

# KANSAS REGISTER

State of Kansas

**JACK H. BRIER**  
Secretary of State

Vol. 4, No. 3

January 17, 1985

Pages 33-64

IN THIS ISSUE . . . . .	Page
<b>State Planning Council on Developmental Disabilities Services</b>	
Notice of Meeting . . . . .	34
<b>Department of Transportation</b>	
Notice of Meetings . . . . .	34
<b>Department of Health and Environment</b>	
Notice of Hearing . . . . .	34
Request for Engineering and Technical Services . . . . .	35
<b>Department of Human Resources</b>	
Notice of Review of Grant Application . . . . .	35
<b>Attorney General</b>	
Opinion No. 85-4 . . . . .	36
<b>Notice to Bidders for State Purchases . . . . .</b>	36
<b>Secretary of State</b>	
Notice of Corporation Forfeitures . . . . .	37
<b>State Board of Embalming</b>	
Notice of Hearing on Proposed Administrative Regulations . . . . .	39
<b>Temporary Administrative Regulations</b>	
Securities Commissioner . . . . .	39
Department of Administration . . . . .	40
Social and Rehabilitation Services . . . . .	41
Department of Corrections . . . . .	50
Board of Healing Arts . . . . .	52
Board of Nursing . . . . .	52
<b>State Corporation Commission</b>	
Notice of Motor Carrier Hearings . . . . .	54
<b>Notice of Bond Sale</b>	
City of Hutchinson . . . . .	58

**State of Kansas**  
**SOCIAL AND REHABILITATION SERVICES**  
**STATE PLANNING COUNCIL ON**  
**DEVELOPMENTAL DISABILITIES SERVICES**

**NOTICE OF MEETING**

The State Planning Council on Developmental Disabilities Services will meet at 10:00 a.m., Tuesday, January 29, 1985, in the Biddle Building, 2nd Floor, Topeka State Hospital, Topeka, KS.

**JOHN KELLY**  
 Executive Secretary

Doc. No. 002804

Blvd., Topeka, KS; and on February 14 from 10:00 a.m. to 12:00 noon in the City Commissioner's Room, Avenue B and Walnut St., Hutchinson, KS.

The Office of Rail Programs will be gathering public comments in order to assess:

1. The direct impact on the rail users and communities located on Santa Fe and Southern Pacific lines;
2. The indirect impact on rail users and communities located on other rail lines; and
3. The impact on the total state transportation system.

Those who cannot attend the public meetings but who wish to have their comments considered may write to John R. Scheirman, Chief of Rail Programs, KDOT, 8th Floor, State Office Building, 10th and Topeka Blvd., Topeka, KS 66612.

**JOHN B. KEMP**  
 Secretary of Transportation

Doc. No. 002791

**State of Kansas**  
**DEPARTMENT OF TRANSPORTATION**

**NOTICE OF PUBLIC MEETINGS**

The Office of Rail Programs, Kansas Department of Transportation (KDOT), will hold two informal public meetings February 12 and 14, 1985, to receive public comment on the proposed merger of the Santa Fe and Southern Pacific Railroad Companies. The proposed merger is presently under consideration by the Interstate Commerce Commission (ICC).

In order to assure that the economy of the state is protected in this consolidation, Governor John Carlin has charged the Office of Rail Programs with the responsibility of developing an in-depth analysis of the merger's impact, including the development of recommendations to the ICC. In carrying out this responsibility, the Office of Rail Programs will hold two informal public meetings to solicit opinions and comments from Kansans and Kansas groups who would potentially be affected by the merger.

The meetings will be held February 12 from 3:00 p.m. to 5:00 p.m. in the KDOT Conference Room #1, 7th Floor, State Office Building, 10th and Topeka

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

**NOTICE OF HEARING**

The Kansas Department of Health and Environment will conduct a public hearing in regards to the Certificate of Need application by the University of Kansas Medical Center, Kansas City, Kansas to purchase Nuclear Magnetic Resonance equipment at the cost of \$2,400,000. The hearing will be conducted at 1:00 p.m., Friday, February 8, 1985 at the Wyandotte County Health Department, 619 Anne Ave., Kansas City, KS. Any affected person will be allowed to testify or to cross examine the witnesses.

**BARBARA J. SABOL**  
 Secretary of Health  
 and Environment

Doc. No. 002810

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



PHONE: 913/296-3489

## State of Kansas

**DEPARTMENT OF HEALTH  
AND ENVIRONMENT****REQUEST FOR QUALIFICATIONS  
FOR ENGINEERING AND  
TECHINICAL SERVICES**

The Division of Environment, Kansas State Department of Health and Environment, pursuant to K.S.A. 75-430a and 75-5803, is establishing a list of prequalified firms for engineering and technical services. Firms are invited to submit qualifications for engineering and technical services as required in connection with the Kansas State Superfund for remediation of inactive hazardous waste disposal sites (K.S.A. 65-3452 through 65-3457), and the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (P.L. 96-510, commonly known as "Superfund"), and other state activities at various uncontrolled hazardous waste disposal sites in the state of Kansas.

These professional engineering-related services are for: 1) cleanup plan design and review including: a) geotechnical and soil exploration and hydrogeologic investigations necessary to develop and propose feasible alternatives; b) sampling of hazardous materials and containers (drums, tanks, etc.); c) chemical analyses of soil, water, air, and waste samples; d) evaluation of chemical analyses; e) development of compatibility testing protocols, disposal methods, and safety plans; f) development, evaluation, and cost-effective analyses of disposal and remedial alternatives; g) development of design; h) preparation of plans, specifications and construction documents; 2) mitigation of adverse environmental impact, and 3) cleanup activities undertaken in accordance with K.S.A. 65-3452 *et seq* including: a) environmental monitoring and surveillance to determine impact of cleanup activities; b) oversight of field activities, construction management and consultation; c) preparation of environmental assessments; and d) application for necessary permits.

Interested firms must submit completed Kansas Forms ASD-E1, Statement of Qualifications and WM-1, Personnel Qualifications or Standard Forms (SF) 254 and 255 U. S. Government Architect-Engineer Qualifications, in duplicate to Karl F. Birns of the Bureau of Waste Management, Building 321, Kansas Department of Health and Environment, Forbes Field, Topeka, KS 66620, by the close of business (COB) February 11, 1985 in order to be considered. Requests for submission forms or telephone inquiries may be directed to Mr. Birns at (913) 862-9360, ext. 593.

In order to remain in consideration, firms on a current list need only submit an updated SF 255 by COB January 1 yearly as appropriate. All firms are responsible for providing yearly updates of SF 255.

In preparing these documents for submission, the response should relate only to the firm's activities in connection with hazardous waste disposal sites and should list experience in related projects, including a brief description of each project and functions, per-

formed. Firms are requested not to submit promotional materials. Proximity to a project, as well as experience and qualifications, will be elements of consideration.

The qualifications of all firms responding to this announcement will be reviewed and uniformly evaluated. Selection criteria will include: (1) specialized experience of the firm in the type of work required; (2) qualifications of professional staff for performance of desired services; (3) whether the required work will be done in-house or joint venture; and (4) past experience, if any, with respect to the firm's state and federal contract performance. A list of qualified engineering firms and other firms furnishing the services as described above, who will be eligible for contracts at uncontrolled hazardous waste disposal sites, will be established, maintained, and annually updated.

Contracts awarded under this request for qualifications may be funded in part by a grant from the United States Environmental Protection Agency. This procurement will be subject to regulations contained in Attachment 0 of the United States OMB Circular A-102. Neither the United States nor the United States Environmental Protection Agency will be a party to this Request for Qualifications or any resulting contract.

This is not a request for proposals. As actual projects arise, proposals from at least three prequalified firms will be requested. Minority business enterprises will be afforded full opportunity to submit qualifications and are encouraged to respond to this invitation and will not be discriminated against on the ground of race, color, sex or national origin.

A meeting will be held in Topeka, KS, January 28, 1985 at Forbes Field, Building 321, at 10:00 a.m. local prevailing time, to discuss specifics of the qualification process. All interested firms are invited to send representatives to this meeting.

BARBARA J. SABOL  
Secretary of Health  
and Environment

Doc. No. 002808

## 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.

**KS850104-002-17801KS**—Application to Department of Labor for \$65,500 to utilize modern audio-visual equipment which will be used in educational programs, counseling, job search workshop programs and explain the Veteran's Program to both the em-

(continued)

ployer and the veteran. Contact Charlie Geist, Kansas Department of Human Resources, 401 Topeka Ave., Topeka, KS 66603; 913/296-5033. No review required.

**KS850107-001-20102SN**—Preapplication to Department of Transportation for \$2,376,000 for airport improvements to the Topeka Forbes Field Airport. These improvements include noise and clear zone easements, crash/fire/rescue vehicle, combination snowbarn/CFR Building and land acquisition. Contact Carl Pritchett, Metropolitan Topeka Airport Authority, P.O. Box 19053, Topeka, KS 66619; 913/862-2362. Comments due by February 16, 1985.

**KS850107-002-20507SG**—Application to Department of Transportation for \$131,189 to purchase twenty-six RTS Air conditioning retrofit kits. Contact Jerry Baker, Wichita Metropolitan Transit Authority, 1825 S. McLean Blvd., Wichita, KS 67213-4197; 316/265-1450. Comments due by February 16, 1985.

**KS850109-001-11550TH**—Application to Department of Commerce for \$205,976 to set up a Public Telecommunications Facilities Program in Northwest Kansas. Contact James Grote, Ph.D.; Colby Community College, 1255 S. Range, Colby, KS, 67701; 913/462-3984. Comments due by February 18, 1985.

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

Doc. No. 002811

## State of Kansas

### ATTORNEY GENERAL

#### Opinion No. 85-4

**Intoxicating Liquors and Beverages—Licensing—Persons to Whom Licenses Not Issued. John A. Lamb, Director of the Alcoholic Beverage Control Division of the Department of Revenue, Topeka, January 9, 1985.**

K.S.A. 1984 Supp. 41-311(b)(5) provides that a retailer's liquor license may not be issued to a "copartnership" unless each copartner is individually qualified to be licensed, while paragraph (6) prohibits the issuance of such a license to a corporation. While a limited partnership resembles a corporation in certain respects, such as the protection from liability of the limited partners, who resemble shareholders, it is nonetheless a form of partnership. Accordingly, in the absence of specific language concerning a limited partnership, the requirements of paragraph (5), rather than the prohibitions of paragraph (6), should be applied in the issuance of a retailer's liquor license to a limited partnership. Cited herein: K.S.A. 1984 Supp. 41-311, K.S.A. 56-125, 56-128, 56-131, 56-134, 56-136, 56-138. JSS

ROBERT T. STEPHAN  
Attorney General

Doc. No. 002805

## 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, JANUARY 28, 1985**

#26390

Department of Transportation, Topeka—FLATBED AND DRUM PLOTTER SUPPLIES

#60415

Kansas Fish and Game Commission, Pratt—LOAD, HAUL AND SPREAD GRAVEL, Norton Reservoir

#60416

Department of Transportation, Garden City—BLADES

#60418

University of Kansas Medical Center, Kansas City—HOSPITAL UNDER-BED SCALES

#60421

Department of Social and Rehabilitation Services, Topeka—CONTINUOUS FORMS—"FP-T"

**TUESDAY, JANUARY 29, 1985**

#A-4980(a)

Winfield State Hospital and Training Center, Winfield—RETUBING BOILER UNIT #2, Holly Power Plant Facility

#A-4992

Norton State Hospital, Norton—REPLACE WATER LINES, Kenney Building

#26252 (Supplement)

University of Kansas Medical Center, Kansas City and statewide—GLOVES, PACKS AND TRAYS (Class 06)

#60422

University of Kansas Medical Center, Kansas City—AUDIO VISUAL EQUIPMENT, Wichita

#60424

Larned State Hospital, Larned—TRENCH GRATES

#60425

Kansas Fish and Game Commission, Pratt—GRASS SEEDS AND MIXES, various locations

#60427

Kansas State Industrial Reformatory, Hutchinson—BEVERAGE SYRUP

**WEDNESDAY, JANUARY 30, 1985**

#A-4984

Parsons State Hospital and Training Center, Parsons—HOT WATER PIPING REPLACEMENT

#A-5168

Kansas Correctional Vocational Training Center, Topeka—SEAMLESS FLOORING INSTALLATION

#60428

Kansas State Industrial Reformatory, Hutchinson—MISCELLANEOUS MEATS

#60429

Kansas Correctional Vocational Training Center, Topeka—DISHWASHER AND HEATER

#60430

Department of Transportation, various locations—VEHICLES

#60431

Department of Social and Rehabilitation Services,  
Topeka—TEXTILE TAPE

#60432

University of Kansas, Lawrence—  
MICROCOMPUTER ELECTRONIC ADDRESSING  
SYSTEM

#60459

University of Kansas, Lawrence—PROVIDE AND  
ASSEMBLE COOLING TOWER AND REMOVE  
EXISTING TOWER

**THURSDAY, JANUARY 31, 1985**

#A-4920

University of Kansas, Lawrence—J. R. PEARSON  
HALL KITCHEN UPGRADING

#26386

Statewide—ENVELOPES—UNPRINTED

#60433

Kansas Neurological Institute, Topeka—BABY  
FOOD

#60434

Kansas State University, Manhattan—MILO

#60441

Fort Hays State University, Hays—ELEVATOR  
REPAIR

#60445

Fort Hays State University, Hays—FURNISH AND  
INSTALL REFRIGERANT COMPRESSOR

#60446

University of Kansas, Lawrence—VERTICAL COPY  
CAMERA

#60447

Topeka State Hospital, Topeka—BEDSPREAD/  
BLANKETS

**FRIDAY, FEBRUARY 1, 1985**

#26384

University of Kansas, Lawrence—MEAT  
PRODUCTS (MARCH 1985)

#26389

Statewide—MEAT PRODUCTS (MARCH 1985)

**TUESDAY, FEBRUARY 5, 1985**

#26388

Department of Revenue and Department of  
Administration, General Services, Topeka—PRE-SORT  
MAILING SERVICE

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 002806

**State of Kansas****SECRETARY OF STATE****NOTICE OF FORFEITURE**

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of the State of Kansas and the authority of the following foreign corporations to do business in the State of Kansas were forfeited December 17, 1984, for failure to file an annual report and pay the annual franchise tax, as required by the Kansas General Corporation Code.

