

# KANSAS REGISTER



State of Kansas

**JACK H. BRIER**  
Secretary of State

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April 11, 1985

Pages 545-576

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(Published in the KANSAS REGISTER, April 11, 1985.)

**State of Kansas**  
**DEPARTMENT OF TRANSPORTATION**  
**NOTICE TO CONTRACTORS**

Notice is hereby given that sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the K.D.O.T. District One Conference Room, 121 W. 21st, Topeka, KS, until 10:00 a.m. C.D.T., May 2, 1985, and then publicly opened:

**DISTRICT ONE—Northeast**

**Johnson—435-46 K-0456-06—I-435**, ramps, east-north and west-south and bridges on I-35, grading and surfacing. (Federal Funds)

A pre-bid conference for the above referenced Project 435-46 K-0456-06, Johnson County, is scheduled for Thursday, April 18, 1985, at 1:15 p.m. at the K.D.O.T. District One Conference Room, 121 W. 21st, Topeka. The project includes the ramps east-north and west-south at the interchange of I-435 & I-35 in the Cities of Lenexa and Overland Park.

Contractors wishing to bid on the project are *required* to attend this pre-bid conference in accordance with the provisions of 80P-207-RI dated January 31, 1985. The project is tentatively scheduled to be let on May 2, 1985.

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

Plans and specifications for the project(s) may be examined at the offices of the respective County

Clerks or at the Kansas Department of Transportation district offices responsible for the work.

**JOHN B. KEMP**  
 Secretary of Transportation

Doc. No. 003052

(Published in the KANSAS REGISTER, April 11, 1985)

**State of Kansas**  
**DEPARTMENT OF TRANSPORTATION**  
**NOTICE TO CONTRACTORS**

Notice is hereby given that sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, Kansas, until 10:00 a.m., April 18, 1985 and then publicly opened:

**DISTRICT TWO—Northcentral**

**Geary—70-31 M-1360-01—I-70**, Safety Rest Area 1505 and 1506, 1.0 mile west of I-70 and US-77, safety rest area. (State Funds)

**Geary—70-31 M-1361-01—I-70**, Safety Rest Area 1511 and 1512, 4.1 miles west of I-70 and K-177, safety rest area. (State Funds)

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

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

**JOHN B. KEMP**  
 Secretary of Transportation

Doc. No. 003051

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



PHONE: 913/296-3489

(Published in the KANSAS REGISTER, April 11, 1985)

## State of Kansas

## DEPARTMENT OF TRANSPORTATION

## NOTICE TO CONSULTING ENGINEERS

The Kansas Department of Transportation (K.D.O.T.) is seeking to engage a qualified engineering firm for the following projects:

**Brown County**—75-7 K-2597-01/BHF 063-4(31) and 36-7 K-2636-01/BHF 092-4-(38)—replacement of Cedar Creek Bridge #021, 0.10 mile north of US-36 and Cedar Creek Bridge #001, 0.24 mile east of US-75.

**Shawnee County**—470-89 K-2366-01/IR 470-5(172)—replacement of eastbound and westbound bridges over 37th Street and the south branch of Shunganunga Creek.

**Wyandotte County**—70-105 K-2447-01/IR 70-6(85)—pavement reconstruction from junction of US-69 (7th Street) to junction of US-24 (Intercity Viaduct).

**Sedgwick County**—2-87 K-2583-01/BHF 022-1(13) and 2-87 K-2600-01/BHF 022-1(14)—replacement of Cowskin Creek Bridges #171 and #172, 2.72 miles southwest of I-235 and replacement of the Flood Canal Bridges #173 and #174, 0.31 mile southwest of I-235.

**Sedgwick County**—96-87 K-2598-01/BHF 044-1(38)—replacement of Missouri Pacific Railroad Bridge, 0.51 mile east of Reno-Sedgwick County line.

Firms expressing interest in these projects must respond in writing and complete the Consulting Engineers Qualification Questionnaire (if not already prequalified) by April 26, 1985.

It is the policy of the K.D.O.T. to use the following criteria as the basis for selection of engineering consultant firms:

1. Size and professional qualifications of firm.
2. Experience of staff.
3. Location of firm with respect to proposed project.
4. Work load of firm.
5. Firm's performance.

JOHN B. KEMP  
Secretary of Transportation

Doc. No. 003076

## State of Kansas

## KANSAS VETERANS' COMMISSION

## PUBLIC NOTICE

Notice is hereby given that the following deceased members of the Kansas Soldiers' Home, Fort Dodge, KS, died intestate without known heirs or designated beneficiaries for funds on deposit with the Members and Patients Fund at the Kansas Soldiers' Home:

Name	Date of Death	Amount
BOLBY, Maurice	October 8, 1981	\$ 5.53
BROWN, Alice M.	September 15, 1982	.87
FARRINGTON, Helen	September 3, 1983	117.51
HAMILTON, Evert	June 30, 1982	49.94
LOCKWOOD, Roy	September 19, 1984	2,346.42
PALMER, Virginia	January 24, 1983	541.86
SCHULTE, Edward	June 16, 1983	8.00
TOUT, Lorenzo	July 8, 1980	49.10

Unless interested persons appear and file a legitimate claim therefore, within one (1) year after date of the last publication of this notice, said amount or amounts will be transferred to the General Fees Fund of the Kansas Soldiers' Home to help defray the unrecovered cost connected with the maintenance and operation of said Home. The aforementioned individuals all have the last known home address of Kansas Soldiers' Home, Fort Dodge, KS.

STAN TEASLEY  
Executive Director

Doc. No. 003088

## State of Kansas

## SOCIAL AND REHABILITATION SERVICES

## KANSAS COMMISSION FOR THE DEAF AND HEARING IMPAIRED

## NOTICE OF MEETING

The members of the Kansas Commission for the Deaf and Hearing Impaired will meet from 1-5 p.m., April 19, 1985, in the Southard Conference Room in the Southard Building, Topeka State Hospital Grounds, 2700 W. 6th St., Topeka, KS.

The public is invited to attend. Sign language and voice interpreting will be provided. For additional information, contact: the Kansas Commission for the Deaf and Hearing Impaired, Biddle Building, 1st Floor, 2700 W. 6th St., Topeka, KS 66606, (913) 296-2874—(Voice and TDD).

ROBERT C. HARDER  
Secretary of Social  
and Rehabilitation Services

Doc. No. 003087

**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 a.m., Thursday, April 18, 1985, in Room A, Staff Development Training Center, Topeka State Hospital, Topeka, KS.

The Council will consider grant proposals submitted through 5 p.m., March 29, 1985, and hear the Grant Review Committee's reports concerning these proposals. Public comment will be afforded.

**JOHN KELLY**  
 Executive Secretary

Doc. No. 003085

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

**NOTICE OF ESTABLISHMENT OF**  
**STATE COMPLEX WEST**

Notice is hereby given to all interested parties that the state-owned campus located north of 6th Street, between MacVicar and Oakley Streets, Topeka, has been named State Complex West. This action is due to the fact that various state offices are now located in that area. The following SRS agencies are located at State Complex West:

- |                               |  |
|-------------------------------|--|
| 1. Topeka State Hospital      | 5. Alcohol and Drug Abuse Services                 |
| 2. Youth Services             | 6. Child Support Enforcement                       |
| 3. Rehabilitation Services    | 7. Civil Rights/EEO                                |
| Blind Rehabilitation Center   | 8. Staff Development                               |
| Topeka Workshop for the Blind | 9. Topeka Area Office                              |
| Blind Services                | Social Services                                    |
| 4. Adult Services             | Child Support Enforcement                          |
| WIN—Job Club Program          | Low Income Emergency Assistance Program            |
| Economic Opportunity Office   | Vocational Rehabilitation Job Preparation Programs |

In addition, the following agencies are located at State Complex West:

1. Department of Corrections Pre-Release Program
2. State Printing Plant
3. State Agriculture Laboratory

**ROBERT C. HARDER**  
 Secretary of Social and Rehabilitation Services

Doc. No. 003086

**State of Kansas**  
**DEPARTMENT OF ADMINISTRATION**  
**DIVISION OF ARCHITECTURAL SERVICES**  
**NOTICE OF COMMENCEMENT**  
**OF NEGOTIATIONS**  
**FOR ARCHITECTURAL SERVICES**

Notice is hereby given of the commencement of negotiations for a contract for architectural services for the following project:

**HUMAN DEVELOPMENT CENTER**  
 University of Kansas  
 Lawrence, Kansas

The project consists of a building containing 72,000 net assignable square feet located on the main campus at Lawrence. The facility will be primarily for research and development of children and others with disabilities and will bring together the following University departments:

Institute for Human Development and Aging  
 Bureau of Child Research  
 Gerontology Center  
 Department of Human Development and Family Life  
 Department of Special Education  
 Department of Speech—Language—Hearing: Science and Disorders  
 Department of Radio—Television—Film

The net assignable square feet allocated for the above departmental space is 27,190. In addition, 17,640 square feet will be assigned to research suites, and 27,170 square feet has been programmed for the following areas which shall be shared by two or more disciplines:

Child Classrooms/Clinic  
 Academic Classrooms  
 Computer Application Unit  
 Telecommunications Unit  
 Instructional Resource Center  
 Computer-Assisted Instructional Laboratory  
 Research Institute on Learning Disabilities  
 Computer and Discrimination Learning Center  
 Informal Commons Area

Construction budget for the building and site development is \$10,385,000.

Negotiations for ancillary technical services shall be conducted as required. Such services shall include but shall not be limited to geo-technical and other soil or subsurface investigation and testing services, surveying, adjusting and balancing of HVAC and other mechanical systems, infrared testing and other consultant services.

In order to be considered, individuals or firms must be on file with the Division of Architectural Services. Any architect or architectural firm not on file but having a Kansas office staffed by one or more architects licensed by the State Board of Technical Professions may contact Jack Nelson, Division of Architectural Services, 625 Polk, Topeka, KS 66603, (913) 233-9367 to achieve eligibility. All expressions of interest must be received not later than April 26, 1985 and only eligible individuals or firms will be considered.

**JOHN B. HIPPI, AIA**  
 Director, Division of Architectural Services

Doc. No. 003082

**State of Kansas**  
**DEPARTMENT OF ADMINISTRATION**  
**DIVISION OF ARCHITECTURAL SERVICES**

**NOTICE OF COMMENCEMENT OF  
 NEGOTIATIONS FOR  
 ARCHITECTURAL SERVICES**

Notice is hereby given of the commencement of negotiations for a contract for architectural services for the following project:

**PAOLA NATIONAL GUARD ARMORY**

The facility is to be constructed in the city of Paola, KS and will consist of drill area, offices, classrooms, locker rooms, storage area, vault and kitchen. Estimated construction cost is \$1,050,000.

Negotiations for ancillary technical services shall be conducted as required. Such services shall include but shall not be limited to geo-technical and other soil or subsurface investigation and testing services, surveying, adjusting and balancing of HVAC and other mechanical systems, infrared testing and other consultant services.

In order to be considered, individuals or firms must be on file with the Division of Architectural Services. Any architect or architectural firm not on file but having a Kansas office staffed by one or more architects licensed by the State Board of Technical Professions may contact Jack Nelson, Division of Architectural Services, 625 Polk, Topeka, KS 66603, 913/233-9367, to achieve eligibility. All expressions of interest must be received not later than April 26, 1985 and only eligible individuals or firms will be considered.

JOHN B. HIPPI, AIA  
 Director, Division of  
 Architectural Services

Doc. No. 003079

**State of Kansas**  
**STATE BOARD OF AGRICULTURE**

**REQUEST FOR COMMENTS ON PROPOSED  
 SPECIAL LOCAL NEED REGISTRATIONS**

Notice is hereby given that pursuant to 7 U.S.C. 136v, Shell Chemical Company of Houston, Texas, has filed an application for special local need registration of Bladex 80W Herbicide (EPA Reg. No. 201-279). The purpose of the proposed special local need registration is to allow early preplant application of this pesticide alone and in tank mixes to control weeds in grain sorghum. At present, this pesticide is federally registered for pre-emergence weed control in grain sorghum at or after planting.

Notice is hereby given that pursuant to 7 U.S.C. 136v, Shell Chemical Company of Houston, Texas, has filed an application for special local need registration of Bladex 90 DF Herbicide (EPA Reg. No. 201-414). The purpose of the proposed special local need registration is to allow early preplant application of this pesticide alone and in tank mixes to control weeds in grain sorghum. At present, this pesticide is

federally registered for pre-emergence weed control in grain sorghum at or after planting.

Notice is hereby given that pursuant to 7 U.S.C. 136v, Shell Chemical Company of Houston, Texas, has filed an application for special local need registration of Bladex 4L Herbicide (EPA Reg. No. 201-281). The purpose of the proposed special local need registration is to allow early preplant application of this pesticide alone and in tank mixes to control weeds in grain sorghum. At present, this pesticide is federally registered for pre-emergence weed control in grain sorghum at or after planting.

Notice is hereby given that pursuant to 7 U.S.C. 136v, Universal Cooperatives, Inc. of Minneapolis, Minnesota, has filed an application for special local need registration of Paraquat + Plus (EPA Reg. No. 239-2186-1386). The purpose of the proposed special local need registration is to allow the use of this pesticide to control weeds in alfalfa between cuttings. At present, this pesticide is registered for use to control weeds on a variety of agricultural sites and to desiccate potatoes, soybeans and other crops prior to harvest.

Notice is hereby given that pursuant to 7 U.S.C. 136v, Universal Cooperatives, Inc. of Minneapolis, Minnesota, has filed an application for special local need registration of Paraquat + Plus (EPA Reg. No. 239-2186-1386). The purpose of the proposed special local need registration is to allow the use of this pesticide to control weeds in wheat fallow. At present, this pesticide is registered for use to control weeds on a variety of agricultural sites and to desiccate potatoes, soybeans and other crops prior to harvest.

Notice is hereby given that pursuant to 7 U.S.C. 136v, Dow Chemical Company of Midland, Michigan, has filed an application for special local need registration of Tordon 22K Weed Killer (EPA Reg. No. 464-323). The purpose of the proposed special local need registration is to allow the use of this pesticide to control musk thistle, pricklypear cactus and broom snakeweed in rangeland, permanent grass pastures and non-crop areas. At present, this pesticide is registered for use to control these and other weeds on non-cropland sites such as fence rows, roadsides and around farm buildings.

Notice is hereby given that pursuant to 7 U.S.C. 136v, Dow Chemical Company, Midland, Michigan, has filed an application for a special local need registration for Tordon 22K Weed Killer (E.P.A. Reg. No. 464-323). The purpose of the proposed special local need registration is to allow the use of this pesticide alone or in combination with 2,4-D to control annual and perennial broadleaf weeds such as field bindweed in grainland between crops of small grains. The proposed registration would also allow the use of Tordon 22K at a reduced rate in combination with 2,4-D to control broadleaf weeds on roadsides and other non-cropland areas. At present, this pesticide is registered for use alone or in combination with 2,4-D to control weeds on non-cropland sites.

(Continued)

Notice is hereby given that pursuant to 7 U.S.C. 136v, American Cyanamid Company of Wayne, New Jersey, has filed an application for special local need registration of Aastar Soil and Systemic Insecticide. The purpose of the proposed special local need registration is to allow the use of this pesticide to control cutworms, rootworms and other pests of field corn. Aastar is not federally registered. Its components, phorate (Thimet) and flucythrinate (Pay-Off), are registered. Phorate is presently registered for use on corn. Flucythrinate is registered for insect control on cotton, pears and apples.

Notice is hereby given that pursuant to 7 U.S.C. 136v, Y-TEX Corporation of Cody, Wyoming, has filed an application for special local need registration of MAX-CON Insecticide Ear Tags. The purpose of the proposed special local need registration is to allow the use of this pesticide product to control flies and ticks on beef and non-lactating dairy cattle. This product is not federally registered. It contains the insecticides cypermethrin, chlorpyrifos and piperonyl butoxide.

Information submitted by these applicants is on file with the Kansas State Board of Agriculture. Anyone wishing to submit written comments, data or other evidence in support of or in opposition to these proposed special local need registrations may do so on or before May 15, 1985. Written comments, data or other evidence should be submitted to H. Dean Garwood, Division of Entomology, Kansas State Board of Agriculture, 109 S.W. 9th St., Topeka, KS 66612.

