

KANSAS REGISTER

State of Kansas

JACK H. BRIER
Secretary of State

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Pages 1069-1092

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State of Kansas

LEGISLATURE

INTERIM AGENDA

Notice is hereby given to interested parties that the following committee meetings have been scheduled during the period of August 5 through August 16, 1985.

Date	Room	Time	Committee	Agenda
Aug. 5-9			No meetings scheduled.	
Aug. 13	514-S	10:00 a.m.	Joint meeting of Special Committees on Public Health and Welfare and Legislative Budget	Proposal No. 51.
Aug. 14	514-S	9:00 a.m.	Special Committee on Public Health and Welfare	Agenda unavailable.
Aug. 15	519-S	10:00 a.m.	Special Committee on Education	15th: Hearing on Proposal No. 20—School finance—selected issues; staff briefings on Proposals No. 21 and 22.
Aug. 16	519-S	9:00 a.m.		16th: Committee deliberations on Proposal No. 20.
Aug. 15	514-S	10:00 a.m.	Special Committee on Medical Malpractice	Hearings—District judges, legislative post audit report on State Board of Healing Arts, others.
Aug. 16	514-S	9:00 a.m.		

WILLIAM R. BACHMAN
Director of Legislative
Administrative Services

Doc. No. 003441

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JACK H. BRIER
Secretary of State
State Capitol
Topeka, KS 66612-1594



PHONE: 913/296-3489

State of Kansas

**DEPARTMENT OF ADMINISTRATION
STATE EMPLOYEES
HEALTH CARE COMMISSION**

NOTICE OF MEETING

The Kansas State Employees Health Care Commission will meet at 1:30 p.m. Tuesday, August 6, 1985, in Room 220-S, State Capitol, Topeka.

MARVIN A. HARDER
Chairman

Doc. No. 003427

State of Kansas

**SOCIAL AND REHABILITATION SERVICES
KANSAS TASK FORCE ON
PERMANENCY PLANNING**

NOTICE OF MEETING

The Kansas Task Force on Permanency Planning will meet at 10 a.m. Friday, August 2, 1985, in Hearing Room 2, Kansas Judicial Center, 301 W. 10th, Topeka.

ROBERT C. BARNUM, Chairman
Kansas Task Force on Permanency Planning

Doc. No. 003435

State of Kansas

STATE BOARD OF AGRICULTURE

**REQUEST FOR COMMENT ON PROPOSED
SPECIAL LOCAL NEED REGISTRATION**

Notice is hereby given that pursuant to 7 U.S.C. 136v, Gustafson, Incorporated has filed an application for a special local need registration for Apron FL Seed Treatment Fungicide to control systemic downy mildew on sorghum seed. No pesticide is currently registered in Kansas for this use. At present, this pesticide is registered to control Pythium damping off in sorghum.

Information submitted by the applicant is on file with the Kansas State Board of Agriculture. Anyone wishing to present written comments, data or other evidence in support of or in opposition to the proposed special local need registration may do so on or before August 30, 1985. Written comments, data or other evidence should be submitted to J. Dale Lambley, Plant Health Division, Kansas State Board of Agriculture, 109 S.W. 9th, Topeka, KS 66612.

J. DALE LAMBLEY
Plant Health Division

Doc. No. 003428

State of Kansas

**SOCIAL AND REHABILITATION SERVICES
CHILDREN AND YOUTH ADVISORY
COMMITTEE**

NOTICE OF MEETING

The Children and Youth Advisory Committee will meet at 1:30 p.m. Monday, August 12, 1985, in the Judicial Administrator's Conference Room, Kansas Judicial Center, 301 W. 10th, Topeka.

ROBERT C. BARNUM, Chairman
Children and Youth Advisory Committee

Doc. No. 003434

State of Kansas

**SOCIAL AND REHABILITATION SERVICES
ADVISORY COMMISSION ON
JUVENILE OFFENDER PROGRAMS**

NOTICE OF MEETING

The Advisory Commission on Juvenile Offender Programs will meet at 10:30 a.m. Friday, August 9, 1985, in the Smith-Wilson Building Conference Room, 2700 W. 6th, Topeka.

BENJAMIN S. COATES, Director
Juvenile Offender Programs
Youth Services

Doc. No. 003436

State of Kansas

FISH AND GAME COMMISSION

AMENDED NOTICE OF MEETING

The Kansas Fish and Game Commission will meet Wednesday, August 14 and Thursday, August 15, 1985, at the Canterbury Inn, 5805 W. Kellogg, Wichita.

A public hearing, originally scheduled for 1:30 p.m., will instead be held at 7:30 p.m. August 14 to establish the 1985 late migratory waterfowl seasons. Consideration will also be given to a possible sandhill crane season. A general business meeting, to include discussion of the upland game prospects, potential legislative items, and director's recommended FY 87 budget will be conducted following the hearing. The general business meeting will continue at 9 a.m. August 15.

GARY CAPLINGER
Chairman

Doc. No. 003418

State of Kansas
SOCIAL AND REHABILITATION SERVICES
CLIENT ASSISTANCE PROGRAM
ADVISORY COMMITTEE

NOTICE OF MEETING

The Client Assistance Program Advisory Committee will meet at 1 p.m. Friday, August 9, 1985, in the Conference Room of the Emporia Office of Social and Rehabilitation Services, 1015 Scott St., Emporia.

ROBERT C. HARDER
 Secretary of Social
 and Rehabilitation Services

Doc. No. 003487

State of Kansas
DEPARTMENT OF ADMINISTRATION

**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, Intergovernmental Liaison, 152-East, State Capitol, Topeka, KS 66612. Comment period is approximately 30 days.

KS850718-001-83503KS—Mahlon G. Weed, Division of Emergency Preparedness, P.O. Box C-300, Topeka, KS 66601, (913) 233-7560, applied for \$925,422 from the Federal Emergency Management Agency for a comprehensive cooperative agreement.

KS850718-002-84132EL—James W. Blume, President, Developmental Services of Northwest Kansas, P. O. Box 1016, Hays, KS 67601, (913) 625-5678, applied for \$50,000 from the U.S. Department of Education for Operation Link (Living Independently in Northwest Kansas).

KS850718-003-10564KS—Dr. Ann E. Harrison, Department of Education, 120 E. 10th, Topeka, KS 66612, (913) 296-3604, submitted a state plan to the U.S. Department of Agriculture for Nutrition Education and Training Program.

KS850722-001-10418WL—JoVannah Boecker, City of Neodesha, P.O. Box 298, Neodesha, KS 66757, (316) 325-2828, applied for \$1,842,074 from the U.S. Department of Agriculture for remodeling a water treatment facility.

KS850723-001-20600KS—Ken Stodgell, Special Projects Coordinator, Kansas Department of Transportation, State Office Building, Topeka, KS 66612, (913) 296-3597, submitted a state plan for FY-86 to the U.S. Department of Transportation for highway safety.

KS850723-002-20102MC—Paul A. Sasse, City of Independence, 120 N. 6th, Independence, KS 67301, (316) 331-2500, applied for \$255,339 from the U.S. Department of Transportation for airport improvements.

KS850723-003-13600SN—David L. Marden, Executive Director, Shawnee County Community Assist-

ance & Action, Inc., 605 Topeka, Topeka, KS 66603, (913) 235-9561, applied for \$655,848 from the U.S. Department of Health and Human Services for Head Start programs in Shawnee County, Kansas.

KS850724-001-13995LY—Eileen Greischar, R.N., Lyon County/Emporia City Health Department, 802 Mechanic, Emporia, KS 66801, (316) 342-4864, applied for \$59,167 from the Department of Health and Human Services for adolescent family life services.

Announcements

The Department of Housing and Urban Development is seeking proposals from local governments to develop programs to help unemployed or underemployed single parents with young children to become economically self sufficient. (*Federal Register* 07/16/85, pp. 28884-90). Deadline August 21, 1985. Contact Francetta White at (202) 755-5561.

The Health Resources and Services Administration (HRSA), Public Health Service, Health and Human Services, is accepting applications from qualified statewide organizations for the development of programs for cooperative agreements to provide assistance in planning and development of comprehensive primary health care services in areas that lack adequate health manpower or have populations lacking access to primary care services. Approximately \$3 million will be available for these agreements. For application materials and information contact Waddel Avery, Bureau of Health Care Delivery and Assistance, HRSA, Room 7A-98, 5600 Fishers Lane, Rockville, MD 20857, (301) 443-1440.

Notice

The city of Kansas City will conduct a public hearing at 7 p.m., September 5, 1985, in the Council Chambers, First Floor, Municipal Office Building, 701 N. 7th, Kansas City, Kansas, to discuss the environmental effects of the facilities plan for the 35th to 36th and Tauromee Lateral Sanitary Sewer Benefit District project, EPA Project No. C201148. A copy of the plan may be examined at the Water Pollution Control Department, Room 421, Municipal Office Building.

Awards

The Office of Human Development Services of the U.S. Department of Health and Human Services announced Head Start training and technical assistance awards of \$122,345 to USD 443, Dodge City, and \$6,212 to Kansas Children's Service League, Wichita. The department also announced one-time program improvement awards of \$10,286 to Shawnee County Community Assistance and Action, Inc. for repairs of North Topeka Head Start classrooms and \$39,290 to Head Start of Shawnee Mission to replace mini buses.