Cancelled 12/17/84 for failure to file the 5/31/84  
annual report:

**Domestic for Profit**

Adams Grocery Company, Inc., Coffeyville, KS.  
Albertson Enterprises, Inc., Wichita, KS.  
Allsat, Inc., Merriam, KS.  
Automotive Equipment Warehouse, Inc., Lenexa, KS.  
Belpre Oil, Inc., Great Bend, KS.  
Biggs Grocery, Inc., Pittsburg, KS.  
Branding Iron Motel, Inc., Wichita, KS.  
BRC, Inc., Emporia, KS.  
Brennan Sales, Inc., Wichita, KS.  
Castle Electronic, Inc., Overland Park, KS.  
Clark Feed Co., Inc., Barnes, KS.  
Commercial Enterprises, Inc., Kansas City, MO.  
Complete Plumbing, Inc., Wichita, KS.  
Consumer's Pharmacy, Inc., Wichita, KS.  
Country Smoked Meats, Inc., Lawrence, KS.  
Crystabob Oil, Inc., Longton, KS.  
C-Y Minerals Corporation, Wichita, KS.  
The Depot, Inc., Pittsburg, KS.  
Eliason and Knuth of Topeka, Inc., Topeka, KS.  
Elkhorn Exploration, Inc., Wichita, KS.  
Energy Conservation Products, Inc., Parsons, KS.  
Engel, Inc., Liberal, KS.  
Environmental Systems Analysis, Inc., Mission, KS.  
Fabricators, Inc., Hutchinson, KS.  
Fairway Enterprises, Inc., Russell, KS.  
First Credit Finance, Inc., Topeka, KS.  
5H Industries, Inc., Overland Park, KS.  
Gemtaur Publishing, Inc., Abilene, KS.  
Group II, Inc., Leawood, KS.  
GSB Corporation, Topeka, KS.  
Hallmark Realty, Inc., Wichita, KS.  
Heartland Beverages, Inc., Fairway, KS.  
Hickory House, Inc., Topeka, KS.  
Hillcrest School of Dance, Inc., Lawrence, KS.  
Hinds Fluid Service, Inc., Hugoton, KS.  
Hunan Gardens, Inc., Pittsburg, KS.  
The Huntsman, Inc., Chetopa, KS.  
Income Producing Management, Inc., Wichita, KS.  
Insurance Service Agency, Inc., Dodge City, KS.  
Jacobs, Inc., Kansas City, MO.  
Kandance, Inc., Prairie Village, KS.  
Kan-Tel Corporation, Wichita, KS.  
Kazite Manufacturing, Inc., Coffeyville, KS.  
KS&L Corporation, Inc., Wichita, KS.  
Lease Management Services, Inc., Lenexa, KS.  
The Lemonade Stand, Inc., Atchison, KS.  
Leon Gravel Company, Inc., Leon, KS.  
Lightner-Kanaga Leasing, Incorporated, Wichita, KS.  
Mid-America Credit Services, Inc., Shawnee, KS.  
Mid Continent Pipe & Supply, Inc., Wichita, KS.  
Mid-Co Photo Service, Inc., Wichita, KS.  
Mid State Oil Co., Inc., Plainville, KS.  
Midwest Grain, Inc., Sharon Springs, KS.  
Murr Tank and Manufacturing Inc., Sedan, KS.  
Myron Green Cafeterias of Kansas, Inc., Topeka, KS.  
Myron Green of Topeka, Inc., Topeka, KS.  
Nate Apple, Inc., Louisburg, KS.  
National Chassis Corporation, Shawnee Mission, KS.

*(continued)*

New Cedar Estates Corporation, Topeka, KS.  
 Northwest Investors, Inc., Lansing, KS.  
 Perpetual Production Corp., Towanda, KS.  
 Pier Five, Inc., Ellsworth, KS.  
 P-T Investments, Inc., Overland Park, KS.  
 R's Auto Repair, Inc., Goodland, KS.  
 Real Estate of Oz, Inc., Wichita, KS.  
 Reilly Enterprises, Inc., Overland Park, KS.  
 The Roost, Inc., Goodland, KS.  
 R. W. Wells, Inc., Overland Park, KS.  
 Sandborn Insurance Agency, Inc., Overland Park, KS.  
 Seahorse Pool and Spa of Wichita, Inc., Wichita, KS.  
 Sebo, Inc., Russell, KS.  
 Seguin Grain and Fertilizer, Inc., Grainfield, KS.  
 Solar Pioneering, Inc., Meade, KS.  
 Southwest Corn Company, Inc., Garden City, KS.  
 Strawberry Type, Inc., Kansas City, KS.  
 Sur-Fire Oil, Inc., Chanute, KS.  
 Target Market Tactics Corporation, Mission, KS.  
 Theta Corporation, Wichita, KS.  
 Three Lil' Pigs, Inc., Mount Hope, KS.  
 311 Club, Inc., Hutchinson, KS.  
 T.L.A. Inc., Garden City, KS.  
 T. R. Wardolph, Inc., Topeka, KS.  
 Wheat and Hayter Cattle Company, Inc., Wichita, KS.  
 Wirth, Inc., Lincoln, KS.

#### Foreign for Profit

A. E. Petsche Company, Inc., Arlington, TX.  
 Alfa Resources, Inc., Denver, CO.  
 American Trailers, Incorporated, Oklahoma City, OK.  
 The Bottom Line—Computers, Inc., Liberty, MO.  
 Certified Capital Correspondent, Inc., Las Vegas, NV.  
 Crested Butte Silver Mining, Incorporated,  
 Riverton, WY.  
 Dale System Incorporated, Garden City, NY.  
 D-A Lubricant Company, Inc., Indianapolis, IN.  
 Duane W. Gagle Company, Inc., Bartlesville, OK.  
 Dumfrieshire Corporation, New York, NY.  
 Eliason and Knuth, Inc. of Missouri, Lincoln, NE.  
 Enerco International, Inc., N. Kansas City, MO.  
 Flint Steel Corporation, Tulsa, OK.  
 J. L. Allen Co., Tuscola, IL.  
 Kent Resources Corp., New York, NY.  
 La Jet, Inc., Abilene, TX.  
 Leeman Energy Corporation, Oklahoma City, OK.  
 Linco Interiors, Inc., Lincoln, NE.  
 Mason Enterprises, Inc., Marshalltown, IA.  
 Mo/Kita Distributing Company, Inc., Glen Allen, MO.  
 Mountain West Petroleum Co., Englewood, CO.  
 National Medical Oxygen Co., Inc., Modesto, CA.  
 Overland Energy of Colorado, Inc., Denver, CO.  
 Steve Jernigan, Inc., Oklahoma City, OK.  
 Swanson Broadcasting, Inc., Tulsa, OK.  
 Tasty Frozen Products Inc., Old Bethpage, NY.  
 Tex-Air Gas Co., Inc., Amarillo, TX.  
 Town and Country Properties, Inc.,  
 Overland Park, KS.  
 Western Merchandisers, Inc., Amarillo, TX.

#### Professional Association

A. W. Dewdney, M.D., P.A., Topeka, KS.  
 Drs. Luthi & Rosentreter, P.A., Olathe, KS.

Cancelled 12/17/84 for failure to file the annual report  
 due after 9/17/84 extension:

#### Domestic for Profit

Dependable Developers, Inc., Hutchinson, KS.  
 Fairchild Ranches, Inc., Bunker Hill, KS.  
 Grain Spouting & Elevators of Kansas, Inc.,  
 Hutchinson, KS.  
 Tyco, Inc., Iola, KS.  
 Underground Engineering Inc., Wichita, KS.

#### Foreign for Profit

Avco Financial Services Securities, Inc.,  
 Newport Beach, CA.  
 Datacomm Leasing Corporation, Danbury, CT.  
 Indian Head Inc., New York, NY.  
 Jefferson-Williams Energy Corporation, Dallas, TX.

Cancelled 12/17/84 for failure to correct and return an  
 annual report:

#### Domestic for Profit

Allen Homes, Inc., Wichita, KS.  
 Altoona Manufacturing Co., Inc., Altoona, KS.  
 Apple Advertising Association, Topeka, KS.  
 Big Sandy Farms, Inc., Ogden, KS.  
 Brooks & Associates, Inc., Arlington, TX.  
 Commercial Acoustics, Inc., Stilwell, KS.  
 Community Service Broadcasting Inc.,  
 Dodge City, KS.  
 Corry Energy Enterprises, Inc., Osawatomie, KS.  
 DEC/A, Inc., Overland Park, KS.  
 The Dock, Inc., Topeka, KS.  
 Energy Savers, Inc., Leawood, KS.  
 Family Heritage Institute, Inc., Atlanta, GA.  
 The Gallery of Hair Design, Incorporated,  
 Wichita, KS.  
 Hayden Equipment, Inc., Garnett, KS.  
 Herington Bancshares, Inc., Herington, KS.  
 HJD Cattle Co., Inc., Garden City, KS.  
 John E. Colyer Company, Inc., Lawrence, KS.  
 Kansas Propane, Inc., Mayetta, KS.  
 Lucas Investment, Inc., Lucas, KS.  
 Metro-Plex Information Systems, Inc.,  
 Overland Park, KS.  
 Prozone Corporation, Wichita, KS.  
 Rudy Davis Production, Inc., Junction City, KS.  
 Schirmer Consulting, Inc., Wichita, KS.  
 Ultralights Unlimited, Inc., Johnson, KS.  
 Willard's, Inc., Osawatomie, KS.

#### Foreign for Profit

Browning-Ferris Industries of Kansas City, Inc.,  
 Kansas City, MO.  
 Collateral Control Corporation, New York, NY.  
 Felco, Inc., Tulsa, OK.  
 A Gathering of Eagles, Inc., Reno, NV.  
 Homes by Candle Light, Inc., Lee's Summit, MO.  
 Kenworthy Air Freight Services, Inc.,  
 Indianapolis, IN.  
 Sampson Paint & Hardware, Incorporated,  
 Kansas City, MO.  
 Stanley Steamer International, Inc., Dublin, OH.  
 Superior Tea and Coffee Company, Chicago, IL.  
 Vibrasonics, Inc., Billings, MT.

Victor United, Inc., Scotts Valley, CA.  
WAB Restaurants, Inc., Denver, CO.

**Domestic not for Profit**

Calvary Baptist Church, Incorporated of Topeka,  
Kansas, Topeka, KS.  
A Child's World Day Care Center, Inc., Oskaloosa, KS.  
The Colwich Jaycees, Inc., Wichita, KS.  
Crown Players, Inc., Wichita, KS.  
Edwardsville Jaycees, Inc., Kansas City, KS.  
First United Methodist Church, Inc., Syracuse, KS.  
Handicap Living, Inc., Atchison, KS.  
Horton Jaycees, Inc., Horton, KS.  
Kansas Association for the Physically Handicapped,  
Wichita, KS.  
Newton Aerie #2516 Fraternal Order of Eagles, Inc.,  
Newton, KS.  
The North Lawrence Improvement Assn.,  
Lawrence, KS.  
Prairie Glen Townhouses Cooperative,  
Overland Park, KS.  
The Rooks County Historical Society, Stockton, KS.  
West Side Involvement Corporation, Wichita, KS.  
36-75 Gun Club, Inc., Sabetha, KS.

**Professional Association**

Calvin, Jelinek and Gegen Architects, P.A.,  
Wichita, KS.  
J. R. Russell, Chartered, Kansas City, KS.

**Cancelled 12/17/84 for failure to submit a certificate of  
good standing with the annual report:**

**Foreign for Profit**

Allied Glass Company, Inc., St. Joseph, MO.  
Armstrong Tool & Supply Co., Inc., Healdton, OK.  
C & C Furniture, Inc., Nevada, MO.  
Central Adjustment Bureau, Inc., Dallas, TX.  
Gamma Oil Company, Ponca City, OK.  
Griffin Energy, Inc., Wilmington, DE.  
H. C. Copeland and Associates, Inc., Iselin, NJ.  
H. K. Scott, Inc., Boaz, AL.  
Kay Line Const. Co., Kansas City, MO.  
Liquid Transportation Co., Inc., Medicine Lodge, KS.  
Metro Distributors, Inc., Kansas City, MO.  
Northeastern Oklahoma Contracting Corporation,  
Miami, OK.  
Rio Alto Exploration, Inc., Calgary, Alberta, Canada.  
UHI Corporation, Los Angeles, CA.  
WPC Mid-America Inc., Independence, MO.

**Cancelled 12/17/84 for failure to designate a new resi-  
dent agent within 60 days of resignation of previous  
resident agent:**

**Domestic for Profit**

Tractor 8525, Inc., Fort Scott, KS.

JACK H. BRIER  
Secretary of State

By: JOHN R. WINE, JR.  
Legal Counsel  
Deputy Assistant Secretary of State

Doc. No. 002783

**State of Kansas**

**STATE BOARD OF EMBALMING**

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

The scheduled meeting and hearing of the Kansas State Board of Embalming on Thursday and Friday January 10-11, 1985 has been rescheduled due to the weather.

The rescheduled meeting will be Friday, February 8, 1985 at the board's office: 214 W. 6th St., Suite #203, Topeka, KS 66603. The meeting will begin at 9:00 a.m. with the hearing at 1:15 p.m.

The hearing is on amended regulations K.A.R. 63-1-8 and K.A.R. 63-3-20. A fiscal impact statement and a copy of the text can be obtained from the Embalming Board.

DOUGLAS "MACK" SMITH  
Executive Secretary

Doc. No. 002809

**State of Kansas**

**OFFICE OF SECURITIES COMMISSIONER**

**TEMPORARY ADMINISTRATIVE REGULATIONS**

(Approved by the State Rules and Regulations Board  
December 19, 1984. Will expire May 1, 1985.)

**Article 1.—DEFINITION OF TERMS**

**§1-1-1. Definition of terms.** As used in these rules and regulations, and in the forms, instructions and orders of the securities commissioner, the following terms shall have the meaning set forth in this regulation to the extent that they are not inconsistent with the definitions provided by K.S.A. 17-1252 or unless the context otherwise requires.

(a) "The act" means chapter 17, article 12, Kansas Statutes Annotated, otherwise known as the securities act.

(b) "Commissioner" means the securities commissioner of Kansas.