H. DEAN GARWOOD  
Director, Division of Entomology

Doc. No. 003081

State of Kansas

## SECRETARY OF STATE

### KANSAS PUBLIC DISCLOSURE COMMISSION

#### Advisory Opinion No. 85-4

Written March 27, 1985 to Edward P. Schultz, Marketing and Advertising Director, Lawrence Daily Journal-World, 6th & New Hampshire, Bpx 888, Lawrence, KS 66644-0122.

This opinion is in response to your letter of February 12, 1985, in which you request an interpretation of K.S.A. 25-4156.

You request this opinion in your capacity as Marketing and Advertising Director for the *Lawrence Daily Journal-World* newspaper. You advise us that your newspaper would like to establish one rate for all political advertising, the rate not being the lowest possible rate available.

You ask whether your proposal is permissible under K.S.A. 25-4156. That section states: "Whenever any person sells space in any newspaper, magazine or other periodical to a candidate or to a candidate committee, party committee or political committee, the charge made for the use of such space shall not exceed the charges made for comparable use of such space for other purposes."

The difficulty in applying the statutory language is

that it assumes there is one charge for space. This is not true. As we understand newspaper advertising, space is charged at different rates depending upon, among other issues, the number of ads, the size of the ads, the ability to collect payment, and the likelihood of future ads. Once these issues have been reviewed, a business judgment is made and the newspaper offers a rate for the particular advertiser.

Obviously, from a review of the issues to be considered, a political campaign would not likely receive the lowest rate available to, for example, a large, established commercial concern, and we do not think the statute so requires. Rather, it is our opinion that so long as the rate charged is within the broad range of charges available and is based on a reasoned business judgment, that the statute permits other than the lowest possible charge.

In this regard we have reviewed the proposal you have made and are satisfied it meets this test and is permissible under the statutes, while at the same time advancing the valuable goal of charging for space on a basis that will not offer one candidate an advantage over another.

#### Advisory Opinion No. 85-5

Written March 27, 1985 to Thomas J. Burgardt, City Attorney, City Administrative Center, 301 N. 8th, P. O. Box 499, Garden City, KS 67846.

This opinion is in response to your letter of February 28, 1985, in which you request an opinion from the Kansas Public Disclosure Commission concerning K.S.A. 75-4301 *et seq.*

We note at the outset that the Commission's jurisdiction is limited in this case to the applicability of the above Act. Thus, whether some other common law or statutory system applies to your question is not covered by this opinion.

We understand you request this opinion in your capacity as the City Attorney for the City of Garden City, KS. You advise us that a member of the City Commission is also a licensed realtor and holds a substantial interest in a real estate sales corporation. We understand the city is considering issuing Family Mortgage Revenue Bonds pursuant to K.S.A. 12-5219, and the City Commissioner in her capacity as a realtor would be interested in negotiating sales with purchasers which would make use of the bonds.

Based on this factual situation, you ask whether the commissioner's voting or otherwise acting in her role as a public officer in regard to the proposed bond issuing would violate K.S.A. 75-4301 *et seq.*

We first note that the city commissioner is a "public officer" by definition of K.S.A. 75-4301 and holds a "substantial interest" in the corporation by definition of the same section. She is, therefore, covered by the Act concerning the above factual situation.

There are two sections of the Act which may be applicable to your question. K.S.A. 75-4304 concerns contracts by public officials and employees with businesses by which they are employed or in which they hold a substantial interest. In addition, K.S.A. 75-4305 relates to other situations not covered by K.S.A. 75-4304 where an action by a public officer or employee



will "affect" any business in which they hold a substantial interest. In regard to K.S.A. 75-4304, this Commission has consistently held that that section relates only to "contracts" and is inapplicable to the question of legislative decisions such as the issuance of bonds. We, therefore, turn to the applicability of the remaining section.

K.S.A. 75-4305 states, "Any public officer or employee who has not filed a disclosure of substantial interest and who, while acting in his official capacity, shall pass upon any matter which will affect any business in which such officer or employee shall hold a substantial interest, shall, before he acts upon such matter, file a written report of the nature of said interest with the office of the secretary of state, if such person is a state officer or employee, or if such person is an officer or employee of a municipal or quasi-municipal corporation, with the county clerk of the county in which all or the largest geographical part of such municipal or quasi-municipal corporation is located."

Keeping in mind that the commissioner is a "public officer" and holds a "substantial interest" in the corporation, it is the Commission's opinion that any action in regard to the bond issue in the commissioner's capacity as a public official would clearly "affect" a business in which she holds a substantial interest due to the likelihood that sales associated with the bond money will be made. Such being the case, the commissioner must, unless she has already properly filed a substantial interest statement which includes the corporation described above, choose between two statutory alternatives:

1. She must file a written report of the nature of said interest with the County Clerk (please note that this report relates only to the specific interest which will be affected); or
2. abstain from any action in regard to the bond issue.

In the event the report is filed pursuant to K.S.A. 75-4305, the commissioner may participate in any and all consideration of the bond issue. If, instead, she chooses the second alternative, she must totally abstain from any actions in her official capacity as a member of the City Commission in regard to the bond issue.

For your guidance, we note that the abstention required by this section includes not only non-participation in her capacity as a public official in public meetings, but also non-engagement in that capacity in private discussions with other members of the City Commission. In other words, the abstention from action in her capacity as a public official must be total.

In regards to public meetings where such matters are discussed, we suggest that the commissioner absent herself from the meeting during such discussion. She should also request that the record show the fact of her absence and the reasons therefore.

In closing, it is our opinion based on the factual situation presented to us, so long as the guidelines contained herein are followed, that the commissioner will be in compliance with K.S.A. 75-4301 *et seq.* in

regard to considerations of the bond issue and no inference of wrongdoing should arise under that statutory system.

#### Advisory Opinion No. 85-6

Written March 27, 1985 to Mark D. Frey, L.B.S.W., Social Worker I, State Department of Social & Rehabilitation Services, State Office Building, Topeka, KS 66612.

This opinion is in response to your letter of March 6, 1985, in which you request an opinion from the Kansas Public Disclosure Commission.

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

You request this opinion in your capacity as a Social Worker I currently working in Youth Services in the Kansas City Area Office. You advise us that your job does not include licensing or contracting responsibilities.

You ask whether you could seek part-time employment with agencies licensed by S.R.S.

As long as you have not participated in the making of a contract on behalf of the State within the past two years with any such prospective employer, and do not do so after accepting employment, and further do not participate in licensing, inspection, administration or enforcement of any regulation concerning such employer, you may hold a part-time position with an outside agency during your service as a state employee.

#### Advisory Opinion No. 85-7

Written March 27, 1985 to Charles J. Schwartz, Secretary of Kansas Department of Economic Development, 503 Kansas Ave., 6th Floor, Topeka, KS 66603.

This opinion is in response to your letter of March 7, 1985, in which you request an opinion from the Kansas Public Disclosure Commission.

You request this opinion in your capacity as Secretary of the Kansas Department of Economic Development. The scope of this request arises out of a FY 1986 budget request for \$40,000 to fund one-half of the cost for a contract with the National Main Street Center, a division of the National Trust for Historic Preservation, to provide technical assistance to five or six Kansas communities in their downtown revitalization efforts. The program, to be administered by current staff through the Kansas Department of Economic Development, would also contain aspects of general interest and assistance to communities across the state, both directly (workshops) and indirectly (publications, models from which to draw ideas, etc.)

The second one-half (\$40,000) of the contract amount is to come from private sector contributions to form a public-private partnership in this effort. It would be your plan for any private sector contributions to be made to the League of Kansas Municipalities for the purpose of funding a contract between the National Main Street Center and the State of Kansas

(Continued)

(KDED) for the benefit of Kansas communities to be selected by competition. The League of Kansas Municipalities is a not-for-profit quasi-governmental agency under Section 2522 of the IRS Code.

Based on this factual situation, you ask if employees of your Community Development Division can contact businesses, corporations and/or foundations in an effort to inform them of this program and offer them the opportunity to participate in this public-private partnership. This question is raised within the context of K.S.A. 46-236 which prohibits any state employee from soliciting any gift, etc.

While the language of K.S.A. 46-236 may be broadly interpreted, it is our opinion in those cases where the solicitation is for a governmental function pursuant to either direct legislative authority or authority implied by specific funding, that the section should not be interpreted to prohibit solicitations by state employees for the benefit of the state. We believe the situation you describe falls within this governmental function exception and are, therefore, satisfied that the situation you have described will not violate K.S.A. 46-236.

RICHARD E. DIETZ  
Chairman

By Direction of the Commission

Filed with the Secretary of State April 1, 1985.

Doc. No. 003070

State of Kansas

## ATTORNEY GENERAL

Opinion No. 85-31

**Cities of the Third Class—Election, Appointment and Removal of Officers—Qualifications of Officers; Incompatibility of Offices.** William T. North, Cottonwood Falls City Attorney, Cottonwood Falls, April 1, 1985.

The common law doctrine of incompatibility of offices precludes one person from simultaneously holding the offices of city council member and county clerk. Cited herein: K.S.A. 79-1965, 79-5004. TRH

ROBERT T. STEPHAN  
Attorney General

Doc. No. 003075

State of Kansas

## DEPARTMENT OF HUMAN RESOURCES

### NOTICE OF GRANT APPLICATIONS IN REVIEW

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.

**KS850327-001-15916CK**—Application to the Department of the Interior for \$12,000 for development of picnic facility with construction of concrete block restrooms and picnic shelter, picnic tables and grills.

The project also includes repaving the road and construction of 3-car parking lot. Contact John Delmont, Cherokee Co. Board of Commissioners, Room 109, County Courthouse, Columbus, KS 66725, 316/429-3256. Comments due by May 6, 1985.

**KS850328-001-12DAFSG**—Notification from the Department of the Air Force of an Air Force proposal at McConnell Air Force Base for equipment assignments resulting in a decrease of 38 personnel. Comments due in this office by April 22, 1985.

**KS850401-001-12DFDKS**—U.S. Army submitted a proposed report and final environmental impact statement concerning Kansas Flood Control on the Arkansas and Walnut Rivers. Comments of Kansas will be considered prior to the report's submittal to the Secretary of the Army. Comments due in this office no later than May 21, 1985.

**KS850401-002-13665WY**—Application to the Department of Health and Human Services for \$82,293 to combat nutritional dependency among Kansas farmworkers, with emphasis on migrants. This program includes crisis intervention for 5,000 farmworkers, self-help gardening, canning and solar food drying. Contact Laurie Rosenwasser, Harvest America Corporation, 14th & Metropolitan, Kansas City, KS 66103, 913/342-2121. Comments due by May 11, 1985.

**KS850401-003-13665SG**—Application to the Department of Health and Human Services for \$289,000 to add 21,000 square feet and to employ 60 disabled unemployed persons in Kansas seeking training in electronics. Contact Joe Childs, Center Industries Corporation, 2505 S. Custer, Wichita, KS 67217-0364, 316/942-8255. Comments due by May 11, 1985.

**KS850401-004 & 005-84128KS**—Applications to the Department of Education totaling \$658,828. These projects are a partnership program to assess, train, employ and promote disabled persons in competitive employment. Contact Kenneth Ogren, The Menninger Foundation, Project with Industry, 700 Jackson, Jayhawk Tower—9th Floor, Topeka, KS 66603, 913/233-2051. No review required.

**KS850401-006-13665CL**—Application to the Department of Health and Human Services for \$400,000 to expand their facilities so that they can create 100 new jobs for low/moderate income handicapped persons. Contact William Vardy, Cowley County Developmental Services, Inc., P.O. Box 133, Arkansas City, KS 67005, 316/442-3575. Comments due by May 11, 1985.

**KS850401-007 & 008-13665KS**—Applications to the Department of Health and Human Services totaling \$719,000. These projects assist low income and elderly persons in rural areas to facilitate improvements such as water, sewer, housing, employment, etc. The projects also assist small, rural low-income communities to identify and solve their water and wastewater problems. Contact Kenneth Bruzelius, Midwest Assistance Program, Inc., Midwest Rural Housing Network, P.O. Box 81, New Prague, MN 56071, 612/758-4334. Comments due by May 11, 1985.



**KS850401-009-66802KS**—The Kansas Department of Health and Environment notified our office of the proposed Superfund Project to be funded by the U.S. Environmental Protection Agency. This project will consist of preliminary assessments and site inspections at sites where hazardous waste may have been deposited. Contact Barbara Sabol, Secretary to the Department of Health and Environment, Forbes Field, Topeka, KS 66620, 913/862-9360. Comments due by May 11, 1985.

**KS850402-001-13665SG**—Application to the Department of Health and Human Services for \$500,000 for a joint project which will create a new manufacturing entity; train displaced, disadvantaged, disabled and older citizens; and create permanent employment opportunities. Contact William Lawrence, Kansas Elks Training Center for the Handicapped, Inc., 1006 E. Waterman, Wichita, KS 67211, 316/265-2257. Comments due by May 11, 1985.

**KS850402-002-13293KS**—Application to the Department of Health and Human Services for \$340,164 to continue full designation as the State Health Planning and Development Agency. Contact Rosemary O'Leary, Kansas Dept. of Health and Environment, Div. of Policy and Planning, Bldg. 740, Forbes Field, Topeka, KS 66620, 913/862-9360. Comments due by April 27, 1985.

**KS850403-001-13600SG**—Application to the Department of Health and Human Services for \$42,712 for Wichita Head Start cost of living adjustment. Contact Rex Stonger, Child Care Association of Wichita/Sedgwick Co., 155 S. Hydraulic, Wichita, KS 67211, 316/265-0871. No review required.

**KS850403-002-84121KS**—The Kansas Department of Education submitted their State Plan for Adult Basic Education for Fiscal Years 1986-88. The purpose of this plan is to expand educational opportunities for adults and encourage the establishment of programs of adult education. Contact the Kansas Department of Education, 120 E. 10th St., Topeka, KS 66612, 913/296-3201. Comments due by April 27, 1985.

The following application has been made to the Department of Health and Human Services for expansion of existing or establishment of new Head Start Programs:

**KS850329-002-13600JO**—\$105,007—Head Start of Shawnee Mission, Inc. Contact Elizabeth Hocker, Director, Head Start, 4510 W. 66th Ter., Shawnee Mission, KS 66208, 913/262-1205. Comments due by April 23, 1985.

#### **Program Announcements**

The Office of Human Development Services of HHS announced the availability of FY85 funds for the Runaway and Homeless Youth Basic Center Grants and Coordinated Networking Grants. Closing dates for applications under Part II and Part III are May 3 and May 10, respectively. For more information contact Pamela Johnson, ACYF/Family and Youth Services

Bureau, Division of Program Operations, P.O. Box 1182, Washington, D.C. 20013, 202/775-2987.

The U.S. Department of the Interior announced the reapportionment of reverted Land and Water Conservation Fund money of which Kansas is certified to receive \$35,341.82 for needed outdoor projects.

