT B—FURNISH AND INSTALL EMERGENCY LIGHTING, Rehabilitation Center and Biddle Building

#26276

Department of Transportation, Research and Materials Lab, Topeka—WATER TREATMENT PROGRAM

#26277

Statewide—VALVES

#26278

Topeka State Hospital, Topeka—PEST CONTROL SERVICE

#59703

Kansas Technical Institute, Salina—COMPACT SEDAN

#59704

Kansas Correctional Industries, Lansing—HARD WOOD LUMBER

#59705

Kansas State Penitentiary, Lansing—AIR CONDITIONING AND HEATING SYSTEM

#59706

Wichita State University, Wichita—BEDDING PLANT BULBS

#59707

Kansas State University, Manhattan—ULTRACENTRIFUGE

#59711

Kansas Fish and Game Commission, Pratt—"WILDLIFE IN YOUR BACKYARD" PUBLICATION

#59715

Kansas State University, Manhattan
—MISCELLANEOUS MEATS

#59716

Kansas Fish and Game Commission,
Pratt—TWO-WAY RADIO EQUIPMENT

THURSDAY, NOVEMBER 1, 1984

#26279

Statewide—DECEMBER (1984) MEAT PRODUCTS

FRIDAY, NOVEMBER 2, 1984

#26272

Statewide—FROZEN FOODS

#26273

Statewide—SPICES AND MISCELLANEOUS
GROCERIES

#26288

Topeka State Hospital, Topeka—FULL ELEVATOR
MAINTENANCE SERVICE

MONDAY, NOVEMBER 5, 1984

#26282

University of Kansas, Lawrence—DECEMBER
(1984) MEAT PRODUCTS

TUESDAY, NOVEMBER 6, 1984

#26271

University of Kansas Medical Center, Kansas
City—NITROUS OXIDE (MEDICAL GAS PURITY)

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 002565

State of Kansas

SECRETARY OF STATE

NOTICE

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

Complete listings of state agencies, boards and
commissions are included in the Kansas Directory.
County officials are listed in the Directory of County
Officers. Both directories are published by the Secre-
tary of State's office and are available free of charge.

EXECUTIVE APPOINTMENTS

(Appointments filed September 27
through October 10, 1984.)

[Eff.: effective date; Repl.: replaces; Reapp.: Reap-
pointment; Exp.: Appointment expires.]

Appointments filed by the Governor

State Senator, 20th District

James W. Cates, 5500 W. 31st Terr., Topeka 66614.
Eff. 10-1-84. Repl. Ron Hein, resigned. Will expire
when a successor is elected and qualifies according to
law.

Aging, Advisory Council on

Margaret Gephardt, 410 Bluegrass, Bonner Springs
66012. Eff. 9-27-84. Repl. Sister Mary Obeart, resigned.
Exp. 6-30-87.

Florence M. Johnson, 109 E. 12th, Ellis 67637. Eff.
9-27-84. Repl. William Davis. Exp. 6-30-87.

Sister M. Charles McGrath, Ursuline Motherhouse,

Paola 66071. Eff. 9-27-84. Repl. Joseph Hebert. Exp.
6-30-87.

Margaret Mullikin, 908 W. 52nd North, Wichita
67204. Eff. 9-27-84. Reapp. Exp. 6-30-87.

Kenneth R. Speed, 522 Wisconsin, Holton 66436.
Eff. 9-27-84. Reapp. Exp. 6-30-87.

Embalming, State Board of

Vernon L. Mickey, 1214 Pine, Hoxie 67740. Eff.
10-2-84. Reapp. Exp. 7-31-87.

Healing Arts, State Board of

Gordon E. Maxwell, M.D., 414 Wayne, Salina
67401. Eff. 10-2-84. Reapp. Exp. 6-30-88.

Harold J. Sauder, D.P.M., 417 N. 10th, Indepen-
dence 67301. Eff. 10-2-84. Reapp. Exp. 6-30-88.

Richard A. Uhlig, D.O., R.R. 1, Herington 67449.
Eff. 10-2-84. Reapp. Exp. 6-30-88.

David Waxman, M.D., 12516 W. 85th Terr., Lenexa
66215. Eff. 10-2-84. Repl. Dan A. Kelly, M.D. Exp.
6-30-88.

Health Coordinating Council, Statewide

Ray D. Baker, M.D., 4423 Marlboro, Topeka 66610.
Eff. 9-27-84. Reapp. Exp. 6-30-88.

John R. Coleman, 115 Mt. Carmel Way, Wichita
67203. Eff. 9-27-84. Reapp. Exp. 6-30-88.

Joseph T. Engelken, 711 Lucien, Onaga 66521. Eff.
9-27-84. Repl. Jack Shearer, resigned. Exp. 6-30-86.

Marvin A. Kaiser, Ph.D., 1704 Humboldt, Manhat-
tan 66502. Eff. 9-27-84. Reapp. Exp. 6-30-88.

Russell Mills, Ph.D., 2203 W. 70th Terr., Shawnee
Mission 66208. Eff. 9-27-84. Reapp. Exp. 6-30-88.

Harriet Nehring, 810 Avalon Road, Lawrence
66044. Eff. 9-27-84. Reapp. Exp. 6-30-88.

Robert D. Percy, 5610 N.E. Getty, Topeka 66617.
Eff. 9-27-84. Reapp. Exp. 6-30-87.

Eunice Lee Shank, 10207 Edelweiss Circle, Shaw-
nee Mission 66203. Eff. 9-27-84. Reapp. Exp. 6-30-88.

John P. Smith, 2643 N. Pershing Ct., Wichita 67720.
Eff. 9-27-84. Reapp. Exp. 6-30-88.

Greg L. Sparks, 718 Marsh, Kinsley 67547. Eff. 9-
27-84. Repl. H. Scott Beims. Exp. 6-30-86.

Joseph Wakefield, 1014 S. Walnut, Ottawa 66067.
Eff. 9-27-84. Repl. Allene Vaden, resigned. Exp. 6-30-
86.

Bill D. Wilson, Box 629, Goodland 67735. Eff. 9-
27-84. Reapp. Exp. 6-30-88.

Library Network Board, Kansas

Alice A. Brand, 1211 Garfield, Topeka 66604. Eff.
9-27-84. Reapp. Exp. 6-30-87.

Neysa Eberhard, Ed.D., R. R. 2, Box 69, Peabody
66866. Eff. 9-27-84. Reapp. Exp. 6-30-87.

Rosemary Henderson, 2205 W. 2nd, Coffeyville
67337. Eff. 9-27-84. Reapp. Exp. 6-30-87.

Wheat Commission, Kansas

Robert W. Anderson, R.R. 2, Box 131, Kinsley
67547. Eff. 10-2-84. Reapp. Exp. 6-30-86.

Stephen K. Frazier, R.R. 1, Box 192, Winfield
67156. Eff. 10-2-84. Reapp. Exp. 6-30-86.

Keith Nelson, R.R., Pawnee 67567. Eff. 10-2-84.
Repl. Kent Lamb. Exp. 6-30-86.

JACK H. BRIER
Secretary of State

State of Kansas

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

TO ALL TEACHERS, ADMINISTRATORS, BOARDS OF EDUCATION, TRUSTEES AND CONTROL, TEACHER TRAINING INSTITUTIONS, SCHOOL AND COMMUNITY COLLEGE DISTRICTS, AND ALL OTHER PERSONS WHOM IT MAY CONCERN:

You are hereby notified that the Kansas State Board of Education will hold a public hearing in the first floor conference room of the Kansas State Board of Education, Kansas State Education Building, 120 E. 10th, Topeka, KS 66612, November 13, 1984, at 1:30 p.m., to consider in substance the proposed changes of the administrative regulations of state agency 91, numbered State Board Regulations (S.B.R.) 91-1-61 pertaining to certification of school personnel, and Kansas Administrative Regulations (K.A.R.) 91-12-22 and 91-12-70 pertaining to special education, which the state board proposes to adopt as soon thereafter as the same have been put in final order, as temporary regulations, to become regularly effective May 1, 1985; the application for Type II area vocational technical school for Johnson County; and also to consider the proposed changes in the Kansas State Plans for Community Colleges for Fiscal Years 1985-1987 and for Community Education for Fiscal Years 1986 and 1987 which are to become effective July 1, 1984, and July 1, 1985, respectively, upon adoption by the state board and approval of the Governor.

The proposed rules and regulations relate generally to:

1. Certification of School Personnel. The present S.B.R. No. 91-1-61, Cancellation or Suspension of Certificates, deals only with cancellation of a certificate when the holder of a certificate is convicted of a felony or who has had a certificate cancelled or suspended in another state.

The proposed amendment to S.B.R. 91-1-61 states that a certificate may be cancelled or revoked, suspended, or denied by the state board for the following reasons: (1) conviction of or a plea of guilty for violation of a law punishable as a felony or misdemeanor, other than a minor traffic violation; or (2) evidence that a certificate holder has injured the health or welfare of a child through physical or sexual abuse or exploitation. Further, it defines cancellation or revocation, recall and reinstatement of a suspended, cancelled or revoked certificate. No application for a new certificate shall be considered until at least five years have elapsed from the act or acts causing revocation or cancellation.

2. Special Education. The Special Legislative Committee on Education recommended that the State Board of Education modify Article 12 with regard to the upper age range compulsory attendance requirement for handicapped children. The recommendation

was that the current requirement of compulsory attendance to age 21 or completion of the local program, whichever event occurs first, be changed to age 18 or completion of the local program, whichever event occurs first. This in no way affects the requirement that school districts make special education services available through age 21 for those who would benefit from such service.

The proposed amended K.A.R. 91-12-22 deletes subsection (d) and reletters the balance of the definitions; the regulation presently sets the upper age range for compulsory attendance at "school age" for handicapped students which is defined as age 21 or completion of the local program, whichever event occurs first.

The proposed new K.A.R. 91-12-70 sets the upper age range for compulsory attendance for handicapped students at age 18 or completion of the local program, whichever event occurs first.