MARVIN A. HARDER
 Secretary of Administration

Doc. No. 003432

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, KS 66612, until 10 a.m. C.D.T., August 15, 1985, and then publicly opened:

DISTRICT ONE—Northeast

Doniphan—36-22 K-2811-01—US-36, Interchange at Elwood, lighting. (State Funds)

Shawnee—89 U-0924-01—East 4th Street over Shunganunga Creek in Topeka, bridge repair. (Federal Funds)

Shawnee—70-89 M-1394-01—I-70, beginning at the east ending wear surface of the Gage Blvd. bridges (Ref. Pt. 358.4), then east to the west end wearing surface of the Polk-Quincy Viaduct (Ref. Pt. 361.0) concrete pavement patching. (State Funds)

Wyandotte—105 C-1497-01—County road, 94th Street at Riverview Avenue, south, bridge replacement. (Federal Funds)

DISTRICT TWO—Northcentral

Washington—22-101 K-2032-01—K-22, Mill Creek bridge 28, 2.9 miles north of the junction of US-36, bridge painting. (State Funds)

DISTRICT THREE—Northwest

Osborne—281-71 K-2041-01—US-281, North Fork Solomon river bridge 36, 3.1 miles north of US-24, bridge painting. (State Funds)

Phillips—183-74 K-0668-01—US-183, south county line north to 0.5 mile south of the junction of K-9 at Glade, grading, surfacing, and bridge. (Federal Funds)

DISTRICT FOUR—Southeast

Franklin—68-30 K-0331-01—Junction of K-68 and I-35 east of Ottawa, east to K-33, grading and surfacing. (State Funds)

Franklin—68-30 K-0331-02—K-68, Ottawa Creek and Hickory Creek, east of Ottawa, bridge replacement. (Federal Funds)

Greenwood—96-37 K-2036-01—K-96, Fall River bridge 25, 10.8 miles east of the junction of K-99, bridge painting. (State Funds)

DISTRICT FIVE—Southcentral

Sedgwick—87 U-0852-01—Central Avenue at Little Arkansas River in Wichita, 0.1 mile, bridge replacement. (Federal Funds)

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

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

JOHN B. KEMP
Secretary of Transportation

Doc. No. 003423

State of Kansas

ATTORNEY GENERAL

Opinion No. 85-85

Militia, Defense and Public Safety—Emergency Preparedness for Disasters—County and City Disaster Agencies; Duties of Local Sheriff.

Counties and County Officers—Sheriff—Duties.
Steven L. Boyce, Coffey County Attorney,
Burlington, July 22, 1985.

K.S.A. 48-929 requires each county in this state to maintain a disaster agency responsible for emergency preparedness and coordination of response to disasters. Such agencies are required to prepare a disaster emergency plan for the area under their jurisdiction. In addition, local disaster agencies are required to prepare and distribute to all local officials a clear and complete statement of those officials' responsibilities in implementing such a plan. Although a disaster emergency plan is not formally activated until a declaration of disaster is accomplished according to law, there are some aspects of such a plan which must be carried out before a formal declaration of disaster. In our opinion, the emergency responsibilities of a local official under an appropriate disaster emergency plan may include certain acts which, of necessity, precede a formal declaration of a state of disaster emergency. Cited herein: K.S.A. 19-813; 48-904; 48-905; 48-924; 48-925; 48-929; 48-932. MFC

Opinion No. 85-86

Cities and Municipalities—General Provisions—County and City Retailers' Sales Taxes; Other City and County Excise Taxes Prohibited. Hubert Johnson, Mayor, Harper, July 22, 1985.

Pursuant to the provisions of K.S.A. 12-194, the only excise tax (or tax in the nature of an excise) which a city may levy upon the sale of cereal malt beverages is the retailers' sales tax authorized by K.S.A. 12-187 *et seq.* Cited herein: K.S.A. 12-137, 12-142, 12-187, 12-188, 12-194, 79-3603; L. 1973, ch. 393; L. 1982, ch. 66; Kan. Const., Art. 12, Sec. 5. TRH

ROBERT T. STEPHAN
Attorney General

Doc. No. 003431

State of Kansas

INSURANCE DEPARTMENT

The Kansas Citizens Committee for the Review of the Tort System will meet in four separate subcom-

mittees on August 13, 1985. The times and places for the meetings are as follows:

Committee	Time	Place
Insurance Subcommittee	12:30 p.m.	Kansas Insurance Department 2nd Floor Conference Room
Peer Review Subcommittee	9:00 a.m.	Room 522-S State Capitol
Screening Panel Subcommittee	1:30 p.m.	Room 521-S State Capitol
Legal Subcommittee	9:30 a.m.	Kansas Insurance Department 3rd Floor Conference Room

All meetings of the subcommittees are open to the public.

FLETCHER BELL
Commissioner of Insurance

Doc. No. 003439

State of Kansas

KANSAS JUDICIAL COUNCIL**NOTICE OF AUGUST MEETINGS**

Meetings of the Kansas Judicial Council and its advisory committees scheduled for August, 1985 are:

Date	Committee	Time	Location
Aug. 2	Municipal Court Manual	9:00 a.m.	Room 259, Judicial Center 301 W. 10th, Topeka
Aug. 9	Probate Law	9:30 a.m.	Room 259, Judicial Center 301 W. 10th, Topeka
Aug. 16	Court Unification	9:30 a.m.	Room 259, Judicial Center 301 W. 10th, Topeka
Aug. 16	Family Law	9:30 a.m.	Room 266, Judicial Center 301 W. 10th, Topeka
Aug. 21	Adm. Procedure	10:30 a.m.	Room 259, Judicial Center 301 W. 10th, Topeka
Aug. 23	Criminal Law	9:30 a.m.	Room 259, Judicial Center 301 W. 10th, Topeka

DAVID PRAGER, Chairman
Kansas Judicial Council

Doc. No. 003442

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES****NOTICE TO BIDDERS**

Sealed bids for items hereinafter listed will be received by the Director of Purchases, State Office Building, Topeka, KS 66612, 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, AUGUST 12, 1985

#26689

Kansas Neurological Institute, Topeka—REFUSE COLLECTION

#26693

Department of Administration, Division of Information Systems and Communications, Topeka—HIGH SPEED PRINTERS

#26694

Department of Transportation, Topeka—PHOTOLOG FILM PROCESSING AND DUPLICATING

#62648

Department of Administration, Division of Accounts and Reports, Topeka—RENTAL PLAIN PAPER COPIER

#62649

Department of Corrections, Topeka—TRACTOR MOWER, El Dorado Honor Camp

#62650

Department of Transportation, Topeka—PRINTER AND PROCESSOR

#62653

University of Kansas Medical Center, Kansas City—HEMODIALYSIS CONTROL UNITS

#62656

Kansas Technical Institute, Salina—EXTERIOR PAINTING, Hangar Building 714

#62666

Fort Hays State University, Hays—GYMNASIUM FLOOR REFINISHING

#62675

Department of Revenue, Topeka—CONTINUOUS FORMS—BLANK AND LETTERHEAD

TUESDAY, AUGUST 13, 1985

#26690

University of Kansas, Lawrence—LAUNDRY SERVICE OF DUST MOPS AND WET MOPS

#26695

University of Kansas Medical Center, Kansas City—FEEDING FORMULA

#62667

Department of Social and Rehabilitation Services, Topeka—BRUSH FIBER

#62668

Kansas State University, Manhattan—SOYBEAN MEAL AND MILO

#62669

Kansas State Penitentiary, Lansing—ELECTRICAL SUPPLIES

#62670

University of Kansas Medical Center, Kansas City—VENETIAN WINDOW BLINDS, Wichita

#62671

Kansas State Penitentiary, Lansing—MEN'S CLOTHING

#62672

Kansas Fish and Game Commission, Pratt—ROAD SANDING, Cedar Bluff wildlife area

#62673

Department of Social and Rehabilitation Services, Topeka—8-PLY COTTON WET MOP YARN

#62685

Department of Corrections, Topeka—KITCHEN EQUIPMENT, various locations

#62686

University of Kansas Medical Center, Kansas City—2-PART CARBONLESS FORM WITH LABELS—"PHYSICIANS ORDER FORM"

#62687

Kansas State University, Manhattan—ELECTRONIC DIGITAL KEYBOARD

#62688

University of Kansas Medical Center, Kansas City—DINING TABLES

#62689

University of Kansas Medical Center, Kansas City—AUTOMATIC PERITONEAL DIALYSIS MACHINES

#62690

University of Kansas Medical Center, Kansas City—UPGRADE EXISTING SIEMENS LFOV GAMMA CAMERA

#62691

University of Kansas Medical Center, Kansas City—MOBILE X-RAY UNIT

#62692

Department of Social and Rehabilitation Services, Topeka—PUSHBROOM BLOCKS

#62693

University of Kansas Medical Center, Kansas City—X-RAY CONTRAST MEDIA INJECTORS

#62694

Department of Social and Rehabilitation Services, Topeka—NYLON CORD

#62731

Department of Transportation, Topeka—AUDIT SERVICES

WEDNESDAY, AUGUST 14, 1985

#26691

Department of Social and Rehabilitation Services, Topeka—JANITORIAL SERVICES, Leavenworth

#26692

University of Kansas Medical Center, Kansas City—OFFICER UNIFORM GARMENTS, Parking Department