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

Doc. No. 003084

#### **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 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, APRIL 22, 1985**

- #26516  
Kansas Department of Health and Environment,  
Topeka—PAPANICOLAU SCREENING
- #26517  
Statewide—VIDEO TAPE
- #26522  
University of Kansas Medical Center, Kansas  
City—PHOTOGRAPHIC FILM PROCESSING AND  
PRINTING
- #61265  
Emporia State University, Emporia; University of  
Kansas Medical Center, Kansas City; and Department  
of Transportation, Topeka—CHEMICALS, FILM AND  
PAPER
- #61268  
Kansas State University, Manhattan—LACTATE  
ANALYZER
- #61269  
Kansas State University, Manhattan—LIQUID  
CHROMATOGRAPHY APPARATUS
- #61270  
Youth Center at Atchison, Atchison—DRAPERIES,  
CURTAINS, RODS AND INSTALLATION
- #61271  
Department of Social and Rehabilitation Services,  
Topeka—BLIND MADE PRODUCTS
- #61272  
Department of Administration, Division of  
Information Systems and Communications,  
Topeka—MAGNETIC TAPE SUB-SYSTEMS, TELEX  
COMPATIBLE
- #61274  
Kansas State Industrial Reformatory,  
Hutchinson—MISCELLANEOUS MEAT
- #61279  
Kansas State University, Manhattan—  
MULTIPLEXER
- #61284  
University of Kansas, Lawrence—COMPACT  
SEDAN
- #61290  
Larned State Hospital, Larned—ICE MACHINES

(Continued)

#61291

Kansas Department of Transportation, Topeka—  
CORRUGATED STEEL PIPE ARCH AND  
ACCESSORIES

#61296

Wichita State University, Wichita—  
WASHER—EXTRACTOR

#61297

University of Kansas Medical Center, Kansas  
City—WHEELCHAIRS

#61298

University of Kansas Medical Center, Kansas  
City—GRAVITY MICROCOMPUTER  
CONTROLLED STERILIZER

#61305

Kansas Department of Transportation, Topeka—  
WOOD SIGN AND GUARD RAIL POSTS

#61330

University of Kansas Medical Center, Kansas  
City—VM/CMS INTERFACE SOFTWARE

#61333

Department of Revenue, Topeka—CONTINUOUS  
REGISTRATION FORMS AND LABELS—  
VEHICLES

#61334

University of Kansas, Lawrence—  
SPECTROPHOTOMETER

#61336

University of Kansas Medical Center, Kansas  
City—DRAW SHEETS

**TUESDAY, APRIL 23, 1985**

#A-5170

Kansas Correctional Institute at Lansing,  
Lansing—RETUBE BOILER AND HEAT  
EXCHANGER

#A-5226

Kansas State University, Manhattan—BOYD HALL  
AND PUTNAM HALL WINDOWS REPLACEMENT

#60447-A

Topeka State Hospital, Topeka—  
BEDSPREAD/BLANKETS

#60934-A

Larned State Hospital, Larned—DISHWASHING  
SUPPLIES AND SERVICE

#60944-A

Kansas State Penitentiary, Lansing—FURNISH  
PRE-FABRICATED STEEL AND MATERIALS

#61035-A

Winfield State Hospital and Training Center,  
Winfield—ADULT CLOTH DIAPERS

#61280

Kansas State University, Manhattan—LASER  
PRINTER

#61283

Department of Social and Rehabilitation Services,  
Topeka—PRINTERS FOR MICROCOMPUTER

#61303

University of Kansas Medical Center, Kansas  
City—CENTRIFUGE

#61304

Wichita State University, Wichita—AA  
SPECTROPHOTOMETER

#61312

Wichita State University, Wichita—VERTICAL  
MILLING MACHINE

#61313

Kansas State University, Manhattan—MOWER

#61314

Kansas State University, Manhattan—DRILLS

#61315

Department of Social and Rehabilitation Services,  
Topeka—HYDRAULIC LIFT TRUCK

#61316

Kansas Department of Transportation, Norton—  
VACUUM STREET SWEEPER

#61331

Wichita State University, Wichita—LISP/VM  
SOFTWARE

#61335

University of Kansas Medical Center, Kansas  
City—HPLC APPARATUS

#61348

University of Kansas, Lawrence—TYPESETTING  
AND PREPARATION OF "FLORA OF THE GREAT  
PLAINS"

**WEDNESDAY, APRIL 24, 1985**

#A-5150, A-5152, A-5153

Department of Corrections, Topeka—FURNISH  
AND INSTALL ELECTRIC DOOR STRIKES,  
EMERGENCY GENERATOR AND FIRE ALARM  
SYSTEM, Toronto Honor Camp

#A-5222

Kansas State School for the Deaf, Olathe—  
PROVIDE LIGHTING MODIFICATIONS FOR  
STANLEY ROTH ADMINISTRATION BUILDING

#61289

Department of Human Resources, Topeka—  
WORD PROCESSING EQUIPMENT  
—EXXON COMPATIBLE

#61317

Kansas Department of Transportation,  
Hutchinson—PAINT STRIPER

#61332

Kansas Department of Transportation, Topeka—  
TRACTOR

#61350

Youth Center at Atchison, Atchison—FIRE ALARM  
SERVICE CONTRACT

#61351

University of Kansas Medical Center, Kansas  
City—SURGICAL DRILL SYSTEM

#61352

Wichita State University, Wichita—PROGRAMS  
FOR 1985 COMMENCEMENT

#61353

Kansas State University, Manhattan—  
STEREOMICROSCOPE

#61354

Kansas State Historical Society, Topeka—  
ACRYLIC SHEET

#61355

University of Kansas Medical Center, Kansas  
City—CONTINUOUS FORMS: "TEMPORARY  
PATIENT SUMMARY"

#61356

Department of Revenue, Topeka—  
ENVELOPES—GREEN—STD-29

**THURSDAY, APRIL 25, 1985**

#A-5038

Kansas Department of Transportation, Topeka—  
WELDING SHOP ADDITION

#A-5125

Department of Administration, Topeka—REMODEL  
LIEUTENANT GOVERNOR'S OFFICE, 2nd  
Floor—South Wing

#26515

University of Kansas, Lawrence—SILVER  
SMELTING

#61349

Department of Revenue, Topeka—REFLECTIVE  
SHEETING FOR ANNUAL VALIDATION  
STICKERS

#61368

Kansas State University, Manhattan—VOICE AND  
DATA COMMUNICATIONS SYSTEMS

FRIDAY, APRIL 26, 1985

#A-5191

Department of Human Resources, Topeka—  
REPLACE AIR HANDLING UNITS, AND AIR  
COOLED CONDENSING UNITS AND PROVIDE  
ECONOMIZER CONTROLS, Wichita

#26508

University of Kansas, Lawrence and University of  
Kansas Medical Center, Kansas City—SMALL  
ANIMAL FEED

#26520

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

#26521

Department of Economic Development, Topeka—  
COMPUTERIZED MAINTENANCE OF  
SUBSCRIPTION LIST

MONDAY, APRIL 29, 1985

#61273

Kansas Department of Transportation, various  
locations—AS-1 or AB-3 AGGREGATE, MRA  
AGGREGATE

#61306

Kansas Department of Transportation, Topeka—  
PLANT MIX BITUMINOUS MIXTURE,  
COMMERCIAL GRADE, Atchison

TUESDAY, APRIL 30, 1985

#26506

Statewide—SPICES AND MISCELLANEOUS  
GROCERIES

#26519

University of Kansas Medical Center, Kansas  
City—JUNE MEAT PRODUCTS (1985)

#61307

Kansas Department of Transportation, Norton—HOT  
APPLIED CRACK SEALANT

WEDNESDAY, MAY 1, 1985

#26505

Statewide—FROZEN FOODS

#26518

University of Kansas Medical Center, Kansas  
City—DRY ICE

THURSDAY, MAY 2, 1985

#A-4449(j)

Kansas State Penitentiary, Lansing—CONSTRUCT  
SUPPORT SERVICES FACILITY MEDIUM  
SECURITY FACILITIES

MONDAY, MAY 13, 1985

#26524

Topeka State Hospital, Topeka—SALE OF  
GROWING HAY

NICHOLAS B. ROACH  
Director of Purchases

## State of Kansas

## LEGISLATURE

The following lists the numbers and titles of bills and resolutions recently introduced in the Legislature.

Copies of bills and resolutions are available free of charge from the Legislative Document Room, State Capitol, Topeka, KS 66612, (913) 296-7394. There is a limit of 25 copies of any one item.

**Bills Introduced March 28-April 3:**

SB 370, by Committee on Ways and Means: An act concerning taxes on sales of alcoholic beverages by clubs; relating to disposition of revenues; amending K.S.A. 79-41a03 and 79-41a04 and repealing the existing sections.

SB 371, by Committee on Ways and Means: An act concerning the joint committee on state building construction; relating to the organization thereof; amending K.S.A. 1984 Supp. 46-1701 and repealing the existing section.

SB 372, by Committee on Federal and State Affairs: An act relating to counties; concerning the election of county commissioners in certain counties; amending K.S.A. 19-201, 19-202, 19-204 and 19-219 and repealing the existing sections.

SB 373, by Committee on Federal and State Affairs: An act concerning cities; relating to business improvement districts; amending K.S.A. 12-1786, 12-1789 and 12-1793 and repealing the existing sections.

HB 2586, by Committee on Ways and Means: An act concerning scholarships available to medical students; relating to selection of service commitment areas; amending K.S.A. 76-375 and repealing the existing section.

HB 2587, by Committee on Ways and Means: An act authorizing the state historical society to acquire the Charles Curtis home, which possesses unusual historical interest for and in the name of the state of Kansas.

HB 2588, by Committee on Ways and Means: An act concerning oil and gas; relating to the protection of surface and groundwater; amending K.S.A. 55-150, 55-153 and 55-158 and repealing the existing sections.

HB 2589, by Committee on Ways and Means: An act concerning social welfare; relating to interpretation of statutory and regulatory provisions; amending K.S.A. 39-701 and repealing the existing section.

HB 2590, by Committee on Ways and Means: An act relating to special project personnel employed by the department of social and rehabilitation services; amending K.S.A. 75-2935, 76-12a08 and 76-12a20 and repealing the existing sections.

HB 2591, by Committee on Ways and Means: An act concerning motor vehicles; relating to drivers' licenses and examinations thereof; amending K.S.A. 8-235c and repealing the existing section.

HB 2592, by Committee on Ways and Means: An act concerning the department of administration; relating to the Santa Fe office building in Topeka, Kansas; authorizing the secretary of administration to withdraw from the purchase agreement therefor and to enter into certain other agreements with regard thereto.

HB 2593, by Committee on Ways and Means: An act concerning the department of social and rehabilitation services; relating to settlement of a civil lawsuit; making and concerning appropriations for the fiscal year ending June 30, 1986; providing for financing and authorizing certain disbursements; imposing certain conditions, restrictions and limitations related thereto.

HB 2594, by Committee on Federal and State Affairs: An act concerning nuclear generating facilities; relating to the decommissioning thereof.

HB 2595, by Committee on Ways and Means: An act amending the Kansas retailers' sales tax act; relating to the definition of political subdivision; amending K.S.A. 79-3602 and repealing the existing section.

HB 2596, by Committee on Ways and Means: An act imposing an excise tax upon cable television subscribers; providing for the administration, collection and enforcement thereof by the state department of revenue; providing for the disposition of revenue received.

HB 2597, by Committee on Ways and Means: An act concerning municipal universities; tax levies relating to capital improvements; amending K.S.A. 13-13a23 and repealing the existing section.

HB 2598, by Committee on Ways and Means: An act concerning abstractors; relating to examination and license fees; amending K.S.A. 58-2801 and 58-2805 and repealing the existing sections.

HB 2599, by Committee on Ways and Means: An act concerning the act for obtaining treatment for a mentally ill person; relating to immunity from civil liability; amending K.S.A. 59-2902 and 59-2932 and repealing the existing sections.

HB 2600, by Committee on Ways and Means: An act relating to insurance; concerning the taxation of insurance companies; amending K.S.A. 79-1103 and K.S.A. 1984 Supp. 40-252 and 40-3404 and repealing the existing sections; also repealing K.S.A. 40-2801 to 40-2812, inclusive.

HB 2601, by Committee on Ways and Means: An act concerning the insurance department; relating to compensation for assistants and employees; amending K.S.A. 40-110 and repealing the existing section.

HB 2602, by Committee on Ways and Means: An act concerning the health care provider insurance availability act; relating to the health care stabilization fund; amending K.S.A. 1984 Supp. 40-3403 and repealing the existing section.

HB 2603, by Committee on Ways and Means: An act concerning grants-in-aid to libraries; relating to the eligibility thereof; amending K.S.A. 75-2556 and repealing the existing section.

SR 1834, by Senators Johnston, Anderson, Daniels, Ehrlich, Francisco, Harder, Hayden, Hoferer, Karr, D. Kerr, Martin, Parrish, Salisbury and Werts: A resolution memorializing Congress to continue funding for Amtrak.

SR 1835, by Senator Allen: A resolution congratulating the fourth grade class at Garfield Elementary School in Ottawa for winning a national essay contest.

SR 1836, by Senators Winter and Montgomery: A resolution congratulating Reginald C. Thomson, a former state senator, on his 92nd birthday.

SR 1837, by Senators Karr, Bogina, Burke, Harder, F. Kerr, Montgomery and Warren: A resolution congratulating and commending the Kansas Master Teachers for 1985.

SR 1838, by Senators Walker, Werts, Allen, Anderson, Arasmith, Bogina, Burke, Daniels, Doyen, Ehrlich, Feleciano, Francisco, Frey, Gaines, Gannon, Gordon, Harder, Hayden, Hoferer, Johnston, Karr, D. Kerr, F. Kerr, Langworthy, Martin, Montgomery, Morris, Mulich, Norvell, Parrish, Reilly, Salisbury, Steineger, Strick, Talkington, Thiessen, Vickersen, Warren, Winter and Yost: A resolution honoring Dr. James A. McCain.

SR 1839, by Senator Martin: A resolution honoring H. Carl Christiansen, Jr., upon his retirement as police chief of the city of Columbus.

SCR 1625, by Committee on Education: A concurrent resolution commending school districts which are providing educational programs on alcohol and drug abuse for students and urging other school districts to implement such programs, requesting the state departments of education, social and rehabilitation services, and health and environment to engage in a cooperative effort to assist school districts in addressing alcohol and drug abuse problems in students.

(Continued)

HR 6095, by Representative Runnels: A resolution commending the youth of Topeka and certain agencies involved in the "Teens are Concerned" Conference.

HR 6096, by Representatives Charlton and Blumenthal: A resolution congratulating Reginald G. Thomson, a former state senator, on his 92nd birthday.

HR 6097, by Representatives Spaniol, Aylward, Baker, Bowden, Dean, Duncan, Foster, Fox, Francisco, Fuller, Gjerstad, Helgerson, King, Luzzati, B. Ott, K. Ott, Pottorff and Williams: A resolution concerning proposed Internal Revenue Service regulations relating to the personal taxation of nonbusiness travel on business aircraft.

HR 6098, by Representative Brya: A resolution congratulating and commending the Linn High School boys' basketball team and its coach, Rich Jensen, on winning the 1985 Class 2A State Basketball Championship in Kansas.

HR 6099, by Representatives Freeman, Bideau, C. Campbell, Charlton, Cloud, Cribbs, Francisco, Friedeman, Fry, Guldner, Harper, Jarchow, Leach, Mollenkamp, Moomaw, Solbach and Webb: A resolution establishing April 20 through May 20, 1985, as "Motorcycle Safety—Education—Awareness Days."

HR 6100, by Representatives DeBaun, Acheson, Barr, Branson, Bunten, Charlton, Graeber, Hensley, Jenkins, Laird, Mainey, Roy, Runnels, Smith, Solbach and Wagnon: A resolution congratulating Hallmark Cards on its 75th anniversary.

HR 6101, by Representatives Snowbarger and Brown: A resolution congratulating Oregon Trail Junior High School on being cited for excellence in education by the United States Department of Education in its Secondary School Recognition Program.

HR 6102, by Representative Lacey: A resolution congratulating and commending Tena LaForge on her selection as a recipient of the Outstanding Educator Award from Pittsburg State University.

HR 6103, by Representative Lacey: A resolution congratulating and commending L. D. Curran on his selection as the recipient of the Clyde U. Phillips Distinguished Service Award from Pittsburg State University.

HR 6104, by Representatives Snowbarger and Brown: A resolution congratulating and commending Santa Fe Trail Junior High School on receiving recognition in the United States Department of Education Secondary School Recognition Program.

HR 6105, by Representatives Snowbarger and Brown: A resolution congratulating and commending Indian Trail Junior High School on being selected to participate in the United States Department of Education Secondary School Recognition Program.

HR 6106, by Representatives Williams, Baker, Bowden, Cribbs, Dean, Duncan, Foster, Francisco, Fuller, Gjerstad, Grotewiel, Helgerson, Jarchow, Luzzati, K. Ott, Pottorff, Spaniol and Webb: A resolution congratulating and commending Xavier "X" McDaniel on his many achievements.

HR 6107, by Representatives Sand and Knopp: A resolution congratulating the Kansas State University Department of Journalism and Mass Communications on its 75th anniversary.

HCR 5019, by Representatives Hayden and Barkis: A concurrent resolution recognizing the authority of the state board of regents to enter into a reciprocal agreement with the university of Nebraska board of regents for the establishment of a cooperative program for veterinary medical education and urging the state board of regents to actively explore the establishment of a cooperative program for veterinary medical education with the university of Nebraska board of regents.