The Fiscal Impact Statements for S.B.R. 91-1-61 and K.A.R. 91-12-22 and 91-12-70 state that promulgation of said regulations will require no additional staff or increased cost to the local school districts, community colleges, the department of education, any other governmental agencies, or units and private businesses and upon the general public. The fiscal statement for K.A.R. 91-12-70 further states that implementation of the proposed change may lower costs. The upper age limit for compulsory attendance will be lowered, thereby reducing the potential number of handicapped children referred to the department of social and rehabilitation services as children not attending school.

The State Board of Education received an application on August 24, 1984, from six Unified School Districts and Johnson County Community College for a Type II Area Vocational-Technical School. The application was made in behalf of the following local education agencies: Johnson County Community College, Blue Valley USD 229, Spring Hill USD 230, Gardner-Edgerton USD 231, DeSoto USD 232, Olathe USD 233, and Shawnee Mission USD 512. Program plans for the new school include courses and programs in the following areas: Marketing & Distribution, Business Occupations, Fashion Careers, Food Services, Auto Body, Drafting, Building Construction, Welding, Auto Mechanics, Child Care, Nurse Aide, Electronics, Printing, Agri Business and Electricity. The authority for the State Board of Education to designate new area vocational schools is cited in K.S.A. 72-4416. H.B. No. 2631, 1984 Legislative Session, removes the moratorium on Type II schools exclusively for the Johnson County application.

The proposed revised Kansas State Plan for Community Colleges for Fiscal Years 1985-1987 relates generally to the following: the revisions of assumptions on which the plan is based. Secondly, an evaluation of the goals and objectives from the State Plan, 1984-1985. Finally, an entirely new set of goals and objectives for the 1985-1987 Fiscal Years has been developed. The plan also includes selected enrollment and financial data on the nineteen community

colleges in addition to a listing of available degrees and programs at these institutions.

The proposed revised Kansas State Plan for Community Education for Fiscal Years 1986 and 1987 relates generally to the following: It is a plan that was originally developed by the state advisory council for community education along with the staff from the Kansas State Department of Education. The process of community education has the potential of benefiting almost every citizen regardless of age within the state of Kansas, economically, educationally and culturally. Said plan contains definitions, statements of need for community education, proposed goals and objectives, and the budget that would be involved during the first year of the proposed program, should the legislature provide the necessary funding.

Copies of the above numbered regulations are being attached to public hearing notices (which contain the fiscal impact statement, and the state board's public hearing procedures and guidelines) and are being mailed to all chief school administrators in the state and may be reviewed in their offices by interested persons. Copies of said public hearing notice are also being mailed to the clerk of each local school board for the attention of school board members. Copies of said regulations and/or the respective fiscal statements, the application for an area vocational-technical school for Johnson County, and/or the state plans may be obtained by contacting the secretary of the State Board of Education, Kansas State Education Building, 120 E. 10th, Topeka, KS 66612, prior to November 2, 1984.

On the date of said hearing all interested persons shall be given reasonable opportunity to be heard and to present their views or arguments, orally or in writing, in favor of or in opposition to the aforesaid items, and any and all other matters, suggestions, or proposals that relate generally or specifically to said regulations, AVTS application, and/or state plans. Individuals or organizations that cannot appear at the hearing may submit to the secretary of the state board of education, at least five (5) days before the hearing, their reactions in favor of or in opposition to the aforesaid items, and any and all other matters, suggestions, or proposals that relate generally or specifically thereto. They may do this by letter form, regular audio cassette tape, or by one-half inch (1/2") VHS video cassette tape. The reactions will be read into the record and considered by the state board of education. The video cassette tape or audio cassette tape shall not exceed three (3) minutes in length and shall also be considered by the state board of education. Persons using tapes shall first identify themselves in the tapes and state whether they represent themselves individually or represent a group as other presenters do that appear in person at the hearing; such presentations shall be accompanied by a signed transcript. Said hearing shall be conducted in compliance with the public hearing procedures of the state board of education.

Article 1.—CERTIFICATE REGULATIONS

91-1-61. Cancellation or revocation, suspension,

~~denial or recall of certificates.~~ certification. (a) A certificate may be cancelled when the holder of the certificate is convicted of a felony in the state of Kansas or in any other state of the United States. (a) Any certificate may be cancelled or revoked, suspended, or denied by the state board for the following reasons:

(1) Conviction of or a plea of guilty for violation of a law punishable as a felony or misdemeanor, other than a minor traffic violation; or

(2) Evidence that a certificate holder has injured the health or welfare of a child through physical or sexual abuse or exploitation. For the purposes of this paragraph, a certified copy of a court record showing that a certificate holder was convicted in a state or federal court of the commission of an act involving the physical or sexual abuse or exploitation of a child within the previous five years shall be considered sufficient evidence.

(b) The state board may reinstate a certificate which has been cancelled or suspended upon finding that the applicant otherwise meets requirements for certification and that the grounds for suspension or cancellation no longer exists.

(b) Cancellation or revocation or suspension of a certificate shall cancel, revoke or suspend all endorsements on the certificate. Cancellation or revocation of a certificate shall be permanent, subject to the reinstatement provisions in subsection (d); suspension of a certificate shall be for a definite period of time.

(1) Certification may be denied if the applicant fails to meet the requirements of the state board or for any of the grounds for which a certificate may be suspended, cancelled or revoked;

(2) A certificate shall be recalled if such certificate was issued by or through error.

(c) Any applicant for certification whose certificate has been cancelled or suspended, cancelled or revoked in another state shall not be eligible for certification in Kansas until the applicant's certificate is reinstated by the state in which the suspension, cancellation or revocation occurred.

(d) The state board may reinstate a certificate which has been suspended, cancelled or revoked upon finding that the applicant otherwise meets requirements for certification and that the grounds for suspension, cancellation or revocation no longer exist.

(1) Any person whose certificate has been revoked may petition for the right to apply for a new certificate by submitting evidence to the Kansas professional practices commission that the reason or reasons for the revocation have ceased to be a factor in the performance of the educator seeking reinstatement.

(2) The professional practices commission shall make a recommendation regarding such application to the state board of education.

(3) No petition for the reinstatement shall be considered until at least five years have elapsed from the act or acts causing revocation or cancellation. (Authorized by Article 6, Section 2(a) of the Kansas Con-

(continued)

stitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended (temporary) December 1, 1984; (permanent) May 1, 1985.

KANSAS STATE BOARD OF EDUCATION

By: Dr. Gordon Schultz
Chairman

Certified by: Dr. Harold L. Blackburn
Kansas Commissioner of Education

Doc. No. 002567

State of Kansas

SOCIAL AND REHABILITATION SERVICES

**NOTICE OF MEETING
AND HEARING ON PROPOSED
ADMINISTRATIVE REGULATIONS**

Notice is hereby given to all interested parties that the Department of Social and Rehabilitation Services will meet November 6, 1984, at 9:00 a.m., in the Staff Development Training Center, State Complex West, 2700 W. 6th, Topeka, KS.

The scheduled agenda for the open meeting includes:

- Final suggestions regarding 1983 legislative proposals.
- Other items as appropriate.
- Public hearing concerning certain administrative regulations to become effective on a temporary and/or permanent basis (December 1, 1984/May 1, 1985). A summary of the proposed regulations is set forth below.

An asterisk (*) indicates that the material has previously been adopted, amended or revoked by the Secretary on a temporary basis.

I. Temporary Regulations.

A. Medicaid/Medikan Program—Adult Care Homes.

1. **30-10-7. Certification and recertification by physicians.** This regulation is being amended to follow the federal regulation changes which changes the physician recertification to 30, 60 and 90 days, then every 60 days thereafter for skilled nursing facilities. For intermediate care facilities, the physician recertification has been changed to 60 days, then 180 days, then 12 months, 18 months, 24 months, then every 12 months thereafter.

II. Permanent Regulations.

A. Public Assistance Program.

1. **30-4-40. Agency responsibility to applicants and recipients.** This regulation is being amended to require the agency to release the address of a fugitive felon to state and local law enforcement officials provided that the law enforcement official furnishes the recipient's name and social security number and satisfactorily demonstrates that the recipient is a fugitive felon, that the location or apprehension of the fugitive felon is within the officer's official duties and that the request is made in the proper exercise of those duties. *

2. **30-4-41. Assistance planning.** This regulation is being amended to adopt by reference the provisions of K.A.R. 30-4-74 for ADC purposes. *

3. **30-4-53. Financial eligibility.** This regulation is being amended to increase the gross income limit from 150% of the public assistance standards to 185% of the public assistance standards. *

4. **30-4-56. Assignment or transfer of property.** This regulation is being amended to clarify that in determining the period of ineligibility, the equity of the property transferred in excess of \$500.00; less paid or incurred medical expenses for services rendered from the date of the property transfer to the month of application, shall be divided by the monthly deficit to determine the number of months of ineligibility.

5. **30-4-57. Job search requirements.** This regulation is being amended to reflect technical changes.

6. **30-4-58. Potential employment.** This regulation is being amended to reflect technical changes.

7. **30-4-62. Community work experience program requirements.** This regulation is being amended to reflect a technical change. In addition, staff is proposing that the ADC and ADC-UP exemption for persons employed 80 hours or more per month be changed to require that the person be employed 80 hours or more per month and earning the federal minimum wage or more.

8. **30-4-74. Persons whose needs shall be considered with the needs of the ADC child.** This regulation is being amended by adding a provision to require that the needs of the parents and all ADC eligible siblings (excluding stepsiblings and SSI recipients) be included with the needs of the ADC child if they are living together. *

9. **30-4-78. Eligibility factors specific to the APW program.** This regulation is being amended by deleting the requirement that the woman be six months pregnant. This change expands the APW program to cover all pregnant women (currently budgeted as TGA persons) provided there is apparent ADC eligibility in the month in which the child is expected to be born.

10. **30-4-85a. Eligibility factors specific to the EA program.** This regulation is being amended to:

- a. Adopt the age definition of a child that is used in the ADC program for EA program purposes; and
- b. Restrict the number of months for which assistance can be provided from three to two months.

11. **30-4-90. Eligibility factors specific to the GA-unrestricted (GAU) program.** This regulation is being amended to:

- a. Expand the vulnerable groupings to include a non-APW eligible pregnant woman. If married, her husband shall be included in the same assistance plan if they are living together;
- b. Expand the vulnerable group related to persons who have been determined to be mentally ill to include persons whose condition constitutes a substantial handicap to gainful employment and who are actively participating in a treatment program; and
- c. Clarify the GAU family group provision that a person is not considered voluntarily unavailable for employment if the person is participating in

an agency approved work related activity such as JTPA, Job Corps, or job club.