#62703

University of Kansas Medical Center, Kansas City—COMPACT FOUR FOR O.R. MONITORING

#62704

University of Kansas Medical Center, Kansas City—OFFICE FURNITURE

#62705

Department of Social and Rehabilitation Services, Topeka—DUST MOP FRAME

#62708

Department of Transportation, Salina—HERBICIDE

#62710

Kansas State University, Manhattan—CONTINUOUS FORMS—"IDEA REPORT"

#62714

Kansas State University, Manhattan—MANURE SPREADER

(continued)

THURSDAY, AUGUST 15, 1985

#26464 (Supplement)

Statewide—X-RAY FILMS AND SUPPLIES
(CLASS 13)

#62717

Kansas Fish and Game Commission, Pratt—METAL
CULVERTS, various locations

#62721

University of Kansas, Lawrence—OFFICE
SUPPLIES

#62722

Kansas Highway Patrol, Topeka—MONITOR,
DEFIBRILLATOR, RECORDER

#62723

University of Kansas Medical Center, Kansas City
—PATIENT MONITOR WITH RECORDER

#62724

Topeka State Hospital, Topeka—DISHWASHING
SUPPLIES

#62725

Kansas Correctional-Vocational Training Center,
Topeka—DISHWASHING SUPPLIES

#62728

Kansas Corporation Commission, Topeka—MOBILE
TELEPHONES, Wichita

#62729

Kansas Correctional Industries, Lansing—
ALUMINUM SHEETS

#62730

Kansas State University, Manhattan—FURNISH
LABOR AND MATERIALS TO RETUBE #1
BOILER

#62734

Kansas State University, Manhattan—
MICROCOMPUTER

#62735

University of Kansas, Lawrence—AUTOMATED
TAPE MANAGEMENT SYSTEM

#62736

Emporia State University, Emporia—WORD
PROCESSING SYSTEM

#62737

Norton State Hospital, Norton—FURNACES AND
HUMIDIFIERS

#62738

Kansas State University, Manhattan—FURNISH
AND INSTALL COOLING TOWER

#62740

University of Kansas Medical Center, Kansas City
—PRINTED SHELF FILE FOLDERS

#62763

University of Kansas Medical Center, Kansas City
—UV MONITOR/GAMMA COUNTER

#62764

University of Kansas Medical Center, Kansas City
—P/H BLOOD GAS SYSTEM

#62765

Kansas State University, Manhattan—VACUUM
APPARATUS

#62766

Kansas State University, Manhattan—LAB PUMPS

#62767

Kansas State University, Manhattan—VACUUM
APPARATUS**FRIDAY, AUGUST 16, 1985**

#62658

Kansas Technical Institute, Salina—
TELECOMMUNICATIONS SYSTEMS

#62741

Kansas State University, Manhattan—LIBRARY
DETECTION SYSTEM

#62743

Fort Hays State University, Hays—ANIMAL
STALLS/SHEDS

#62744

Wichita State University, Wichita—VM/HPO
SOFTWARE

#62745

Wichita State University, Wichita—
MICROCOMPUTER

#62746

Wichita State University, Wichita—HARD
DISK-ZENITH 150 COMPATIBLE

#62747

University of Kansas Medical Center, Kansas
City—LINE PRINTER

#62748

Kansas Highway Patrol, Topeka—MEDICAL
EMERGENCY EQUIPMENT AND TRAINING
MANIKINS, various locations

#62749

Kansas State University, Manhattan—AVERAGER
SYSTEM

#62750

University of Kansas, Lawrence—CHEMISTRY
ANALYZER

#62751

Department of Health and Environment, Topeka—
MEMBRANE FILTERS/PETRI DISHES

#62752

Kansas State University, Manhattan—CRYOGENIC
APPARATUS

#62753

University of Kansas Medical Center, Kansas City
—SURGICAL MICROSCOPE

#62762

State Park and Resources Authority, Topeka—PARK
PERMITS-1986

#62768

University of Kansas Medical Center, Kansas City
—STERILE CARDIAC TABLE SET-UP

#62769

Department of Transportation, Salina—WOOD SIGN
POSTS

#62776

Adjutant General's Department, Topeka—
CONCRETE 3000 PSI CAMP FUNSTON, Fort Riley**MONDAY, AUGUST 19, 1985**

#26688

Kansas Correctional Industries, Lansing—
UPHOLSTERING MATERIALS AND SUPPLIES

#62775

Pittsburg State University, Pittsburg—
MICROSCOPES

#62777

Department of Health and Environment, Topeka—
GAMMA COUNTER**TUESDAY, AUGUST 20, 1985**

#A-4982

Winfield State Hospital and Training Center,
Winfield, Kansas—REPAIR OF SETTLED FLOORS,
JUNIPER BUILDING

WEDNESDAY, AUGUST 21, 1985

#62293-A

Kansas Corporation Commission, Pittsburg—OSAGE
MINE REPAIR OF RECLAMATION, Linn County

TUESDAY, SEPTEMBER 3, 1985

#62706

Kansas Fish and Game Commission, Pratt—
AGRICULTURAL LEASE, Cedar Bluff wildlife area

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 003433

State of Kansas

BOARD OF REGENTS

NOTICE OF INTENT
TO ISSUE REVENUE BONDS

The Board of Regents of the State of Kansas on July 24, 1985, by resolution duly adopted, and under authority of K.S.A. 76-6a12 to 76-6a25, both inclusive, and all amendments thereto, authorized the issuance of Coliseum Revenue Bonds for Kansas State University of Agriculture and Applied Science, Manhattan, Kansas, in a maximum amount of \$7 million.

The board has determined to issue and sell such revenue bonds under authority of K.S.A. 76-6a12 to 76-6a25, both inclusive, and all amendments thereto, for the purpose of providing funds, to be used with funds on hand or available from other sources, for paying the cost of constructing and equipping a coliseum located on the campus of Kansas State University of Agriculture and Applied Science, Manhattan, Kansas, the same to cost approximately \$16.1 million.

Unless an action to contest the legality of the proposed revenue bonds shall be filed in a court of law within 30 days from the date of the publication of this notice, the right to contest the legality of any such bonds issued in compliance with the proceedings taken by said board prior to the date of such publication, and the right to contest the validity of the provisions of such proceedings, shall cease to exist, and no court shall thereafter have authority to inquire into such matters; and after the expiration of said 30 days, no one shall have any right to commence an action contesting the validity of such bonds or the provisions of such proceedings and all such bonds shall be conclusively presumed to be legal, and no court shall thereafter have authority to inquire into such matters.

Dated this 24th day of July, 1985.

STANLEY Z. KOPLIK
Executive Officer
State Board of Regents

Doc. No. 003438

(Published in the KANSAS REGISTER, August 1, 1985.)

NOTICE OF BOND SALE
\$231,592.98
GENERAL OBLIGATION BONDS
OF THE
CITY OF KECHI, KANSAS

The city of Kechi, Kansas will receive sealed bids at the office of the City Clerk, 200 W. Kechi Road, Kechi, KS 67067, until 7:30 p.m., C.D.T., August 8, 1985, for \$231,592.98 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 A, 1985 Bonds will be dated as of August 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 except bond no. 1 in the amount of \$1,592.98, 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 15th day of the month next preceding the Interest Payment Dates (the "Record Dates"). The fees of the Bond Registrar for registration and transfer of the bonds shall be paid by the city.

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

Principal Amount	Maturity Date
\$ 6,592.98	September 1, 1986
10,000.00	September 1, 1987
10,000.00	September 1, 1988
10,000.00	September 1, 1989
10,000.00	September 1, 1990
15,000.00	September 1, 1991
15,000.00	September 1, 1992
15,000.00	September 1, 1993
15,000.00	September 1, 1994
15,000.00	September 1, 1995
20,000.00	September 1, 1996
20,000.00	September 1, 1997
20,000.00	September 1, 1998
25,000.00	September 1, 1999
25,000.00	September 1, 2000

Redemption

Bonds maturing September 1, 1996, and thereafter, are subject to call for redemption and payment prior to their respective maturities at the option of the city on and after September 1, 1995, in whole at any time or in part in inverse order of maturity, and by lot within maturities, on any interest payment date, at a redemption price of 102 percent plus accrued interest to the redemption date.

(continued)

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

Interest Rate

Proposals will be received on the bonds bearing such rate or rates of interest 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 ($\frac{1}{8}$ th) or one-twentieth ($\frac{1}{20}$ th) of 1 percent. 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 *Credit Markets* (formerly *The Weekly Bond Buyer*) in New York, New York on the Monday next preceding the day on which the bonds are sold (August 5, 1985), plus 2 percent, 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 200 W. Kechi Road, Kechi, KS 67067, Attention: Iris Clubb, 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 2 percent of the total amount of the bid, and shall be payable to Treasurer, City of Kechi, 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 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 approv-

ing opinion of William P. Timmerman, Bond Counsel, of Wichita, Kansas. The number, denomination of bonds, and names of the initial registered owners to be initially printed on the bonds shall be submitted in writing by the successful bidder to the Bond Registrar not later than August 22, 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 August 30, 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 William P. Timmerman, Bond Counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each bond and a manually signed original will be furnished without expense to the purchaser of the bonds at the delivery thereof. The cost of this legal opinion and the expense of printing the bonds and legal opinion will be paid by the city. Said legal opinion will state in part substantially that the bonds will constitute general obligations of the city, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city; and that, under existing law, the interest on said bonds is exempt from present federal income taxation and the bonds are exempt from intangible personal property taxes levied by Kansas cities, counties and townships.