(c) "Application" means:

(1) The form prescribed or approved by the commissioner for filing in connection with the registration of securities. The application shall include any amendments and any information, document, report or memorandum filed as part of it or incorporated in it by reference. The term "application" shall include "registration statement;" or

(2) The form prescribed or approved by the commissioner for filing in connection with registration as a broker-dealer, agent or investment adviser. The application shall include any amendments and any information, document, report or memorandum filed as part of it or incorporated in it by reference.

(d) "Applicant" means the person making an application.

(continued)

(e) "Registrant" means an applicant or issuer for whom a registration has become effective.

(f) "Underwriter" means a broker-dealer who participates in the distribution of a security in connection with a public offering either as:

(1) a purchaser with intent to offer for resale; or  
(2) one who undertakes to offer or sell directly or indirectly for an issuer.

(g) "Officer" means the president, vice-president, secretary or treasurer of a corporation.

(h) "Public offering" means the offer for sale of a security:

(1) by means of any advertising or general solicitation printed in any brochure, prospectus, offering memoranda, handbill, newspaper, magazine, periodical or other publication of general circulation and mailed or delivered to its subscribers or addressees; or  
(2) communicated by radio, public seminar, television, general telephone solicitation, or similar means.

(i) "SEC" means Securities and Exchange Commission.

(j) "NASD" means National Association of Securities Dealers, Inc.

(k) "Share" means a share of stock or unit of investment in a corporation, or a unit of interest in an unincorporated person.

(l) "Amount" means the aggregate dollar value affixed to the shares.

(1) In Context with capitalization; number of shares x par or stated value = amount.

(2) In context with offering: number of shares x offering price per unit = amount.

(m) "Prospectus" means a document containing a full disclosure of a public offering.

(n) "Promoter" means a person who, acting alone or in conjunction with one or more other persons, directly or indirectly founds, organizes or reorganizes the business or enterprise of an issuer.

(o) "Control" means possession of the power, authority or means to engage in the management or policymaking functions of a person directly or indirectly through ownership of securities, by contract or otherwise.

(p) "Controlling person" means a person who has control. An officer, director, partner or trustee or individual occupying similar status or performing similar functions or a person owning 10% or more of the outstanding shares of any class or classes of securities of another shall be presumed to be a "controlling person."

(q) "Insider" means:

(1) every controlling person; and

(2) every promoter (if the organization took place within three years from the date of application).

(r) "Affiliate" means a person who directly or indirectly, through one or more intermediaries, controls, or is controlled by, or is under common control with another person.

(s) "Parent" means an affiliate who controls another person.

(t) "Subsidiary" means an affiliate who is controlled by another person.

(u) "Predecessor" means a person, a major portion

of whose business, assets or control has been acquired by another.

(Authorized by and implementing K.S.A. 1983 Supp. 17-1270 as amended by L. 1984, ch. 87, sec. 1; effective Jan. 1, 1966; amended, T-85-45, Dec. 19, 1984.)

JOHN R. WURTH  
Securities Commissioner

Doc. No. 002796

## State of Kansas

### DEPARTMENT OF ADMINISTRATION

#### TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board  
December 19, 1984. Will expire May 1, 1985.)

#### Article 16.—TRAVEL REIMBURSEMENT

**1-16-2e. Bidding required.** (a) Moving expenses which may be reimbursed pursuant to 1-16-2b(a) shall not exceed the total cost of moving a comparable household of 12,000 pounds of household furnishings and personal effects by commercial carrier at the tariff rates filed with and approved by the state corporation commission.

(b) Each employee who is eligible for reimbursement of moving expenses shall attempt to obtain three firm rate bids from commercial carriers and shall be responsible for selection of the lowest responsible carrier. The state agency shall reimburse the employee for the actual cost of moving the household goods, up to the maximum of 12,000 lbs., excluding any cost for disassembling yard toys, patio equipment, window air conditioners and shelving. Any contractual arrangement shall be between the state employee and the commercial carrier.

(c) The firm rate bid shall include costs of transportation; material and labor for packing and unpacking barrels, drums and cartons; appliance service; piano pick-up and delivery; and transit insurance.

(Authorized by and implementing K.S.A. 1983 Supp. 75-3224; effective May 1, 1979; amended, T-85-46, Dec. 19, 1984.)

**1-16-2g.** (Authorized by and implementing K.S.A. 1980 Supp. 75-3224; effective May 1, 1979; amended May 1, 1981; revoked, T-85-46, Dec. 19, 1984.)

**1-16-2h.** (Authorized by K.S.A. 75-3207; effective May 1, 1979; revoked, T-85-46, Dec. 19, 1984.)

**1-16-2j. Limitations, employee's responsibility.** (a) An agency head may authorize combination mobile home and self moves. However, the cost of such a move shall not exceed the comparable cost for commercial carrier moves.

(b) Employees shall be responsible upon completion of commercial carrier moves to inspect their belongings, note damages on the shipper's bill of lading, and sign the bill of lading. (Authorized by and imple-



menting K.S.A. 1983 Supp. 75-3224; effective May 1, 1979; amended, T-85-46, Dec. 19, 1984.)

**Article 18.—MAXIMUM ALLOWANCE FOR MILEAGE FOR USE OF A PRIVATELY OWNED CONVEYANCE FOR PUBLIC PURPOSES**

**1-18-1a. Mileage rates.** (a) Subject to the provisions of subsection (d), each employee who has been authorized to use a privately-owned conveyance to engage in official business for an agency shall be entitled to reimbursement for use of that conveyance at the following rates:

- (1) 10¢ per mile for the use of a privately-owned motorcycle;
- (2) 22¢ per mile for the use of a privately-owned automobile;
- (3) 34¢ per mile for the use of a privately-owned airplane; or
- (4) 34¢ per mile for the use of a specially equipped van for the physically handicapped.

(b) In addition to the mileage allowance authorized under subsection (a) of this regulation, the employee may be reimbursed for:

- (1) parking fees at commercial transportation terminals when on an official trip;
- (2) toll road and toll bridge costs; and
- (3) airplane landing and tie-down fees.

(c) When an employee travels by privately-owned airplane, reimbursement may be made for one round trip in a privately-owned automobile or taxi fares charged in travel:

- (1) between the official station or domicile and the airport in the city in which the official station or domicile is located, and;
- (2) between the airport at destination city and the place of official business.

(d) Exceptions to the mileage rates prescribed in subsection (a) shall be as follows:

(1) When a mode of transportation is available and is less costly than transportation by privately-owned conveyance, mileage payments for use of a privately-owned conveyance shall be limited to the cost of that other mode of transportation.

(2) An agency may pay a specified mileage rate that is lower than prescribed by subsection (a) when an employee's travel is not required by the agency and the employee is informed of the specified rate in advance of the travel. (Authorized by and implementing K.S.A. 1983 Supp. 75-3203, 75-3203a; effective May 1, 1979; amended, E-80-10, July 11, 1979; amended May 1, 1980; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, T-83-19, July 1, 1982; amended May 1, 1983; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended, T-85-46, Dec. 19, 1984.)

MARVIN A. HARDER  
Secretary of Administration

**State of Kansas**

**SOCIAL AND REHABILITATION SERVICES**

**TEMPORARY ADMINISTRATIVE REGULATIONS**

(Approved by the State Rules and Regulations Board December 19, 1984. Will expire May 1, 1985.)

**Article 4.—PUBLIC ASSISTANCE PROGRAM**

**30-4-90. Eligibility factors specific to the GA-unrestricted (GAU) program.** Each applicant or recipient and all persons for whom the applicant or recipient is legally responsible shall meet the applicable general eligibility requirements of K.A.R. 30-4-50, and the specific eligibility requirements set forth below, to be eligible for GAU.

(1) Not eligible for a federal program. Each applicant or recipient who is eligible for a federal program or who has been rendered ineligible for a federal program due to a voluntary action on the part of the applicant or recipient, and the members of the assistance family group for whom the applicant or recipient is legally responsible, shall be ineligible for GAU.

(2) Vocational rehabilitation program services. Each applicant or recipient and the members of the assistance family for whom the applicant or recipient is legally responsible shall be ineligible for GAU if the applicant or recipient:

(A) Refuses to accept a referral to the vocational rehabilitation program;

(B) is eligible for vocational rehabilitation program services and has refused services; or

(C) has been rendered ineligible for vocational rehabilitation program services due to a voluntary action on the part of the applicant or recipient.

(3) Vocational rehabilitation program benefits. Any applicant or recipient who is eligible for vocational rehabilitation program benefits related to maintenance or who has been rendered ineligible for these benefits due to a voluntary action on the part of the applicant or recipient, and the members of the assistance family for whom the applicant or recipient is legally responsible, shall be ineligible for GAU.

(4) Vulnerability. Each applicant or recipient and all persons for whom the applicant or recipient is legally responsible shall be within at least one of the following categories to be eligible for GAU:

(A) Parents and their minor children who are in the same assistance plan (including non-ADC children who are living with a guardian or personal representative who is not within the degree of relationship for ADC) provided the parents are not voluntarily unavailable for employment. A person shall not be considered voluntarily unavailable for employment if the person is attending high school full-time;

(B) a person who has been determined to be physically incapacitated as set forth in K.A.R. 30-4-57(b)(4);

(C) a person who has been medically or psychologically determined to be mentally retarded;

(D) a person who has been medically or psychologically determined to be mentally ill to the extent that

(continued)

employment is precluded and who is actively participating in a treatment program;

(E) a person whose presence is required at home because of a verified, medically determined condition of another member of the home whose condition does not permit self-care, and when the care is not available from another person in the home;

(F) a person who is participating in vocational rehabilitation program training;

(G) a person who is residing in an alcohol and drug abuse facility;

(H) a person who is age 51 or older; or

(I) a person who has been released from a medicaid approved psychiatric hospital on or after January 1, 1985 in accordance with an approved discharge plan.

(b) A presumptive eligibility determination shall be made for persons who are being released from a medicaid approved psychiatric hospital in accordance with an approved discharge plan. Minimally, the presumptive determination shall be based on available information concerning the person's income and resources. The general eligibility requirements of K.A.R. 30-4-50 may be waived until a formal eligibility determination is completed. Assistance provided shall equal 100% of the applicable GAU budgetary standards and the provision of subsection (a)(1) of K.A.R. 30-4-140 shall be waived. Assistance under this provision shall not exceed the month of discharge and the two following months unless the assistance is extended for good cause by the department. The department may extend assistance under this provision beyond such three-month limitation for good cause.

(c) Authorization for reimbursement from SSA. Each applicant or recipient who refuses to authorize the department to file for and claim reimbursement from the social security administration for the amount of GAU provided the individual pending a determination of eligibility for the supplemental security income program shall be ineligible for GAU. The effective date of this regulation shall be January 1, 1985. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended May 1, 1984; amended, T-85-34, Dec. 19, 1984.)

**30-4-107. Property exemption.** Each assistance family may own otherwise nonexempt real or personal property with an aggregate resource value not in excess of \$1,000.00. Ownership of property with a resource value in excess of these amounts shall render the assistance family group ineligible for assistance. However, if there is ineligibility due to excess real property, assistance shall be provided for a period of up to six months if the applicant or recipient is making a bona fide and documented effort to dispose of the property. Any assistance paid under this provision shall be conditioned upon the disposal of the property and any payments made shall be considered overpayments to the extent that they would not have been made had the disposal occurred at the beginning of the period for which payments were made. (Autho-

rized by K.S.A. 1983 Supp. 39-708c; implementing K.S.A. 1983 Supp. 39-708c, 39-709; effective May 1, 1981; amended May 1, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended, T-85-33, Dec. 19, 1984.)

#### Article 5.—PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REIMBURSEMENTS FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

##### **30-5-81t. Cost limitations on change of ownership.**

(a) For any asset in existence on July 18, 1984 which is subsequently sold, the valuation of such asset for reimbursement purposes shall not exceed the lesser of the allowable acquisition cost of such asset to the owner of record on July 18, 1984 or the acquisition cost of such asset to the new owner.

(b) For any asset not in existence on July 18, 1984, the valuation of such asset for reimbursement purposes shall be the lesser of the acquisition cost of such asset to the first owner of record or the acquisition cost of such asset to the new owner.

(c) Costs attributable to the negotiation or settlement of the sale or purchase of any capital asset on or after July 18, 1984 shall not be allowable. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c; effective, T-85-34, Dec. 19, 1984.)

#### Article 6.—MEDICAL ASSISTANCE PROGRAM—CLIENTS' ELIGIBILITY FOR PARTICIPATION

**30-6-65. Automatic eligibles.** To be automatically eligible for medical assistance, each person shall be:

(a) Legally entitled to and receiving SSI benefits and shall meet the general eligibility requirements of residence;

(b) legally entitled to and receiving state (Kansas) supplemental payments related to SSI;

(c) determined by SSA to retain recipient status, although not currently receiving an SSI benefit;

(d) receiving public assistance (excepting emergency assistance) pursuant to article 4 of this chapter;

(e) not receiving public assistance for one of the following reasons:

(1) The person is eligible for less than \$10.00;

(2) the amount of recovery of an overpayment is greater than the budget deficit; or

(3) the person is eligible using prospective budgeting, but ineligible due to retrospective accounting of income;

(f) included in the assistance plan of a family which was receiving ADC, ADC-FC, or APW in at least three of the six months immediately preceding the month in which the family became ineligible for ADC, ADC-FC, or APW and which became ineligible solely because of increased earned income or increased hours of employment. Automatic eligibility for the medical assistance program shall continue for the four months immediately subsequent to the last month in which the family was eligible (legally entitled) to receive ADC or ADC-FC, or APW as long as a family member is employed and the family and the

person remains ineligible for ADC or ADC-FC, or APW solely because of increased earned income or increased hours of employment. The receipt of an extra pay check due to an additional pay period within a calendar month shall not constitute an increase in earnings;

(g) included in the assistance plan of a family which was receiving ADC, ADC-FC, or APW in at least three of the six months immediately preceding the month in which the family became ineligible for ADC, ADC-FC, or APW as a result (in whole or in part) of collection or increased collection of support. Automatic eligibility for the medical assistance program shall continue for the four months immediately subsequent to the last month in which the family was eligible (legally entitled) to receive ADC, ADC-FC, or APW as long as the family remains ineligible for ADC, ADC-FC, or APW due to such collection or increased collection of support;

(h) mandated to receive inpatient treatment for tuberculosis;

(i) one who is not a public assistance recipient but is receiving maintenance payments from youth services;

(j) (1) included in the assistance plan of a family which became ineligible for ADC, ADC-FC, or APW solely because of the termination of the earned income disregards as provided in K.A.R. 30-4-111(e). Automatic eligibility for the medical assistance program shall continue for the nine months immediately subsequent to the last month in which the family was eligible (legally entitled) to receive ADC, ADC-FC, or APW;

(2) any family which became ineligible for ADC, ADC-FC, or APW prior to October 1, 1984 solely because of the termination of the earned income disregards as provided in K.A.R. 30-4-111(e) if:

(A) an application is made no later than the sixth month following the month in which the final federal regulations governing this provision are promulgated by the secretary of health and human services; and

(B) the family would have been continuously eligible from the last month in which the family was eligible to receive ADC, ADC-FC, or APW to the month of application had the earned income disregards been applied. Automatic eligibility for the medical assistance program shall continue for the nine months, including the month of application; or

(k) a non-ADC eligible child born on or after October 1, 1983 who is under five years of age and who meets the ADC income and resource requirements pursuant to article 4 of this chapter. The effective date of this regulation shall be January 1, 1985. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c, 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended, T-85-34, Dec. 19, 1984.)