12. 30-4-91. Eligibility factors specific to the transitional GA (TGA) program. This regulation is being amended to clarify that a person is not considered to be voluntarily unavailable for employment if the person is participating in an agency approved work related activity such as JTPA, Job Corps, or job club.

13. 30-4-96. Eligibility factors specific to the burial assistance (BA) program. This regulation is being amended to reflect technical changes.

14. 30-4-101. Standards for persons in own or other family home. This regulation is being amended to reflect a 3% increase in the basic standard and shelter standard for public assistance clients. *

15. 30-4-102. Standards for persons in room, board, specialized living or care. This regulation is being amended to reflect a 3% increase in the maximum amounts allowed for persons living in board and room, specialized living or room only arrangements. *

16. 30-4-106. General rules for consideration of resources, including real property, personal property and income. This regulation is being amended to:

a. Require counting the income of a parent of a minor parent in determining eligibility for the child of the minor parent; *

b. Expand the alien sponsor provision to require the counting of the resources of public and private agencies and organizations in determining eligibility for an alien; *

c. Require that only one estimate or appraisal of real property from a disinterested real estate broker be used in determining the value of the property when the property has not been appraised or when the applicant or recipient or the agency disagrees with value ascertained by using the adjusted uniform statewide appraisal value;

d. Require that only one estimate from a reputable dealer be used in determining the value of personal property when the property cannot be initially determined by the use of a reputable trade publication or when the applicant or recipient or the agency disagrees with the value ascertained by using the trade publication; and

e. Consider the proportionate share of jointly owned real property, unless otherwise established, in determining eligibility.

17. 30-4-107. Property exemption. This regulation is being amended by exempting excess real property which the applicant or recipient is making a bona fide effort to dispose of for a period not to exceed nine months. This exemption shall be conditioned that, upon the disposal of the excess real property, any assistance paid pending the disposal shall be considered an overpayment to the extent that payments to the family would not have been made had the disposal occurred at the beginning of the nine month period. *

18. 30-4-109. Personal property. This regulation is being amended to exempt from consideration the resource value of burial plots and funeral agreements. *

19. 30-4-110. Income. This regulation is being amended to:

a. Count the amount of the Earned Income Tax

Credit as earned income only when it is received; *

b. Increase the gross income limit from 150% to 185% of the public assistance standards; *

c. Exempt the earned income of a child who is a full-time student for a period not to exceed six months in determining eligibility under the gross income limit; *

d. Exempt the first \$50.00 of any child support payments received; * and

e. Delete the provision of counting stepparent income under the lump sum income policy when the stepparent is not included in the assistance plan. *

20. 30-4-111. Applicable income. This regulation is being amended to:

a. Delete reference to the Earned Income Tax Credit since the definition of earned income in K.A.R. 30-4-110 includes the Earned Income Tax Credit when it is received; *

b. Standardize the earned income work expense deduction at \$75.00 for both full-time and part-time employed persons who are included in the assistance plan. *

c. Extend the \$30.00 ADC earned income disregard from four months to twelve months, but retain the four month limit for the 1/3 disregard; * and

d. Extend the stepparent disregards to the parents of a minor parent who are not included in the assistance plan. *

21. 30-4-113. Income exempt as applicable income. This regulation is being amended to exempt the first \$50.00 of child support received each month. *

22. 30-4-120. Special allowances and requirements for applicants and recipients of ADC, ADC-FC, APW, GAU and GA-FC. This regulation is being amended to increase the CWEP transportation allowances from \$15.00 to \$20.00 for assignments of less than ten days and from \$25.00 to \$30.00 for assignments of ten or more days. When excess transportation expenses are documented by any recipient, the \$20.00 allowance shall be increased to cover actual costs up to, but not in excess of \$30.00.

23. 30-4-122a. Special allowances for EA. This regulation is being amended to limit the number of months for which emergency shelter allowances can cover from three months to two months.

24. 30-4-130. Types of payments. This regulation is being amended to permit the agency to not make protective payments as otherwise required in cases where all reasonable efforts to identify a suitable protective payee have failed. *

25. 30-4-140. Payments. This regulation is being amended to delete the provision that requires reconciling the amount of the Earned Income Tax Credit. *

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

1. 30-5-58. Definitions. This regulation is being amended to add definitions for "Covered Services," "Non-covered Services" and "Medical Necessity."

(continued)

2. **30-5-59. Provider participation in the medic-aid/medikan program.** This regulation is being amended to clarify that providers shall not charge eligible individuals for services if payment has been denied because the provider failed to meet program requirements.

3. **30-5-65. Denial of medical claims.** This regulation is being amended to clarify that a medical claim that has been denied shall be resubmitted for final adjudication within 12 months of the date of service.

4. **30-5-70. Recipient eligibility for payment of specific medical expenses.** This regulation is being amended to require that all claims must be submitted within 12 months of date of service even though a third party resource is involved and the six month timely filing requirement has been met.

5. **30-5-81. Scope of hospital services.** This regulation is being amended to: (1) allow elective surgery, both inpatient and outpatient, for children and adolescents who participate in the EPSDT program, * (2) allow coverage of therapeutic home visits if the absence occurs during the last three days of the stay, extends overnight, and the patient returns to the hospital for at least eight hours before discharge, * and (3) to provide as a covered service, corneal, kidney and bone marrow transplants.

6. **30-5-81b. The basis of reimbursement for hospital services.** This regulation is being amended to delete nonapplicable dates and to describe the criteria used to designate a hospital as a new hospital. In addition, reimbursement for outpatient laboratory services by a general hospital shall be limited to the customary charges not to exceed the range maximum as set forth in K.A.R. 30-5-85a plus 2%.*

7. **30-5-81d. Hospital prospective payment system review committee.** This regulation is being amended to delete requirements applicable to the initial review committee that are no longer applicable to subsequent committees and to delete reference to the Kansas Hospital Association in regard to advising the Secretary.

8. **30-5-81q. Per diem rate calculations.** This regulation is being amended to: (1) delete reference to the Kansas Hospital Association in regard to consultation with the Secretary; and (2) to provide the method used to calculate the per diem rate for a new hospital.

9. **30-5-81r. Per diem rate limitations.** This regulation is being amended to delete reference to the Kansas Hospital Association in regard to consultation with the Secretary.

10. **30-5-81s. Modification of per diem rates and day maximums for medicaid/medikan program.** This regulation is being amended to increase the response time of the Income Maintenance and Medical Services Commissioner from two to five working days after receipt of the committee's recommendation.

11. **30-5-81t. Change of ownership.** This regulation is being amended to limit depreciation and interest on capital indebtedness and return on equity capital, if applicable, to no more than the cost to the original owner at the time of sale of a hospital.*

12. **30-5-83. Scope of services for ambulatory surgical centers.** This regulation is being amended to

allow coverage of elective surgery for children and adolescents participating in the EPSDT program.*

13. **30-5-86. Scope of services by community mental health centers.** This regulation is being amended to clarify that psychologists with a Ph.D. in clinical psychology qualify as providers. In addition the regulation is being amended to include the statement that admission evaluations shall be completed and approval for admissions granted or denied by a community mental health center for all recipients requesting admission voluntarily to a free standing inpatient psychiatric facility.

14. **30-5-87. Scope of early and periodic screening, diagnosis, and treatment (EPSDT).** This regulation is being amended to increase the maximum age of eligibility for EPSDT participants from 18 to 21 years.*

15. **30-5-88. Scope of physician services.** This regulation is being amended to allow six office visits per quarter and elective surgery for children and adolescents who participate in the EPSDT program.* In addition, the regulation is being amended to limit coverage to corneal, kidney and bone marrow transplants and the related services other than procurement of the organ.

16. **30-5-91. Definitions for pharmacy services.** This regulation is being amended to change the definition of acquisition cost to include agency determined cost limitations for selected multiple source drugs.

17. **30-5-92. Scope of pharmacy services.** This regulation is being amended to require home health agency involvement when parenteral nutrients or medications are administered in the home.

18. **30-5-93. Pharmacy services limitations.** This regulation is being revoked as the content of this regulation is included within amended regulation K.A.R. 30-5-92.

19. **30-5-94. Reimbursement for pharmacy services.** This regulation is being amended to: (1) change the method of payment for covered over-the-counter pharmacy services; (2) limit professional fees to those charged to others in self-administered discount programs; and (3) require a capitation professional fee for pharmacy services provided to adult care home residents.

20. **30-5-101. Scope of chiropractic services.** This regulation is being amended to allow six office visits per calendar quarter for children and adolescents who participate in the EPSDT program.*

21. **30-5-103. Scope of podiatrist services.** This regulation is being amended to limit surgery to that performed on an outpatient basis.

22. **30-5-108. Scope of services for durable medical equipment, medical supplies, orthotics and prosthetics.** This regulation is being amended to clarify that: (1) educational environmental control and convenience items are not covered; (2) durable medical equipment provided as a home health service shall be rented; and (3) home health agency involvement is required when parenteral nutrients or medications are administered in the home. In addition this regulation is being amended to clarify that some DME and med-

ical supplies are covered only if prior authorized or in cases of medical hardship.

23. 30-5-109. Scope of services in free standing inpatient psychiatric facilities. This regulation is being amended to disallow coverage of free standing inpatient psychiatric services if admission approval has not been granted by the community mental health center completing the evaluation.

24. 30-5-151. Scope of hospital services for adult medikan program recipients. This regulation is being amended to provide for coverage of therapeutic home visits only if the absence occurs during the last three days of the stay, extends overnight, and the patient returns to the hospital for at least eight hours prior to discharge.* In addition, the regulation is being amended to limit coverage of transplant surgery to corneal, kidney and bone marrow transplants and the related services other than procurement of the organ.

25. 30-5-156. Scope of physician services for adult medicaid/medikan program recipients. This regulation is being amended to make technical changes and to limit coverage of transplant surgery to corneal, kidney and bone marrow transplants and the related services other than procurement of the organ.