Purpose of Issue

The bonds are being issued for the purpose of constructing street, water, sewer and gas improvements in the North Meadows addition in the city of Kechi, Kansas.

CUSIP Identification Numbers

It is anticipated that 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. In the event that CUSIP numbers are not assigned for the bonds the purchase and delivery of the bonds shall not be affected.

Assessed Valuation

Assessed valuation figures for the city of Kechi, Kansas, for the year 1984, are as follows:

Equalized assessed valuation of taxable,	
tangible property	\$1,242,671
Tangible valuation of motor vehicles	\$ 116,119
Tangible valuation of motor vehicle dealers' inventory	\$ -0-
Assessed valuation of farm machinery and equipment (1982)	\$ -0-

Assessed valuation of business aircraft (1982)	\$ -0-
Equalized assessed tangible valuation for computation of bonded debt limitations	\$1,358,790

Principal Amount	Maturity Date
\$52,800.30	September 1, 1986
55,000.00	September 1, 1987
55,000.00	September 1, 1988
55,000.00	September 1, 1989
55,000.00	September 1, 1990
55,000.00	September 1, 1991
60,000.00	September 1, 1992
60,000.00	September 1, 1993
60,000.00	September 1, 1994
60,000.00	September 1, 1995
60,000.00	September 1, 1996
60,000.00	September 1, 1997
60,000.00	September 1, 1998
60,000.00	September 1, 1999
60,000.00	September 1, 2000
60,000.00	September 1, 2001
60,000.00	September 1, 2002
60,000.00	September 1, 2003
60,000.00	September 1, 2004
60,000.00	September 1, 2005

Bonded Indebtedness

The total general obligation bonded indebtedness of the city of Kechi, Kansas, at the date hereof, including this \$231,592.98 proposed issue of bonds, is in the amount of \$933,592.98.

Official Statement

Additional copies of this notice of bond sale, copies of the city's official statement relating to the bonds, or further information may be received from the office of the City Clerk, City of Kechi, 200 W. Kechi Road, Kechi, KS 67067, or from Mid-Continent Municipal Investments, Inc., 333 Century Plaza Building, Wichita, KS 67202, the city's financial consultants.

Dated July 11, 1985.

CITY OF KECHI, KANSAS
By Iris Clubb, City Clerk

Doc. No. 003425

(Published in the KANSAS REGISTER, August 1, 1985.)

**NOTICE OF BOND SALE
CITY OF JUNCTION CITY, KANSAS
\$1,167,800.30
GENERAL OBLIGATION BONDS
SERIES CU (SEPTEMBER 1, 1985)**

The city of Junction City, Kansas will receive sealed bids at the office of the City Clerk, City Hall, Junction City, KS 66441, until 7 p.m., C.D.S.T., August 6, 1985, for the purchase of \$1,167,800.30 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 CU Bonds initially issued will be dated as of September 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 or integral multiples thereof except one bond in the amount of \$2,800.30, 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 February 15 and August 15 (the record dates). The fees of the Bond Registrar for registration and transfer of the the bonds shall be paid by the city.

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

Proposals will be received on the bonds bearing such rate or rates of interest, not exceeding eight different interest rates, as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth or one-twentieth of 1 percent. The difference between the highest and lowest interest rates specified in any bid shall not exceed 2 percent. No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being 2 percent above the bond buyer's 20 bond index, published in *Credit Markets* (formerly *The Weekly Bond Buyer*) on Monday, August 5, 1985, 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.

Bids shall be submitted on the official bid form furnished by the city, and shall be addressed to the city at P. O. Box 287, Junction City, KS 66441, 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 2 percent of the total amount of the bid, and shall be payable to the city of Junction City. 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.

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 Nichols and Wolfe Chartered, Topeka, Kansas, Bond Counsel, whose opinion will be paid for by the city.

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 August 13, 1985.

(continued)

(Published in the KANSAS REGISTER, August 1, 1985.)

**NOTICE OF BOND SALE
CITY OF LEAVENWORTH, KANSAS
\$292,000
GENERAL OBLIGATION BONDS
SERIES 1985A (PUBLIC IMPROVEMENTS)**

The purchaser will be furnished with a complete Transcript of Proceedings evidencing 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 September 10, 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.

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 if not so paid, then said principal and interest will be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city. The Series CU Bonds are being issued for the purpose of certain street, water and sewer line improvement projects.

The sealed bids for the bonds shall be opened publicly and only at the time and place specified in this notice. 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 any amount of any premium paid from the aggregate amount of interest upon all of the bonds from their date until their respective maturities.

Assessed valuation figures for the city of Junction City, Kansas, for the year 1985, are as follows:

Equalized assessed valuation of taxable, tangible property	\$44,404,000
Assessed tangible valuation of motor vehicles	7,765,275
Equalized tangible valuation for computation of bonded indebtedness limitations	52,169,275

CUSIP identification numbers will be printed on the bonds. All expenses incurred in connection with the printing of CUSIP numbers on the bonds and the expenses of the CUSIP Service Bureau for the assignment of said numbers shall be paid for by the city.

The total general obligation bonded indebtedness of the city of Junction City, Kansas, at the date hereof, including this proposed issue of bonds in the amount of \$1,167,800.30, is \$8,442,237.02. The city of Junction City, Kansas has Temporary Notes outstanding in the total amount of \$1,529,871.84, of which \$1,349,371.84 will be redeemed and paid from the proceeds of this proposed issue of bonds and from other funds available to the city.

Additional copies of this notice of bond sale or further information may be received from the office of the City Clerk, Junction City, KS 66441.

Dated July 23, 1985.

**CITY OF JUNCTION CITY, KANSAS
By F. R. Galliher, City Clerk**

The city of Leavenworth, Kansas will receive sealed bids at the office of the City Clerk, City Hall, 5th and Shawnee, Leavenworth, KS 66048, until 11 a.m., C.D.S.T., Tuesday, August 13, 1985, for the purchase of \$292,000 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 1985A Bonds initially issued will be dated as of August 1, 1985, and shall mature on August 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 or integral multiples thereof, except one bond in the denomination of \$2,000, not exceeding the principal amount of bonds maturing in each year. Interest will be payable semiannually, commencing August 1, 1986, and each February 1 and August 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 January 15 and July 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:

Principal Amount	Maturity Date
\$22,000	August 1, 1986
30,000	August 1, 1987
30,000	August 1, 1988
30,000	August 1, 1989
30,000	August 1, 1990
30,000	August 1, 1991
30,000	August 1, 1992
30,000	August 1, 1993
30,000	August 1, 1994
30,000	August 1, 1995

Proposals will be received on the bonds bearing such rate or rates of interest, not exceeding eight different interest rates, as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth or one-twentieth of 1 percent. The difference between the highest and lowest interest rates specified in any bid shall not exceed 2 percent. No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being 2 percent above the bond buyer's 20 bond index, published in *Credit*

Markets (formerly *The Weekly Bond Buyer*) on Monday, August 12, 1985, 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.

Bids shall be submitted on the official bid form furnished by the city, and shall be addressed to the city at City Hall, 5th and Shawnee, Leavenworth, KS 66048, 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 2 percent of the total amount of the bid, and shall be payable to the city of Leavenworth, 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.

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 Nichols and Wolfe Chartered, Topeka, Kansas, Bond Counsel, whose opinion will be paid for by the city.

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 August 23, 1985.

The purchaser will be furnished with a complete Transcript of Proceedings evidencing 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 September 2, 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.

The bonds will constitute general obligations of the city, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable, tangible property within the territorial limits of the city. The Series 1985A Bonds are being issued for the purpose of retiring Temporary Notes, Series 1984 (public improvements) of the city.

The sealed bids for the bonds shall be opened publicly and only at the time and place specified in this notice. The city reserves the right to reject any and 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 any amount of any premium paid from the aggregate amount of interest upon all of the bonds from their date until their respective maturities.

Assessed valuation figures for the city of Leavenworth, Kansas, for the year 1984, are as follows:

Equalized assessed valuation of taxable, tangible property	\$55,758,268
Assessed tangible valuation of motor vehicles	\$12,080,253
Equalized tangible valuation for computation of bonded indebtedness limitations	\$67,838,521

CUSIP identification numbers will be printed on the bonds. All expenses incurred in connection with the printing of CUSIP numbers on the bonds and the expenses of the CUSIP Service Bureau for the assignment of said numbers shall be paid for by the city.

The total general obligation bonded indebtedness of the city of Leavenworth, Kansas, at the date hereof, including this proposed issue of bonds in the amount of \$292,000, is \$10,266,500. The city of Leavenworth, Kansas, has Temporary Notes outstanding in the total amount of \$350,000 which will be redeemed and paid from the proceeds of this proposed issue of bonds and from other funds available to the city.

Additional copies of this notice of bond sale or further information may be received from Marguerite Strange, City Clerk, City Hall, 5th and Shawnee, Leavenworth, KS 66048.

Dated July 23, 1985.