**30-6-103. Determined eligibles; protected income levels.** (a) Independent living.

(1) The protected income level for persons in independent living arrangements shall be based on the total number of persons in the assistance plan and the legally responsible persons in the family group who are not included in the plan.

(2) The protected income levels for independent living shall also be used when any applicant or recipient:

(A) Enters a medicaid-approved facility;

(B) is absent from the home for medical care for a period not to exceed three months to allow for maintaining their independent living arrangements; or

(C) is in the home- and community- based services program.

(3) The following table shall be used to determine the protected income level for persons in independent living.

PERSONS IN INDEPENDENT LIVING  
(Per Month)

1	2	3	4
\$325.00	\$425.00	\$435.00	\$445.00

The protected income level for additional persons shall be the sum of the basic standard for a like public assistance family plus the maximum state shelter standard, except that the protected income level shall not be less than \$445.00.

(4) For any child in foster family care, the protected income level shall equal the foster family care rate pursuant to K.A.R. 30-4-102.

(b) Institutional living arrangements. For persons residing in institutional settings, the protected income level shall be \$25.00 except as noted in paragraph (2) of subsection (a).

(c) Specialized living arrangements. The protected income level for persons residing in approved, specialized living arrangements (including adult family homes, home- and community- based congregate care facilities, and child care facilities) shall be as established by the secretary. The effective date of this regulation shall be January 1, 1985. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c, 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended, T-84-11, July 1, 1983; amended, T-84-36, Dec. 21, 1983; amended May 1, 1984; amended, T-85-34, Dec. 19, 1984.)

**30-6-107. Property exemption.** Each assistance family group may own otherwise nonexempt real or personal property with an aggregate resource value not in excess of \$1,600.00 for one person and \$2,400.00 for two or more persons. (a) For non-SSI, ownership of property with a resource value in excess of the amounts above shall render the assistance family group ineligible for medical assistance. However, if there is ineligibility due to excess real property, assistance shall be provided for a period of up to six months if the applicant or recipient is making a bona fide and documented effort to dispose of the property.

(b) For SSI, ownership of property with a resource value in excess of the amounts above shall render the assistance family group ineligible for medical assist-

(continued)

ance unless the applicant or recipient is making a bona fide and documented effort to dispose of the excess property at a reasonable market value. Assistance under this provision shall not exceed six months when there is excess real property or three months when there is excess personal property. An extension of time, not to exceed three months, shall be granted if the recipient is found to have good cause for having not disposed of the excess property within the initial period. The value of resources for applicants and recipients considered in any month shall be the value of the resources as of 12:01 a.m., on the first day of the month. Changes in the amount of countable resources during a month shall have no effect on eligibility or ineligibility for that month. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c, 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended, T-85-33, Dec. 19, 1984; amended, T-85-34, Jan. 1, 1985.)

**30-6-109. Personal property.** (a) Definitions.

(1) "Personal property" means all property, excluding real property.

(2) "Cash assets" mean money, investments, cash surrender or loan values of life insurance policies, trust funds, and similar items on which a determinate amount of money can be realized.

(3) "Other personal property" means personal effects, household equipment and furnishings, home produce, livestock, equipment, vehicles, inventory, and similar items on which a determinate amount of money can be realized.

(b) Treatment of personal property. Personal property, unless exempted, shall be considered a resource.

(c) Exempted personal property. The resource value of the following classifications of personal property shall be exempt:

- (1) Personal effects;
- (2) household equipment and furnishings in use or only temporarily not in use;
- (3) tools in use and necessary for the maintenance of house or garden;
- (4) stock and inventory of self-employed persons that are reasonable and necessary in the production of goods and services;

(5) items for home consumption. These items shall consist of produce from a small garden consumed from day to day and any excess which may be canned or stored, and a small flock of fowl or livestock which are used to meet the food requirements of the family;

(6) cash assets which are traceable to income exempted as income and as a cash asset;

(7) for non-SSI, proceeds from the sale of a home if the proceeds are conserved for the purchase of a new home and the funds so conserved are expended or committed to be expended in the month received or in the following month;

(8) for non-SSI, income-producing property, including tools, equipment, machinery and livestock, if the annual adjusted gross income from its use is at least 40% of its gross market value. Adjusted gross

income shall be determined by deducting, from the gross income, the expenses of cost of maintenance and cost of purchase;

(9) for non-SSI, one vehicle for each assistance family with a value in an amount not to exceed \$1,500.00;

(10) for non-SSI, burial plots and funeral agreements as established by the secretary of health and human services and as approved by the secretary of social and rehabilitation services;

(11) for SSI, insurance not exceeding \$1,500.00 face value, owned by any applicant or recipient family member. Face value shall not include and shall not be increased by accumulated dividends, but shall be decreased by an outstanding policy loan. If the total face value of insurance policies owned by any one individual exceeds \$1,500.00, the total cash surrender value of those policies shall be a nonexempt resource;

(12) for SSI, one vehicle for each assistance family. Additional vehicles shall be exempt if shown to be essential for employment, for self-support, for medical treatment of a specific medical problem, or if specially equipped for use by a handicapped person;

(13) for SSI, any personal property of a blind or disabled person which is covered by an approved plan of self-support;

(14) for SSI, the equity value of income-producing personal property, other than cash assets, if:

(A) The equity value of income-producing personal property plus the equity value of income-producing real property does not exceed \$6,000; and

(B) a net annual return of at least 6% of the total equity is produced;

(15) for SSI, burial plots as established by the secretary of health and human services for the SSI program;

(16) for SSI, any burial contract as established by the secretary of health and human services for the SSI program and as approved by the secretary of social and rehabilitation services;

(17) for SSI, proceeds from the sale of a home if the proceeds are conserved for the purchase of a new home and the funds so conserved are expended or committed to be expended within 6 months of the sale; and

(18) for SSI, a retroactive social security payment for the six months following the month of receipt. The effective date of this regulation shall be January 1, 1985. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c, 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended, T-85-34, Dec. 19, 1984.)

**Article 10.—ADULT CARE HOME PROGRAM OF THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM**

**30-10-13. Prospective reasonable cost-related reimbursement.** (a) General.

(1) The rate or rates for providers participating in

the medicaid/medikan program shall be based on an individual audit or review of the per diem cost to provide patient care in each home. The basic data for conducting such audits or reviews shall be based on the completion of the financial and statistical report for nursing homes.

(2) Financial data and reports.

(A) General. The principles of cost reimbursement shall require that providers maintain sufficient financial records and statistical data for proper determination of costs payable under the program. Standardized definitions, accounting, statistics, and reporting practices which are widely accepted in the adult care home and related fields shall be followed. Changes in these practices and systems shall not be required in order to determine costs payable under the principle of reimbursement.

(B) Cost reports shall be required from providers on an annual basis which coincides with their fiscal year used for federal income taxes except in those cases where the provider is not required to file a federal income tax return. In such a case, the provider shall file on the basis of the fiscal year used for external financial reporting.

(C) Recordkeeping requirements.

(i) Each provider shall furnish such information to the agency as may be necessary:

(aa) To assure proper payment by the program, including the extent to which there is any common ownership or control between providers or other organizations, and as may be needed to identify the parties responsible for submitting program cost reports;

(bb) to receive program payments; and

(cc) to satisfy program overpayment determinations.

(ii) Each provider shall permit the agency to examine such records and documents as are necessary to ascertain information pertinent to the determination of the proper amount of program payments due. These records shall include matters of the adult care home ownership, organization, and operation; fiscal, medical, and other recordkeeping systems; federal and state income tax returns and all supporting documents; asset acquisition, lease, sale or other action; franchise or management arrangements; patient service charge schedules; matters pertaining to costs of operation; amounts of income received, by source and purpose; and the statement of changes in financial position. Other records and documents shall be made available as necessary.

(iii) Each provider, when requested, shall furnish the agency with copies of patient service charge schedules and changes thereto as they are put into effect. The agency shall evaluate the charge schedules to determine the extent to which they may be used for determining program payment.

(D) Suspension or reduction of program payments to a provider. When the agency determines that any provider does not maintain or no longer maintains adequate records for the determination of reasonable cost under the program, payments to that provider may be suspended or reduced to the lowest rate or rates in

the state for the period of inadequate records. Suspension or reduction of payment shall continue until the agency is assured that adequate records are maintained. Before suspending payment to the provider, the agency shall, pursuant to K.A.R. 30-5-60, send written notice to the provider of its intent to suspend payments. The notice shall explain the basis for the agency's determination with respect to the provider's records and shall identify the provider's recordkeeping deficiencies. In the event of reduction to the lowest rate or rates in the state, settlement shall be handled pursuant to K.A.R. 30-10-12(b)(4)(A)(xi).

(3) Adequate cost data and cost finding. Providers receiving payment on the basis of reasonable cost shall provide adequate cost data. This cost data shall be in accordance with generally accepted accounting principles, shall be based on the accrual basis of accounting and may include a current use value of the provider's fixed assets used in patient care.

(A) Further definitions.

(i) Cost finding. Cost finding is the process of recasting the data derived from the accounts ordinarily kept by a provider to ascertain costs of the various types of services rendered.

(ii) Accrual basis of accounting. Under the accrual basis of accounting, revenue is reported in the period when it is earned, regardless of when it is collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(B) Adequacy of cost and other accounting information. Adequate cost and other accounting information shall be available from each provider's records to support payments made for services rendered to recipients. The requirement of adequate data means that the data, including source documentation, is accurate, current and in sufficient detail to accomplish the purposes for which it is intended. Source documentation, including petty cash pay out memoranda and original invoices, shall be valid only if they originated at the time and near the place of the transaction. In order to provide the required cost data, financial and statistical records shall be maintained in a manner consistent from one period to another. This requirement shall not preclude a desirable change in accounting procedures when there is a compelling reason to effect a change of procedures. The retention period for all financial and statistical records to support cost reports shall be five years from the date of filing the cost report with the agency.

(C) Cost reports. For cost reporting, each provider shall submit periodic reports of its operations which cover a consecutive 12 month period of its operations. The 12 month period shall conform with the fiscal year used for federal income taxes and for internal and external financial reporting. Amended cost reports to revise cost report information which has been previously submitted by a provider may be permitted or required as determined by the agency.

(i) Due dates for cost reports.

(aa) Cost reports shall be due on or before the last day of the third month following the close of the period covered by the report.

(continued)

(bb) A 30 day extension of the due date of a cost report may, for good cause, be granted by the agency.

(ii) Failure of a provider to submit a cost report shall cause its payment rate or rates to be adjusted to the greater of the provider's current rate or rates less 10%, or to the lowest rate paid for the level or levels of care in which the provider participates in the medic-aid/medikan program. The adjusted rate or rates shall be in effect until such time as the new rate is established. Providers may present a request to the agency for an extension in submitting this report if they properly document reasons for failure to comply. The request shall be made prior to the date the report is due. Failure to submit cost information within one year after the end of the provider's fiscal year shall be cause for termination in the program.

(b) Non-reimbursable expenses and expense limitations. Costs not related to patient care are costs which are not appropriate or necessary and proper in developing and maintaining the adult care home operation and activities. Such costs shall not be allowable in computing reimbursable cost. The following are expenses or costs which shall not be allowed or which may be allowed with limitations:

(1) Fees paid to non-working directors and non-working officer's salaries. Fees paid to non-working directors and non-working officer's salaries shall not be allowed as reimbursable costs.

(2) Loan acquisition fees and standby fees. Loan acquisition fees and standby fees shall not be considered part of the current expense of patient care, but if they are patient care related, they shall be amortized over the life of the related loan.

(3) Compensation of owners. Remunerations paid to owners or other related parties shall not be a cost regardless of the name assigned to the transfer or type of provider entity making the payment. Related parties exist any time one party has the ability to significantly influence another party of the transaction to the extent that one or more of the transacting parties might be prevented from fully pursuing its own separate interests. Related parties shall be those related by family, by business or financial association, and by common ownership or control. Other relationships may be designated by the agency as necessary. Salaries, drawings, consulting fees and other payments shall be considered owner compensation, whether they are from sole proprietorships, partnerships, corporations, or non-profit organizations, if the transfer is from the provider entity to owners or other parties related to the provider entity or its owners. All such payments shall be separately identified and reported only as owner compensation.

If owners or other related parties actually perform a necessary function directly contributing to patient care, a reasonable amount shall be allowed for such patient care activity. The reasonable amount allowed shall be the lesser of the reasonable cost that would have been incurred to pay a non-owner employee to perform the patient related services actually performed by owners or other related parties (as determined by the agency through analysis of arrays of data on employees not related to owners) or the amount of

cash and other assets actually withdrawn by the owners or other related parties. When an owner performs a patient related function on something other than a full time equivalent (40 hours per week), then the non-owner compensation limit shall be adjusted to appropriately reflect comparable data. The sum of the resulting percentages of the owner's total time shall not exceed 100%. The remuneration paid to a spouse of an owner shall be considered owner's compensation subject to the appropriate limitations. Cash and other assets actually withdrawn shall include only those items that were actually paid during the cost reporting period in which services were rendered and were reported to the internal revenue service. If liabilities are established, they shall be paid in cash within 75 days after the end of the accounting period. The agency may also establish a minimum, reasonable amount to be allowed, notwithstanding the above.

No allowance shall be made for costs related to investigation of investment opportunities, travel, entertainment, goodwill, administrative or managerial activities performed by owners or other related parties that are not directly related to patient care.