Doc. No. 003080

(Published in the KANSAS REGISTER April 11, 1985)

### SENATE BILL No. 82

AN ACT relating to the vesting of title to abandoned property belonging to any Assembly of God Church or religious organization in the Kansas District Council Assemblies of God, Inc., its successors or assigns.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. The title to all abandoned property, both real, personal and mixed, belonging to or held in trust for or by any Assembly of God Church or Assembly of God religious organization that has or shall become extinct shall vest in and become the property of the Kansas District Council Assemblies of God, Inc., a corporation, and its successors and assigns. This act shall not affect the reversionary interest of any person or persons, or corporation, now existing in any such property or any valid lien now existing thereon.

Sec. 2. Any Assembly of God Church or religious organization in this state: (a) Which has ceased or failed to maintain religious worship or services, or to use its property for religious worship or services according to the tenets, usages and customs of the churches in this state for a period of two consecutive years immediately prior thereto; or

(b) whose members have so diminished in numbers or in financial strength as to render it impossible or impracticable for any such church or organization to:

(1) Maintain religious worship or services, or to maintain its organization;

(2) protect its property from exposure, waste and dilapidation; or

(3) fulfill the purposes for which it was organized, created or incorporated, shall be deemed and taken to be extinct and may by an order of the district court of the county in which such church or organization has been theretofore situated to be so declared extinct and dissolved, and thereupon all the property of every kind of such church or organization or property which may be held in trust for such church or organization shall be transferred to, and the title and possession thereof vested absolutely in the Kansas District Council Assemblies of God, Inc., a corporation.

Sec. 3. An application for such an order and disposition of property may be made by any member or officer of the Kansas District Council Assemblies of God, Inc., a corporation, or by

proper officials of the church upon a verified petition setting forth the facts authorizing such order and disposition of property.

Upon the presentation of such petition to the district court, the court may proceed in a summary manner, after such notice as the court may prescribe, to inquire into the merits of such application; and if upon examination by the court it shall satisfactorily appear that the making of the order and disposition of the property applied for is necessary or proper, for any of the causes mentioned in section 2, such court shall make a final order, declaring such church or organization extinct and dissolving the same, and transferring any property and the title and possession thereof which may belong to such church or organization, or held in trust for such church or organization, and vesting the same in the Kansas District Council Assemblies of God, Inc., a corporation, it being the intent and purpose of this act to preserve all property owned by or held in trust for any such extinct church or organization for religious uses.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body February 7, 1985.

ROBERT V. TALKINGTON

*President of the Senate.*

LU KENNEY

*Secretary of the Senate.*

Passed the HOUSE March 25, 1985.

MIKE HAYDEN

*Speaker of the House.*

GENEVA SEWARD

*Chief Clerk of the House.*

APPROVED April 3, 1985.

JOHN CARLIN

*Governor.*

### STATE OF KANSAS

Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 3rd day of April, 1985.

JACK H. BRIER

*Secretary of State.*

(SEAL)

(Published in the KANSAS REGISTER April 11, 1985)

### HOUSE BILL No. 2058

AN ACT concerning the legislative educational planning committee; relating to the powers, duties and authority thereof; amending K.S.A.46-1208a, and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 46-1208a is hereby amended to read as follows: 46-1208a. (a) The legislative educational planning committee is hereby established and shall be composed of eleven (11) members, six (6) of whom shall be members of the house of representatives and five (5) of whom shall be senators. At least five (5) members of the committee shall be of the minority party, with at least two thereof from each house. Members of the legislative educational planning committee shall be appointed by the legislative coordinating council and laws and rules applicable to special committees shall apply to the legislative educational planning committee unless herein otherwise specifically provided. The committee shall be permanent with membership changing from time to time as the legislative coordinating council shall determine. The state board of regents and the state board of education shall provide staff consultants from the faculties and staffs of institutions and agencies under their respective control upon request of the committee.

(b) The legislative educational planning committee is

directed to shall plan for public and private postsecondary education in Kansas, including both public and private institutions and vocational-technical vocational and technical education. The committee shall annually make a report and recommendations to the legislature and the governor and may cause the same to be published separately from other documents which are required by law to be submitted to the legislative coordinating council. The reports and recommendations of the committee shall include a developmental schedule for implementation of educational goals established by the committee, and. The committee shall from time to time update such schedule as new or additional information is developed or refined.

(c) The provisions of the acts contained in article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the legislative educational planning committee to the extent that the same do not conflict with the specific provisions of this act applicable to the committee.

(d) Upon request of the legislative educational planning committee, the state board of regents and the state board of education shall provide consultants from the faculties and staffs of institutions and agencies under the respective control and jurisdiction thereof.

(e) The legislative educational planning committee may introduce such legislation as it deems necessary in performing its functions.

Sec. 2. K.S.A. 46-1208a is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the House, and passed that body February 11, 1985.

MIKE HAYDEN  
Speaker of the House.  
GENEVA SEWARD  
Chief Clerk of the House.

Passed the SENATE March 27, 1985.

ROBERT V. TALKINGTON  
President of the Senate.  
LU KENNEY  
Secretary of the Senate.

APPROVED April 5, 1985.

JOHN CARLIN  
Governor.

STATE OF KANSAS  
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 5th day of April, 1985.

JACK H. BRIER  
Secretary of State.

(Published in the KANSAS REGISTER, April 11, 1985)

HOUSE BILL No. 2151

AN ACT amending the Kansas compensating tax act, relating to the collection thereof; amending K.S.A. 79-3705a and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 79-3705a is hereby amended to read as follows: 79-3705a. The tax levied hereunder under 79-3703, and amendments thereto, shall be paid by the consumer or user to the retailer and it shall be the duty of each and every retailer to collect from the consumer or user, the full amount of the tax imposed by this act, and. Such tax shall be a debt from the consumer or user to the retailer, when so added to the original purchase price, and shall be recoverable at law in the same manner as other debts. ~~Provided, however,~~ If the tax levied

under K.S.A. 79-3703, and amendments thereto, is not collected or collectible by the retailer, then the person using, consuming or storing tangible personal property in this state shall file a return and pay the tax, as required by K.S.A. 79-3706, and amendments thereto, notwithstanding the foregoing provisions of this section or any other provision of the Kansas compensating tax act.

Sec. 2. K.S.A. 79-3705a is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body February 20, 1985.

MIKE HAYDEN  
Speaker of the House.  
GENEVA SEWARD  
Chief Clerk of the House.

Passed the SENATE March 25, 1985.

ROBERT V. TALKINGTON  
President of the Senate.  
LU KENNEY  
Secretary of the Senate.

APPROVED April 3, 1985.

JOHN CARLIN  
Governor.

STATE OF KANSAS  
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 3rd day of April, 1985.

JACK H. BRIER  
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, April 11, 1985)

NOTICE OF BOND SALE  
\$586,220.59  
GENERAL OBLIGATION BONDS  
OF THE  
CITY OF MULVANE, KANSAS

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

Monday, April 15, 1985

for \$586,220.59 par value GENERAL OBLIGATION BONDS of the City, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The Series 1985 B Bonds will be dated as of May 15, 1985, and shall mature on October 1 in each of the years and in the amounts set forth below. Such bonds shall be fully registered certificated bonds, each in the denomination of \$5,000 or integral multiples thereof except one bond in the denomination of \$6,220.59, not exceeding the principal amount of bonds maturing in each year. The Bonds will mature serially in accordance with the following schedule:

Principal Amount	Maturity Date
\$16,220.59	October 1, 1986
35,000.00	October 1, 1987
40,000.00	October 1, 1988

(Continued)

40,000.00	October 1, 1989
40,000.00	October 1, 1990
40,000.00	October 1, 1991
40,000.00	October 1, 1992
40,000.00	October 1, 1993 *
40,000.00	October 1, 1994 *
40,000.00	October 1, 1995 *
40,000.00	October 1, 1996 *
40,000.00	October 1, 1997 *
40,000.00	October 1, 1998 *
45,000.00	October 1, 1999 *
50,000.00	October 1, 2000 *

\* *Optional Redemption:* Bonds due October 1, 1993, and thereafter, are callable for redemption on October 1, 1992, or any interest payment date thereafter, in inverse numerical order at par and accrued interest to date of redemption plus a premium (expressed as a percentage of principal amount) of 1%.

Notice of any call for redemption will be mailed to the registered owners of such bonds to be redeemed at the address shown on the registration books maintained by the Bond Registrar not less than 30 days prior to the date fixed for such redemption and payment. Interest on the Bonds so called for redemption and payment will cease to accrue after the redemption date, provided notice has been given and funds are then available to pay the full redemption price thereof.

Interest will be payable semi-annually, commencing April 1, 1986, and each October 1 and April 1 thereafter. The principal of, and premium, if any, on the Bonds shall be payable in lawful money of the United States of America, at the principal office of The Southwest National Bank of Wichita, Wichita, Kansas, (the Paying Agent and Bond Registrar) to the registered owners thereof upon presentation of the Bonds for payment and cancellation. Interest on the Bonds shall be payable in lawful money of the United States of America, by check or draft of the Paying Agent to the registered owners appearing on the books maintained by the Bond Registrar as of the 15th day of the month next preceding the Interest Payment Dates (the "Record Dates"). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the City.

#### *Types of Bids and Interest Rates*

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

mental interest rates will not be considered. Bids for less than the entire issue of Bonds will not be considered.

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City at CITY HALL, 211 N. SECOND, MULVANE, KANSAS 67110, ATTENTION: ROBERTA KIMBLE, CITY CLERK, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the City will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and shall be payable to TREASURER, CITY OF MULVANE, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

#### *Basis for Award*

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

#### *Delivery*

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City; and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond Counsel, of Wichita, Kansas, whose opinion will be paid for by the City. The number, denomination of bonds, and names of the initial registered owners to be initially printed on the Bonds shall be submitted in writing by the successful bidder to the Bond Registrar not later than May 9, 1985. The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authorization and issuance of the Bonds; and the usual closing proofs, which will include a Certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Payment for the Bonds shall be made in immediately available funds. Delivery of the Bonds will be made to the successful bidder on or about May 23, 1985, at any bank in the STATE OF KANSAS, or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

It is anticipated that CUSIP identification numbers will be printed on said Bonds; but neither the failure to print such numbers on any bond nor any error with respect thereto shall constitute cause for a failure by



the successful bidder to accept delivery of and pay for the Bonds in accordance with the terms of its Contract and this Notice of Bond Sale. All expenses in connection with the printing of CUSIP numbers on the Bonds shall be paid for by the City.

**Security**

Bids shall be conditioned upon the unqualified approving opinion of Gaar & Bell, Bond Counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each bond and a manually signed original will be furnished without expense to the purchaser of the Bonds at the delivery thereof. The cost of this legal opinion and the expense of printing the Bonds and legal opinion will be paid by the City. Said legal opinion will state in part substantially that the Bonds will constitute general obligations of the City, payable as to both principal and interest from the collection of special assessments which have been levied on benefited property; but any portion of said specially assessed part not so paid will be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable, tangible property within the territorial limits of the City; and that, under existing law, the interest on said Bonds is exempt from present Federal income taxation and the Bonds are exempt from intangible personal property taxes levied by Kansas cities, counties or townships. The Bonds are being issued for the purpose of paying Special Assessments levied for paving, sewer and storm sewer improvements in the City of Mulvane, Kansas.

**Financial Information**

Assessed valuation figures for the City of Mulvane, Kansas, for the year 1984, are as follows:

Equalized Assessed Valuation of Taxable, Tangible Property .....	\$7,151,007
Tangible Valuation of Motor Vehicles .....	2,637,066
Tangible Valuation of Motor Vehicle Dealers' Inventory .....	88,410
Assessed Valuation of Farm Machinery and Equipment (1982) .....	-0-
Assessed Valuation of Business Aircraft (1982) .....	-0-
Equalized Assessed Tangible Valuation for Computation of Bonded Debt .....	\$9,876,483

The total general obligation bonded indebtedness of the City of Mulvane, Kansas, including this issue of Bonds, is \$2,024,220.59. Of said amount, \$1,438,000 has been refunded with \$1,268,000 General Obligation Refunding Bonds, dated March 1, 1985. The City of Mulvane, Kansas also has Temporary Notes outstanding in the amount of \$650,300; all of which will be retired at the close of this issue.

**Further Information**

Further information may be obtained from the City Clerk, or Ranson & Company, Inc., at Suite 610, 120 South Market, Wichita, Kansas 67202, telephone (316) 262-2651.

DATED this 1st day of April, 1985.

ROBERTA KIMBLE  
City Clerk  
Mulvane, Kansas

**NOTICE OF BOND SALE**  
**\$450,000**  
**GENERAL OBLIGATION BONDS**  
**OF THE**  
**CITY OF BEL AIRE, KANSAS**

The CITY OF BEL AIRE, KANSAS, will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, BEL AIRE, KANSAS, until 7:00 o'clock P.M., C.S.T., on

TUESDAY, APRIL 16, 1985

for \$450,000 par value GENERAL OBLIGATION BONDS of the City, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The Series B, 1985 Bonds initially issued will be dated as of May 1, 1985 and shall mature on September 1 in each of the years and in the amounts set forth below. Such Bonds shall consist of fully registered certificated bonds, each in the denomination of \$5,000.00 or integral multiples thereof, not exceeding the principal amount of bonds maturing in each year. Interest will be payable semiannually, commencing March 1, 1986, and each September 1 and March 1 thereafter. The principal of, and premium, if any, on the Bonds shall be payable in lawful money of the United States of America, at the principal office of the Treasurer of the State of Kansas (the Paying Agent and Bond Registrar) to the registered owners thereof upon presentation of the Bonds for payment and cancellation. Interest on the Bonds shall be payable in lawful money of the United States of America, by check or draft of the Paying Agent to the registered owners appearing on the books maintained by the Bond Registrar as of the preceding August 15 and February 15 (the Record Dates). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the City.

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

Amount	Maturity
\$30,000	September 1, 1986
30,000	September 1, 1987
30,000	September 1, 1988
30,000	September 1, 1989
30,000	September 1, 1990
30,000	September 1, 1991
30,000	September 1, 1992
30,000	September 1, 1993
30,000	September 1, 1994
30,000	September 1, 1995
30,000	September 1, 1996
30,000	September 1, 1997
30,000	September 1, 1998
30,000	September 1, 1999
30,000	September 1, 2000

**Interest Rate**

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding five (5) different interest rates, as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all bonds of the same maturity. Each interest

(Continued)

rate specified shall be in an even multiple of one-eighth ( $\frac{1}{8}$ th) or one-twentieth ( $\frac{1}{20}$ th) of one percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed two and one-half percent ( $2\frac{1}{2}$ %). No interest rate shall exceed the maximum interest rate allowed by Kansas law; said rate being the 20 Bond Index of tax-exempt municipal bonds published by the Weekly Bond Buyer in New York, New York on the Monday next preceding the day on which the Bonds are sold (April 15, 1985), plus two percent (2%), and no bid of less than par and accrued interest will be considered. Bids for less than the entire issue of Bonds will not be considered.

**Bid Form and Good Faith Deposit**

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City at CITY HALL, 4343 N. WOODLAWN, BEL AIRE, KANSAS 67220, ATTENTION: SHERYL CUTTER, CITY CLERK, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the City will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and shall be payable to TREASURER, CITY OF BEL AIRE, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

**Award of Bids**

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

**Delivery of the Bonds**

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City; and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond Counsel, of Wichita, Kansas. THE NUMBER, DENOMINATION OF BONDS, AND NAMES OF THE INITIAL REGISTERED OWNERS SHALL BE SUBMITTED IN WRITING BY THE SUCCESSFUL BIDDER TO THE BOND REGISTRAR NOT LATER THAN MAY 2, 1985. The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authorization and issuance of the Bonds; and the usual closing proofs, which will include a Certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Payment for the Bonds shall be made in immediately available funds. Delivery of the Bonds will be made to the successful bidder on or before MAY 16, 1985, at any bank in the STATE OF KANSAS, or KANSAS

CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

**Legal Opinion**

Bids shall be conditioned upon the unqualified approving opinion of Gaar & Bell, Bond Counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each Bond and a manually signed original will be furnished without expense to the purchaser of the Bonds at the delivery thereof. The cost of this legal opinion and the expense of printing the Bonds and legal opinion will be paid by the City. Said legal opinion will state in part substantially that the Bonds will constitute general obligations of the City, payable as to both principal and interest in part from the collection of special assessments which have been levied on benefited property; but any portion of said specially assessed part not so paid, and the remainder of said principal and interest will be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable, tangible property within the territorial limits of the City and that, under existing law, the interest on said Bonds is exempt from present Federal income taxation and the Bonds are exempt from intangible personal property taxes levied by Kansas cities, counties and townships.