CITY OF LEAVENWORTH, KANSAS
By Marguerite Strange, City Clerk

Doc. No. 003426

State of Kansas

SECRETARY OF STATE

KANSAS PUBLIC DISCLOSURE COMMISSION

Opinion No. 85-8

Written April 24, 1985 to Stanley G. Hirschler, P.O. Box 314, Council Grove, KS 66846.

This opinion is in response to your letter of April 13, 1985, in which you request an opinion from the Kansas Public Disclosure Commission.

We note at the outset that the Commission's jurisdiction on this matter is limited to the application of K.S.A. 75-4301 *et seq.* 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 a city councilman for the city of Council Grove, Kansas. You advise us that you also serve as a volunteer fireman for the city.

You ask if it is necessary for you to resign your position as a volunteer fireman during your service on the city council.

We have reviewed K.S.A. 75-4301 *et seq.*, and it is our opinion that this law does not require you to resign as a volunteer fireman during your service on the city council.

Lowell Abeldt
Vice Chairman

(continued)

Opinion No. 85-9

Written April 24, 1985 to Jan Fisher, McCullough, Wareheim & LaBunker, Attorneys at Law, 1507 Topeka Blvd, P.O. Box 1453, Topeka, KS 66601.

This opinion is in response to your letter of April 11, 1985, in which you request an opinion from the Kansas Public Disclosure Commission concerning the Campaign Finance Act.

You ask whether a labor union may use member dues for campaign contributions to state candidates.

A review of the Campaign Finance Act and other state laws discloses no prohibition concerning the use of labor union dues for contributions to state candidates. If you have any questions concerning possible requirements on the methods of making contributions and possible reporting requirements, don't hesitate to contact our staff for guidance.

Lowell Abeltd
Vice Chairman

Opinion No. 85-10

Written June 4, 1985 to John B. Kemp, P.E., Secretary of Transportation, Kansas Department of Transportation, State Office Building, Topeka, KS 66612.

This opinion is in response to your letter of May 3, 1985, in which you request an opinion from the Kansas Public Disclosure Commission concerning the requirements for filing substantial interest statements.

You request this opinion in your capacity as the Secretary of the Kansas Department of Transportation. You ask whether the members of the Highway Advisory Commission established by K.S.A. 75-5002 are required to file statements of substantial interests.

From a review of K.S.A. 75-5003(d), we understand the commission to be primarily advisory in nature, with the exception that it may, by two-thirds vote, veto a determination by the Secretary of Transportation as to the location of any proposed highway and any determination for the construction or reconstruction of any highway.

With this background in mind, the question of whether members of the commission must file is determined by whether they meet the definition of "Designee" set out in K.S.A. 46-282. From a review of that section, while it is true that the commission has certain veto powers, it is our opinion since the members do not have any affirmative powers to be responsible for contracting, purchasing or procurements and do not otherwise meet any of the definitions of a "Designee," that the members are not required to file statements of substantial interests.

Richard E. Dietz
Chairman

Opinion No. 85-11

Written June 4, 1985 to Michael M. Jackson, Attorney at Law, 727 Kansas Ave., Topeka, KS 66603.

This opinion is in response to your letter of May 6, 1985, in which you request an opinion from the Kansas Public Disclosure Commission concerning the conflict of interest laws.

You request this opinion as the attorney for four

state employees of the Department of Social and Rehabilitation Services who serve as disability examiners. Their duties include documentation and adjudication of social security and supplemental income disability claims.

You advise us that they have written a booklet which provides an explanation of the federal disability program and informs applicants of the information and documentation necessary to properly file claims. The booklet will be advertised in a national newsletter. Neither the booklet nor the advertisement will identify the state employees. The employees will not promote the book during the course of their employment.

You ask whether the state employees may publish and sell a booklet containing information about the government program by which they are employed.

We have reviewed K.S.A. 46-221 *et seq.* in its entirety and so long as the booklet does not contain confidential information as prohibited by K.S.A. 46-241, we find no conflict under that law.

We remind you that our opinion is limited to the above law which is within our jurisdiction and express no opinion about such other laws or rules and regulations as might apply to the situation you have described.

Richard E. Dietz
Chairman

Opinion No. 85-12

Written July 17, 1985 to George D. Carter, Inst. Bus. Admin. II, Kansas Department of Corrections, P.O. Box 1558, Topeka, KS 66601.

This opinion is in response to your letter of July 2, 1985, in which you request an opinion from the Kansas Public Disclosure Commission.

We understand you request this opinion in your capacity as a business manager for the Kansas State Reception and Diagnostic Center.

You advise us that the center employs, on a part-time basis, physician specialists who perform medical-type services and make various recommendations for medical services and referrals to physicians, hospitals or medical professional associations.

You ask whether physician specialists are required to file statements of substantial interests.

It is our opinion, pursuant to K.S.A. 46-282, since physician specialists can only make recommendations but are not responsible for ultimate decisions concerning placements, that they are not required to file statements of substantial interests.

We would caution, however, that they should be careful not to make referrals to any entity in which they hold a substantial interest since under appropriate circumstances such referrals may be unlawful.

Lowell Abeltd
Vice Chairman

Opinion No. 85-13

Written July 17, 1985 to Robert R. Hiller, Jr., Wichita Area Counsel, State Department of Social and Rehabilitation Services, 520 E. William, P.O. Box 1620, Wichita, KS 67201.

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

We understand you request this opinion in your capacity as Wichita area counsel for the State Department of Social and Rehabilitation Services.

You ask whether the Attorney I assigned to your office is required to file a statement of substantial interests.

As we understand the situation, the Attorney I is under your supervision and is not responsible for contracting, drafting specifications, awarding grants or inspecting, licensing or regulating. Rather, the Attorney I is primarily responsible for representing the agency in client hearings, as well as severance proceedings, related domestic actions and adoption matters. Under these circumstances it is our opinion that the Attorney I is not required to file a statement of substantial interests.

Lowell Abeldt
Vice Chairman

Opinion No. 85-14

Written July 17, 1985 to Kenneth M. Wilke, Chief Counsel, Kansas State Board of Agriculture, 109 S.W. 9th, Topeka, KS 66612.

This opinion is in response to your letter of May 21, 1985, in which you request an opinion from the Kansas Public Disclosure Commission.

We understand you request this opinion in your capacity as Chief Counsel for the Kansas State Board of Agriculture.

You ask whether members of the Commodity Commission established by K.S.A. 2-3002 are required to file statements of substantial interests.

K.S.A. 2-3005 sets forth the powers of that commission including the power to "direct the division to enter into contracts with such agencies or organizations for carrying on campaigns of development, education or publicity."

Under K.S.A. 46-282, a "designee" who is required to file a substantial interest statement includes any member of any agency who holds a position responsible for contracting, purchasing or procurement or responsible for awarding grants, benefits or subsidies.

Comparing the above language with the duties of the Commodity Commission, it is clear that its members are required to file statements of substantial interests.

Lowell Abeldt
Vice Chairman

Filed with the Secretary of State July 25, 1985.

Doc. No. 003429

State of Kansas

STATE CORPORATION COMMISSION

**NOTICE PERTAINING TO
MOTOR CARRIER HEARINGS
BEFORE THE**

STATE CORPORATION COMMISSION

Applications set for hearing are to be heard at 9:30 a.m. before the State Corporation Commission, State Office Building, 4th Floor, Topeka, unless otherwise noticed.

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

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 4th Floor, State Office Building, Topeka, KS 66612, (913) 296-3808 or 296-2110.

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

**Application set for August 20, 1985—
TOPEKA, KANSAS**

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

Pony Express Courier) Docket No. 59,680 M
Corporation of America) MC ID No. 120069
5550-77 Center Dr.)
Suite 320)
Charlotte, NC 28210)

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

General commodities, except those of unusual value, classes A and B explosives, household goods, commodities in bulk, commodities requiring special equipment, and commodities injurious to other lading, over irregular routes,

From, to and between all points and places within the state of Kansas, subject to the following restrictions:

1. No service shall be rendered in the transportation of any package or article weighing more than 125 pounds, and each package or article shall be considered as a separate and distinct shipment;

2. No service shall be rendered in the transportation of packages or articles weighing in the aggregate more than 500 pounds from any one consignor to any one consignee on any one day.

**Applications set for August 22, 1985—
TOPEKA, KANSAS**

*Renoticed Application for Certificate of
Convenience and Necessity:*

Stan Bulthaup) Docket No. 145,504 M
807 N. Walnut) MC ID No. 122256
Beloit, KS 67420)

Applicant's Attorney: None

(continued)

Feed, farm supply and salt,

Between all points and places in Mitchell, Sedgwick, Butler, Coffey, Kingman, Pratt, Sumner, Cowley, Harper and Reno counties, Kansas.

Also,

Between all points and places in Mitchell, Sedgwick, Butler, Coffey, Kingman, Pratt, Sumner, Cowley, Harper and Reno counties, Kansas, on the one hand, and on the other hand, all points and places in the state of Kansas.

Renoticed Application for Certificate of Convenience and Necessity:

Mid-Western Car Carriers,) Docket No. 146,584 M
Inc.)
8601 E. Hwy 40)
Kansas City, MO 64129)

Applicant's Attorney: Tom Kretsinger, 20 E. Franklin, Liberty, MO 64068

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

Between all points and places in the state of Kansas.