26. 30-5-160. Scope of chiropractic services for adult medicaid/medikan program recipients. This regulation is being amended to reflect technical changes.

27. 30-5-161. Scope of podiatrist services for adult medicaid/medikan program recipients. This regulation is being amended to limit surgery to outpatient surgery only.

28. 30-5-163. Scope of services for the hearing impaired for adult medikan program recipients. This regulation is being amended to reflect technical changes.

C. Medicaid/Medikan Program—Client Eligibility.

1. 30-6-41. Assistance planning. This regulation is being amended to adopt by reference the provisions of K.A.R. 30-6-74 for ADC purposes.*

2. 30-6-56. Assignment or transfer of property. This regulation is being amended to clarify that in determining the period of ineligibility, the amount of the equity of the property transferred in excess of \$500.00, less paid or incurred medical expenses for services rendered from the date of the property transfer to the beginning of the initial eligibility base period, shall be used in determining the individual's financial eligibility for medical assistance and in determining any additional spenddown amounts for the current eligibility base period.

3. 30-6-57. Job search requirements. This regulation is being amended to reflect technical changes.

4. 30-6-58. Potential employment. This regulation is being amended to reflect technical changes.

5. 30-6-65. Automatic eligibles. This regulation is being amended to:

- a. Continue automatic eligibility for medical assistance for each person included in the assistance plan of a family which became ineligible for ADC, ADC-FC, or APW solely because of the termination of the 1/3 or the \$30.00 earned in-

come disregard. Automatic eligibility would continue for a period of nine months after the last month for which the family was eligible to receive ADC, ADC-FC, or APW.*

- b. Provide automatic eligibility for medical assistance to any family which became ineligible for ADC, ADC-FC, or APW prior to October 1, 1984 due solely to the termination of the \$30.00 plus 1/3 earned income disregard for a period of nine months provided that:

- (1) An application is made no later than the 6th month after the month in which the final federal regulations governing this provision are promulgated by the Secretary of Health and Human Services; and

- (2) The family would have been continually eligible for ADC, ADC-FC, or APW from the month it became ineligible to the month of application had the \$30.00 and 1/3 earned income disregard been applied.*

- c. Provide automatic eligibility for medical assistance to a non-ADC eligible child who was born on or after October 1, 1983 and whose family meets the ADC income and resource requirements pursuant to article 4 of this chapter. For purposes of eligibility, the child must be under the age of five.*

6. 30-6-74. Persons whose needs are to be considered with the needs of the ADC child. This regulation is being amended by adding a provision to require that the needs of the parents and all ADC eligible siblings (excluding stepsiblings and SSI recipients) be included with the needs of the ADC child if they are living together.*

7. 30-6-79. Children under age five determined eligibles. The Secretary is promulgating a new regulation to establish a medically needy program for children who were born on or after October 1, 1983 and who are under five years of age. This program covers children who are otherwise ineligible for medicaid.*

8. 30-6-103. Determined eligibles; protected income levels. This regulation is being amended to increase the protected income levels to reflect the cost of living adjustment in the SSI program for one and two persons in the assistance plan. The protected income level for three or more persons is being increased to retain an upward progression in the protected income levels based on family size.

9. 30-6-106. General rules for consideration of resources, including real property, personal property and income. This regulation is being amended to:

- a. Require counting the income of a minor parent's parents in determining eligibility for the child of the minor parent;*

- b. Expand the alien sponsor provision to require counting the resources of public and private agencies and organizations in determining eligibility for an alien;*

- c. Require that only one estimate or appraisal of real property from a disinterested real estate broker be used in determining the value of the property when the property has not been appraised or

(continued)

- when the applicant or recipient or the agency disagrees with value ascertained by using the adjusted uniform statewide appraisal value;
- d. Require that only one estimate from a reputable dealer be used in determining the value of personal property when the property cannot be initially determined by the use of a reputable trade publication or when the applicant or recipient or the agency disagrees with the value ascertained by using the trade publication;
 - e. Consider the proportionate share of jointly owned real property, unless otherwise established, in determining eligibility; and
 - f. Restrict the counting of the combined income of a husband and wife to the month of entry only when one or both enter a care situation and both are eligible and are applicants or recipients. The combined resources of a husband and wife in such situations shall be considered for the six month period following the month of entry.
- 10. 30-6-107. Property exemption.** This regulation is being amended by:
- a. Exempting, for non-SSI purposes, excess real property which the applicant or recipient is making a bona fide effort to dispose of for a period not to exceed nine months;*
 - b. Exempting, for SSI purposes, excess real and personal property which the applicant or recipient is making a bona fide effort to dispose of for a period not to exceed nine months;*
 - c. Deleting the requirement for SSI that the value of resources for applicants and recipients considered in any month be the value of the resources as of 12:01 a.m. on the first day of the month;* and
 - d. Deleting the provision for SSI that changes in the amount of countable resources during a month have no effect on eligibility or ineligibility for that month.*
- 11. 30-6-108. Real property.** This regulation is being amended to extend the SSI provision of exempting the home when the person enters an institutional living situation if the home continues to be occupied by a dependent relative who meets the criteria specific to the aged, blind, or disabled as provided in K.A.R. 30-6-85.
- 12. 30-6-109. Personal property.** This regulation is being amended for non-SSI purposes to exempt from consideration the resource value of burial plots and funeral agreements.*
- 13. 30-6-110. Income.** This regulation is being amended to count the amount of the Earned Income Tax Credit (EITC) as earned income only when it is received.*
- 14. 30-6-111. Applicable income.** This regulation is being amended to:
- a. Standardize the earned income work expense deduction at \$75 for both full-time and part-time employed persons who are included in the assistance plan;* and
 - b. Extend the stepparent disregards to the parents of a minor parent who are not included in the assistance plan.*

15. 30-6-113. Income exempt as applicable income. This regulation is being amended to:

- a. Exempt for non-SSI the first \$50.00 of support received each month;*
- b. Extend the non-SSI exemption regarding interest credited to a checking and savings account to SSI;
- c. Extend the non-SSI exemption regarding irregular, occasional or unpredictable gifts to SSI;
- d. Delete the provision for SSI which exempts irregular or infrequent earned income which totals no more than \$10.00 a month or \$30.00 a quarter;
- e. Delete the provision for SSI which exempts irregular or infrequent unearned income which totals no more than \$20.00 a month or \$60.00 a quarter; and
- f. Modify the cost of living adjustment provision for SSI to exempt the amount of all social security cost of living adjustments for a person who was concurrently receiving SSI and social security after April, 1977 and who would be eligible for SSI if the cost of living adjustments received since last eligible for SSI were not considered as income.

16. 30-6-140. Payment amounts. This regulation is being amended to reflect technical changes.

A copy of the proposed regulations and fiscal impact statement may be obtained prior to November 6, 1984 by contacting Mary Slaybaugh, Legal Division, State Department of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka, KS 66612, (913) 296-3969. Written comments may be submitted prior to such date. Such comments should be forwarded to Dr. Harder, Secretary of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka, KS 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/or permanent regulations. Presentations should be in writing whenever possible. 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 minutes.

—Adoption of proposed temporary administrative regulation K.A.R. 30-10-7.

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. HARDEY
Secretary of Social
and Rehabilitation Service

Doc. No. 002559

State of Kansas

LEGISLATURE

INTERIM AGENDA

Notice is hereby given to interested parties that the following legislative committee meetings have been scheduled during the period of October 22 through November 2, 1984.

DATE	ROOM	TIME	COMMITTEE	AGENDA
Oct. 22	519-S	10:00 a.m.	Special Committee on Education	Committee consideration of Proposals No. 16, 17 and 18.
Oct. 23	519-S	9:00 a.m.		
Oct. 23	514-S	10:00 a.m.	Special Committee on Ways and Means	Proposal No. 47—Review draft committee report; Proposals No. 48 and 49—Committee discussion.
Oct. 29	531-N	10:00 a.m.	Special Committee on Public Health and Welfare	29th: Certificate of Deed.
Oct. 30	531-N	9:00 a.m.		30th: Review of proposals.

WILLIAM R. BACHMAN
Director of Legislative
Administrative Services

Doc. No. 002566

State of Kansas

OFFICE OF JUDICIAL ADMINISTRATION

SUPREME COURT DOCKET

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

Monday, October 22, 1984

Case Caption	Attorneys	Originating County
9:30 a.m.		
56,445 State of Kansas, appellee,	Robert T. Stephan, Atty. Gen.; Geary N. Gorup, Asst. Dist. Atty.	Sedgwick
v.		
Charles J. Hollingsworth, appellant.	Paul L. Thomas.	
56,619 State of Kansas, appellee,	Robert T. Stephan, Atty. Gen.; Geary N. Gorup, Asst. Dist. Atty.	Sedgwick
v.		
Alfred L. Brown, appellant.	Michael T. Harris.	
56,281 State of Kansas, appellee,	Robert T. Stephan, Atty. Gen.; Geary N. Gorup, Asst. Dist. Atty.	Sedgwick
v.		
Hubert L. Evans, appellant.	Brent I. Anderson.	
55,587 State of Kansas, appellee,	Robert T. Stephan, Atty. Gen.; Geary N. Gorup, Asst. Dist. Atty.	Sedgwick
v.		
William Earl Tucker, Jr., a/k/a Bill Earl Tucker, Jr., appellant.	Jon D. Graves.	
1:30 p.m.		
56,231 State of Kansas, appellee,	Robert T. Stephan, Atty. Gen.; Geary N. Gorup, Asst. Dist. Atty.	Sedgwick
v.		
Archie L. Henderson, appellant.	John Terry Moore.	
56,359 In the Matter of the Adoption of ALITIA SUZETTE McMULLEN and STEVEN WARD McMULLEN, JR.	Michael H. Morgan.	Sedgwick
v.		
56,479 In the Matter of the Residency Application of SCOTT ARDEN BYBEE.	Charles Harris. Karen A. Nichols, Asst. Atty. Gen.	Sedgwick
	Phillip Mellor.	

(continued)

56,697 In the Matter of the Protest of Midland Industries, Incorporated, for Taxes Paid in the Year 1982 in Sedgwick County, Kansas, *et al.* Robert J. O'Connor. Sedgwick
C. Robert Bell.

Tuesday, October 23, 1984

9:30 a.m.