**Purpose of Issue**

The Bonds are being issued for the purpose of constructing certain street, drainage, sewer and water improvements in the City.

**CUSIP Identification Numbers**

CUSIP identification numbers will be printed on said Bonds. All expenses in relation to printing of CUSIP numbers on said Bonds and the expenses of CUSIP Service Bureau for the assignment of said numbers shall be the responsibility of and shall be paid for by the City.

**Assessed Valuation**

Assessed valuation figures for the City of Bel Aire, Kansas, for the year 1984, are as follows:

Equalized Assessed Valuation of Taxable, Tangible Property .....	\$6,810,627
Tangible Valuation of Motor Vehicles .....	2,121,661
Tangible Valuation of Motor Vehicle Dealers' Inventory .....	0
Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations .....	\$8,932,288

**Bonded Indebtedness**

The total general obligation bonded indebtedness of the City of Bel Aire, Kansas, at the date hereof, including this \$450,000 proposed issue of Bonds, is in the amount of \$2,595,000. The City also has no outstanding Temporary Improvement Notes.

**Official Statement**

Additional copies of this Notice of Bond Sale, or copies of the City's Official Statement relating to the Bonds, or further information may be received from First Securities Company of Kansas, Incorporated, 200 One Main Place, P.O. Box 1321; Wichita, Kansas 67201, (316) 262-4411, the City's Financial Consultants.

DATED April 3, 1985.

CITY OF BEL AIRE, KANSAS  
BY SHERRYL CUTTER, CITY CLERK

State of Kansas

## OFFICE OF JUDICIAL ADMINISTRATION

## COURT OF APPEALS DOCKET

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

## KANSAS COURT OF APPEALS

WYANDOTTE COUNTY COURTHOUSE, DIV. #5 COURTROOM, KANSAS CITY, KANSAS

Before BRISCOE, P.J., REES and SWINEHART, JJ.

Tuesday, April 30, 1985

Case No.	Case Name	Attorney	County
9:30 a.m.			
57,239	State of Kansas, appellee, v. Leslie Perry Jones, appellant.	Atty. Gen. Michael Grosko, Asst. D.A.	Wyandotte
56,895	Barry W. Heckey, appellant, v. Standard Motor Products, Inc. d/b/a Champ Service Line, appellee.	Michael E. Kelly Zygmunt J. Jarczyk	Wyandotte
56,196	Kathryn J. Steinbach, appellant, v. Daryoush Jahanian, M.D., appellee.	William G. Haynes	Wyandotte
56,795	Prince Hall Grand Lodge F. & A.M., Kansas & Its Jurisdiction, appellee, v. Masonic Hall Association, Inc., 5th & Washington Hall Association, Inc., <i>et al.</i> , appellants. 5th & Washington Hall Association, Inc., Ocielee Webster, Clara Lee Garth, & Bernice Lockett, appellants, v. Robert L. Muse, T. Rossevelt Bulter & Dorothy M. Alexander, appellees.	Charles D. Kugler Warren McCamish P. A. Townsend	Wyandotte
56,838	William Schlicher, appellee, v. Stephan Kessler, <i>et al.</i> , appellant.	John S. Sutherland Terry Lober	Leavenworth
1:30 p.m.			
57,071	United Cooperative, appellants, v. Libel Oil Co., Inc., defendant	Timothy J. Carmody	Atchison
56,796	Valley State Bank, Intervenor, appellees. John Libel, appellant, v. F. W. Brull, M. J. Conrad, H. E. Parker, d/b/a/ P.B.C., a Partnership, appellees.	Larry R. Mears Henry Green Richard L. Reid	Atchison
56,485	Sharon Plas, appellant, v. Ken Miller, Homeowners Warranty Corporation & American Banks Ins. Co. of Fla., appellees.	Larry R. Mears J. David Farris	Johnson
57,044	Dorothy White, appellee, v. Skaggs Companies, Inc., appellant.	James M. Sheeley Ed Schneeberger William P. Coates, Jr. Steve Manz William E. Scott; Keith C. Sevedge; Harry B. Reese	Wyandotte
		Randy W. James; Timothy P. McCarthy	

(Continued)

**KANSAS COURT OF APPEALS  
JOHNSON COUNTY COURTHOUSE, DIV. #6, COURTROOM 300  
OLATHE, KANSAS**

Before PARKS, P.J., ABBOTT and MEYER, JJ.

Tuesday, April 30, 1985

9:30 a.m.

- |        |  |  |         |
|--------|--|--|---------|
| 57,211 | State of Kansas, appellee,<br>v.<br>James M. Bell, appellant.  | Atty. Gen.<br>Larry McClain, Asst. D.A.                    | Johnson |
| 56,286 | State of Kansas, appellee,<br>v.<br>Joe W. Perrigo, appellant.   | Joseph L. Dioszeghy<br>Atty. Gen.<br>Dennis Moore, D.A.    | Johnson |
| 56,995 | Wade Agricultural Products, Inc.,<br>appellants,<br>v.<br>William A. Smith Contracting Co.,<br>appellee,<br>Ivan M. Wade & Barbara Wade,<br>La Cygne, KS 66040,<br>Garnishees, appellants. | Robert L. Morse<br>Thomas DeCoursey<br><br>James L. Wisler | Johnson |
| 56,653 | Gary Bell, appellee,<br>v.<br>DYTEC/South, Inc., appellant.  | Gregory Blume.<br>Frederick K. Cross                       | Johnson |
| 56,926 | Jim Buckle, appellant,<br>v.<br>Raymond Caylor, Frieda Caylor &<br>Raymond Leroy Caylor, appellees.  | Marian M. Burns<br>John L. Richeson                        | Miami   |

1:30 p.m.

- |                |   |   |         |
|----------------|---|---|---------|
| 57,234<br>S.C. | State of Kansas, appellee,<br>v.<br>William F. Bemis, appellant.  | Atty. Gen.<br>William Ronan<br>James L. Postma<br>John W. Nitcher                   | Douglas |
| 57,213         | Mark Schmidt, appellant,<br>v.<br>City of Overland Park, KS, appellee.  | Bryan E. Nelson<br>Donald C. Ramsey   | Johnson |
| 56,807         | James H. Lipsey, M.D., d/b/a Orthopaedic<br>Surgeons Associated, appellee,<br>v.<br>David W. Sanich, appellant. | Gary L. Sloan<br>Louis A. Silks, Jr.  | Johnson |
| 56,986         | Victor Siegal & Shirlee Siegal, appellees,<br>v.<br>Phillip Singer & Charyl Singer,<br>appellants.              | Richard H. Hertel<br>David A. Sosinski<br>Sandra L. Schermerhorn<br>Paul Hasty, Jr. | Johnson |

**KANSAS COURT OF APPEALS**

**DISTRICT COURTROOM, 3RD FLOOR, MEMORIAL BUILDING  
CHANUTE, KANSAS**

Before FOTH, P.J., RICHARD W. WAHL, District Judge, Assigned, and  
J. PATRICK BRAZIL, District Judge, Assigned.

Wednesday, May 1, 1985

9:00 a.m.

- |        |  |  |         |
|--------|--|--|---------|
| 56,948 | State of Kansas, appellee,<br>v.<br>Mitchell D. Young, appellant.  | Atty. Gen.<br>Daniel F. Meara<br>Mark A. Ward            | Bourbon |
| 56,894 | John Paslay, <i>et al.</i> , appellants,<br>v.<br>Michael K. Nunnenkamp & M. E.<br>Dickens, <i>et al.</i> , appellees. | John J. Gillett<br>Robert K. Manske<br>Richard G. Tucker | Wilson  |

56,810	Amy Ruth Peterson, appellant, v. Charles D. Peterson, Melburn, C. Barnes, Trustee, Maxine Copeland, <i>et al.</i> , appellees.	Steven W. Rogers Raymond W. Radford	Wilson
56,829	Gene Smith, appellant, v. Brown's Oil & Tire Co., Inc., appellee.	Robert S. Tomassi Randall D. Palmer	Labette
56,340	Marilyn Taylor, appellant, v. Board of Education School District #503, appellee.	Stanley L. Basler John B. Markham	Labette
1:00 p.m.			
56,999	Chauncey E. Shepard, <i>et al.</i> , appellees, v. Ray H. Aiken, <i>et al.</i> , appellants.	John R. Horst William J. Fitzpatrick	Montgomery
56,687	Glen R. Clubine & Louise A. Clubine, appellees, v. Mega Oil Co., <i>et al.</i> , appellants.	Jon Veits Rawley J. Dent	Montgomery
56,710	Coffeyville State Bank, appellee, v. Bonnie Baker and Board of County Commissioners of Montgomery County, KS, appellant, v. Dean Wulf & Donna J. Wulf, appellees.	Morris D. Hildreth Daryl D. Ahlquist	Montgomery
56,348	State of Kansas, appellee, v. Wayne E. Temple a/k/a Chip Temple, appellant.	Carl N. Kelly Atty. Gen. Jeffrey A. Chubb Glen E. Casebeer II	Montgomery

**KANSAS COURT OF APPEALS**

**COURT OF APPEALS COURTROOM, 2ND FLOOR, KANSAS JUDICIAL CENTER, 301 WEST TENTH,  
TOPEKA, KANSAS**

Before FOTH, P.J., RICHARD W. WAHL, District Judge, Assigned, and  
J. PATRICK BRAZIL, District Judge, Assigned.

Thursday, May 2, 1985

9:00 a.m.

56,624 S.C.	State of Kansas, appellee, v. Eddie L. Robinson, appellant.	Atty. Gen. James J. Welch, Asst. D.A. John A. McKinnon	Shawnee
56,981	Bernard M. Buxbaum, Inc., appellant, v. Roger B. Adler, <i>et al.</i> , appellees.	Arthur E. Palmer John E. Stumbo Gary H. Hanson	Shawnee
57,379	State of Kansas, appellee, v. Stanley K. Lawton, appellant.	Atty. Gen. Colt Knutson, Co. Atty. Charles R. Clack, Deputy Public Defender	Riley
57,212	In the Interest of Crystal Peterson, a Child Under 18 Years of Age, to-wit: DOB 9-11-77.	Clyde M. Burns Calvin K. Williams Stephen Jones Jim Sweet	Osage
57,227	State of Kansas, appellee, v. Janette Rowe, appellant.	Atty. Gen. Calvin K. Williams Clyde M. Burns	Osage

(Continued)

## SUMMARY DOCKET—NO ORAL ARGUMENT

57,054 Calvin Lee Strong, appellant,  
S.C. v.  
State of Kansas, appellee.

Calvin Lee Strong, *pro se*  
Gene Olander, D.A.

Shawnee

LEWIS C. CARTER  
Clerk of the Appellate Courts

Doc. No. 003072

## State of Kansas

## DEPARTMENT OF ADMINISTRATION

STATE EMPLOYEES  
HEALTH CARE  
COMMISSIONPERMANENT ADMINISTRATIVE  
REGULATIONS

(Effective May 1, 1985)

## Article 1.—ELIGIBILITY

**108-1-1. Eligibility.** Classes of persons eligible to participate in the health care benefits program established by the Kansas state employees health care commission shall be: (a) those classes of persons qualified to receive group health insurance coverage obtained by the committee on surety bonds and insurance pursuant to the statutes contained in article 41 of chapter 75 of the Kansas statutes annotated, as such statutes were in existence immediately prior to their repeal or amendment by 1984 House Bill No. 2678; and

(b) persons participating under reduced service agreements pursuant to section 1 of 1984 Senate Bill No. 834. (Authorized by K.S.A. 75-6510; implementing K.S.A. 75-6501; effective, T-85-22, July 16, 1984; effective May 1, 1985.)

MARVIN A. HARDER  
Secretary of Administration

Doc. No. 002957

## State of Kansas

## SAVINGS AND LOAN DEPARTMENT

PERMANENT ADMINISTRATIVE  
REGULATIONS

(Effective May 1, 1985)

Article 4.—UNSECURED LOANS FOR PROPERTY  
ALTERATION

**38-4-1. Conditions under which loans may be made.** Any association may, on adoption of such a loan plan by its board of directors, make or purchase unsecured loans for property alteration, repair, equipping or improvement, subject to the limitations set forth in K.S.A. 1983 Supp. 17-5501(t) and acts amendatory thereof, and the following additional prohibitions, limitations, and conditions: (a) Each such loan investment shall be evidenced by one or more notes, and shall be repayable in at least quarterly installments, with the first installment due no later than 120 days from the date the loan is made, and a final installment due no later than 20 years and 32 days from such date.

(b) Any such loan investment made for equipping property shall be restricted to home loans. (Authorized

by and implementing K.S.A. 1983 Supp. 17-5501(t)(2); effective May 1, 1979; amended May 1, 1985.)

## Article 6.—PARTICIPATION LOANS

**38-6-1.** (Authorized by K.S.A. 1979 Supp. 17-5501(u); effective May 1, 1979; revoked May 1, 1985.)

## Article 7.—EDUCATIONAL LOANS

**38-7-1.** Authorized by K.S.A. 1978 Supp. 17-5501(v); effective May 1, 1979; revoked May 1, 1985.)

## Article 8.—MOBILE HOME FINANCING

**38-8-1. Conditions concerning manufactured home financing.** (a) As used in this regulation:

(1) "Manufactured home" shall have the meaning ascribed thereto in 42 U.S.C. Sec. 5402(6).

(2) "Chattel paper" shall mean written evidence of both a monetary obligation and a security interest.

(b) Subject to subsection (c), any association may:

(1) make or buy any manufactured home loans;  
(2) provide inventory financing for manufactured home dealers; and

(3) invest in manufactured home chattel paper.

(c) All financings relating to manufactured homes shall be subject to the following limitations.

(1) All financing shall involve secured obligations.

(2) Chattel paper securing inventory shall be a direct obligation to the dealer.

(3) Chattel paper shall provide for the lender's protection regarding insurance, taxes, other governmental levies, maintenance and repairs. (Authorized by and implementing K.S.A. 1983 Supp. 17-5501 (u) and (w); effective May 1, 1979; amended May 1, 1985.)

MARVIN S. STEINERT  
Savings and Loan Commissioner

Doc. No. 002934

## State of Kansas

## DEPARTMENT OF TRANSPORTATION

PERMANENT ADMINISTRATIVE  
REGULATIONS

(Effective May 1, 1985)

Article 11.—PUBLIC AND PRIVATE UTILITIES  
ON HIGHWAY RIGHT-OF-WAY

**36-11-6. Utility accommodation policy.** Public and private utilities, including pipelines, shall be constructed, reconstructed and maintained (including chemical brush control and tree trimming) under, on or over any state highway right-of-way, including that acquired for controlled access facilities, only with the prior approval of the secretary of transportation. A highway permit agreement shall be obtained from the Kansas department of transportation. In the event of an emergency endangering the life, safety or welfare of the public, no prior approval or permit agreement



shall be required. (Authorized by and implementing K.S.A. 1983 Supp. 68-404; modified, L. 1981, ch. 420, May 1, 1981; amended May 1, 1985.)

### Article 13.—SCHOOL BUS TRANSPORTATION

**36-13-32. School bus driver qualifications and duties.** (a) Each person employed as a school bus driver for any school district, or any other party transporting school students, shall possess:

- (1) a valid Kansas class A or B license;
- (2) a chauffeur's license; or
- (3) a restricted class B driver's license. Restricted class B licenses shall be subject to the provisions of K.S.A. 8-238 and shall permit the licensee to drive only on regularly established school bus routes to and from school.

(b) Upon application of any person seeking to become a school bus driver, the prospective employer shall inspect the applicant's driving record through the division of vehicles, Kansas department of revenue, in accordance with K.S.A. 74-2012 as amended by L. 1984, Ch. 282, Sec. 1.

Any employer of school bus drivers shall not employ, re-employ or retain any person as a school bus driver if the person's driving record indicates that the person is a habitually reckless or negligent driver of a motor vehicle. A habitually reckless or negligent driver shall be a person who has had a driver's license revoked or suspended by the division of vehicles, Kansas department of revenue, pursuant to K.S.A. 8-254 and 8-255.