Renoticed Application for Certificate of Convenience and Necessity:

Schanno Transportation,) Docket No. 146,580 M
Inc.)
5 W. Mendota Road)
West St. Paul, MN 55118)

Applicant's Attorney: Alex Lewandowski, 6th Floor, Midland Building, 1221 Baltimore Ave., Kansas City, MO 64105-1961

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

Between points in Douglas, Franklin, Jefferson, Johnson, Leavenworth and Wyandotte counties, Kansas, on the one hand, and on the other, all points in Kansas.

Application for Contract Carrier Permit:

Sooner Transport) Docket No. 146,591 M
Corporation)
666 Grand Ave.)
Des Moines, IA 50309)

Applicant's Attorney: Larry E. Gregg, Gregg, Barker and Johnson, 3401 S.W. Harrison, Topeka, KS 66611

Gypsum and building materials,

Between points in Barber County, Kansas, on the one hand, and points and places in the state of Kansas, on the other hand. Under contract with Gold Bond Building Products, Division of National Gypsum of North Carolina.

Application for Certificate of Convenience and Necessity:

Glenn A. Baer, dba) Docket No. 147,054 M
Andy's Wrecker & Repair)
Service)
225 W. Wilson)
Ottawa, KS 66067)

Applicant's Attorney: John L. Richeson, Anderson, Byrd & Richeson, 2nd & Main, P.O. Box 7, Ottawa, KS 66067

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

Between points and places in Franklin, Anderson, Osage, Douglas and Miami counties, Kansas, on the one hand, and points and places in the state of Kansas, on the other hand.

Renoticed Application for Certificate of Convenience and Necessity:

Randy White, dba) Docket No. 146,369 M
Randy White Agri) MC ID No. 122142
Enterprises)
Box 284, 110 S. Poplar)
Solomon, KS 67480)

Applicant's Attorney: None

Grain,

Between all points and places in Saline, Dickinson, Sedgwick and Lyon counties, Kansas.

**Applications set for August 27, 1985—
TOPEKA, KANSAS**

Application for Certificate of Convenience and Necessity:

Calvin C. Hook, dba) Docket No. 147,053 M
Hook Auto Body Repair)
North Hwy 27)
Syracuse, KS 67878)

Applicant's Attorney: None

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

Between all points and places in Hamilton County, Kansas,

Also,

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

Application for Certificate of Convenience and Necessity:

TRT Enterprises, Inc., dba) Docket No. 146,590 M
TRT Auto Parts, Repair &)
Tow Service)
1130 N. 155th)
Basehor, KS 66007)

Applicant's Attorney: Larry Gregg, 3401 S.W. Harrison, Topeka, KS 66611

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

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

Also,

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

Application for Certificate of Convenience and Necessity:

Thomas M. Anstaett, dba) Docket No. 147,055 M
Anstaett Trucking)
2015 N. Center)
Garden City, KS 67846)

Applicant's Attorney: David Heinemann, 206 W. Pine, Box 1346, Garden City, KS 67846

Hay and machinery,

Between all points and places in Greeley, Wichita, Scott, Lane, Ness, Hamilton, Kearny, Finney, Gray, Hodgeman, Stanton, Grant, Haskell, Ford, Morton, Stevens, Seward, Meade and Clark counties, Kansas.

Also,

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

Application for Certificate of Convenience and Necessity:

T.E.R.S., Inc., dba) Docket No. 147,058 M
Transport Electric)
P. O. Box 30519)
Amarillo, TX 79120)

Applicant's Attorney: John E. Jandera, 641 Harrison, Topeka, KS 66603

Food and related products, including meat and meat by-products,

Between points in Kansas.

Application for Certificate of Convenience and Necessity:

William R. Cook) Docket No. 147,057 M
Route 1)
Wellington, KS 67152)

Applicant's Attorney: None

Grain and feed ingredients,

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Tom Herd, dba) Docket No. 147,056 M
Tom Herd Trucking)
Box 151)
Cunningham, KS 67035)

Applicant's Attorney: William B. Barker, Gregg, Barker and Johnson, 3401 S.W. Harrison, Topeka, KS 66611

Grain, dry feed, and dry feed ingredients,

Between points in Ford, Edwards, Kiowa, Stafford, Pratt, Reno, Kingman and Sedgwick counties, Kansas, on the one hand, and on the other, all points and places in Kansas.

**Applications set for August 29, 1985—
TOPEKA, KANSAS**

Application set for Contract Carrier Permit:

Prestige Transportation) Docket No. 147,059 M
Systems, Inc.)
2100 E. Central)
Wichita, KS 67201)

Applicant's Attorney: Lester C. Arvin, Arvin, Arvin, Busey & Tolle, Chartered, 814 Century Plaza Building, Wichita, KS 67202

Persons and their baggage,

Between points and places in the state of Kansas. Under contract with Unique Travel Planners, Inc., of Wichita, Kansas; Hays Travel, Inc., of Hays, Kansas; and Contemporary Tours, Inc., of Dodge City, Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Trans-Oil, Ltd.) Docket No. 134,063 M
4303 Speaker Road) MC ID No. 110097
Kansas City, KS 66106)

Applicant's Attorney: John L. Richeson, Anderson, Byrd & Richeson, Second and Main, P. O. Box 7, Ottawa, KS 66067

Petroleum products and alcohols, in bulk,

Between points and places in Wyandotte, Johnson, Brown, Doniphan, Jackson, Atchison, Jefferson, Leavenworth, Shawnee, Douglas, Osage, Franklin, Miami, Coffey, Anderson, Linn, Allen, Bourbon, Crawford, Nemaha, Pottawatomie, Wabaunsee, Lyon, Greenwood, Butler, Sedgwick, Woodson, Wilson, Montgomery, Neosho, Labette, Cherokee, Cloud, McPherson and Wichita counties, Kansas.

(continued)

Application for Transfer of Certificate of Convenience and Necessity:

George Gross, dba) Docket No. 91,565 M
Gross Wrecker Service) MC ID No. 101089
912 E. 7th)
Junction City, KS 66441)
TO:

George and Jim Gross, dba
Gross Wrecker Service
912 E. 7th
Junction City, KS 66441

Applicant's Attorney: Roger D. Thompson, Bengtson,
Waters, Thompson & Barry, Chartered, 1206 W. 8th,
Junction City, KS 66441

*Wrecked and disabled passenger vehicles, pickups
and bobtail trucks,*

Between all points and places in Geary County,
Kansas.

Also,

Between all points and places in Geary County,
Kansas, on the one hand, and a 25-mile radius of Geary
County, Kansas, on the other hand.

RESTRICTED, however, from domiciling or sta-
tioning wrecker equipment outside of Geary County,
Kansas.

Also,

RESTRICTED, from transporting trailers designed
to be drawn by passenger automobiles, mobile homes,
buildings and sections traveling on their own or re-
movable undercarriages with equipment other than
wrecker vehicles.

Wrecked and disabled motor vehicles,

Between all points and places in Geary County,
Kansas,

Also,

Between all points and places in Geary County,
Kansas, on the one hand, and a 25-mile radius of Geary
County, Kansas, on the other.

RESTRICTED, from transporting buildings and
sections traveling on their own removable undercar-
riages with equipment other than wrecker vehicles.

Application for Extension of Certificate of Convenience and Necessity to eliminate radii descriptions:

George and Jim Gross, dba) Docket No. 91,565 M
Gross Wrecker Service) MC ID No. 101089
912 E. 7th)
Junction City, KS 66441)

Applicant's Attorney: Roger D. Thompson, Bengtson,
Waters, Thompson & Barry, Chartered, 1206 W. 8th,
Junction City, KS 66441

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

Between all points and places in Geary, Dickinson,
Clay, Riley, Pottawatomie, Wabaunsee and Morris
counties, Kansas.

Also,

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

WILLIAM E. GREEN
Administrator
Transportation Division

Doc. No. 003440

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENT

TEMPORARY ADMINISTRATIVE
REGULATIONS

(Effective July 1, 1985. Expire May 1, 1986.)

Article 51.—HOME HEALTH AGENCY
LICENSURE

28-51-100. Definitions. (a) "Administrator"
means a person who has training and experience in
health services administration and at least one year of
supervisory or administrative experience in health
care, or an appropriate qualified health professional.

(b) "Admission note" means a dated notation that is
written by a professional member of the health team
after the initial assessment of a patient and that docu-
ments the relevant diagnosis; health history; environ-
mental, safety, and social factors of the home; nutri-
tional requirements, medications, and treatments; and
physical and mental levels of functioning.

(c) "Appropriate health professional" means a phy-
sician, a registered nurse, a physical therapist, an
occupational therapist, a respiratory therapist, a
speech therapist, or a dietitian.

(d) "Branch office" means a location or site from
which a home health agency provides services within
a portion of the total geographic area served by the
parent agency. The branch office shall be part of the
home health agency and shall be located sufficiently
close to share administration, supervision, and ser-
vices in a manner that renders it unnecessary for the
branch independently to meet the conditions of li-
censure as a home health agency. A branch office shall
be within 100 miles of the parent agency.

(e) "Bylaws" means a set of rules adopted by a
home health agency for governing the agency's
operation.

(f) "Clinical record" means a legal document con-
taining facts which:

- (1) Provide a basis for planning and implementing
the patient's care program;
- (2) Indicate the patient's status and response to
treatment;
- (3) Serve as a record of communication for the pro-
fessional groups responsible for the patient's care; and
- (4) Serve as a repository of data which can be used
to review and evaluate the care provided.