The agency shall determine reasonable limitations for compensation paid for comparable services and responsibilities in comparable adult care homes and a percentile limitation of combined costs for administrators, co-administrators and owners. Nothing in this section shall prevent further reasonable limitations of allowable cost data.

(4) Real and personal property fee. The agency shall determine a real and personal property fee in lieu of an allowable cost for ownership and/or lease expense. The fee shall consist of a property allowance and a property value factor. The property allowance shall include depreciation, interest, rent or lease, and amortization of leasehold improvements for each facility in the medicaid/medikan program and shall be subject to a program maximum based upon percentile limitations. The percentile limitations shall be based on an array of the costs on file with the agency as of July 18, 1984. The property value factor shall be computed by arraying the components of such property allowances into groupings, averaging the property allowances for the homes arrayed into such groupings and multiplying the average by a percentage as established by the secretary on an annual basis. The real and personal property fee shall equal the sum of the property allowance and the property value factor. The fee shall be facility specific and shall not change as a result of change of ownership or lease by providers on or after July 18, 1984. The secretary may apply an inflation factor to the fee on an annual basis.

(A) Depreciation. An appropriate component for depreciation on buildings and equipment shall be included in the property allowance. The depreciation shall be:

(i) Identifiable and recorded in the provider's accounting records;

(ii) based on the historical cost of the asset as established in K.A.R. 30-10-13(b)(4)(A)(vi); and

(iii) prorated over the estimated useful life of the asset using the straight-line method.

(iv) Recording of depreciation. Appropriate recording of depreciation shall encompass the identification of the depreciable assets in use, the assets' historical costs, the method of depreciation, estimated useful life, and the assets' accumulated depreciation. Gains and losses on the sale of depreciable personal property shall be reflected on the cost report at the time of such sale. The trading of depreciable property shall be recorded in accordance with the income tax method of accounting for the basis of property acquired. Under the income tax method, gains and losses arising from the trading of assets are not recognized in the year of trade but are used to adjust the basis of the newly acquired property.

(v) Gains on disposal of assets. Gains from the sale of depreciable assets while the provider participates in the medicaid/medikan program, or within one year after the provider terminates participation in the program, shall be used to reduce the allowable costs for each cost reporting period prior to the sale, subject to limitation. The total sale price shall be allocated to the individual assets sold on the basis of an appraisal by a qualified appraiser or on the ratio of the seller's cost basis of each asset to the total cost basis of the assets sold.

The gain on the sale shall be defined as the excess of the sale price over the cost basis of the asset. The cost basis for personal property assets shall be the book value. The cost basis for real property assets sold or disposed of before July 18, 1984, shall be the lesser of the book value adjusted for inflation by a price index selected by the agency or an appraisal by an American institute of real estate appraisers approved by the agency. The cost basis for real property assets sold or disposed of after July 17, 1984 shall be the book value.

The gain on the sale shall be multiplied by the ratio of depreciation charged while participating in the medicaid/medikan program to the total depreciation charged since the date of purchase or acquisition through December 31, 1984. The resulting product shall be used to reduce allowable cost.

(vi) Establishment of cost basis on purchase of facility as an ongoing operation. For depreciation purposes, the cost basis for a facility acquired after July 17, 1984 shall be the lesser of the acquisition cost to the holder of record on that date or the purchase price of the asset. The cost basis shall not include costs attributable to the negotiation or final purchase of the facility, including legal fees, accounting fees, travel costs and the cost of feasibility studies.

(B) Rent or lease expense. An appropriate component for rent or lease expense shall be included in the property allowance.

(C) Interest expense on real estate mortgage. An appropriate component for interest expense on real estate mortgage shall be included in the property allowance.

(D) Amortization of leasehold improvements. An appropriate component for amortization of leasehold improvements shall be included in the property allowance.

(5) Interest expense.

(A) Necessary and proper interest on both current and capital indebtedness shall be an allowable cost.

(B) Interest expense shall be incurred on indebtedness established with:

(i) Lenders or lending organizations not related to the borrower; or

(ii) interest on loans to adult care homes by partners, stockholders, home office organizations, or related parties. The terms and conditions of payment of such loans shall resemble terms and conditions that a prudent borrower would make in arms-length transactions with any recognized lending institution which is in the area and which has the capability of entering into a transaction of the required magnitude. The provider shall demonstrate, to the satisfaction of the agency, that the primary business purpose for the loan is other than increasing the per diem rate and the transaction shall be recognized and reported by all parties for federal income tax purposes.

(C) When the general fund of an adult care home "borrows" from a donor-restricted fund, this interest expense shall be an allowable cost. In addition, if an adult care home operated by members of a religious order borrows from the order, interest paid to the order shall be an allowable cost.

(D) Interest expense shall be reduced by investment income from restricted or unrestricted idle funds or funded reserve accounts, except when that income is from gifts and grants, whether restricted or unrestricted, which are held in a separate account and not commingled with other funds. Income from the provider's qualified pension fund shall not be used to reduce interest expense.

(E) Interest earned on restricted or unrestricted reserve accounts of industrial revenue bonds or sinking fund accounts shall be offset against interest expense.

(F) Loans made to finance that portion of the cost of acquisition of a facility that exceeds historical cost or the cost basis shall not be considered to be for a purpose reasonably related to patient care.

(6) Bad debts shall not be recognized as an allowable cost related to patient care.

(7) Donations and contributions shall not be recognized as an allowable cost related to patient care.

(8) Fund-raising expenses shall not be recognized as an allowable cost related to patient care.

(9) Taxes not allowable as cost and taxes not fully allowed as current costs. Certain taxes, listed below, which are levied on providers shall not be allowable costs. Items (C) and (E) as specified below shall be allowed but only as amortizable costs. These taxes are:

(A) Federal income and excess profit taxes (including any interest or penalties paid thereon);

(B) state or local income and excess profits taxes;

(C) taxes in connection with financing, re-financing, or refunding operations;

(D) taxes from which exemptions are available to the provider;

(E) special assessments on land which represent capital improvements. Such special assessments shall be capitalized and depreciated over their estimated useful lives;

(continued)

(F) taxes on property which is not used in the rendition of covered services;

(G) taxes levied against the patient or resident and collected and remitted by the provider;

(H) self-employment taxes applicable to individual proprietors, partners, members of a joint venture, etc.; and

(I) interest or penalties paid on federal and state payroll taxes.

(10) Insurance premiums on lives of officers and owners shall not be recognized as an allowable cost related to patient care.

(11) Purchase discounts; allowances; refunds of expenses. Purchase discounts, allowances and refunds shall be reductions of the cost of the related purchases. Similarly, refunds of previous expense payments shall be reductions of related expenses.

(12) Non-paid workers and volunteers. The imputed value of services rendered by non-paid workers and volunteers shall not be allowable as a cost.

(13) Central office cost. Allocation of central office cost shall be reasonable, shall conform to generally accepted accounting principles and shall be allowable only to the extent that the central office is providing service normally available in the nursing home facility. Central office costs shall not be recognized or allowed to the extent that they are found unreasonably in excess of similar adult care homes in the program. All expenses reported as central office cost shall be allocated from the actual patient related costs of the central office. The burden of furnishing sufficient evidence to establish the allowable level lies with the provider.

(14) Start-up cost. A provider with a newly constructed facility incurs certain costs in developing its ability to care for patients prior to the admission of such patients. When patient care operation begins, these preparation costs may be considered to relate to services provided to patients who come into the adult care home subsequent to the time of preparation. Such costs shall be recognized if they are:

(A) Amortized over a period, as reported for the federal tax return purpose, of not less than 60 months;

(B) identified as start-up costs. Costs may include administrative and nursing salaries; heat, gas and electricity; taxes; insurance; mortgage interest; employee training cost and any other allowable costs incident to the operation of the facility. In determining start-up cost, any costs which are properly identifiable as organization expenses or capitalizable as construction costs shall be appropriately classified and excluded from start-up cost; and

(C) consistent with the facility's federal income tax return, and internal and external financial reports.

(15) Utilization review. Utilization review shall not be an allowable cost for reimbursement in the per diem rate.

(16) Organization and other corporate costs. Organization costs are those costs directly incident to the creation of the corporation or other form of business. These costs are intangible assets in that they represent expenditures for rights and privileges which have value to the enterprise. The services inherent in orga-

nization costs extend over more than one accounting period and thus affect costs of future periods of operations. When a provider is newly organized upon entering the program and has properly capitalized organization costs, these costs shall be amortized over a period of not less than 60 months beginning with the date of organization.

(17) Member dues and costs. Costs incurred as a result of membership in professional, technical, civic, or business related organizations shall be allowable. However, costs of social, fraternal, and other organizations which concern themselves with activities unrelated to their members' professional or business activities shall not be considered reasonably related to patient care and shall not be allowed.

(18) Cost to related organizations. Cost applicable to services, facilities, and supplies furnished to the adult care home by organizations (including persons, corporations and all other entities) related to the facility by common ownership or control or through other relationships pursuant to K.A.R. 30-10-12(b)(4)(A)(iv), including subparagraphs (aa), (bb) and (cc), shall be includable in the allowable cost of the facility at the cost to the related organization. However, that cost shall not exceed the price of comparable services, facilities, or supplies that could be purchased elsewhere.

(A) Further definitions.

(i) "Related to the adult care home" means that the facility, to a significant extent, is associated or affiliated with, has control of, or is controlled by, the organization furnishing the services, facilities, or supplies.

(ii) Common ownership exists when an individual or individuals possess significant ownership or equity in the adult care home and the facility or organization serving the facility.

(iii) Control exists where an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization or facility.

(B) Application. When the provider obtains items of services, facilities, or supplies from an organization that is owned or controlled by the owner or owners of the provider or adult care home, even though it is a separate legal entity, in effect the items are obtained from itself. Therefore, reimbursement cost shall include the costs for these items at the cost to the supplying organization. However, if the price in the open market for comparable services, facilities, or supplies is lower than the cost to the supplier, the allowable cost to the adult care home provider shall not exceed the market price.

(19) Cost of educational activities. General. An appropriate part of the net cost of approved educational activities shall be an allowable cost.

(A) Further definitions.

(i) Approved educational activities. "Approved educational activities" mean formally organized or planned programs of study usually engaged in by providers in order to enhance the quality of patient care in an institution. These activities shall be licensed when required by state law.



(ii) Net cost. "Net cost" means the cost of approved educational activities less any reimbursements from grants, tuition, and specific donations.

(B) "Orientation" and "on-the-job training." The net costs of "orientation" and "on-the-job training" shall not be within the scope of this principle but shall be recognized as normal operating costs in accordance with principles relating thereto.

(20) Transportation costs. Patient related transportation cost shall include only those reasonable costs directly related to patient care that are substantiated by detailed expense and mileage records kept at the time of the transportation activity. Transportation costs only remotely related to patient care shall not be allowable. Estimates shall not be acceptable.

(21) Lease payments. Lease payments shall be reported in accordance with the financial accounting standards board statement no. 13.

(c) Calculation of patient days. A patient day is that period of service rendered to a patient or resident between the census-taking hours on two successive days, or all days that the provider receives payment, either full or partial, for any patient or resident (including private pay or any other patient or resident) who was not in the home. If both admission and discharge occur on the same day, the day is considered a day of admission and counts as one patient day. If the provider does not make refunds on behalf of a patient or resident for unused days in case of death or discharge, and if the bed is available and actually used by another patient or resident, these unused days shall not be counted as a patient day. Any bed days paid for by the patient, or any other party on behalf of the patient, before an admission date shall not be counted as a patient day.

(1) The total inpatient days for the period shall be accurate; an estimate of the days of care provided shall not be acceptable.

(2) In order to facilitate accurate and uniform reporting of inpatient days, the accumulated method format set forth in forms prescribed by the secretary for all recipients shall be required. These forms shall be submitted to the agency at the time the cost report forms are submitted to the agency as supportive documentation for the inpatient days shown on the cost report forms. Such monthly records concerning all patient or residents (both medicaid recipients and non-recipients) shall be kept by the providers. If the provider fails to keep accurate records of inpatient days in accordance with the accumulated method format, the assumed occupancy rate shall be 100%.

(3) Providers which have been in operation for 12 months or more and which have an occupancy rate of less than 85% shall have their inpatient days calculated at a minimum occupancy of 85% beginning with the thirteenth month. The only exception to the minimum occupancy rate, after a provider has been in operation for more than one year, shall be when mentally retarded or chronically mentally ill individuals are relocated from general intermediate care facilities to intermediate care facilities for the mentally retarded or for mental health. The agency shall make special provisions for this situation when the applica-

ble provider submits its annual cost report for reimbursement rate calculation if the relocation or relocations occurred during the period of cost report and if documentation supporting the below minimum occupancy rate is attached to the cost report. If the agency determines the below minimum occupancy rate is justified, the cost report occupancy rate shall be calculated at 85% during the period of the report. Subsequent reimbursement rates shall be based on the 85% minimum occupancy rate or the actual occupancy rate, whichever is higher, unless the occupancy rate is less than 85% because of relocating mentally retarded individuals to general intermediate care facilities. If this is the situation, the same procedures in this exception apply.

(4) In order to participate in the medicaid/medikan program, each adult care home provider shall obtain proper certification for all of its respective total licensed beds for either skilled nursing, intermediate care, intermediate care for the mentally retarded, or intermediate care for mental health services.

(d) Revenue. A statement of revenue shall be required as part of the cost report forms.

(1) Revenues shall be reported in accordance with generally accepted accounting principles as recorded in the accounting records of the facility.

(2) The cost of non-covered services provided to patients or residents shall be removed from the related expense. The expense, after adjustment, shall not be a negative figure.

(3) The cost of revenues not related to patient care shall be applied in reduction of the related expense. If the cost of revenues is not determinable by the provider, the entire revenue account shall be used as an offset to the related expense.

(4) Expense recoveries credited to expense accounts shall not be reclassified as revenues.

(e) Balance sheet. A balance sheet in accordance with generally accepted accounting principles shall be required as part of the cost report forms for each provider. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c; effective, E-74-44, Aug. 28, 1974; effective May 1, 1975; amended May 1, 1976; amended Feb. 15, 1977; amended, E-78-35, Dec. 30, 1977; amended May 1, 1978; amended, E-79-20, Aug. 17, 1978; amended May 1, 1979; amended, E-80-13, Aug. 8, 1979; amended May 1, 1980; amended May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended May 1, 1984; amended, T-85-34, Dec. 19, 1984.)