(c) Every school bus driver shall:

(1) Be experienced in driving some type of motor vehicle, which may be a private automobile, for not less than one year, including experience throughout each of the four seasons;

(2) have a minimum of two hours behind-the-wheel driving experience in a school bus, which may include driving a school bus route;

(3) complete an American red cross multi-media first aid course, or an equivalent course approved by the secretary or the secretary's representative, as evidenced by a certificate showing satisfactory completion of instruction. The course shall be retaken by each school bus driver within three years from the date of issuance of the driver's last issued certificate;

(4) complete driver training requirements, as follows:

(A) Newly employed drivers shall complete the national safety council defensive driving course, the American automobile association driver improvement program, or an equivalent course approved by the secretary or the secretary's representative. Completion of the course shall be evidenced by a certificate. The certificate shall indicate satisfactory completion of the course, and shall be valid for three years from date of issue.

(B) Experienced drivers needing certification shall complete, every three years, the national safety council defensive driving course, the American automobile association driver improvement program, or an equivalent course as outlined in part (A) or shall attend the Kansas department of transportation school bus driver workshops annually.

(C) Each substitute school bus driver shall complete, within 90 days from the beginning of service, the required courses described in paragraphs (3) and

(4) of this subsection. For purposes of this subsection, the term "substitute school bus driver" means those persons who have not been employed as a school bus driver during the preceding three years. The term "beginning of service" means the date the person first drove a school bus loaded with passengers; and

(5) Attend monthly safety meetings provided by the driver's employer.

(d) All physical examinations required by these regulations shall be performed by a physician licensed by the state of Kansas.

(1) Each school bus driver shall be required to pass a physical examination:

(A) Prior to beginning employment as a school bus driver;

(B) At any time at the request of the driver's employer, the transportation supervisor, the secretary or the secretary's representative; and

(C) Within two years of the last completed physical examination.

(2) An in-service or prospective school bus driver shall be deemed to have passed a physical examination if the driver satisfies the qualifications outlined in the medical examination report form, as approved by the secretary or the secretary's representative. The report shall include the following minimum qualifications:

(A) No loss of a foot, leg, fingers, hand, arm, or other structural defect, or limitation of movement likely to interfere with safe driving;

(B) No mental, nervous, organic, or functional disease likely to interfere with safe driving;

(C) No use of medication which the examining physician determines is likely to interfere with safe driving;

(D) No indication of a coronary or heart ailment which the examining physician determines is likely to interfere with safe driving. An electrocardiogram shall be required when other findings indicate desirability of using such a test;

(E) Visual acuity of at least 20/40 (Snellen) in each eye, either without glasses or by correction with glasses or contact lenses. The driver's form field of vision in the horizontal meridian shall not be less than a total of 140 degrees. The driver shall have ability to distinguish the colors red, green and yellow. If the driver's eyesight requires correction by glasses or contact lenses, the driver shall wear them at all times when driving;

(F) Ability to perceive whispered voice in the better ear at not less than five feet with or without the use of a hearing aid. If tested by use of an audiometric device, the driver shall not have an average hearing loss in the better ear greater than forty decibels at 400 Hz, 1,000 Hz, and 2,000 Hz, with or without a hearing aid, when the audiometric device is calibrated to American national standard (formerly ASA standard) Z24.5-1951;

(G) No addiction to the use of narcotics, illegal drugs, alcohol or liquor;

(3) Each medical examination report shall be kept on file at the office of the school district, the nonpublic school or the employer and shall be retained by that office for a minimum of two years from the date of completion of the physical examination.

(e) No person shall be employed nor continue to be employed as a school bus driver:

(1) If the person is convicted of any violation involving:

(Continued)

(A) Hit-and-run driving, as described in K.S.A. 8-1602;

(B) Driving while intoxicated or under the influence of drugs, as described in K.S.A. 1983 Supp. 8-1567, as amended by L. 1984, Ch. 39, Sec. 9;

(C) Vehicular homicide, as described in K.S.A. 21-3405;

(D) Any act which, if committed in the state of Kansas, would be classified as a felony, or class A, class B or class C misdemeanor; or

(E) Reckless driving as described in K.S.A. 8-1566 as amended by L. 1984, Ch. 39, Sec. 8; or

(2) If the person has practiced or attempted to practice any material deception or fraud in the application for employment as a school bus driver.

For purposes of this article, a conviction means a plea of guilty or *nolo contendere*, or a verdict or finding of guilt by court in trial with or without a jury, or a forfeiture of bail.

The secretary of transportation may, upon request from the school district, nonpublic school or other employer, waive those requirements in paragraph (e)(1) if it has been determined the applicant would be a satisfactory school bus driver.

(f) No person shall be permitted to drive a school bus when under the influence of any narcotic, illegal drug, cereal malt beverage or liquor, except prescription drugs if the physician prescribing the drug determines that it will not interfere with safe driving. Drivers shall not consume nor have in their possession any narcotic, illegal drug, cereal malt beverage or liquor while on duty, except a required prescription drug as allowed above.

(g) The following conditions shall be met in the operation of school buses in the state of Kansas.

(1) No person shall drive any school bus for more than 10 consecutive hours or for more than an aggregate of 10 hours spread over a period of 16 consecutive hours.

(2) Each school bus driver shall operate the bus in a safe, prudent, and careful manner with due regard to traffic and the use of the highway by others.

(3) Each school bus driver shall use the provided seat belt at all times while the bus is in motion.

(4) Each school bus driver shall not permit the bus to be operated or driven with any trailer or other vehicle attached. The use of a tractor or any other motor vehicle in combination with a trailer, semi-trailer or pole trailer as a school bus shall be prohibited.

(5) Each school bus driver shall not permit a bus, when traveling, to coast with the transmission in neutral or the clutch disengaged. The doors of the bus shall be closed before the bus is put into motion and shall remain closed when traveling, except that the service door may be opened upon approaching and crossing railroad crossings.

(6) The fuel tank shall not be filled while the engine is running or when students are inside the bus. Fuel shall only be carried or transported in the regularly provided fuel tank of the bus.

(7) No person shall be permitted to stand in any school bus while the bus is in motion. A bus shall not

be put in motion until all students are seated. When unloading students, the bus driver shall not allow students to leave their seats until the bus comes to a complete stop.

(8) Each school bus driver shall not allow anyone, other than school personnel and students, to ride the bus unless written permission has been issued by the transportation supervisor or the supervisor's representative. This provision shall not apply to law enforcement or emergency personnel who are passengers of a bus in emergency periods as designated by the governing board of a school district, nonpublic school or the secretary.

(9) Each driver shall not require any student to leave the bus before the destination of the student has been reached.

(10) Each school bus driver shall not leave the bus while the engine is running.

(11) Each school bus driver shall not make any repairs, except emergency repairs as may be necessary, while on the road.

(12) Each school bus shall be inspected by the driver daily before use to ascertain that it is in safe condition, equipped as required by all provisions of law, and that all equipment is in good working order. The driver shall test for the proper operation of the parking, service, and emergency braking systems, and shall open and close all emergency exits before using the bus for transporting students. No student shall be transported until any defects which may be discovered have been corrected.

(h) Each substitute school bus driver shall fulfill the requirements of a licensed school bus driver except as otherwise provided in this article.

(i) Any person who holds a valid class A, B or C license may be permitted to operate a school bus in an emergency situation. An emergency school bus driver shall be limited to a maximum of five driving days in a school year and shall be used only when a regular or substitute school bus driver is unavailable. (Authorized by and implementing K.S.A. 8-2009; effective, E-78-22, Aug. 10, 1977; effective May 1, 1978; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985.)

#### Article 17.—BILLBOARDS AND OUTDOOR ADVERTISING

**36-17-5.** Licenses for outdoor advertising; disposition of fees. The city clerk, city treasurer, or other city official having custody of outdoor advertising permit fees collected by a city shall forward such fees to the state department of transportation not later than the 10th day of the calendar month immediately following the calendar month in which the fees were received by the city. (Authorized by K.S.A. 1983 Supp. 68-404, K.S.A. 68-2236; implementing K.S.A. 68-2236, effective, E-72-16, July 1, 1972; effective Jan. 1, 1973; amended May 1, 1985.)

#### Article 30.—CONSTRUCTION BIDDING PROCEDURES

**36-30-5.** (Authorized by and implementing K.S.A.

68-410, K.S.A. 1982 Supp. 68-404; effective May 1, 1983; revoked, T-85-3, Jan. 13, 1984; revoked May 1, 1985.)

JOHN B. KEMP  
Secretary of Transportation

Doc. No. 002933

State of Kansas

**BOARD OF ACCOUNTANCY**

**PERMANENT ADMINISTRATIVE  
REGULATIONS**

(Effective May 1, 1985)

**Article 4.—PERMITS TO PRACTICE**

**74-4-1. Biennial permit fee.** The first and subsequent biennial renewal fee for issuance of a permit to practice shall apply to all certified public accountants and licensed municipal public accountants practicing in Kansas, other than those in temporary practice, whether they are a partner, principal, employee, shareholder, director or officer. (Authorized by K.S.A. 1-202; K.S.A. 1983 Supp. 75-1119(a); implementing K.S.A. 1-301, 1-310, 1-316(a), and K.S.A. 1983 Supp. 75-1119(a); effective Jan. 1, 1966; amended Jan. 1, 1970; amended Jan. 1, 1972; amended May 1, 1985.)

**74-4-7. Continuing education requirements.** (a)(1) Each applicant for renewal of a permit to practice as a certified public accountant in Kansas shall have completed a 40-hour program of acceptable continuing education during each year within the biennium period for renewal.

(2) Each applicant for renewal of a permit to practice as a licensed municipal public accountant in Kansas shall have completed a 16-hour program of acceptable continuing education during each year within the biennium period. At least eight of the 16 hours shall be in the area of municipal accounting or auditing.

(b) Standards used to determine acceptable continuing education.

(1) One hour of credit shall be granted for each 50 minute period attended. Partial hours shall not be counted.

(2) Hours devoted to preparation shall not be counted, whether for attending or instructing formal programs.

(3) Hours served as a lecturer or discussion leader shall be included to the extent that such contributes to the professional competence of the applicant. Repetitious presentations shall not be counted.

(4) Only one-half of the total continuing education hours required for permit renewal may be satisfied by instruction or service as lecturer or discussion leader.

(c) The board may make exceptions to the requirements of subsection (a) for reasons of health, military service, foreign residence, retirement, or for other good cause determined by the board.

(d) Any applicant for renewal of a permit to practice as a CPA may carry over up to a maximum of 20 hours of continuing education earned in the 12 month period preceding July 1 of each year. (Authorized by and

implementing K.S.A. 1-310(e), K.S.A. 1983 Supp. 75-1119(a); effective, E-82-27, Dec. 22, 1981; effective May 1, 1982; amended May 1, 1985.)

**74-4-8. Continuing education programs; requirements.** (a) A program may be approved for continuing education credit under K.A.R. 74-4-7 if:

(1) It is a formal program of learning which contributes directly to the professional competence of a permit holder and which requires attendance;

(2) An outline of the program is prepared in advance and retained;

(3) The program is at least 50 minutes in length;

(4) The program is conducted by a person qualified in the subject area; and

(5) A record of registration or attendance is retained.

(b) The following types of programs shall qualify as acceptable continuing education if the requirements of subsection (a) are met:

(1) Professional development programs of the American institute of certified public accountants, and of state societies and local chapters of certified public accountants;

(2) Technical sessions at meetings of the American institute of certified public accountants, and of state societies and local chapters of certified public accountants;

(3) University or college credit courses. Each semester hour of credit shall equal 15 hours of continuing education credit. Each quarter hour of credit shall equal 10 hours of continuing education credit;

(4) University or college non-credit courses. Such courses shall qualify for continuing education credit that equals the number of actual, full class hours attended;

(5) Formal, organized, in-firm or inter-firm educational programs; and

(6) Programs in other accounting, management, industrial or professional organizations.

(c) Formal correspondence or other individual study programs requiring registration and providing evidence of satisfactory completion may qualify. The amount of credit for such programs shall be determined by the board. (Authorized by and implementing K.S.A. 1-310(e), K.S.A. 1983 Supp. 75-1119(a); effective, E-82-27, Dec. 22, 1981; effective May 1, 1982; amended May 1, 1985.)

**74-4-9. Continuing education controls and reporting.** At the time of applying for renewal of the permit to practice, each applicant shall sign a provided statement showing continuing education obtained during the months preceding the renewal date. This statement shall include the following information: (a) The organization, school, firm or other sponsor conducting program;

(b) The location of program attended;

(c) The title of the program or course, or a brief description;

(d) The dates attended or the date the program was completed; and

(e) The number of full, 50-minute hours attended or earned.

(Continued)

The board may require verification of the above or additional information for renewal of permits to practice. (Authorized by and implementing K.S.A. 1-310(e), K.S.A. 1983 Supp. 75-1119(a); effective, E-82-27, Dec. 22, 1981; effective May 1, 1982; amended May 1, 1985.)

#### Article 5.—CODE OF PROFESSIONAL CONDUCT

**74-5-1.** (Authorized by and implementing K.S.A. 1981 Supp. 1-202(c)(1); effective Jan. 1, 1974; amended May 1, 1978; amended, E-82-27, Dec. 22, 1981; amended May 1, 1982; revoked May 1, 1985.)

**74-5-2. Definitions.** The following definitions are applicable wherever such terminology is used in the rules of conduct: (a) "Board" means the Kansas state board of accountancy.

(b) "Certified public accountant" means a holder of a Kansas certificate as a certified public accountant and firms registered with the board to practice public accountancy.

(c) "Client" means any person or persons or any entity that retains a certified public accountant, or a registered firm for the performance of professional services.

(d) "Enterprise" means any person or persons or entity, whether organized for profit or not, for which a certified public accountant provides services.

(e) "Firm" means a proprietorship, partnership, or professional corporation or association engaged in the practice of public accounting.

(f) "Financial statements" means:

(1) Statements and related footnotes that purport to show financial position at a particular point in time, or changes in financial position over a period of time;

(2) Statements which use a cash or other incomplete basis of accounting; and

(3) Balance sheets, statements of income, statements of retained earnings, statements of changes in financial position, and statements of changes in owners' equity. Incidental financial data included in management advisory services reports to support recommendations to a client, and tax returns supporting schedules do not, for this purpose, constitute financial statements. The required affidavit or signature on tax returns prepared by a certified public accountant shall not constitute an opinion regarding financial statements.

(g) "Practice of public accountancy" means offering to perform, or performing for a client, one or more types of services involving the use of accounting or auditing skills, or one or more types of management advisory or consulting services, or the preparation of tax returns or the furnishing of advice on tax matters, while holding oneself out in such a manner as to state or imply that one is a certified public accountant. Use of the term "public accountant" or "public accountants" shall not be interpreted as implying that one is a certified public accountant.

(h) "Professional services" means any services performed or offered to be performed by a certified public

accountant in the course of the practice of public accountancy.

(i) "Public communication" means a communication made in identical form to multiple persons or to the world at large, as by television, radio, motion picture, newspaper, pamphlet, mass mailing, letterhead, business card or directory.

(j) "Licensed municipal public accountant" means a holder of a permit to practice as a municipal public accountant issued under the laws of Kansas. (Authorized by and implementing K.S.A. 1-202(c)(1), K.S.A. 1983 Supp. 75-1119(a); effective Jan. 1, 1974; amended May 1, 1978; amended May 1, 1979; amended May 1, 1985.)