56,522 State of Kansas, appellee, Robert T. Stephan, Atty. Gen.; Wyandotte
Nick A. Tomasic, Dist. Atty.
v.
56,169 Joe Cephus Anderson, appellant. James F. Foster. Wyandotte
State of Kansas, appellee, Robert T. Stephan, Atty. Gen.;
John McNally, Asst. Dist. Atty.
v.
56,264 Walter Pete Walker, appellant. Michael Redmon. Wyandotte
State of Kansas, appellee, Robert T. Stephan, Atty. Gen.;
Dexter Burdette, Asst. Dist. Atty.
v.
56,821 Harrison Shaw Barnes, a/k/a Michael Barnes, appellant. Kevin E. Koch. Wyandotte
State of Kansas, appellee, Robert T. Stephan, Atty. Gen.;
Wesley K. Griffin, Asst. Dist. Atty.
v.
Jimmie Childress, appellant. Paul M. Dent.

1:30 p.m.

56,633 State of Kansas, appellant, Robert T. Stephan, Atty. Gen.; Barton
William H. Pringle, Co. Atty.
v.
55,283 Gregory Allan Bean, appellee. Jane M. Isern. Ford
State of Kansas, appellant, Robert T. Stephan, Atty. Gen.;
Janet M. Velazquez, Asst. Co. Atty.
v.
56,355 Randy Bristol, appellee. Glenn I. Kerbs. Wyandotte
William C. Woods, appellee, Brandon L. Myers.
v.
56,469 Mid-West Conveyor Company, Inc., *et al.*, John J. Bukaty, Jr.; Leavenworth
appellants. Michael F. Delaney;
Robert B. Terry.
State of Kansas, appellant, Robert T. Stephan, Atty. Gen.;
Robert E. Davis, Co. Atty.
v.
Edward Brantley, appellee. Eric Stahl.

Wednesday, October 24, 1984

9:30 a.m.

56,013 State of Kansas, appellant, Robert T. Stephan, Atty. Gen.; Reno
Francis E. Meisenheimer, Asst. Co. Atty.
v.
56,549 Ralph R. Wanttaja, appellee. Herbert Hess, Jr. ON PETITION FOR REVIEW
State of Kansas, appellee, Robert T. Stephan, Atty. Gen.; Reno
Timothy Chambers, Co. Atty.
v.
Jim C. Elliott, appellant. E. Dexter Galloway.

- 56,550 Board of Education, Unified School District No. 215, appellee,
v.
L. R. Foy Construction Company, Inc., appellant.
- 56,724 In the Matter of the Acquisition of Property by Eminent Domain, The City of Ottawa, Kansas, a Municipal Corporation, appellant,
v.
Frederick Junior Heathman, *et al.*, appellees.

Ted R. Morgan.

Kearny

William L. Mitchell.

John L. Richeson.

Franklin

Eugene C. Riling.

1:30 p.m.

- 56,800 State of Kansas, appellant,
v.
Darrell D. Prater, appellee.
- 56,667 E. F. Hutton & Company, Inc., appellant,
v.
Gerald Heim, appellee.
- 56,405 In the Matter of the Estate of QWEN R. ROBINSON, deceased.

Robert T. Stephan, Atty. Gen.;
Rodney H. Symmonds, Co. Atty.

Lyon

Don C. Krueger.

Laurence A. Taylor.

Sheridan

John R. Eland.

Karl W. Friedel;
Norbert R. Dreiling.

Butler

Robert M. Bond;
Robert L. Howard.*Thursday, October 25, 1984**9:30 a.m.*

- 56,410 State of Kansas, appellee,
v.
Katheryn R. Parker and Antonio R. Barzey, appellants.
- 56,683 National Collegiate Realty Corporation and The National Collegiate Athletic Association, appellees,
v.
Johnson County, Kansas, *et al.*, appellants.
- 56,515 In Re: Kansas Krude Oil Reclaiming Company.
- 56,464 Ron Donner, *et al.*, appellees,
v.
State of Kansas, Department of Human Resources, appellant.

Robert T. Stephan, Atty. Gen.;
Gene M. Olander, Dist. Atty.

Shawnee

William K. Rork.

C. W. Crumpecker, Jr.;
Thomas Van Cleave, Jr.

Shawnee

Philip S. Harness;
Bruce F. Landeck.

William Edds.

Tax Appeal

Timothy E. McCoy;
Dale M. Sprague.

Robert E. Duncan II.

Shawnee

Patricia Scalia Carpenter.

1:30 p.m.

- 56,702 State of Kansas, appellee,
v.
Leburn Howard Timmerman, appellant.
- 55,740 Bucher & Willis Consulting Engineers, Planners & Architects, appellee,
v.
James K. Smith, Administrator of the Estate of August Ziebell, deceased, and Robert C. Johnson, appellant.

Robert T. Stephan, Atty. Gen.;
Ed L. Randels, Asst. Co. Atty.

Montgomery

Garen Cox.

John Mize.

Dickinson

Robert C. Johnson.

ON PETITION FOR REVIEW

(continued)

consolidated with

55,741 Bucher, Willis and Ratliff Consulting Engineers, Planners & Architects, appellee,

v.

James K. Smith, appellant.

56,516 Irl T. Oliver, Jr., et al., appellees,

v.

E. W. "Woody" Roberts, d/b/a Quivera Oil Company, et al., appellants.

John Mize.

Dickinson

ON PETITION FOR REVIEW

Robert C. Johnson.

James A. Walker;

Chautauqua

Cathryn L. Hamman;

Dale L. Pohl.

Tom Crossan.

Friday, October 26, 1984

9:30 a.m.

56,809 State of Kansas, appellee,

v.

Charles A. Mason, appellant.

56,758 State of Kansas, appellant,

v.

Robert L. Jones, appellee.

56,244 State of Kansas, appellee,

v.

Betty Hundley, appellant.

Robert T. Stephan, Atty. Gen.;

Shawnee

Sue Carpenter, Asst. Dist. Atty.

Ronald E. Wurtz.

Robert T. Stephan, Atty. Gen.;

Shawnee

Arthur R. Weiss, Asst. Dist. Atty.

Michael Kaye.

Robert T. Stephan, Atty. Gen.;

Shawnee

Randy Hendershot, Asst. Dist. Atty.

Michael L. Harris.

LEWIS C. CARTER
Clerk of the Appellate Courts

Doc. No. 002535

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, KS 66612, or telephone (913) 296-3808 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 November 8, 1984—
TOPEKA, KANSAS**

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

Arlie V. Funk, dba) Docket No. 143,297 M
Funk's Body Shop)
1817 N. Main Street)
Newton, Kansas 67114)

Applicant's Attorney: None

Wrecked, disabled, repossessed and replacement motor vehicles and trailers,

Between all points and places in Harvey, Reno, Marion, Sedgwick and McPherson counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other.

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

The Radium Cooperative) Docket No. 143,368 M
Company)
Radium, Kansas 67571)

Applicant's Attorney: None

Grain,

Between all points and places in the state of Kansas.

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

Hankamer Company, Inc.,) Docket No. 139,170 M
Midwest Fly Ash Division)
P.O. Box 1336)
2150 Kansas)
Topeka, Kansas 66601) Route No. 22676

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

Cement,

Between points and places in Kansas west of US Hwy 183.

Also,

Between points and places in Kansas west of US Hwy 183, on the one hand, and points and places in Kansas east of US Hwy 183, on the other hand.

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

Vernon L. Blundell &) Docket No. 59,244 M
Dianna C. Blundell, dba) MC-ID # 100592
B & D Trucking)
807 Westlawn)
Dodge City, Kansas 67801) Route No. 5287

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

Dry feed and dry feed ingredients,

Between points and places in Kansas west of US Hwy 183.

Also,

Between points and places in the above described territory, on the one hand, and points and places in Kansas, on the other hand.

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

TPC Transportation) Docket No. 143,036 M
Company)
319 North 4th Street,)
Suite 1001)
St. Louis, Missouri)
63102)

Applicant's Attorney: Arthur Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, Missouri 64141-2251

***Grain and grain products (except flour) in bulk; and
soybeans in bulk,***

Between all points and places in Kansas on and east of US Hwy 281, on the one hand, and all points and places in Finney and Ford counties, Kansas, on the other.

***Renoticed Application for Extension of Certificate
of Convenience and Necessity to eliminate
radii description,***

Polkinghorn Molasses, Inc.) Docket No. 108,158 M
907 East Wyatt Earp) MC-ID # 101396
Box 308)
Dodge City, Kansas 67801) Route No. 12123

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

Livestock,

Between all points and places within Stafford, Reno,

(continued)

Pratt, Kingman, Sedgwick, Barber and Harper counties; that portion of Rice county south of US Hwy 56; that portion of McPherson county south of US Hwy 56 and west of US Interstate Hwy 135; that portion of Harvey county west of US Interstate Hwy 135; and that portion of Sumner county north of US Hwy 160 and west of US Hwy 81.

Also,

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

Also,

Between all points and places within Hodgeman, Pawnee, Finney, Edwards, Gray, Ford, Haskell, Kiowa, Meade, Clark and Comanche counties; that portion of Seward county north of US Hwy 54 and east of US Hwy 83/160; that portion of Scott county east of US Hwy 83 and south of Kansas Hwy 96; that portion of Lane county south of Kansas Hwy 4; that portion of Ness county south of Kansas Hwy 4; that portion of Rush county south of Kansas Hwy 96 and west of US Hwy 183.

Also,

Between all points and places within the above described territory, on the one hand, and all markets, community sales, show places, feed lots, farms, pastures and rural locations in the state of Kansas, on the other hand.

**Applications set for November 13, 1984—
TOPEKA, KANSAS**

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

Chuck L. Bland and) Docket No. 143,231 M
James S. Apps, dba)
ABR Couriers)
2134 Plass)
Topeka, Kansas 66614)

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

Coins, currency, bank documents and data processing materials,

Between points and places in Shawnee, Jefferson, Pottawatomie, Jackson and Wabaunsee counties, Kansas.

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

James W. Schmitendorf,) Docket No. 143,354 M
dba J & T Service)
Box 214)
Lyndon, Kansas 66451)

Applicant's Attorney: SueAnn Schultz, P.O. Box 641, Lyndon, Kansas 66451-0641

Wrecked, disabled, repossessed and replacement motor vehicles and trailers,

Between all points and places in the state of Kansas.