ROBERT C. HARDER  
Secretary of Social  
and Rehabilitation Services

Doc. No. 002764

## State of Kansas

## DEPARTMENT OF CORRECTIONS

## TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board December 19, 1984. Will expire May 1, 1985.)

## Article 1.—GENERAL ADMINISTRATION

**44-1-105. Oaths, administration of; authorization and method.** (a) Those persons responsible for the conduct of investigations within the prison, including those persons acting as hearing officers in hearings regarding inmate discipline and transfers to mental health institutions, shall be authorized to administer oaths.

(b) Oaths shall be administered in a form and manner that is in accordance with K.S.A. 54-101 *et seq.* (Authorized by K.S.A. 75-5210 as amended by L. 1984, ch. 319, and K.S.A. 75-5251; effective, T-85-37, Dec. 19, 1984.)

## Article 6.—GOOD TIME CREDITS

**44-6-126. Meritorious good time.** (a) For all those inmates incarcerated for crimes committed before July 1, 1982, "meritorious" good time credits shall be recommended to the Kansas adult authority for some meritorious act by the inmate, if deemed appropriate by the unit team and subject to the approval of the program management committee and the principal administrator. The action taken by the Kansas adult authority shall be recorded in the inmate's record by the records officer at the institution. The application of these "meritorious" good time credits shall be in addition to the "statutory authorized" good time credits. For offenses committed on or after July 1, 1982, no meritorious good time shall be given.

(b) On and after July 1, 1984, meritorious good time shall again be available and may be awarded by the secretary of corrections in accordance with the terms set out in L. 1984, ch. 131. (Authorized by 75-5251, K.S.A. 1983 Supp. 22-3717, 75-5210; implementing K.S.A. 22-3427, 75-5251; K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended, T-85-37, Dec. 19, 1984.)

**44-6-138. Sentence begins date.** (a) Jail credit. Each sentence begins date shall reflect all jail credit.

(b) Reimposed sentence, governed by date of reimposition; adjustment alternatives. The sentence begins date for reimposed sentences, including those reimposed for technical probation violators or persons returned by appellate mandates, shall be the date the court reimposed the sentence unless jail credit or prior penal credit is due. If the court instructs the inmate to surrender to correctional authorities after the sentence imposition date, that surrender date shall become the sentence begins date. This date may be further adjusted by jail credit.

(c) Multiple concurrent sentences governed by court order. The court orders in which multiple, non-consecutive sentences were imposed shall serve as

the reference to ascertain the sentence begins date for use in computing the controlling minimum, maximum and conditional release dates, subject to the provisions of K.A.R. 44-6-137, 44-6-138, 44-6-139.

(d) Multiple consecutive sentences. When multiple sentences are imposed on the same date with the stipulation that one is to be consecutive to another, that date shall be used for the sentence begins date unless adjustments are necessary to allow for jail credit. Jail credits allowed shall reflect the largest amount given on any sentence.

(e) Consecutive before 1979 or after 1982. If a sentence for a crime committed prior to January 1, 1979 or after July 1, 1982 is to be consecutive to some previously imposed sentence, all dates shall be computed from the earliest sentence imposition date, allowing for jail credit and prior penal credit earned on that earliest sentence. If an inmate has been on probation, parole, or conditional release as a result of a previously imposed sentence, parole eligibility, conditional release and maximum dates shall also be adjusted to give credit for time served on probation, parole, or conditional release subject to K.S.A. 1983 Supp. 21-4608(e).

(f) Consecutive sentences between 1979 and 1982. If a sentence for a crime committed between January 1, 1979 and June 30, 1982 is to be consecutive to some previously imposed sentence, the sentence begins date shall be determined by the imposition date of the latest sentence. The sentence begins date shall then be moved to an earlier date by an amount of time equal to jail credit and prior penal credit earned on the earlier sentence. Credit shall also be allowed for the time on the minimum term of the earlier sentence, including any time on probation or parole, up to a maximum reduction equal to the minimum term of the earlier sentence.

(g)(1) When a sentence for a crime committed on or after July 1, 1983 is to be consecutive to some previously imposed sentence, the aggregated minimums and maximums shall be computed and the aggregate sentence shall have the same sentence begins date as the newly imposed sentence. Credit shall be given on the aggregate in an amount equal to the time served on the earlier sentences included in the aggregate. However, this credit shall not exceed the amount of time equal to the period from the sentence begins date, for the previous sentence, to the earliest possible parole eligibility date as if all good time credits had been earned on that previous sentence.

(2) If the aggregate includes a sentence on which the inmate was serving probation, parole or conditional release, no credit for time spent on that probation, parole or conditional release shall be given in computations for the aggregate sentence.

(h) When computing the aggregate, the inmate shall be given credit for time spent on probation or parole if:

(1) an inmate is returned to prison as a parole violator with multiple new charges which have identical sentences running concurrent with each other but consecutive to the previous sentence on which parole was being served; and

(2) the date of offense on one or more new charges is prior to July 1, 1983 and another is after July 1, 1983. (Authorized by K.S.A. 75-5251, K.S.A. 1983 Supp. 75-5210; implementing K.S.A. 22-3427, 75-5251, K.S.A. 1983 Supp. 21-4608, 22-3717, 75-5210; effective T-84-32, Nov. 23, 1983; effective, May 1, 1984; amended, T-85-37, Dec 19, 1984.)

### Article 13.—DISCIPLINARY PROCEDURE

#### PROCEDURE GENERALLY

**44-13-101. Disciplinary procedure established, general description of system.** (a) The principal administrator of each institution or facility shall establish a disciplinary procedure in accordance with these regulations.

(b) Prosecution by criminal justice agencies in the community is a separate process from this disciplinary procedure and both prosecution and disciplinary procedures may be conducted on matters relating to the same factual situations.

(c) The contract work release center shall not be required to use this disciplinary procedure but may use:

(1) The disciplinary procedures established by the United States bureau of prisons and amendments thereto; or

(2) any other system which is approved by the secretary of corrections and which meets the requirements of the United States constitution as interpreted by the United States supreme court decisions.

(d) Subject to the limitations and guidelines set out in these regulations and subject to the control of the hearing officer or board chairperson exercised within the parameters of the law and these regulations, the inmate shall be entitled:

(1) To receive advance written notice of the charge and a fair hearing by an impartial hearing body;

(2) to be present at the hearing;

(3) to present documentary evidence;

(4) to testify on the inmate's own behalf;

(5) to have witnesses called to testify on the inmate's behalf;

(6) to confront and cross examine witnesses against the inmate; and

(7) to be represented by counsel or counsel substitute in certain serious cases.

(e) The charge may be amended according to the provisions of these regulations.

(f) When an inmate allegedly commits an act covered by criminal law, the case shall be referred to the appropriate law enforcement or prosecutorial agency to be considered for prosecution unless the prosecutor provides a written statement requesting that certain types or classes of crimes not be reported, or requesting that no report be made. (See also K.A.R. 44-13-103.)

(g) There shall be four classes of offenses. Class I, II and III offense cases shall be processed by a disciplinary board or hearing officer, while class IV offense cases shall be processed by the unit team.

(h) The disciplinary hearing process shall be structured as follows:

(1) Part I, which is the first hearing, shall include the explanation of the charge and the disciplinary process, and the taking of the plea; and

(2) Part II, which is the final hearing, shall consist of:

(A) Stage A, the fact finding needed to determine guilt or innocence; and

(B) Stage B, the disposition.

(i) At the first hearing, the inmate shall be advised of the nature of the offense and the nature and extent of the possible consequent discipline, the nature of the disciplinary process and the inmate's rights thereunder. In addition, a plea shall be taken from the inmate at the first hearing. If a plea of guilty or no contest is entered during the first hearing, stage A of the final hearing shall not be required to be conducted in full. In lieu of stage A of the hearing, a finding of guilt may be recorded and the process shall go to final hearing, stage B for disposition. In these cases, stage B may be conducted along with the first hearing. If a plea of not guilty or no plea at all is entered, the process shall go to final hearing, stage A for the finding of guilt or innocence.

(j) (1) The first hearing may be conducted by a hearing officer or by the disciplinary board in class I, II, or III offense cases.

(2) Stage A of the final hearing may be conducted by a hearing officer in class I cases only if the inmate pleads guilty or no contest at the first hearing, and in class II and III cases regardless of the plea. In class I cases where a plea of not guilty or no plea at all is entered, the disciplinary board shall conduct the final hearing, stage A.

(3) Stage B of the final hearing may be conducted by a hearing officer in all class II and III cases, and in those class I cases where the plea is "guilty" or "no contest." The principal administrator may require any class I case to be sent to the board for stage B.

(k) A representative of the institution shall be used in class I cases, and may be used in class II and III cases, to assist the officer in presenting the case against the inmate during the disciplinary process.

(l) A complete log of the disciplinary process shall be maintained. This shall consist of at least the case number, inmate name, rule violated, charging officer, and a list of the nature and date of each action taken from start to finish for each case, including those dismissed and those rejected by the shift supervisor.

(m) The disciplinary hearings shall be conducted within a certain time following notice of the charge as established by these rules and regulations. Continuances of the hearing may be granted. Generally, the inmate shall be permitted to be present at both the first and final hearing, except as provided by these regulations.

(n) Representation for the inmate, provided by Legal Services for Prisoners, Inc., or their designee, shall be permitted only under limited conditions established by these regulations.

(o) A summary record shall be made of both the first hearing and the final hearing.

(p) In class I and II offense cases, following an

(continued)

administrative review of the record and any needed adjustments of the disposition by the principal administrator, the inmate may appeal the case to the secretary of corrections on the record. In class III offense cases, an appeal may be made to the principal administrator on the record following an initial review of the record by some person within the facility other than the principal administrator. No appeal to the secretary of corrections shall be permitted.

(q) Nothing in these regulations shall prohibit the assignment or delegation of the disciplinary hearing and review process or any portion of it to the principal administrator of another Kansas state correctional facility for good cause shown and if justice and fairness will not thereby be infringed. An assignment or delegation shall not be made except by the secretary of corrections or by the principal administrator with the secretary of corrections' written approval. This restriction shall not prohibit hearings at a receiving institution following a transfer based on a classification decision in the sending institution where the offense occurred in the sending institution (see K.A.R. 44-13-507). (Authorized by and implementing K.S.A. 1983 Supp. 75-5210; effective May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended, T-85-37, Dec. 19, 1984.)

**44-13-106. Administration of oaths; designation of persons authorized.** (a) The principal administrator, the deputy principal administrators, and the disciplinary administrator appointed pursuant to K.A.R. 44-13-105, and those persons serving as hearing officers and board members in the prison disciplinary hearings shall be authorized to administer oaths to witnesses in those proceedings.

(b) Oaths shall be administered in a form and manner that is in accordance with K.S.A. 54-101 *et seq.* (Authorized by K.S.A. 75-5210 as amended by L. 1984, ch. 319, and K.S.A. 75-5251; effective, T-85-37, Dec. 19, 1984.)

MICHAEL A. BARBARA  
Secretary of Corrections

Doc. No. 002777

#### State of Kansas

### BOARD OF HEALING ARTS

#### TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board  
December 19, 1984. Will expire May 1, 1985.)

#### Article 11.—FEES

**100-11-1. Amount.** The following fees shall be collected by the board:

(a) License based upon an examination given by the board	\$130.00
(b) License based upon endorsement	\$130.00
(c) License based upon a certificate issued from the national boards	\$130.00

(d) License based upon a certificate issued by the federation of state medical boards	\$130.00
(e) (1) Annual renewal of a license	\$ 50.00
(2) Second notice renewal	\$ 75.00
(3) Reinstatement renewal	\$ 75.00
(f) Temporary permit	\$ 30.00
(g) Fellowship license	\$ 15.00
(h) Visiting professor license	\$ 15.00
(i) Certification fee	\$ 15.00
(j) Duplicate license	\$ 15.00
(k) Examinations.	
(1) Medical or osteopathic.	
(a) Flex I and Flex II	\$265.00
(b) Flex I	\$165.00
(c) Flex II	\$180.00
(2) Chiropractic	\$ 65.00
(l) Special permit (out-of-phase doctor)	\$ 15.00
(m) Postgraduate training temporary permit	\$ 25.00

(Authorized by K.S.A. 65-2865; implementing K.S.A. 65-2809, 65-2811, as amended by L. 1984, ch. 235, sec. 1, 65-2833, 65-2852; effective Jan. 1, 1966; amended Jan. 1, 1970; amended Feb. 15, 1977; amended May 1, 1979; amended May 1, 1980; amended May 1, 1981; amended, T-83-33, Nov. 10, 1982; amended May 1, 1983; amended, T-85-50, Dec. 19, 1984.)

ELIZABETH W. CARLSON  
Executive Secretary

Doc. No. 002800

#### State of Kansas

### BOARD OF NURSING

#### TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board  
December 19, 1984. Will expire May 1, 1985.)

#### Article 8.—FEES

#### 60-8-101. Schedule of fees.

(a) Mental Health technician programs	
(1) Annual renewal of program approval	\$100.00
(2) Survey of a new program	\$200.00
(b) Mental health technicians.	
(1) Licensure by endorsement	\$35.00
(2) Verification of current Kansas license to other states	10.00
(3) Examination	35.00
(4) Repeat of the examination	35.00
(5) Biennial renewal of license	25.00
(6) Reinstatement of lapsed license	25.00
(7) Certified copy of Kansas license	10.00

(Authorized by K.S.A. 74-1106; implementing K.S.A. 65-4208; effective May 1, 1980; amended May 1, 1983; amended, T-85-49, Dec. 19, 1984.)

#### Article 12.—CONTINUING EDUCATION FOR MENTAL HEALTH TECHNICIANS

**60-12-101. Definitions.** (a) "Continuing education in mental health technology" means an organized, systematic and evaluative educational experience beyond the basic preparation. These experiences shall be designed to promote the enrichment of knowledge, improvement of skills, and the development of attitudes for the enhancement of the practice of mental health technology, with the goal of improving health

care to the public. Continuing education may include inservice education, but shall not include orientation and on-the-job training.

(b) "Course of study" means a systematic learning experience designed for the acquisition of knowledge, skills, and information related to the practice of mental health technology. A course of study may or may not carry college credit.

(c) "Independent study" means continuing education offerings designed for an individual and monitored by an approved provider.