(g) "Dietitian" means a person who is eligible for
registration by the American dietetic association
under its requirements in effect on January 17, 1974.

(h) "Discharge summary report" means a concise

statement, signed by the appropriate health-care giver, reflecting the care, treatment, response of the patient in accordance with the patient's plan of care, and final disposition at the time of discharge.

(i) "Licensing agency" means the Kansas department of health and environment.

(j) "Occupational therapist" means a person who meets the definition of an occupational therapist under 42 CFR 405.1202(f), as in effect on October 1, 1984.

(k) "Occupational therapist assistant" means a person who meets the definition of an occupational therapy assistant under 42 CFR 405.1202(g), as in effect October 1, 1984.

(l) "Parent home health agency" means a home health agency that develops and maintains administrative control of subunits or branch offices or both.

(m) "Physical therapist" means a person who is currently registered in Kansas as a physical therapist.

(n) "Physical therapist assistant" means a person who is currently certified in Kansas as a physical therapist assistant.

(o) "Physician" means a person licensed in Kansas or an adjoining state to practice medicine and surgery.

(p) "Plan of care" means a plan based on the patient's diagnosis and the assessment of the patient's immediate and long range needs and resources. The plan of care is established in consultation with the home health services team which may include the physician, pertinent members of the agency staff, the patient, and members of the patient's family. If the plan of care includes procedures and services which, according to professional practice acts, require physician authorization, the plan of care shall be signed by a physician and shall be renewed every 60 days.

(q) "Progress note" means a dated, written notation by a member of the home health services team summarizing the facts about the patient's care and response during a given period of time.

(r) "Registered nurse" means a person who is licensed in Kansas as a registered professional nurse.

(s) "Respiratory therapist" means a person who has been registered by the national board of respiratory therapy or who is a graduate of a respiratory therapist program approved by the council on medical education of the American medical association.

(t) "Social worker" means a person who is licensed in Kansas as a social worker.

(u) "Speech therapist" means a person who meets the definition of a speech pathologist under 42 CFR 405.1202(u), as in effect on October 1, 1984.

(v) "Summary report" means a concise statement, signed by the appropriate health care giver, that reflects the care and treatment given and the response by the patient.

(w) "Supervision" means authoritative procedural guidance which is given by a qualified person of the appropriate discipline. Supervision includes initial direction and periodic inspection of the act of accomplishing the function or activity. (Authorized by and implementing K.S.A. 1984 Supp. 65-5109, as amended by 1985 H.B. 2468; effective, T-86-23, July 1, 1985.)

28-51-101 Licensing procedure. (a) License application. Each application for an initial home health agency license or for an annual renewal of such a license shall be filed on forms provided by the licensing agency before the agency begins treating patients or before the expiration date of the current license.

(b) All agencies in operation on the effective date of this regulation shall file an initial application no later than 30 days subsequent to such date. All agencies with licenses that will expire one year subsequent to the original effective date of this regulation shall file the renewal application at least 120 days before the expiration date of the license.

(c) Change of administrator. Each licensee shall notify the licensing agency within five days following the effective date of a change of administrator. The notification shall include the name and address of the new administrator.

(d) New services. Each licensee shall notify the licensing agency whenever it begins offering a new service covered under these regulations.

(e) Plan of correction. Effective July 1, 1986, a license shall be granted or renewed if:

(1) The applicant is found to be in substantial compliance with these regulations; and

(2) The applicant submits an acceptable plan for correcting any deficiencies cited.

(f) Annual report. Each home health agency shall submit an annual statistical report. (Authorized by K.S.A. 1984 Supp. 65-5109, as amended by 1985 H.B. 2468; implementing K.S.A. 1984 Supp. 65-5103, 65-5104, as amended by 1985 H.B. 2468, and 65-5106; effective, T-86-23, July 1, 1985.)

28-51-102. License fee. (a) Each initial license application for any agency in operation on the original effective date of this regulation shall be accompanied by a fee determined in accordance with the schedule set out in subsection (c).

(b) Each initial license application for any agency not in operation on the original effective date of this regulation shall be accompanied by a fee in the amount of \$100.00.

(c) Each application for annual renewal shall be accompanied by a fee determined in accordance with the following schedule. The visits shall be all those performed by the agency during the calendar year prior to the expiration of the license.

Visits	Fee
0-500	\$ 25.00
501-1,000	60.00
1,001-2,000	120.00
2,001-3,000	170.00
3,001-4,000	220.00
4,001-5,000	280.00
5,001-6,000	330.00
6,001-7,000	380.00
7,001-8,000	440.00
8,001-10,000	490.00
10,001-20,000	550.00
Over 20,000	580.00

(continued)

(d) If an agency performs services on an hourly basis, four hours of service shall be considered the equivalent of one visit. All home visits made by county or regional public health department personnel that are public health services, as determined by the secretary of health and environment, shall not be required to be included in the number of visits used to determine the annual renewal fee. (Authorized by K.S.A. 1984 Supp. 65-5109, as amended by 1985 H.B. 2468; implementing K.S.A. 1984 Supp. 65-5103; effective, T-86-23, July 1, 1985.)

28-51-103. Organization and administration.

(a) Governing body. The home health agency shall have a governing body or a clearly defined body having legal authority to operate the agency. The governing body shall:

- (1) Have bylaws or the equivalent which shall be renewed annually;
- (2) Employ a qualified administrator as defined in K.A.R. 28-51-100(a);
- (3) Adopt, revise, and approve procedures for the operation and administration of the agency as needed;
- (4) Provide the name and address of each officer, director, and owner of the agency to the licensing agency;
- (5) Disclose corporate ownership interests of 10 percent or more to the licensing agency; and
- (6) Disclose past home health agency ownership or management, including name of agency, location, and current status, to the licensing agency.

(b) Administrator. The administrator shall be responsible for the management of the agency to the extent authority is delegated by the governing body. A qualified person shall be designated to act in the absence of the administrator. The administrator shall have at least the following responsibilities:

- (1) Organize and direct the agency's ongoing functions;
- (2) Maintain a liaison between the governing body and staff;
- (3) Employ qualified personnel in accordance with job descriptions;
- (4) Provide written personnel policies and job descriptions that are made available to all employees;
- (5) Maintain appropriate personnel records, administrative records, and all policies and procedures of the agency;
- (6) Provide orientation for new staff, regularly scheduled inservice education programs, and opportunities for continuing education of the staff; and
- (7) Ensure the completion, maintenance, and submission of such reports and records as required by the secretary of health and environment.

(c) Personnel records. Current personnel records shall be maintained. The personnel records for an employee shall include:

- (1) The title of that employee's position and a description of the duties and functions assigned to that position;
- (2) The qualifications for the position;
- (3) Evidence of licensure or certification if required;

(4) Performance evaluations made within six months of employment and annually thereafter;

(5) Documentation of reference checks and a personal interview prior to employment; and

(6) Evidence of good general health and a negative tuberculin skin test or chest X-ray upon employment. Subsequent, periodic health assessments or physical examinations shall be given in accordance with agency policies.

(d) Personnel under hourly or per visit contracts. There shall be a written contract between the agency and personnel under hourly or per visit arrangements. The contract shall include the following provisions:

- (1) A statement that patients are accepted for care only by the primary home health agency;
- (2) A description of the services to be provided;
- (3) A statement that employees must conform to all applicable agency policies, including those related to qualifications;
- (4) A statement that the employee is responsible for participating in the development of plans of treatment;
- (5) A description of the manner in which services will be controlled, coordinated, and evaluated by the primary agency;
- (6) The procedures for submitting clinical and progress notes, scheduling patient care, and conducting periodic patient evaluations; and
- (7) The procedures for determining charges and reimbursement.

(e) Abuse, neglect, or exploitation. Each employee of the agency shall be responsible for reporting in accordance with agency policies and 1985 S.B. 89 any evidence of abuse, neglect, or exploitation of any patient served by the agency. (Authorized by K.S.A. 1984 Supp. 65-5109, as amended by 1985 H.B. 2468; implementing K.S.A. 1984 Supp. 65-5104, as amended by 1985 H.B. 2468; effective, T-86-23, July 1, 1985.)

28-51-104. Home health services. (a) General provisions. Each home health agency shall accept a patient only when it reasonably expects that the patient's medical, rehabilitation, and social needs can be met adequately by the agency in the patient's place of residence.

(b) Provision of services. Patient care shall follow a written plan which is periodically reviewed by the supervising nurses or other appropriate health professionals. All personnel providing services to the same patient shall maintain a liaison with the supervising professional to assure that their efforts effectively complement one another and support the objectives as outlined in the plan of treatment. For each patient receiving professional services, including the services of a registered nurse, physical therapy, occupational therapy, speech therapy, and dietary consultation, a written summary report shall be sent to the attending physician every 60 days. Services under arrangement with another agency shall be subject to a written contract conforming to these requirements. A registered nurse shall be available or on call to the staff during all hours that nursing or home health aide services are provided.

(c) Supervision of home health aide services. A physician, a registered nurse, or an appropriate qualified health professional shall visit each patient's home every two weeks to supervise home health aide services. This visit may be made less often if documented in the clinical record but it shall be made at least every 60 days. (Authorized by K.S.A. 1984 Supp. 65-5109, as amended by 1985 H.B. 2468; implementing K.S.A. 1984 Supp. 65-5104, as amended by 1985 H.B. 2468; effective, T-86-23, July 1, 1985.)