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

Exhibitors Film Delivery) Docket No. 68,414 M
& Service Co., Inc.) MC-ID # 106942
101 West 10th Avenue)
Kansas City, Missouri)
64116) Route No. 6443

Applicant's Attorney: None

General commodities, over irregular routes, except those of unusual value, class A and B explosives, household goods, commodities in bulk, and those requiring special equipment,

To and from all points in the state of Kansas.

Restricted, however, to perform no service for the transportation of any package or article nor in excess of 100 pounds per package or article nor in excess of 350 pounds in total aggregate of packages or article per day from one consigner at one location to one consignee at one location.

Further restricted against the transportation of:

1. Commercial papers, documents and written instruments (except coins, currency and negotiable securities) as are used in the conduct and operation of banks and banking institutions,

Between all points and places in Kansas.

2. Exposed and processed film and prints and incidental dealers handling supplies,

Between Topeka, Parsons, and Wichita, Kansas, on the one hand, and all points and places in Kansas, on the other.

3. For the transportation of impressions, models and bites, articulators dentures and products relating to restorative dentistry, eye glasses, including frames, lenses and other parts thereof.

Between all points and places in Kansas.

Restricted, however, to perform no service for the transportation of any package or article weighing in excess of 100 pounds per package or article.

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

Richard A. Briggs, dba) Docket No. 143,298 M
Briggs Wrecker Service)
4100 South Topeka)
Topeka, Kansas 66609)

Applicant's Attorney: Steven Wiechman, 1101 West 10th, Topeka, Kansas 66604

Wrecked, disabled, repossessed and replacement motor vehicles and trailers,

Between all points and places in Shawnee county, Kansas, on the one hand, and all points and places in the state of Kansas, on the other.

Application for Extension of Certificate of Convenience and Necessity:

Elliott Truck Line, Inc.) Docket No. 116,454 M
101 East Excelsior) MC-ID # 100518
Vinita, Oklahoma) Route No. 14540

Applicant's Attorney: Tom Kretsinger, 20 East Franklin, Liberty, Missouri 64068

Commodities in bulk and in containers,

Between Montgomery, Labette, Neosho, Crawford, Cherokee, Wilson, Bourbon and Cowley counties, Kansas, on the one hand, and, on the other hand, all points and places in the state of Kansas over irregular routes.

Application to Amend Contract Carrier Permit:

Harold Daniels and) Docket No. 142,148 M
Shirley Daniels, dba) MC-ID #119600
Daniels Trucking) Contract C9-705
R.R. #1, Box 76K)
El Dorado, Kansas 67042)

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

Bulk cement,

From all points and places in Allen, Wilson and Montgomery counties, Kansas, to all points and places in Butler county, Kansas.

**Applications set for November 15, 1984—
TOPEKA, KANSAS**

Application for Contract Carrier Permit:

Liberty Transport, Inc.) Docket No. 143,350 M
3572 Gardner)
Kansas City, Missouri)
64168)

Applicant's Attorney: Tom Kretsinger, 20 East Franklin, Liberty, Missouri 64068

General commodities (except class A and B explosives, household goods and commodities in bulk),

Between all points and places in Kansas. Under contract with Procter & Gamble Distributing Company, of Dallas, Texas.

Application for Transfer of Certificate of Convenience and Necessity:

Doug Johnson, dba) Docket No. 123,697 M
Southern Fluid Service) MC-ID # 106933
Box 803)
Winfield, Kansas 67156) Route No. 16636

TO:

The Mego Corp.
State Bank Building
Winfield, Kansas 67156

Applicant's Attorney: Mark Krusor, 1st National Bank Bldg., P.O. Box 731, Winfield, Kansas 67156-0731

Crude oil, used in and for production, processing, treating, salvage, construction and for lease road purposes, in bulk, fresh water for drilling purposes, and salt water for disposal purposes,

Between points and places in Cowley county, Kansas.

Crude oil in bulk used in and for processing, treating, salvage, construction and maintenance of lease roads, fresh water for drilling purposes and salt water for disposal purposes,

Between points and places in Chautauqua county and the 12 eastern townships of Sumner county, Kansas.

Application for Extension of Certificate of Convenience and Necessity:

The Mego Corp.) Docket No. 123,697 M
State Bank Building) MC-ID # 106933
Winfield, Kansas 67156) Route No. 16636

Applicant's Attorney: Mark Krusor, 1st National Bank Bldg., P.O. Box 731, Winfield, Kansas 67156-0731

Crude oil, used in and for production, processing, treating, salvage, construction and for lease road purposes, in bulk, fresh water and salt water,

Between all points and places in Cowley, Chautauqua and Sumner counties, Kansas.

Application for Certificate of Convenience and Necessity:

Russell C. White, dba) Docket No. 143,380 M
D & J Trucking)
Rt. 1, Box 149)
Salina, Kansas 67401)

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

Grain, dry feed and dry feed ingredients,

Between points and places in Shawnee, Ellsworth, Saline, Ottawa, Dickinson, Rice, McPherson, Lyon, Reno, Wyandotte and Sedgwick counties, Kansas.

Also,

Between points and places in Shawnee, Ellsworth, Saline, Ottawa, Dickinson, Rice, McPherson, Lyon, Reno, Wyandotte and Sedgwick counties, on the one hand, and points and places in the state of Kansas, on the other hand.

WILLIAM E. GREEN
Administrator
Transportation Division

Doc. No. 002569

(Published in the KANSAS REGISTER, October 18, 1984.)

**NOTICE OF CALL FOR REDEMPTION
RURAL WATER DISTRICT NO. 4
GEARY COUNTY, KANSAS
WATER REVENUE BONDS
SERIES 1981
DECEMBER 1, 1981**

Notice is hereby given pursuant to the provisions of section 4 of Resolution of Rural Water District No. 4, Geary County, Kansas dated November 18, 1981, that the above mentioned Bonds numbered 19 through 22, inclusive, maturing in the year 1991 and Bonds numbered 23 through 26, inclusive, maturing in the year 1992 have been called for redemption and payment on December 1, 1984.

Said Bonds will be due and payable in lawful money of the United States at the office of the paying agent, the State Treasurer of Kansas, P.O. Box 737, Topeka, Kansas, at the redemption price thereof to 102% of the principal amount of each bond together with interest accrued to the redemption date (upon the presentation and surrender of each such bond and all the pertinent coupons).

Interest shall cease to accrue on the Bonds called for redemption from and after December 1, 1985.

**RURAL WATER DISTRICT NO. 4
GEARY COUNTY, KANSAS**

By Robert Dibbern, Chairman
Board of Directors

Doc. No. 002550

(Published in the KANSAS REGISTER, October 18, 1984.)

**NOTICE OF BOND SALE
\$2,777,000.00
GENERAL OBLIGATION BRIDGE BONDS
OF KINGMAN COUNTY, KANSAS**

The COUNTY OF KINGMAN, STATE OF KANSAS will receive sealed bids at the OFFICE OF THE COUNTY CLERK, KINGMAN COUNTY COURTHOUSE, KINGMAN, KANSAS, until 1:30 o'clock P.M., C.D.T., on

MONDAY, OCTOBER 22, 1984

for \$2,777,000.00 par value GENERAL OBLIGATION BRIDGE BONDS of the County, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The Series 1984 Bonds will be dated as of November 1, 1984, and shall mature on November 1 in each of the years and in the amounts set forth below. Such Bonds shall consist of fully registered certificated bonds, each in the denomination of \$5,000.00 or integral multiples thereof, except one Bond in denomination of \$2,000.00, not exceeding the principal amount of Bonds maturing in each year. Interest will be payable semiannually, commencing May 1, 1986, and each May 1 and November 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 (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"). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the County.

The Bonds will mature serially in accordance with the following schedule:

<i>Principal Amount</i>	<i>Maturity Date</i>
\$347,000.00	November 1, 1987
345,000.00	November 1, 1988
345,000.00	November 1, 1989
345,000.00	November 1, 1990
345,000.00	November 1, 1991
350,000.00	November 1, 1992
350,000.00	November 1, 1993
350,000.00	November 1, 1994

Redemption

Bonds maturing November 1, 1992, and thereafter, are subject to call for redemption and payment prior to their respective maturities at the option of the County on and/or after November 1, 1991, in whole at any time or in part in inverse order of maturity, and by lot within maturities, on any interest payment date, at a redemption price of 101% (expressed as a percentage of the par value of the principal amount thereof) plus accrued interest to the redemption date.

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 30 days prior to the date fixed for such redemption and payment. Interest on the Bonds so called for redemption and payment will cease to accrue after the redemption date, provided notice has been given and funds are then available to pay the full redemption price thereof.

Interest Rate

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding five (5) 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 and lowest interest rates specified in any bid shall not exceed two percent (2%). No interest rate shall exceed the maximum interest rate allowed by Kansas law; said rate being the "20 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 (October 15, 1984), plus 2%, and no bid of less than par and accrued interest will be considered. Bids for less than the entire issue of Bonds will not be considered.

Bid Form and Good Faith Deposit

Bids shall be submitted on the OFFICIAL BID FORM furnished by the County, and shall be addressed to the Board of County Commissioners, King-

man County Courthouse, Kingman, Kansas 67068, ATTENTION: DONNA BROWN, COUNTY 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 County 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, KINGMAN COUNTY, 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 County as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

Award of Bids

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 County 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 County, 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 of the Bonds

The Bonds, duly printed, executed and registered, will be furnished and paid for by the County, and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond Counsel, of Wichita, Kansas. THE NUMBER, DENOMINATION OF BONDS, AND NAMES OF THE INITIAL REGISTERED OWNERS TO BE INITIALLY PRINTED ON THE BONDS SHALL BE SUBMITTED IN WRITING BY THE SUCCESSFUL BIDDER TO THE BOND REGISTRAR NOT LATER THAN NOVEMBER 6, 1984. 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. Payment for the Bonds shall be made in immediately available funds. Delivery of the Bonds will be made to the successful bidder on or before DECEMBER 10, 1984, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, NEW YORK CITY, SAN FRANCISCO, LOS ANGELES, or CHICAGO at the expense of the County. Delivery elsewhere will be made at the expense of the purchaser.