(d) "Inservice education" means formal instruction designed by an approved provider and which is usually offered in the employment setting.

(e) "On-the-job training" means informal instruction given by an employer to improve the performance of an employee in a given task.

(f) "Orientation" means formal or informal instruction designed to acquaint newly assigned employees with the philosophy of the institution and the duties and responsibilities of the position.

(g) "Provider" means a person, organization or institution approved by the board to supply continuing education offerings.

(h) "Refresher course" means a course of study which provides a review of basic preparation for individuals who have not been actively engaged in practice for a period of time, and which introduces them to developments in the practice of mental health technology that have occurred during recent years.

(i) "Short-term learning activity" means a conference, institute, lecture, seminar, or workshop or other program offered by an approved provider.

(j) "Hour" means at least 50 minutes of participation in a learning experience organized by an approved provider. (Authorized by K.S.A. 74-1106, implementing K.S.A. 65-4207; effective, T-85-49, Dec. 19, 1984.)

**60-12-102. Requirements.** (a) Each licensee shall submit a renewal application, the renewal fee required under K.A.R. 60-8-101, and documentation of continuing education credit required in this regulation no later than December 1, 1986 and each even-numbered year thereafter.

(b) On and after December 1, 1986, each licensee renewing a license shall submit satisfactory proof that the licensee has completed a minimum of 20 hours of approved continuing education in the two year period immediately preceding the renewal.

(c) Individuals who are licensed by examination in odd-numbered years shall not be required to complete the continuing education requirements prior to the first renewal of their license. However, such licensees shall be required to meet the continuing education requirements for each succeeding renewal period.

(d) Each licensee shall submit documentation to the board of successful completion of the required number of approved continuing education hours. Such documentation may include certificates, transcripts, or similar documents. This proof shall be submitted in the envelope with the application for license renewal.

(e) Continuing education credits shall be recorded in hourly segments.

(f) Continuing education requirements for individuals residing in foreign countries shall be determined on an individual basis. (Authorized by K.S.A. 74-1106, implementing K.S.A. 65-4205; effective, T-85-49, Dec. 19, 1984.)

**60-12-103. Continuing education offerings.** (a) "Continuing education offerings" shall include courses of study, inservice education, independent study, and short-term learning activities. These offerings may be in areas other than those directly related to the practice of mental health technology, if in the opinion of the board, such offerings bear a reasonable relationship to developments in mental health technology.

(b) The board shall recognize offerings of approved providers. Programs not offered by an approved provider shall be approved in advance on an individual basis.

(c) No more than 20 percent of the required continuing education hours shall be accumulated from independent study.

(d) Approval shall not be granted for identical offerings completed within a renewal period. (Authorized by K.S.A. 74-1106, implementing K.S.A. 65-4207; effective, T-85-49, Dec. 19, 1984.)

**60-12-104. Approval of continuing education offerings.** (a) Each applicant for approved provider status shall apply on forms supplied by the board.

(b) The board's approval of each provider shall be effective for a two-year period. Each provider shall reapply for provider approval biennially.

(c) Application for provider approval shall be made at least three months before the anticipated date of the first offering.

(d) Each offering shall be no less than two hours in length and shall be taught by approved course instructors.

(e) Each continuing education course instructor shall be knowledgeable, current, and skillful in the subject matter of the offering and in educational methods.

(f) Each program provider shall award certificates of achievement to each participant in an offering.

(g) Each program provider shall submit to the board a roster of individuals who have satisfactorily completed each offering, within 30 days after completion.

(h) Each program provider shall maintain a record of all offerings and attendance for a two-year period.

(i) If quality programs are not maintained to the board's satisfaction, or if there is a material misrepresentation of any fact within the information required to be submitted to the board by a provider, the board shall withdraw approval from that provider. (Authorized by K.S.A. 74-1106, implementing K.S.A. 65-4207; effective, T-85-49, Dec. 19, 1984.)

DR. LOIS RICH SCIBETTA  
Executive Administrator

Doc. No. 002799

## 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, KS, 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 February 5, 1985—  
TOPEKA, KANSAS****Application for Certificate of Convenience  
and Necessity:**

Bill J. Hunter, dba ) Docket No. 144,178 M  
Westbrooke Amoco )  
10700 W. 87th St. )  
Lenexa, Kansas 66215 )

Applicant's Attorney: None

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

Between all points and places in Johnson County, Kansas.

Also,

Between all points and places in Johnson County, 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:**

Edwards F. Novack, dba ) Docket No. 144,166 M  
Novack's Body Shop )  
Box 114 )  
Offerle, Kansas 67563 )

Applicant's Attorney: Terry Fuller, Box 394, 108 East 6th, Kinsley, Kansas 67547

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

Between all points and places in Edwards, Ford, Hodgeman and Kiowa counties, Kansas.

Also,

Between all points and places in Edwards, Ford, Hodgeman and Kiowa counties, Kansas, on the one hand, and on the other, all points and places in the state of Kansas.

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

Grover Johnson and ) Docket No. 144,173 M  
Leland Massey, dba )  
Eudora "66" )  
610 West 10th )  
Eudora, Kansas 66025 )

Applicant's Attorney: None

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

Between all points and places in Douglas, Franklin, Johnson and Leavenworth counties, Kansas.

Also,

Between all points and places in Douglas, Franklin, Johnson and Leavenworth 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:**

Dennis W. Scoville, dba ) Docket No. 144,169 M  
D & P Auto Repair )  
400 North 5th )  
Salina, Kansas 67401 )

Applicant's Attorney: None

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

Between all points and places in the state of Kansas.

\*\*\*\*\*

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

Ronald L. Malcom, dba ) Docket No. 144,171 M  
Malcom Auto Service )  
207 West 10th Street )  
Andover, Kansas )

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

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

Between points and places in Sedgwick, Butler and Harvey counties.

Also,

Between points and places in Sedgwick, Butler and Harvey counties, on the one hand, and points and places in the state of Kansas, on the other hand.

\*\*\*\*\*

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

Frank W. Loercher, dba ) Docket No. 144,167 M  
O. K. Garage )  
5833 Nieman )  
Shawnee, Kansas 66203 )

Applicant's Attorney: None

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

Between all points and places in Johnson County, Kansas.

Also,

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

\*\*\*\*\*

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

Jack H. Welsh, dba ) Docket No. 144,168 M  
Welsh Enterprises, Inc. )  
R.R. 3, Box 87 )  
Junction City, Kansas )  
66441 )

Applicant's Attorney: None

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

Between all points and places in Geary and Shawnee Counties, Kansas.

Also,

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

\*\*\*\*\*

**Applications set for February 7, 1985—  
TOPEKA, KANSAS**

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

Merle Blackledge, dba ) Docket No. 144,176 M  
B & D Motor Company )  
321 Maple )  
Chetopa, Kansas 67336 )

Applicant's Attorney: None

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

Between all points and places in Labette, Montgomery, Cherokee, Wilson, Neosho, Crawford, Bourbon and Allen counties, Kansas.

Also,

Between all points and places in Labette, Montgomery, Cherokee, Wilson, Neosho, Crawford, Bourbon and Allen 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:**

Wesley G. Cohee, dba ) Docket No. 144,175 M  
Cohee Body & Tow )  
8095 West 167th )  
Stanley, Kansas 66223 )

Applicant's Attorney: None

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

Between all points and places in Johnson and Miami counties, Kansas.

Also,

Between all points and places in Johnson and Miami 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:**

Raymond R. Giger, dba ) Docket No. 144,174 M  
Giger Motor Service )  
4758 South Seneca )  
Wichita, Kansas 67217 )

Applicant's Attorney: None

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

Between all points and places in Sedgwick County, Kansas.

Also,

Between all points and places in Sedgwick 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:**

Monkem Company, Inc. ) Docket No. 63,625 M  
P.O. Box 1196 )  
Joplin, Missouri 64801 ) MC ID No. 107009

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

*General commodities (except commodities in bulk and household goods as defined by the Commission), in truck load lot,*

Between points and places in Kansas lying on and east of Kansas Highway 14.

Also,

Between points and places in Kansas lying on and east of Kansas Highway 14, on the one hand, and on the other, points in Kansas.

\*\*\*\*\*

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

James L. Bell, Sr., dba ) Docket No. 144,172 M  
Jammco Trucking )  
R.R. #2 )  
Minneapolis, Kansas )

Applicant's Attorney: None

*Livestock, feed ingredients, grain and salt,*

Between all points and places in the state of Kansas.

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

Between all points and places in Saline, Ottawa,

(continued)

Cloud, Dickinson and McPherson counties, Kansas.

Also,

Between all points and places in Saline, Ottawa, Cloud, Dickinson and McPherson counties, Kansas, on the one hand, and on the other hand, all points and places in the state of Kansas.

\*\*\*\*\*

**Application for Contract Carrier Permit:**

D.R.M., Inc. ) Docket No. 144, 177 M  
P. O. Box 1165 )  
210 North Birch )  
Cimarron, Kansas 67835 )

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

*Grain, dry feed, and dry feed ingredients,*

Between points and places in Kansas. Under contract with Agri Transportation Brokers, of Cimarron, Kansas.

\*\*\*\*\*

**Applications set for February 12, 1985—  
TOPEKA, KANSAS**

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

Capital Recovery & ) Docket No. 144,191 M  
Investigations, Inc. )  
118 North Osage )  
Wichita, Kansas 67203 )

Applicant's Attorney: Brad Murphree, 328 North Main, Suite 200, Wichita, Kansas 67202

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

Between all points and places in the state of Kansas.

\*\*\*\*\*

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

Topeka Body Works, Inc. ) Docket No. 36,840 M  
410 West 6th Street )  
Topeka, Kansas 66603 ) MC ID No. 100385

Applicant's Attorney: Erle Francis, 719 Capitol Federal Building, Topeka, Kansas 66603

\*\*\*\*\*

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

Leroy Powell, dba ) Docket No. 126,142 M  
Leroy Powell Repair )  
Service )  
300 Heizer )  
Great Bend, Kansas 67530 ) MC ID No. 103954

Applicant's Attorney: None

\*\*\*\*\*

**Renoticed Application for Contract Carrier Permit:**

Richard W. Brown, dba ) Docket No. 143,708 M  
Wayne's Transfer Co. )  
6609 West 72nd Terrace )  
Overland Park, Kansas )  
66204 )

Applicant's Attorney: None

*Carpet, tile and plastics,*

Between all points and places in Shawnee, Johnson, Leavenworth, Douglas and Wyandotte counties, Kansas.

\*\*\*\*\*

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

Lindsey Robison, dba ) Docket No. 135,004 M  
Midwest Carpet Carriers )  
1219 A. E. Division )  
Springfield, Missouri )  
65803 ) MC ID No. 104155

TO:

Wayne Daniel Trucking, Inc.  
Mt. Vernon, Missouri

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

*Floor and wall coverings, and materials and supplies  
used in the installation and manufacture thereof,*

Between Sedgwick, Wyandotte, Johnson and Shawnee counties, Kansas, on the one hand, and on the other, points in Kansas.

\*\*\*\*\*

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

Hertel Tank Service, Inc. ) Docket No. 144,190 M  
2203 Henry )  
Hays, Kansas 67601 )

Applicant's Attorney: Thomas Toepfer, 111 West 11th Street, P. O. Box 417, Hays, Kansas 67601

*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 Ellis, Russell, Barton, Rush, Ness, Trego, Graham, Rooks, Osborne, Decatur, Norton, Phillips, Finney, Smith, Jewell, Mitchell, Lincoln, Ellsworth, Rice, Stafford, Pawnee, Hodgeman, Lane, Gove, Sheridan and Reno counties, Kansas.

\*\*\*\*\*

**Abandonment of Contract Carrier Permit:**

Western Oil ) Docket No. 127,131 M  
Transportation, Inc. )  
2000 S. Post Oak Rd. )  
Houston, Texas 77056 ) MC ID No. 100207

Applicant's Attorney: James P. Ruane, DEPEW and GILLEN, 621 First National Bank Building, Wichita, Kansas 67202



**Applications set for February 14, 1985—  
TOPEKA, KANSAS**

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

Dan Martin, dba ) Docket No. 144,192 M  
Dan's Body Shop )  
230 South Virginia )  
Box 364 )  
Liberal, Kansas 67901 )

Applicant's Attorney: None

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

Between all points and places in Seward and Stevens counties in Kansas and that portion of Haskell county bounded on the north by U. S. Highway 160 and Kansas Highway 144, on the east by the Haskell-Gray county line, on the west by the Haskell-Grant county line, and on the south by the Haskell-Seward county line.

\*\*\*\*\*

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

D. E. Clemens, Inc. ) Docket No. 144,094 M  
Route 2, Box 188 )  
Chanute, Kansas 66720 )

Applicant's Attorney: Bob Storey, Shadow Wood Office Park, 5863 S.W. 29th, Topeka, Kansas 66612-2461

*Livestock, farm products and fertilizer,*

Between all points and places within the counties of Reno, Kingman, Harper, Harvey, Sedgwick, Sumner, Marion, Butler, Cowley, Morris, Chase, Wabaunsee, Lyon, Greenwood, Elk, Chautauqua, Shawnee, Osage, Coffey, Woodson, Wilson, Montgomery, Douglas, Franklin, Anderson, Allen, Neosho, Labette, Leavenworth, Wyandotte, Johnson, Miami, Linn, Bourbon, Crawford, and Cherokee.

Also,

Between all points and places within the counties of Reno, Kingman, Harper, Harvey, Sedgwick, Sumner, Marion, Butler, Cowley, Morris, Chase, Wabaunsee, Lyon, Greenwood, Elk, Chautauqua, Shawnee, Osage, Coffey, Woodson, Wilson, Montgomery, Douglas, Franklin, Anderson, Allen, Neosho, Labette, Leavenworth, Wyandotte, Johnson, Miami, Linn, Bourbon, Crawford, and Cherokee, on the one hand, and all points within the state of Kansas, on the other.

\*\*\*\*\*

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

J. T. Inc., dba ) Docket No. 144,188 M  
Ted's Service )  
314 South Liberty )  
Cherryvale, Kansas 67335 )

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

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

Between points and places in Montgomery county, Kansas.

Also,

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

\*\*\*\*\*

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

Phillip Koelsch ) Docket No. 144,189 M  
R.R. 1 )  
St. John, Kansas 67576 )

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 Stafford, Barton, Rice, Reno, Sedgwick, Harvey, McPherson, Ellsworth, Saline and Dickinson counties, Kansas.