**74-5-101. Independence.** A certified public accountant or a licensed municipal public accountant shall not express an opinion on financial statements of an enterprise in such a manner as to imply that the accountant is acting as an independent certified public accountant or licensed municipal public accountant with respect thereto if the independence of that accountant is impaired in any of the following respects:

(A) During the period of the professional engagement, or at the time of expressing the opinion, the accountant or the accountant's firm: (1)(A) had or was committed to acquire any direct or material indirect financial interest in the enterprise; or

(B) was a trustee of any trust or executor or administrator of any estate that had or was committed to acquire any direct or material indirect financial interest in the enterprise; or

(2) had any joint closely-held business investment with the enterprise or any officer, director or principal stockholder thereof which was material in relation to the net worth of either the accountant or the accountant's firm or of the enterprise; or

(3) had any loan to or from the enterprise or any officer, director or principal stockholder thereof, other than loans of the following kinds made by a financial institution under normal lending procedures, terms and requirements: (A) loans obtained by a certified public accountant or the accountant's firm which are not material in relation to the net worth of such borrower;

(B) home mortgages; and

(C) other secured loans, except those secured solely by a guarantee of the certified public accountant;

(b) During the period covered by the financial statements, during the period of the professional engagement or at the time of expressing an opinion, the accountant or the accountant's firm: (1) was connected with the enterprise as a promoter, underwriter or voting trustee, a director or officer or in any capacity equivalent to that of a member of management or of an employee; or

(2) was a trustee for any pension or profit-sharing trust of the enterprise; or

(c) Any other circumstance, relationship or activity which the board determines would impair the independence of that accountant. (Authorized by and implementing K.S.A. 1-202(c)(1), K.S.A. 1983 Supp. 75-

1119(a); effective Jan. 1, 1966; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1978; amended May 1, 1985.)

**74-5-102. Integrity and objectivity.** In the performance of professional services, a certified public accountant or a licensed municipal public accountant shall not knowingly misrepresent facts, nor subordinate that accountant's judgment to others. In tax practice, a certified public accountant or a licensed municipal public accountant may resolve doubt in favor of the client as long as there is reasonable support for that position. (Authorized by and implementing K.S.A. 1-202(c)(1), K.S.A. 1983 Supp. 75-1119(a); effective Jan. 1, 1966; amended Jan. 1, 1974; amended May 1, 1978; amended May 1, 1985.)

**74-5-201. Competence.** A certified public accountant or a licensed municipal public accountant shall not undertake any engagement for the performance of professional services which the accountant or the accountant's firm cannot reasonably expect to complete with due professional competence, or which the accountant or the accountant's firm cannot complete in compliance with K.A.R. 74-5-202 and 74-5-203, when applicable. (Authorized by and implementing K.S.A. 1-202(c)(1), K.S.A. 1983 Supp. 75-1119(a); effective Jan. 1, 1966; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1978; amended May 1, 1985.)

**74-5-202. Auditing standards.** A certified public accountant or a licensed municipal public accountant shall not permit his or her name to be associated with financial statements in such a way as to imply that the accountant is acting as an independent certified public accountant or licensed municipal public accountant with respect to the financial statements unless the accountant has complied with the applicable, generally accepted auditing standards.

Statements on auditing standards issued by the American Institute of certified public accountants, in Volumes A and B, dated June 1, 1984, and the minimum standard audit program of the Kansas state municipal accounting board, shall be considered to be interpretations of the generally accepted auditing standards. Any accountant who does not conform to those standards shall provide justification for such a departure. (Authorized by and implementing K.S.A. 1-202(c)(1), K.S.A. 1983 Supp. 75-1119(a); effective Jan. 1, 1966; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1978; amended, E-82-27, Dec. 22, 1981; amended May 1, 1982; amended May 1, 1985.)

**74-5-203. Accounting principles.** A certified public accountant or a licensed municipal public accountant shall not express an opinion that financial statements are presented in conformity with generally accepted accounting principles if the financial statements contain any departure from those accounting principles that has a material affect on the financial statements taken as a whole, unless the certified public accountant or licensed municipal public accountant can demonstrate that, due to unusual circum-

stances, the financial statements would otherwise have been misleading. In those cases, the accountant's report shall describe the departure, the approximate effects, if practicable, and the reasons why compliance with the principle would result in a misleading statement. For purposes of this rule, generally accepted accounting principles are considered to be pronouncements issued by the financial accounting standards board in its general and industry standards publications, dated June 1, 1984. (Authorized by and implementing K.S.A. 1-202(c)(1), K.S.A. 1983 Supp. 75-1119(a); effective Jan. 1, 1966; amended Jan. 1, 1974; amended May 1, 1978; amended, E-82-27, Dec. 22, 1981; amended May 1, 1982; amended May 1, 1985.)

**74-5-403. Advertising.** A certified public accountant shall not use, or participate in the use of, any form of public communication that refers to such accountant's professional services that contains a false, fraudulent, misleading, deceptive or unfair statement or claim. (Authorized by and implementing K.S.A. 1-202(c)(1); effective May 1, 1978; amended May 1, 1985.)

**74-5-407. Communication with the board.** Each certified public accountant or licensed municipal accountant shall, when requested by certified mail, respond to communications from the board within 30 days of the date the communications were mailed. (Authorized by and implementing K.S.A. 1-202(c)(1), K.S.A. 1983 Supp. 75-1119(a); effective May 1, 1978; amended May 1, 1979; amended, E-82-27, Dec. 22, 1981; amended May 1, 1982; amended May 1, 1985.)

#### Article 8.—CORPORATE PRACTICE

**74-8-3.** (Authorized by K.S.A. 1981 Supp. 202; implementing K.S.A. 1981 Supp. 1-308; effective Jan. 1, 1972; amended May 1, 1980; amended, E-82-27, Dec. 22, 1981; amended May 1, 1982; revoked May 1, 1985.)

#### Article 10.—LICENSED MUNICIPAL PUBLIC ACCOUNTANTS

**74-10-1. Licenses; duration and renewal.** Each permit to practice shall be issued for a biennial period and shall expire on June 30 of odd-numbered years, or upon failure to maintain either an office or a residence in the state of Kansas. (Authorized by and implementing K.S.A. 1983 Supp. 75-1119; effective May 1, 1985.)

**74-10-2. Administrative hearings; notice; grounds for revocation.** (a) The board may revoke, suspend or refuse to renew any permit to practice issued to a licensed municipal public accountant, or may censure the holder of any such permit to practice, for any of the following causes:

- (1) Fraud or deceit in obtaining a permit to practice or a renewal thereof from this board.
- (2) Dishonesty, fraud, or negligence in practice as a licensed municipal public accountant;
- (3) Violation of a rule of professional conduct promulgated by the board;

(Continued)



(4) Conviction of a felony under the laws of any state or of the United States;

(5) Conviction of any crime under the laws of any state or of the United States that has dishonesty or fraud as an essential element;

(6) Cancellation, revocation, suspension or refusal to renew the authority to practice as a public accountant in any state or foreign country.

(b) A written notice of intention to take any action under subsection (a) of this regulation shall be mailed by certified mail to the holder of the permit at least 30 days prior to any hearing thereon. The notice shall be mailed to the last known address of the holder of the permit and shall state the cause of the contemplated action. (Authorized by and implementing K.S.A. 1983 Supp. 75-1119; effective May 1, 1985.)

GLENDIA SHERMAN  
Executive Secretary

Doc. No. 002925

State of Kansas

**EMERGENCY MEDICAL  
SERVICES COUNCIL**

**PERMANENT ADMINISTRATIVE  
REGULATIONS**

(Effective May 1, 1985)

**Article 1.—DEFINITIONS**

**109-1-1. Definitions.** As used in these regulations, the following words and phrases shall have the following meanings:

(a) Emergency care means the services provided after the onset of a medical condition manifesting itself by acute symptoms of sufficient severity such that the absence of immediate medical attention could reasonably be expected to:

- (1) place the patient's health in serious jeopardy;
- (2) seriously impair bodily functions; or,
- (3) result in serious dysfunction of any bodily organ or part.

(b) Public call means the request for first response service to the original scene of a medical emergency or accident by an individual or agency other than the following:

- (1) a type I or type II ambulance service;
- (2) Kansas highway patrol at the scene of an accident or medical emergency; or
- (3) persons licensed to practice medicine and surgery who are at the scene of an accident or medical emergency.

(c) Director means the director of the bureau of emergency medical services as defined in K.S.A. 1983 Supp. 65-4314, as amended by L. 1984, ch. 244, sec. 13. (Authorized by K.S.A. 1984 Supp. 65-4320; implementing K.S.A. 1984 Supp. 65-4320, 65-4322; effective May 1, 1985.)

**Article 2.—AMBULANCE SERVICES;  
PERMITS AND REGULATIONS**

**109-2-1. Service director.** Every ambulance service that has a permit issued by the state of Kansas shall designate a person whom the bureau of emer-

gency medical services can contact regarding permit and regulatory matters. This person shall be the individual who is responsible for the operation of the ambulance service. (Authorized by and implementing K.S.A. 1984 Supp. 65-4320; effective May 1, 1985.)

**109-2-2. Application for permit and permit renewal.** (a) Each application for a permit shall be submitted to the director.

(b) Each application for renewal of a permit shall be provided to the director no later than 60 days prior to expiration of the permit.

(c) If the application is incomplete, the director shall notify the applicant as to what additional information is necessary. If the applicant has not responded within 30 days of the request for additional information, the director may notify the applicant that the application is considered withdrawn.

(d) Each applicant shall apply for only one permit for each ambulance service the applicant operates. That permit shall indicate the level of service for which the permit is issued. (Authorized by K.S.A. 1984 Supp. 65-4320; implementing K.S.A. 1984 Supp. 65-4320, 65-4322; effective May 1, 1985.)

**109-2-3. Ambulance service permit registration fee.** Each application for a permit to operate an ambulance service or for the renewal of such a permit shall be accompanied by a registration fee equal to the sum of \$25 plus \$15 for each vehicle used in the ambulance service. (Authorized by and implementing K.S.A. 1984 Supp. 65-4318; effective May 1, 1985.)

**109-2-4. Display of permit.** Each ambulance service that has a permit issued by the state of Kansas shall prominently display the permit in its place of business and shall maintain copies of the certificates and renewal cards of certified attendants. Each ambulance vehicle operated by an ambulance service that has been issued a permit shall have the vehicle license prominently displayed in the patient compartment. (Authorized by and implementing K.S.A. 1984 Supp. 65-4320; effective May 1, 1985.)

**109-2-5. Service permit.** Each operator shall comply with the following requirements:

(a) Each service in a county which has been assigned to the emergency medical services communications system by the director and that operates vehicles which are required to have direct, two-way radio communications shall fully participate in the operation and maintenance of that communications system.

(b) Firearms shall not be worn or carried aboard an ambulance vehicle within the state while the ambulance vehicle is operating in any patient transport function. This prohibition shall apply whether the firearms are concealed or visible. However, the prohibition shall not apply to law enforcement officers as defined in K.S.A. 1983 Supp. 74-5602 (e).

(c) Sanitation requirements.

(1) Smoking shall be prohibited in the patient compartment at all times. During patient transport smoking shall be prohibited in the driver's compartment.

(2) The interior of the ambulance and the equipment within the ambulance shall be sanitary and



maintained in good working order at all times except when the vehicle has been placed "out of service."

(3) The ambulance equipment shall be constructed of smooth and easily cleanable materials.

(4) Freshly laundered linen or disposable linen shall be used on cots and pillows and linen shall be changed after each patient is transported.

(5) Clean linen storage shall be provided on each ambulance.

(6) Pillows and mattresses shall be kept clean and in good repair.

(7) Closable containers shall be provided for soiled supplies.

(8) The ambulance interior shall be cleaned after each use and disinfectant shall be applied to all contact surfaces.

(9) The exterior of the ambulance shall be kept clean.

(10) Blankets and hand towels used in ambulance shall be clean.

(11) Implements inserted into the patient's nose or mouth shall be properly stored and handled. Such implements shall be maintained in a sanitary condition.

(12) When an ambulance has been utilized to transport a patient known to the operator to have an infectious disease, the ambulance shall be cleaned and all contact surfaces shall be washed with soap and water and disinfected. The mattresses, pillows and blankets shall be cleaned in the same manner. The ambulance shall be placed "out of service" until a thorough cleansing is conducted.

(d) All equipment in the patient compartment shall be placed in cabinets or securely restrained while the vehicle is in motion.

(e) All ground ambulances shall be mechanically and safety inspected annually prior to November 1 using forms provided by the bureau of emergency medical services. All deficiencies determined by the inspection shall be corrected prior to submitting the inspection form.

(f) The mechanical and safety inspection form shall be submitted to the bureau of emergency medical services with the application for ambulance vehicle licensure or renewal thereof.

(g) All ground vehicles shall be parked in a completely enclosed building with interior heating to at least 50 degrees fahrenheit.

(h) When a vehicle is temporarily out of service, the service operator may apply to the director for a temporary license for a vehicle approved by the director. The vehicle shall meet all staffing and equipment requirements for the license type requested. This temporary license shall be valid for 30 days but may be renewed by the director. (Authorized by and implementing K.S.A. 1984 Supp. 65-4320; effective May 1, 1985.)

**109-2-6. Classes of ambulance service.** Permits shall be issued for five classes of ambulance service. These classes shall be known as type I, type II, type III, type IV, and type V. (a) Each type I service shall:

(1) Provide advanced life support capability as described in K.S.A. 1983 Supp. 65-4306;

(2) Have at least one licensed vehicle which meets all requirements of K.A.R. 109-2-7 (a). Each type I service may also operate type II, III, and IV vehicles as described in K.A.R. 109-2-7 (b), (c), and (d).

(3) Maintain a staff of currently certified mobile intensive care technicians and emergency medical technicians which is adequate to meet all requirements of K.A.R. 109-2-7 (a); and

(4) Have a method of receiving calls and dispatching vehicles which ensures that a vehicle leaves the station within an average of five minutes of the time the call is received.

(b) Each type II service shall:

(1) Provide the level of treatment that currently certified emergency medical technicians are authorized to perform;

(2) Have at least one vehicle licensed which meets all requirements of K.A.R. 109-2-7 (b). Each type II service may also operate type III and type IV vehicles as described in K.A.R. 109-2-7 (c) and (d);

(3) Maintain a staff of currently certified emergency medical technicians which is adequate to meet all requirements of K.A.R. 109-2-7 (b); and

(4) Have a method of receiving calls and dispatching vehicles which ensures that a vehicle leaves the station within an average of five minutes of the time the call is received.

(c) Each type III service shall:

(1) Provide only pre-scheduled, non-emergency transportation to or from a place where medical treatment is provided. Each type III service shall be prohibited from responding to requests for emergency care or to requests which would require medical treatment during transport;

(2) Have at least one vehicle licensed which meets all requirements of K.A.R. 109-2-7 (c). Each type III service shall license only type III vehicles;

(3) Maintain a staff of persons with cardiopulmonary resuscitation and first aid training approved by the director; and

(4) Have a method of receiving and transferring calls which ensures that any emergency calls are immediately and properly relayed to the nearest emergency service and that the person making the call is so informed.

(d) Each type IV service shall:

(1) Provide the level of treatment that currently certified emergency medical technicians are authorized to perform as well as non-emergency transportation for the sick and injured. A type IV service shall be prohibited from responding to requests for emergency care;

(2) Have at least one vehicle licensed which meets all requirements of K.A.R. 109-2-7 (d). A type IV service shall license only type IV vehicles;

(3) Maintain a staff of currently certified emergency medical technicians adequate to meet all requirements of K.A.R. 109-2-7 (d); and

(4) Have a method of receiving and transferring calls which ensures that any emergency calls are immediately and properly relayed to the nearest emergency service and that the person making the call is so informed.

(Continued)

(e) Each type V service shall:

(1) Provide advanced life support capability to critically ill or injured patients while under the care of a physician. Each type V service shall not be subject to public call as defined in K.A.R. 109-1-1(b).

(2) Have at least one vehicle licensed which meets all requirements of K.A.R. 109-2-7 (e). Each type V service shall license only type V vehicles;

(3) Have a staff which is adequate to provide the level of care described in paragraph (1) of this subsection. The director shall review staffing levels and shall determine if the staff is adequate.

(4) Have a method of receiving and transferring calls which ensures that any emergency calls are immediately and properly relayed to the nearest emergency service and that the person making the call is informed; and

(5) Be operated only by a licensed hospital. (Authorized by and implementing K.S.A. 1984 Supp. 65-4320; effective May 1, 1985.)

**109-2-7. Classes of ambulance vehicles.** Licenses shall be issued for five classes of ambulance vehicles in the state. These classes shall be known as type I, type II, type III, type IV and type V. Each ambulance vehicle operated by a service that has been issued a permit shall be licensed in accordance with the provisions set forth in these regulations. (a) Each type I vehicle shall be:

(1) Equipped to provide emergency care as described in K.S.A. 1983 Supp. 65-4306 and shall be in compliance with all vehicle specifications and equipment requirements set forth in K.A.R. 109-2-8 (a), (b), (c), (d), and (e); and

(2) Staffed with at least two attendants during patient transport, including at least one currently certified mobile intensive care technician. The second attendant may be either a currently certified emergency medical technician or currently certified mobile intensive care technician.