Legal Opinion

Bids shall be conditioned upon the unqualified approving opinion of Gaar & Bell, Bond Counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each Bond and a manually signed original will be furnished without expense to the purchaser of the Bonds at the delivery thereof. The cost of this legal opinion and the expense of printing the Bonds and legal opinion will be paid by the County. Said legal opinion will state in part substantially that the Bonds will constitute general obligations of the County, 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 County, 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.

Purpose of Issue

The Bonds are being issued for the purpose of bridge construction and replacement for the County of Kingman, State of Kansas.

CUSIP Identification Numbers

CUSIP identification numbers will be printed on said Bonds. 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 County.

Assessed Valuation

Assessed valuation figures for the County of Kingman, State of Kansas, for the year 1983, are as follows:

Equalized Assessed Valuation of Taxable,	
Tangible Property	\$102,071,211.00
Tangible Valuation of Motor Vehicles	\$ 2,954,306.00
Tangible Valuation of Motor Vehicle Dealers' Inventory	\$ 52,883.00
Assessed Valuation of Farm Machinery and Equipment (1982)	\$ 6,133,806.00
Assessed Valuation of Business Aircraft (1982)	\$ 40,725.00
Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations ..	\$111,252,931.00

Bonded Indebtedness

The total bonded indebtedness of the County of Kingman, State of Kansas, at the date hereof, including this \$2,777,000.00 proposed issue of Bonds, is in the amount of \$4,227,000.00. However, as of the date of the Bonds, November 1, 1984, \$480,000.00 Series 1981 Bonds will mature, and the total bonded indebtedness of the County of Kingman, State of Kansas, will be \$3,747,000.00.

Official Statement

Additional copies of this Notice of Bond Sale, or copies of the County's Official Statement relating to the Bonds, or further information may be received from the office of the County Clerk, Kingman County Courthouse, Kingman, Kansas 67068, or THE FIRST SECURITIES COMPANY OF KANSAS, INC., Suite 200, One Main Place, Wichita, Kansas 67202 (316-262-4411), the County's financial consultants.

Dated October 8, 1984.

KINGMAN COUNTY, KANSAS
By DONNA BROWN, County Clerk

Doc. No. 002555

(Published in the KANSAS REGISTER, October 18, 1984.)

NOTICE OF BOND SALE
\$870,214.53
GENERAL OBLIGATION SEWER
IMPROVEMENT BONDS
OF THE
CITY OF HIAWATHA, KANSAS

The CITY OF HIAWATHA, KANSAS will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, 723 OREGON, HIAWATHA, KANSAS, until 5:35 o'clock P.M., C.D.T., on

MONDAY, OCTOBER 22, 1984

for \$870,214.53 par value GENERAL OBLIGATION SEWER IMPROVEMENT 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 1984 Bonds will be dated as of November 1, 1984, and shall mature on November 1 in each of the years and in the amounts set forth below. Such Bonds shall consist of fully registered certificated bonds, each in the denomination of \$5,000.00 or integral multiples thereof, except one Bond in denomination of \$5,214.53, not exceeding the principal amount of Bonds maturing in each year. Interest will be payable semiannually, commencing November 1, 1985, and each May 1 and November 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 (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"). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the City.

The Bonds will mature serially in accordance with the following schedule:

<i>Principal Amount</i>	<i>Maturity Date</i>
\$10,214.53	November 1, 1986
15,000.00	November 1, 1987
20,000.00	November 1, 1988
20,000.00	November 1, 1989
25,000.00	November 1, 1990
25,000.00	November 1, 1991
30,000.00	November 1, 1992
30,000.00	November 1, 1993
35,000.00	November 1, 1994
40,000.00	November 1, 1995
45,000.00	November 1, 1996
50,000.00	November 1, 1997
55,000.00	November 1, 1998
60,000.00	November 1, 1999
65,000.00	November 1, 2000
75,000.00	November 1, 2001
80,000.00	November 1, 2002

90,000.00
 100,000.00

November 1, 2003
 November 1, 2004

Redemption

Bonds maturing November 1, 1995, and thereafter, are subject to call for redemption and payment prior to their respective maturities at the option of the City on and/or after November 1, 1994, in whole at any time or in part in inverse order of maturity, and by lot within maturities, on any interest payment date, at a redemption price of 102% (expressed as a percentage of the par value of the principal amount thereof), plus accrued interest to the redemption date.

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 30 days prior to the date fixed for such redemption and payment. Interest on the Bonds so called for redemption and payment will cease to accrue after the redemption date, provided notice has been given and funds are then available to pay the full redemption price thereof.

Interest Rate

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding eight (8) 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 and lowest interest rates specified in any bid shall not exceed two and one-half percent (2½%). No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being the "20 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 (October 15, 1984), plus 2%, and no bid of less than par and accrued interest will be considered. Bids for less than the entire issue of Bonds will not be considered.

Bid Form and Good Faith Deposit

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City at CITY HALL, 723 OREGON, HIAWATHA, KANSAS 66434, ATTENTION: LAURIE E. NEEMANN, 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 HIAWATHA, 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.

Award of Bids

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 of the Bonds

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. THE NUMBER, DENOMINATION OF BONDS AND NAMES OF THE INITIAL REGISTERED OWNERS TO BE INITIALLY PRINTED ON THE BONDS SHALL BE SUBMITTED IN WRITING BY THE SUCCESSFUL BIDDER TO THE BOND REGISTRAR NOT LATER THAN NOVEMBER 6, 1984. 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. Payment for the Bonds shall be made in immediately available funds. Delivery of the Bonds will be made to the successful bidder on or before NOVEMBER 20, 1984 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.

Legal Opinion

Bids shall be conditioned upon the unqualified approving opinion of Gaar & Bell, Bond Counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each Bond and a manually signed original will be furnished without expense to the purchaser of the Bonds at the delivery thereof. 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.

Purpose of Issue

The Bonds are being issued for the purpose of constructing certain sewer improvements in the City of Hiawatha, Kansas.

CUSIP Identification Numbers

CUSIP identification numbers will be printed on said Bonds. 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

Assessed valuation figures for the City of Hiawatha, Kansas, for the year 1983, are as follows:

Equalized Assessed Valuation of Taxable,	
Tangible Property	\$ 8,867,210
Tangible Valuation of Motor Vehicles	\$ 1,727,765
Tangible Valuation of Motor Vehicle Dealers' Inventory	\$ 127,138
Assessed Valuation of Farm Machinery and Equipment (1982)	\$ -0-
Assessed Valuation of Business Aircraft (1982) ..	\$ -0-
Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations	\$10,722,113

Bonded Indebtedness

The total bonded indebtedness of the City of Hiawatha, Kansas, at the date hereof, including this \$870,214.53 proposed issue of Bonds, is in the amount of \$1,877,214.53. The City currently has outstanding Temporary Improvement Notes in the amount of \$1,194,300.00 which will retire \$694,300.00 of said outstanding Temporary Notes from the proceeds of the Bonds.

Official Statement

Additional copies of this Notice of Bond Sale, or copies of the City's Official Statement relating to the Bonds, or further information may be received from the office of the City Clerk, City Hall, 723 Oregon, Hiawatha, Kansas 66434, or First Securities Company of Kansas, Inc., Wichita, Kansas 67202 (316-262-4411), the City's financial consultants.

Dated October 9, 1984.

CITY OF HIAWATHA, KANSAS
By LAURIE E. NEEMANN, City Clerk

Doc. No. 002553

KANSAS: A LAND OF TOURIST DELIGHTS

"Toto, I have a feeling we aren't in Kansas any more."
—Dorothy, *The Wizard of Oz*

Numerous interesting places and special events make Kansas a fine attraction for tourists. Out-of-state visitors, as well as Kansans seeking things to do close to home, will find a wide variety of special places and activities. Some of the more unusual are: the world's largest hand-dug well; a barbed wire museum; a collection of Sigmund Freud's papers; the International Pancake Race; and an Indian Peace Treaty pageant.

Highlighting the attractions in Kansas are the following:

PLACES TO VISIT

The **Dyche Museum of Natural History** at the University of Kansas is a popular tourist attraction in Kansas. The Dyche Museum offers such displays as dinosaur bones, a real working beehive, and a full-life "diorama" featuring stuffed animals. Dyche Hall, which houses the museum, is on the National Register of Historic Places.

The **Pony Express Station** near Hanover is the only original and unaltered pony express station still standing in the United States. The Hollenberg Ranch Station, as it was called, was located on the Oregon Trail. G. H. Hollenberg built and owned the Hollenberg Ranch, and founded the town of Hanover. The Hollenberg Station is now owned by the State of Kansas and houses a museum.

Historic Wichita Cowtown is an authentic reproduction of a frontier town of 100 years ago. Located on the bank of the Big Arkansas River, Cowtown displays a number of buildings, most of which are open to visitors. Five buildings are original and over a century old, and others are restorations or reproductions. All faithfully include fixtures, tools, utensils, and clothing of the time. Buildings on display, representing both homes and businesses of a century ago, include: church, drugstore, blacksmith shop, saloon, newspaper office, dress shop, doctor's office, jail, Munger Home, honeymoon cottage and others. Also on the Cowtown grounds are a restaurant for public dining and private gatherings, and souvenir shops. Displays are open to the public daily during the summer and on some days during the spring and fall.

The Kansas town of Abilene is well-known as the home and final resting place of famous General and President of the United States, Dwight D. Eisenhower. The **Eisenhower Center**, a popular tourist attraction, includes the Eisenhower Family Home, the Museum and Library, a Visitors' Center, and the Place of Meditation where Eisenhower is buried. The family home is on its original site and contains original furnishings belonging to the family. The center was developed by the Eisenhower Foundation with private contributions. Since 1966, the General Services Administration of the federal government has run the center, with the operation being financed by an admission fee at the museum. The museum contains thousands of mementoes of Eisenhower's military career and Presidency. The Library features exhibits,

and has research facilities for scholars. In the Visitors' Center a free movie about Eisenhower's life and the Presidential Library is shown regularly.

The only **Museum of Independent Telephony** in the United States is located in Abilene. Featured in the museum are a collection of rare old phones dating from 1875 and a large research library. Admission is free and guided tours are available.