28-51-105. Nursing services. (a) Nursing services shall be provided under the supervision of a registered nurse and in accordance with a plan of care.

(b) A registered nurse shall make an initial evaluation visit to each patient, shall regularly reevaluate the patient's nursing needs, and shall initiate the patient's plan of care and make any necessary revisions. (Authorized by K.S.A. 1984 Supp. 65-5109, as amended by 1985 H.B. 2468; implementing K.S.A. 1984 Supp. 65-5104, as amended by 1985 H.B. 2468; effective, T-86-23, July 1, 1985.)

28-51-106. Therapy services. (a) Therapy services offered directly or under arrangement shall be provided by the following:

- (1) A physical therapist;
- (2) A physical therapist assistant functioning under the supervision of a physical therapist;
- (3) An occupational therapist;
- (4) An occupational therapist assistant functioning under the supervision of an occupational therapist;
- (5) A speech therapist; or
- (6) A respiratory therapist.

(b) The therapist shall make an evaluation visit to each patient requiring services, shall regularly reevaluate the patient's therapy needs, and shall initiate the patient's therapy plan of care and make any necessary revisions. (Authorized by K.S.A. 1984 Supp. 65-5109, as amended by 1985 H.B. 2468; implementing K.S.A. 1984 Supp. 65-5104, as amended by 1985 H.B. 2468; effective, T-86-23, July 1, 1985.)

28-51-107. Social services. (a) Services shall be given by a social worker according to the patient's plan of care.

(b) The social worker shall participate in the development of the patient's plan of care. (Authorized by K.S.A. 1984 Supp. 65-5109, as amended by 1985 H.B. 2468; implementing K.S.A. 1984 Supp. 65-5104, as amended by 1985 H.B. 2468; effective, T-86-23, July 1, 1985.)

28-51-108. Home health aide services. (a) Each home health aide shall be supervised by a registered nurse and shall be given written instructions for patient care prepared by an appropriate, qualified health professional.

(b) Each home health aide shall not perform acts beyond the scope of the "Kansas home health aide training guidelines" as established under K.A.R. 28-1-112. (Authorized by K.S.A. 1984 Supp. 65-5109, as amended by 1985 H.B. 2468; implementing K.S.A. 1984 Supp. 65-5104, as amended by 1985 H.B. 2468; effective, T-86-23, July 1, 1985.)

28-51-109. Nutritional and dietary consultation.

(a) Nutritional and dietary consultation services offered directly or under arrangement shall be given in accordance with the written plan of care.

(b) If nutritional services are provided, a dietitian shall evaluate the nutritional needs of each patient requiring such services and shall participate in developing the plan of care for that patient. (Authorized by K.S.A. 1984 Supp. 65-5109, as amended by 1985 H.B. 2468; implementing K.S.A. 1984 Supp. 65-5104, as amended by 1985 H.B. 2468; effective, T-86-23, July 1, 1985.)

28-51-110. Clinical records. (a) General provisions. A clinical record containing pertinent past and current findings shall be maintained in accordance with accepted professional standards for every patient receiving home health services.

(b) Content of record. The record shall contain at least the following:

- (1) The patient's plan of care;
- (2) The name of the patient's physician;
- (3) Drug, dietary, treatment, and activity orders;
- (4) Signed and dated admission and progress notes that are written the day the service is rendered and incorporated at least weekly;
- (5) Copies of summary reports sent to the physician; and
- (6) The discharge summary.

(c) Retention. Clinical records shall be retained in a retrievable form for at least five years after the date of the last discharge of the patient. If the home health agency discontinues operation, provision shall be made for retention of records.

(d) Safeguard against loss or unauthorized use. Written policies and procedures shall be developed regarding use and removal of records and the conditions for release of information. The patient's or guardian's written consent shall be required for release of information not required by law. (Authorized by K.S.A. 1984 Supp. 65-5109, as amended by 1985 H.B. 2468; implementing K.S.A. 1984 Supp. 65-5104, as amended by 1985 H.B. 2468; effective, T-86-23, July 1, 1985.)

28-51-111. Patient's bill of rights. The governing body shall establish a bill of rights that will be equally applicable to all patients. The following shall be minimum provisions of this bill of rights:

(a) Patients shall have the right to choose care providers and the right to communicate with those providers.

(b) Patients shall have the right to participate in the planning of their care and the right to appropriate instruction and education regarding the plan.

(c) Patients shall have a right to request information about their diagnosis, prognosis, and treatment, including alternatives to care and risks involved, in terms that they and their families can readily understand so that they can give their informed consent.

(d) Patients shall have the right to refuse home health care and to be informed of possible health consequences of this action.

(continued)

(e) Patients shall have the right to care that is given without discrimination as to race, color, creed, sex, or national origin.

(f) Patients shall be admitted for service only if the agency has the ability to provide safe, professional care at the level of intensity needed. Patients shall have the right to reasonable continuity of care.

(g) Patients shall have the right to confidentiality of all records, communications, and personal information.

(h) Patients shall have the right to review all health records pertaining to them unless it is medically contraindicated in the clinical record by the physician.

(i) Patients denied service for any reason shall have the right to be referred elsewhere.

(j) Patients shall have the right to voice grievances and suggest changes in service or staff without fear of reprisal or discrimination.

(k) Patients shall have the right to be fully informed of agency policies and charges for services, including eligibility for third-party reimbursement, prior to receiving care.

(l) Patients shall have the right to be free from verbal, physical, and psychological abuse and to be treated with dignity. (Authorized by K.S.A. Supp. 65-5109, as amended by 1985 H.B. 2468; implementing K.S.A. 1984 Supp. 65-5104; as amended by 1985 H.B. 2468; effective, T-86-23, July 1, 1985.)

28-51-112. Home health aide training program.

(a) Home health aide. Each home health aide whose assigned primary responsibilities are those patient care functions for which training is provided in the curriculum required under this regulation shall:

(1) Be a nurse aide as defined under K.A.R. 28-39-76(aa);

(2) Complete a course in home health services; and

(3) Pass an examination as prescribed by the secretary.

(b) Examination.

(1) Each unlicensed person who is performing home health services on or before January 1, 1986, shall complete the required training and the examination no later than July 1, 1986. After January 1, 1986, each unlicensed person who begins performing home health services shall complete the training and pass the examination within six months after employment by a home health agency.

(2) The secretary shall issue a certificate to each successful examination candidate.

(3) Each person who completes the required training shall have two opportunities to pass the examination within one year. Failure to pass the examination a second time will result in the requirement to complete additional training in order to be eligible to take the examination for the third time.

(4) At least 70 percent of the questions must be answered correctly to pass the examination.

(c) Examination fee. The fee for the examination on the home health aide curriculum shall be \$2.50. The fee shall be paid prior to each time the examination is taken.

(d) Instructor qualifications.

(1) Each instructor for the home health aide course shall be a registered nurse who has had at least one year of experience as an educator or as a nurse with a home health agency.

(2) Any person who intends to offer a home health aide course shall submit a completed application form to the licensing agency at the beginning of each new course and shall receive approval prior to offering the course. Copies of the application form are available from the licensing agency. Any change in course content shall require approval by the department.

(3) The home health aide course shall be presented in accordance with the "Kansas home health aide curriculum" guidelines adopted May 28, 1985, which are incorporated by reference to this regulation.

(e) Challenge examination.

(1) Each unlicensed person who performs home health services and who is employed by a home health agency on the effective date of this regulation may apply to take a challenge examination one time within the following six-month period. Such an individual shall not be required to complete the required training.

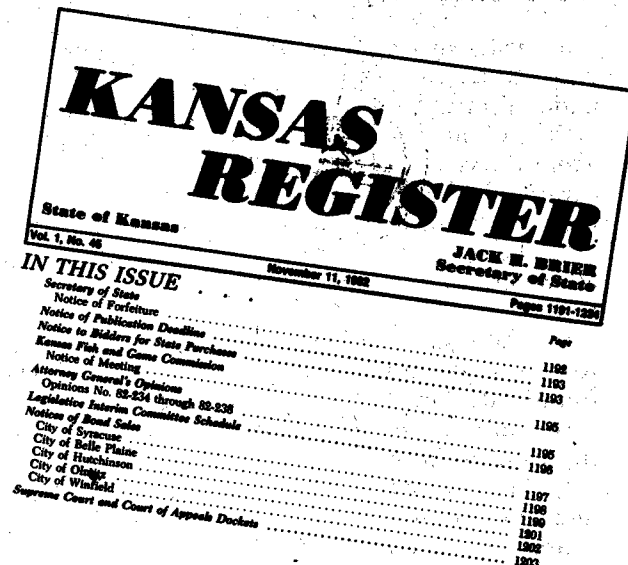
(2) The secretary shall issue a certificate to each person who passes the challenge examination. (Authorized by K.S.A. 1984 Supp. 65-5109, as amended by 1985 H.B. 2468; implementing K.S.A. 1984 Supp. 65-5115, as amended by 1985 H.B. 2468; effective, T-86-23, July 1, 1985.)

BARBARA J. SABOL
Secretary of Health
and Environment

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