(b) Each type II vehicle shall be:

(1) In compliance with the vehicle specifications and equipment requirements set forth in K.A.R. 109-2-8 (a), (b), (c), and (d); and

(2) Staffed with at least one currently certified emergency medical technician and one other person trained in cardiopulmonary resuscitation and first aid care approved by the director. An emergency medical technician shall be in the patient compartment during patient transport.

(c) Each type III vehicle shall be:

(1) In compliance with specifications and equipment requirements set forth in K.A.R. 109-2-8 (c);

(2) Staffed at all times with at least two persons. A person trained in cardiopulmonary resuscitation and first aid care approved by the director shall be in the patient compartment during patient transport; and

(3) Restricted to the level of use described in K.A.R. 109-2-6 (c) of these regulations unless the emergency medical services council grants a waiver to an operator of a type I or type II service for a period of one year. Such a waiver shall allow the service to use a type III vehicle to provide a type II level of service if:

(A) The type III vehicle complies with all type II equipment requirements during the period the waiver is in effect;

(B) The type III vehicle is staffed in accordance with K.A.R. 109-2-7 (b) during the period the waiver is in effect; and

(C) The type III vehicle is not used as an emergency vehicle for more than 25 percent of the service's emergency runs.

(d) Each type IV vehicle shall be:

(1) In compliance with all vehicle specifications and equipment requirements determined by the director and set forth in an attachment to the license and in compliance with the provisions of K.A.R. 109-2-8 (b) and (c); and

(2) Staffed with at least one currently certified emergency medical technician and one other person. The emergency medical technician shall be in the patient compartment during patient transport.

(e) Each type V vehicle shall be:

(1) In compliance with the vehicle specifications and equipment requirements determined by the director and set forth in an attachment to the license and in compliance with the provisions of K.A.R. 109-2-8 (b) and (c); and

(2) Staffed with a driver or pilot and at least one attendant who shall be a licensed physician, a registered nurse or a certified mobile intensive care technician. (Authorized by K.S.A. 1984 Supp. 65-4320; implementing K.S.A. 1984 Supp. 65-4326; effective May 1, 1985.)

**109-2-8. Standards for ambulance vehicles and equipment.** Each licensed vehicle shall meet the vehicle and equipment standards which are applicable to that class of vehicle. (a) Vehicle specifications for type I and type II vehicles.

(1) The overall size of the vehicle shall not exceed the following specifications:

- (A) Height: 110 inches;
- (B) Width: 96 inches; and
- (C) Length: 22 feet.

(2) The patient compartment size shall meet the following specifications:

- (A) Headroom: 60 inches; and
- (B) Length: 116 inches.

(3) The heating and cooling systems for the patient and the driver compartments shall be separate. The air conditioners for each compartment shall have separate evaporators.

(4) The ventilation systems of the driver and patient compartments shall provide a complete change of ambient air within each compartment every two minutes. Ventilation shall be separately controlled within each compartment. Fresh air intakes shall be located in the most practical, contaminant-free air space on the vehicle. The patient compartment shall be ventilated through the heating and cooling systems.

(5) The normal white illumination in all patient areas shall be at least 15-foot candle intensity as measured all along the center line of the clear floor with the doors open and all ambient light obliterated. The patient compartment lighting system shall also be

capable of providing at least 40-foot candle intensity when measured at any point on top of the cots. A reduced lighting level shall also be provided. Blue lights or lenses shall not be used in the patient compartment. A patient compartment light and step-well light shall be automatically activated by opening the entrance doors. Interior light fixtures shall be recessed and shall protrude not more than 1½ inches.

(6) Each vehicle shall have dual 80 amp/hr batteries and a 105 amp alternator. All conversion equipment shall have individual fusing which is separate from the chassis fuse system.

(7) Each vehicle shall have lights and sirens as required by the Kansas department of transportation for authorized emergency vehicles.

(8) Each vehicle shall have an exterior patient loading light over the door which shall be activated both by an inside manual switch and automatically when the door is opened.

(9) Each vehicle shall have two pillar mounted spotlights with 75,000 candle power each or one hand held spotlight of 75,000 candle power.

(b) Each type I, type II, type IV and type V vehicle shall be equipped with direct, two-way radio communications capability for dispatch and for patient condition reports to a hospital. This radio system shall conform to 47 CFR part 90, in effect as of October 3, 1980, and K.A.R. 109-2-5 (a).

(c) Each licensed vehicle shall be equipped with the following:

(1) An ABC fire extinguisher with a minimum of five pounds of dry chemical. The extinguisher shall be in the driver compartment, and shall be easily accessible from an outside door;

(2) A CO<sub>2</sub> (minimum of five pounds) or ABC fire extinguisher (minimum of five pounds dry chemical) in the patient compartment, or an ABC fire extinguisher (minimum of five pounds dry chemical) in an outside compartment. The fire extinguisher shall be easily accessible to an attendant;

(3) Three self-standing triangular reflectors;

(4) One battery-operated hand lantern with a power source of at least six volts;

(5) One four-wheeled elevating head cot with two or more levels;

(6) One urinal;

(7) One bedpan;

(8) One emesis basin;

(9) One complete change of linen;

(10) Two blankets;

(11) One waterproof cot cover; and

(12) Two plastic bags.

(d) Each licensed type I and type II vehicle shall be equipped with the following:

(1) Internal medical systems which include:

(A) An internal oxygen system with at least one duplex outlet at the head of the patient litter, with a humidifier, and with a minimum of 3,000 liters of storage capacity. The cylinder shall be in a compartment which is vented to the outside. The pressure gauge and regulator shall be visible when sitting in the attendant's seat. The control valve shall be readily accessible to the attendant; and

(B) An electrically-powered suction aspirator system with an airflow of at least 30 liters per minute and a vacuum of at least 300 millimeters of mercury. The unit shall be equipped with large bore, non-kinking suction tubing and semi-rigid, non-metallic, oropharyngeal suction tip. Any vehicle licensed prior to January 1, 1980 may use engine vacuum suction if the vehicle has been continuously licensed by the same operator.

(2) Medical equipment which includes:

(A) A portable oxygen unit of at least 300 liter storage capacity complete with yoke, pressure gauge, flowmeter, delivery tube and adult oxygen mask. The unit shall be readily accessible from an outside door;

(B) A portable, self-contained battery or manual suction aspirator with an airflow of at least 30 liters per minute and a vacuum of at least 300 millimeters of mercury. The unit shall be fitted with large bore, non-kinking suction tubing and semi-rigid, non-metallic, oropharyngeal suction tip;

(C) A hand-operated, adult bag-mask ventilation unit. The unit shall be capable of use with the oxygen supply;

(D) A hand-operated, pediatric bag-mask ventilation unit. The unit shall be capable of use with the oxygen supply;

(E) Oxygen masks in adult, pediatric and infant sizes;

(F) Nasal cannulas;

(G) Oropharyngeal airways in adult, pediatric and infant sizes;

(H) A poison antidote kit;

(I) A blood pressure manometer, cuff and stethoscope;

(J) An obstetric kit;

(K) Two burn sheets;

(L) Two large trauma dressings;

(M) Ten gauze pads four inches by four inches;

(N) Two vaseline gauze pads;

(O) Four soft roller self-adhering type bandages;

(P) Two rolls of adhesive tape with a minimum width of 1½ inches;

(Q) Bandage shears;

(R) One roll aluminum foil;

(S) Sterile water;

(T) Sterile saline;

(U) Thermometer; and

(V) Adult medical anti-shock trousers. This requirement shall take effect on and after January 1, 1986.

(3) Patient handling equipment and splinting equipment which includes:

(A) A long spine board (complete with accessories);

(B) A short spine board (complete with accessories);

(C) Set of extremity splints (one arm, one leg);

(D) A lower extremity traction splint (with accessories);

(E) A bite stick (padded tongue blade);

(F) Three cervical collars (range of sizes); and

(G) Two sand bags (approximately four inches by twelve inches)

(4) Extrication equipment which includes:

(Continued)

- (A) One 10-inch adjustable open end wrench;
- (B) One 12-inch screwdriver with a flat blade;
- (C) One 12-inch screwdriver with a phillips blade;
- (D) One hacksaw with six blades;
- (E) One hammer (minimum of four pound head);
- (F) one pair of 10-inch, vise-grip pliers;
- (G) One wrecking bar (minimum 24 inches); and
- (H) One pry bar (minimum 48 inches) or a K-bar-tool or equivalent. If the service operator can demonstrate to the satisfaction of the director that a fully equipped rescue vehicle is immediately available to the service, the listed extrication equipment need not be carried; and

(4) Twenty consecutively numbered patient identification tags as prescribed by the director. This requirement shall take effect on and after January 1, 1986.

(e) All licensed type I vehicle shall be equipped with the equipment necessary to provide the level of care described in K.S.A. 1983 Supp. 65-4306, including:

- (1) Adult medical anti-shock trousers;
- (2) Pediatric medical anti-shock trousers. This requirement shall take effect on and after January 1, 1986;
- (3) A monitor/defibrillator;
- (4) A drug supply as listed in service protocols;
- (5) Macro-drip and micro-drip administration sets;
- (6) D5W, normal saline, lactated ringers IV solutions in plastic bags or plastic bottles;
- (7) Assorted syringes and 14-22 gauge needles;
- (8) Endotracheal tubes;
- (9) Laryngoscope with adult and pediatric blades; and
- (10) Pediatric lower extremity traction splint. This requirement shall take effect on and after January 1, 1986. (Authorized by and implementing K.S.A. 1984 Supp. 65-4320; effective May 1, 1985.)

**109-2-9. Waiver requests.** Requests from ambulance services for a waiver of any section of these regulations may be sent to the bureau of emergency medical services. The director shall make investigations and recommendations to the council as appropriate. A waiver of any requirement may be granted by the emergency medical services council for a period not to exceed 12 months. A waiver may be renewed by the emergency medical services council. (Authorized by and implementing K.S.A. 1984 Supp. 65-4320; effective May 1, 1985.)

**EMERGENCY MEDICAL SERVICES COUNCIL**

Doc. No. 002956

State of Kansas

**BOARD OF HEALING ARTS**

**PERMANENT ADMINISTRATIVE REGULATIONS**

(Effective 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) Certificate 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, 65-2833, 65-2852, K.S.A. 1984 Supp. 65-2811; 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; amended May 1, 1985.)

**Article 17.—PROFESSIONAL SIGNS; LETTERHEADS**

**100-17-1.** (Authorized by K.S.A. 65-2865, K.S.A. 1976 Supp. 65-2837; effective Jan. 1, 1966; amended Jan. 1, 1973; amended Feb. 15, 1977; revoked May 1, 1985.)

**100-17-2.** (Authorized by K.S.A. 65-2865; effective Jan. 1, 1966; revoked May 1, 1985.)

**Article 18a.—ADVERTISING**

**100-18a-1. Free offers.** Any licensee who offers to perform a free examination, service or procedure for a patient shall, during the initial visit, only perform the examination, service or procedure contained in the offer. Before any other examinations, services or procedures are performed, the licensee shall explain the nature and purpose of the examination, service or procedure and specifically disclose to the patient, to the greatest extent possible, the cost of the examination, service or procedure. (Authorized by K.S.A. 65-2865; implementing K.S.A. 1984 Supp. 65-2836, 65-2837; effective May 1, 1985.)

**Article 22.—DISHONORABLE CONDUCT**

**100-22-1. Release of records.** (a) Any person licensed by the state board of healing arts shall furnish to another licensee a copy of the patient records of a person who has become the patient of that licensee upon the licensee's request, and upon receipt from the patient of a signed release of information form by the licensee.

(b) Any departure from this regulation shall constitute prima facie evidence of dishonorable conduct pursuant to K.S.A. 65-2836(b), and any amendments

thereto. (Authorized by K.S.A. 65-2865; implementing K.S.A. 1984 Supp. 65-2836; effective May 1, 1985.)

**Article 47.—CONTINUING EDUCATION**

**100-47-1. Registration renewal; continuing education.** (a) Each registered physical therapist shall submit, with an application for renewal of registration, evidence of completing a minimum of six continuing education units during a two-year period. Evidence of that attainment shall be submitted to the board on January 1 of each odd-numbered year.

(b) The board may grant an extension, not to exceed six months, to any physical therapist who, during the preceding 12-month period prior to the renewal registration date, suffered an illness or accident which made it impossible or extremely difficult for that physical therapist to reasonably obtain the required continuing education units.

(c) The board may grant an extension, not to exceed six months, to any physical therapist who obtained a license during the 12-month period prior to the renewal registration date. The board shall determine whether the period of time between the date of obtaining the license and the date of registration renewal was not a sufficient time period within which to obtain the required education units.

(d) A CEU shall be equivalent to 10 contact hours approved by the state board of healing arts. A contact hour shall be 50 minutes of instruction or its equivalent. Meals and exhibit breaks shall not be included in the contact hour calculation.

(e) The content of the continuing education classes or literature shall be related to the field of physical therapy or similar areas.

(f) Continued education shall be acquired from at least four of the five classes of education experiences as defined in subsection (g). A minimum of three CEUs shall be acquired from either Class I or Class IV. A maximum of 0.8 CEUs may be acquired from Class II. A maximum of 1.0 CEU may be acquired from Class III. The total number of required CEUs may be acquired from Class I or Class IV. A maximum of three CEUs may be acquired from Class V.

(g) The five classes of continuing education experiences shall be:

(1) Class I—Attendance at an educational presentation. Class I continuing education experiences shall include:

(A) Lecture. Lecture means a discourse given before an audience for instruction;

(B) Panel. Panel means the presentation of a number of views by several professional individuals on a given subject with none of the views considered a final solution;

(C) Workshop. Workshop means a series of meetings designed for intensive study, work or discussion in a specific field of interest;

(D) Seminar. Seminar means directed advanced study, or discussion in a specific field of interest;

(E) Symposium. Symposium means a conference of

more than a single session organized for the purpose of discussing a specific subject from various viewpoints and by various speakers; and

(F) College or University Courses. One CEU shall be given for each college credit with a grade of at least C or a "pass" in a pass/fail course.

(2) Class II—In-Service Training. A maximum of .4 CEU may be given for attending in-service training which relates to the enhancement of physical therapy practice, values, skills and knowledge for each two year period. A maximum of .4 CEU may be given for instructing the in-service training, but no CEUs can be acquired for attending that particular in-service training.

(3) Class III—Professional Reading. A maximum of 1.0 CEU may be given for reading professional literature.

(4) Class IV—Professional Publication. The maximum CEUs that may be given for professional publication shall be as follows:

Type of Publication		Maximum Number of Credits
(A) Original Papers—	(i) single author	(2.5) CEUs
	(ii) co-author	(.8) CEUs
	(iii) senior author	(1.5) CEUs
(B) Review Papers—	(i) single author	(1.5) CEUs
	(ii) co-author	(.8) CEUs
(C) Case Reports—	(i) single author	(1.5) CEUs
	(ii) co-author	(.8) CEUs
(D) Abstracts—	single author	(.8) CEUs
(E) Book Reviews—	single author	(.8) CEUs
(F) Publication of a Book	(i) single author	(6) CEUs
	(ii) senior author	(5) CEUs
	(iii) co-author	(4) CEUs
	(iv) contributing author	(2.5) CEUs

(5) Class V—Instructor Preparation of Class I Programs. Any registered physical therapist who presents any continuing education program shall receive three contact hours for each hour of presentation. No credit shall be granted for any subsequent presentations of the same subject matter.

(h) Documented evidence of attendance for Class I and Class II continuing educational activities shall be submitted. Personal verification shall be submitted for Class III activity. Copies of publications shall be submitted for verification of Class IV activities.

(i) Instructional staff shall be competent in the subject matter and in the methodology of instruction and learning processes as evidenced by experience, education or publication. (Authorized by K.S.A. 1983 Supp. 65-2911; implementing K.S.A. 1983 Supp. 65-2910; modified by L. 1978, ch. 463, May 1, 1978; amended May 1, 1980; amended May 1, 1984; amended May 1, 1985.)

**ELIZABETH CARLSON**  
Executive Secretary

Doc. No. 002962

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