Dodge City, once the "Cowboy Capital of the World," has several interesting features. The highlight is an authentic reproduction of Old Front Street as it appeared in 1872 at the foot of Boot Hill cemetery. The display includes the famous Long Branch Saloon, and gun fights are staged during the summer. Other attractions in Dodge City are the Boot Hill Western Museum, the Beeson Museum, and the home of Colonel R. J. Hardesty, an early day cattle baron.

Lindsborg, rich in Swedish heritage and tradition, has a unique Main Street with a European flavor. The McPherson County Old Mill Museum complex includes the restored, century old, Smoky Valley Roller Mill, in operational condition, the Swedish Pavilion from the St. Louis World's Fair, and a large variety of early frontier collections. The Mill and Pavilion are both on the National Register of Historic Places. Bethany Lutheran Church, home of Bethany College, contains a century-old hand carved railing and Birger Sandzen murals. Coronado Memorial Park gives a spectacular view of the entire Smoky Valley. There are many quaint shops and art galleries in Lindsborg, and many Ethnic festivals and cultural events, most notably the famous annual Messiah Festival, are held in Lindsborg.

The **Brookville Hotel**, built in 1870 is nationally famous for its family style fried chicken and its old-fashioned atmosphere.

The **State Capitol** in Topeka is one of the most beautiful state capitols in the country. The building features extensive murals, elaborate frescoing and beautiful woodwork. The chambers of the Senate and House of Representatives are outstanding examples of 19th century decor. There are a number of historic attractions throughout the building, and other state buildings such as the Judicial Center and the State Office Building can also be viewed in Topeka. The State Historical Society has a free museum open to the public.

The world-famous **Menninger Foundation** in Topeka is a psychiatric center for professional education, research, treatment and prevention of mental illness. The main building of the foundation's west campus is fashioned after Independence Hall. It contains a unique collection of papers and objects related to psychiatry, including one of the largest accumulations of Sigmund Freud papers in the country.

Historic Fort Scott in extreme eastern Kansas is an authentic military fort which played a role in the nation's westward expansion. The fort was established in 1842 as part of a series of forts intended to help

maintain peace between the Indians to the west and the white men to the east. Fort Scott, which covers 14 acres with 19 structures thereon, is a National Historic Park and has been restored by the National Park Service.

The **Safari Museum** in Chanute honors the late Osa and Martin Johnson, noted for their outstanding contributions in wildlife, photography, and exploration. The museum dedicated to them contains trophies and souvenirs of their African trips.

The infamous Dalton family of desperados made a bloody raid on the city of Coffeyville, October 5, 1892, in an attempt to rob two banks simultaneously. Death Alley and the graves of two of the gang can be seen. The **Dalton Museum** open daily displays mementoes of the famous gun battle and western memorabilia.

The **Emmett Kelly Museum** at Sedan honors the world-famous circus clown who was born in that town.

"**Little House on the Prairie**," near Independence, is a recreated log cabin on the actual site where Laura Ingalls Wilder lived as a child. Wilder wrote the nine children's books which provide the basis for the "Little House on the Prairie" television series. The cabin, a one-room schoolhouse and an early-day rural post office are located on the site 13 miles southwest of Independence.

Fort Larned was established in 1859 by the U.S. Army to protect travelers and commerce on the Santa Fe Trail. The Fort also served as a military base for action against hostile Indians, and later as a center for peaceful relations with the tribes. The Fort Larned National Historic Site, located six miles west of Larned, is administered by the National Park Service. The site is open to tourists all year.

Located just off I-70, **Fort Riley** is one of the nation's most important military installations. It is the home of the famous 1st Infantry Division, the "Big Red One." The historic 100,000 acre military reservation has many beautiful limestone buildings, barracks and homes. Also located at Fort Riley is the first Territorial Capitol of Kansas, maintained by the state as a public museum housing artifacts important in the taming of the Old West. Also on the grounds of the Fort are the U.S. Cavalry Museum, a herd of buffalo, and quarters which General Custer used when he was stationed at the Fort.

The **Greyhound Hall of Fame** in Abilene pays tribute to famous racing dogs and personalities connected with the sport. It features a miniature race track and other displays. Abilene is also the site of the National Greyhound Association Meet, the "world series" of greyhound racing.

The **Brown Grand Theatre**, Concordia, opened as an Opera House in 1907. Built at a cost of \$40,000, it was elegantly decorated in white, green and gold with 535 "electric bulbs." The theatre showed motion pictures from 1925-1974, during which time the inside was repainted pink and blue. The building fell into disrepair, but in 1973 it was named a National Historic Site. From 1973 to 1980 a committee of interested people worked to restore the Brown Grand, with funding from private contributions and government grants. It was

reopened in 1980 and is once again an elegant theatre which presents a variety of live entertainment.

Fort Leavenworth is the oldest army post in continuous existence west of the Mississippi River. It was established in 1827 for protection against Indians and as a starting point for wagon trains. The fort is now the site of the world famous U.S. Command and General Staff College. Points of interest include the Post Museum, with an exhibit of 19th Century horse-drawn vehicles; Bell Hall, home of the Command and General Staff College; the French cannon; the U.S. Disciplinary Barracks; and the National Cemetery. The Leavenworth Federal Penitentiary is also located in the area.

Located on I-70 at Colby is the **Thomas County Museum**, also known as the Kuska Museum after the founders of its major collection, Nellie and Joseph Kuska. The museum exhibits an outstanding collection of American and European antique items acquired by the Kuska's, including dolls, glass, ceramics, furniture, paintings, textiles, clothing, silver, clocks and collectibles, and also has a gallery devoted to the history of Thomas County. The Kuska collection is valued at \$2 million.

Two award-winning zoos are located in Kansas: the **Sedgwick County Zoo** and the "World-Famous Topeka Zoo."

The Sedgwick County Zoo in Wichita has six major exhibit areas with more than 1,000 animals. It has the only underwater hippo viewing tank in the world, and conducts an extensive educational program. The zoo has been featured in *National Geographic* and *Smithsonian* magazines.

The "World-Famous Topeka Zoo" features a tropical rain forest which was the first of its type in the world, and which is unique in the number and variety of animals it has. The Topeka Zoo has about 500 animals of 200 different species, and it is open to the public every day of the year.

SPECIAL EVENTS

One of the most interesting events in Kansas is the **International Pancake Race** in Liberal each Shrove Tuesday (the day before Ash Wednesday). The race is run in competition with Olney, England—home of the original Pancake Race. Legend has it that over 500 years ago a housewife was using up cooking fats (forbidden during Lent) to bake pancakes on Shrove Tuesday. When the bell tolled calling all to the shriving service, in her haste she forgot to remove her apron and ran to the church with skillet still in hand. Her neighbors, not to be outdone, got into the act the next year and carried their skillets to church. The race has been run ever since, with Liberal joining in 1950. Female competitors wearing housedresses, aprons and headscarves run an S-shaped course, carrying skillets and flipping their pancakes twice.

The oldest continuous annual event in Kansas is the **Old Soldiers and Sailors Annual Reunion** in Erie each July. First held in 1873, it is now sponsored by the American Legion Post 102. With a rodeo on Tuesday

(continued)

and Wednesday nights, the highlight of the week is the traditional "Bean Feed" on Friday night.

An **Indian Peace Treaty Pageant** is staged every three years in the autumn, at Memorial Peace Park in Medicine Lodge. A cast of 1,000 presents the pageant in memory of peace treaties negotiated by the United States with five hostile Plains Indian tribes in 1867.

The **National Junior College Basketball Tournament** is played in Hutchinson each March.

The **Annual Kansas Barbed Wire Swap and Sell Session** meets in May in La Crosse.

Bluegrass Festival and Flat-Picking Championship Contest is held in Winfield the third weekend in September.

There is **Horse Racing** at Eureka Downs in Eureka during the spring, summer and early fall.

Bethany College in Lindsborg is world-famous for its **Messiah Festival** held annually during Holy Week since 1882.

Neewollah (Halloween spelled backwards) is an annual week-long celebration in Independence. Held the last week in October, it is the largest local celebration in Kansas. Events include a giant parade, a

carnival, street acts, concerts, Queen pageants, dances, and a campers' rally.

At Baldwin, a **Maple Leaf Festival** is held the third weekend in October.

The **Biblesta** at Humboldt is an annual parade which portrays Biblical scenes in floats. It is held the first Saturday in October.

The annual **Kansas State Fair** is held at the Fairgrounds in Hutchinson in mid-September. Attractions include exhibits, games, rides, agricultural shows, and concerts by popular musical performers.

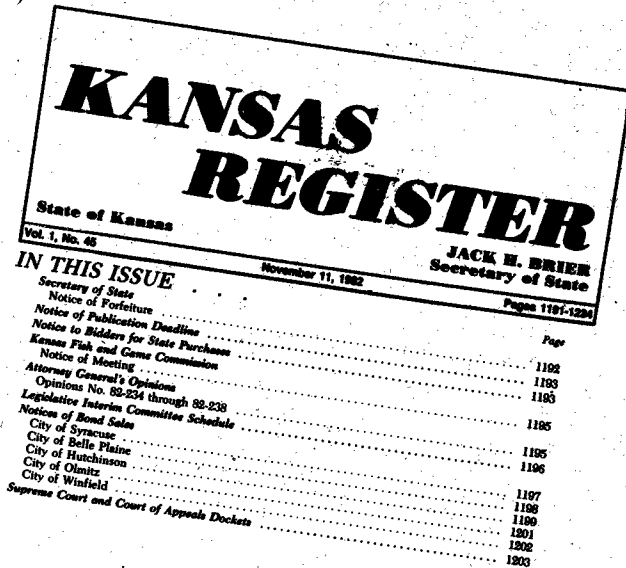
An **After Harvest Czech Festival** is held annually, the last Saturday in July, at Wilson, the "Czech Capital of Kansas."

The annual **Scott County Easter Pageant** at Scott City is a special religious program presented by volunteers in the area. It is staged out of doors on each Good Friday evening.

Numerous **county fairs and community festivals** attract large crowds during the summer months. The fairs feature farm exhibits, culinary and sewing competitions, rides, games and displays.

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