Also,

Between those counties on the one hand, and points and places in the state of Kansas, on the other hand.

\*\*\*\*\*

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

Karl Miller ) Docket No. 144,170 M  
Box 97 )  
Fort Dodge, Kansas 67843 )

Applicant's Attorney: None

*Farm implements, equipment, materials and supplies, lumber and hay,*

Between all points and places in the state of Kansas.

\*\*\*\*\*

**Application to Transfer Certificate of  
Convenience and Necessity:**

Nash Trucks, Inc. ) Docket No. 58,358 M  
Route 1, Box 158 )  
Altamont, Kansas 67330 ) MC ID No. 100562  
To:  
Nash Grain, Inc.  
Route 1, Box 158  
Altamont, Kansas 67330

Applicant's Attorney: None

*Grain, (wheat, corn, barley, oats) and commercial dry  
fertilizer, fertilizer mixes, raw fertilizer, in bulk and  
in sacks,*

Between all points and places in the counties of Washington, Marshall, Nemaha, Brown, Doniphan, Atchison, Riley, Pottawatomie, Jackson, Jefferson, Wyandotte, Geary, Shawnee, Douglas, Johnson, Lyon, Osage, Franklin, Miami, Coffey, Anderson, Linn, Butler, Greenwood, Woodson, Allen, Bourbon, Sedgwick, Elk, Wilson, Neosho, Crawford, Sumner, Cow-

(continued)

ley, Chautauqua, Montgomery, Labette and Cherokee.

*Grain and dry fertilizer,*

Between all points and places in the counties of Washington, Marshall, Nemaha, Brown, Doniphan, Atchison, Riley, Pottawatomie, Jackson, Jefferson, Wyandotte, Geary, Shawnee, Douglas, Johnson, Lyon, Osage, Franklin, Miami, Coffey, Anderson, Linn, Butler, Greenwood, Woodson, Allen, Bourbon, Sedgwick, Wilson, Neosho, Crawford, Sumner, Cowley, Chautauqua, Montgomery, Labette, Elk and Cherokee.

Also,

Between all points and places in the counties of Washington, Marshall, Nemaha, Brown, Doniphan, Atchison, Riley, Pottawatomie, Jackson, Jefferson, Wyandotte, Geary, Shawnee, Douglas, Johnson, Lyon, Osage, Franklin, Miami, Coffey, Anderson, Linn, Butler, Greenwood, Woodson, Allen, Bourbon, Sedgwick, Wilson, Neosho, Crawford, Sumner, Cowley, Chautauqua, Montgomery, Labette, Elk and Cherokee, on the one hand, and all points and places in the state of Kansas, on the other hand.

*Broom Pellets,*

From points and places within a 10-mile radius of Olathe, Kansas to points and places within a 10-mile radius of Wamego, Kansas.

*Brome Pellets,*

From points and places within a 10-mile radius of Olathe, Kansas to points and places in the state of Kansas.

\*\*\*\*\*

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

Nash Grain, Inc. ) Docket No. 58,358 M  
Route 1, Box 158 )  
Altamont, Kansas 67330 ) MC ID No. 100562

Applicant's Attorney: None

*Grain, fertilizers and feeds,*

Between all points and places in the counties of Washington, Marshall, Nemaha, Brown, Doniphan, Atchison, Riley, Pottawatomie, Jackson, Jefferson, Wyandotte, Geary, Shawnee, Douglas, Johnson, Lyon, Osage, Franklin, Miami, Coffey, Anderson, Linn, Butler, Greenwood, Woodson, Allen, Bourbon, Sedgwick, Wilson, Neosho, Crawford, Sumner, Cowley, Chautauqua, Montgomery, Labette, Elk and Cherokee.

Also,

Between all points and places in the above named counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other.

\*\*\*\*\*

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

Claude Harpster, Jr. ) Docket No. 37,545 M  
Valley Center, Kansas )  
67147 ) MC ID No. 100397

TO:

Clear Water Truck Co., Inc.  
9101 N. West Street  
Valley Center, Kansas 67147

Applicant's Attorney: None

*Wrecked and disabled, repossessed or damaged motor vehicles and trailers as well as replacement vehicles therefore and parts thereof,*

Between points and places within a 50-mile radius of Wichita, Kansas.

Also,

Between points and places within a 50-mile radius of Wichita, Kansas, on the one hand, and all points and places in the state of Kansas, on the other, with no limitation as to tonnage which may be carried.

\*\*\*\*\*

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

Clear Water Truck ) Docket No. 99,367 M  
Co., Inc. )  
9101 N. West Street )  
Valley Center, Kansas )  
67147 ) MC ID No. 100879

Applicant's Attorney: None

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

Between all points and places in Sedgwick, Sumner, Cowley, Butler, Marion, Harvey, McPherson, Reno, Kingman and Harper counties, Kansas.

Also,

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

\*\*\*\*\*

WILLIAM E. GREEN  
Administrator  
Transportation Division

Doc. No. 002808

(Published in the KANSAS REGISTER, January 17, 1985.)

**NOTICE OF BOND SALE**  
**\$1,820,000**  
**INTERNAL IMPROVEMENT BONDS**  
**SERIES A-99**  
**CITY OF HUTCHINSON, KANSAS**  
**(General Obligation Bonds payable from**  
**unlimited Ad Valorem Taxes)**

*Sealed Bids.*

Sealed bids will be received by the undersigned, City Clerk of the City of Hutchinson, Kansas (the "City"), on behalf of the Commission at City Hall, 125

E. Avenue "B," P. O. Box 1567, Hutchinson, Kansas 67504-1567, until 10:00 A.M., Central Standard Time, on

TUESDAY, JANUARY 29, 1985

for the purchase of \$1,820,000 principal amount of Internal Improvement Bonds, Series A-99 (the "Bonds"), of the City hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the Governing Body immediately thereafter.

**Bond Details.**

The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, dated February 1, 1985, and becoming due serially on August 1 in the years as follows:

Year	Principal Amount
1986	25,000
1987	90,000
1988	90,000
1989	90,000
1990	90,000
1991	90,000
1992	90,000
1993	90,000
1994	90,000
1995	90,000
1996	90,000
1997	90,000
1998	100,000
1999	100,000
2000	100,000
2001	100,000
2002	100,000
2003	100,000
2004	100,000
2005	105,000

The Bonds will bear interest at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on February 1 and August 1 in each year, beginning on February 1, 1986.

**Place of Payment and Bond Registration.**

The principal of and interest on the Bonds will be payable in lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, Topeka, Kansas (the "Paying Agent" and "Bond Registrar"), to the registered owners thereof whose names are on the registration books of the Bond Registrar as of the 15th day of the month preceding each interest payment date. The Bonds will be registered pursuant to a plan of registration approved by the City and the Attorney General of the State of Kansas. The Bonds may be registered as fully registered certificated bonds or uncertificated (book entry) bonds at the option of each registered owner.

The City will pay for the fees of the Bond Registrar for registration and transfer of the Bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of

the Bond Registrar, will be the responsibility of the bondholders.

The type and denominations of the Bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the City and Bond Registrar at least two weeks prior to the closing date.

**Redemption of Bonds Prior to Maturity.**

Bonds maturing in the years 1986 to 1996, inclusive, shall become due without option of prior payment. At the option of the City, Bonds maturing in the years 1997 to 2005, inclusive, may be called for redemption and payment prior to maturity in whole or in part in inverse order of maturity (selection of bonds within the same maturity to be by lot by the City in such equitable manner as it may determine) on August 1, 1996, or on any interest payment date thereafter at the redemption prices (expressed as percentages of the principal amount) plus accrued interest to the date of redemption:

Redemption Dates	Redemption Price
August 1, 1996, and February 1, 1997	103%
August 1, 1997, and February 1, 1998	102%
August 1, 1998, and February 1, 1999	101%
August 1, 1999, and thereafter	100%

Whenever the City is to select the Bonds for the purpose of redemption, it shall, in the case of Bonds in denominations greater than \$5,000, if less than all of the Bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered bond as though it were a separate bond of the denomination of \$5,000.

If the City shall elect to call any Bonds for redemption and payment prior to the maturity thereof, the City shall give written notice of its intention to call and pay said Bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the registered owners of said Bonds, to the State Treasurer of Kansas, and to the manager or managers of the underwriting account making the successful bid; each of said notices to be mailed not less than 30 days prior to the date fixed for redemption. If any Bond be called for redemption and payment as aforesaid, all interest on such Bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

**Conditions of Bids.**

Proposals will be received on the Bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of  $\frac{1}{8}$  or  $\frac{1}{20}$  of 1%. No interest rate shall exceed a rate equal to the 20 bond index of tax exempt municipal bonds published by *The Credit Market* (formerly the *Weekly Bond Buyer*) in New York, New York, on the Monday next preceding the day on which the Bonds are sold, plus 2%. The difference between the highest rate specified and the lowest rate specified shall not exceed 2%. No

(continued)

bid of less than the par value of the Bonds and accrued interest thereon to the date of delivery will be considered, and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the City during the life of the Bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the City on the basis of such bid. Each bid shall also specify the average annual net interest rate to the City on the basis of such bid.

*Basis of Award.*

The award of the Bonds will be made on the basis of the lowest net interest cost to the City, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the City. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the Governing Body shall determine which bid, if any, shall be accepted, and its determination shall be final.

*Authority, Purpose and Security.*

The Bonds are being issued pursuant to K.S.A. 12-1736 and 12-1737 and amendments thereto, inclusive, for the purpose of enlarging and improving the public library of the City of Hutchinson and appurtenant facilities in connection therewith in the amount of \$1,700,000 as approved by the majority of the voters at an election held on Tuesday, August 7, 1984. Bonds in the amount of \$120,000 are being issued pursuant to K.S.A. 12-6a01 to 12-6a17 and amendments thereto, inclusive, for the purpose of paying the cost of certain alley repaving and sewer improvements. The Bonds and the interest thereon will constitute general obligations of the City, payable as to both principal and interest in part from special assessments levied upon the property benefited by the improvements and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property located within the City, the balance payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City.

*Legal Opinion.*

The Bonds will be sold subject to the legal opinion of GARR & BELL, Overland Park, Kansas, Bond Counsel, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the City, printed on the Bonds and delivered to the successful bidder as and when the Bonds are delivered. Said opinion will also state that in the opinion of Bond Counsel, under existing laws and regulations, the interest on the Bonds is exempt from federal income taxation.

*Delivery and Payment.*

The City will pay for printing and registering the Bonds and will deliver the same properly prepared,

executed and registered without cost to the successful bidder within 45 days after the date of sale at such bank or trust company in the contiguous United States as may be specified by the successful bidder without cost to the successful bidder. Delivery elsewhere will be made at the expense of the purchaser. Said bidder will also be furnished with a certified transcript of the 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 federal reserve funds, immediately subject to use by the City.

*Good Faith Deposit.*

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$36,400 payable to the order of the City to secure the City from any loss resulting from the failure of the bidder to comply with the terms of its bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if its bid is not accepted. If a bid is accepted, said check will be held by the City until the bidder shall have complied with all of the terms and conditions of this Notice, at which time the check will be returned to the successful bidder or paid to its order at the option of the City. If a bid is accepted but the City shall fail to deliver the Bonds to the bidder in accordance with the terms and conditions of this Notice, said check shall be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check shall be retained by the City as and for liquidated damages.

*CUSIP Numbers.*

It is anticipated that CUSIP identification numbers will be printed on the certificated bonds or assigned to uncertificated bonds, but neither the failure to print such number on or assign such number to any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of the purchase contract. All expenses in relation to the assignment and printing of CUSIP numbers on the Bonds will be paid by the City.

*Bond Rating.*

The outstanding general obligation bonds of the City are rated "A1" by Moody's Investor Service, Inc., and the City has applied for rating on the Bonds herein offered for sale.

*Bid Forms.*

All bids must be made on forms which may be procured from the City Clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The City reserves the right to waive irregularities and to reject any or all bids.

*Submission of Bids.*

Bids must be submitted in sealed envelopes ad-

dressed to the undersigned City Clerk, and marked "Proposal for the Purchase of Internal Improvement Bonds." Bids may be submitted by mail or delivered in person to the undersigned at City Hall and must be received by the undersigned prior to 10:00 A.M., Central Standard Time, on January 29, 1985.

**Official Statement.**

The City has prepared a Preliminary Official Statement dated January 14, 1985, copies of which may be obtained from the City Clerk. Upon the sale of the Bonds, the City will adopt the final Official Statement dated February 1, 1985, and, at the request of the successful bidder, will furnish the successful bidder with a reasonable number of copies thereof without additional cost. Additional copies may be ordered by the successful bidder at its expense.

**Assessed Valuation and Indebtedness.**

The total assessed valuation of the taxable, tangible property within the City for the year 1984 is \$126,069,100. The total general obligation indebtedness of the City as of the date of the Bonds, including the Bonds being sold, is \$25,072,000.

**Additional Information.**

Additional information regarding the Bonds may be obtained from the City Clerk.

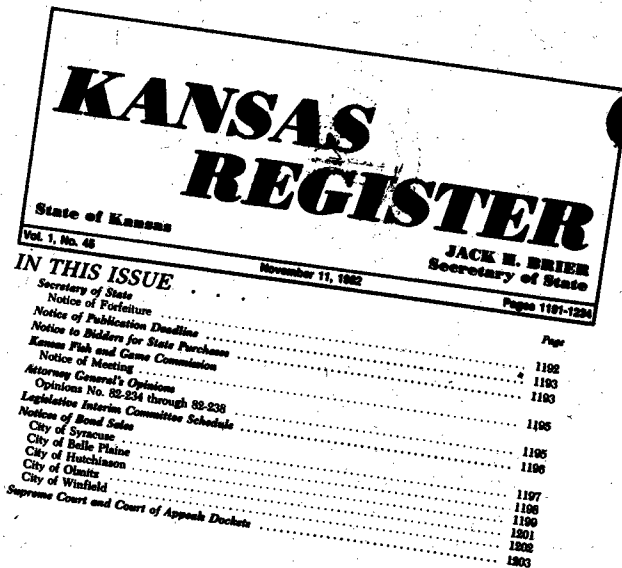
DATED this 14th day of January 1985.

CITY OF HUTCHINSON, KANSAS  
Vernon Stallman, CMC  
Director of Finance/City Clerk  
City Hall  
Hutchinson, KS 67504-1567  
(316/665-2614)

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