

KANSAS REGISTER



State of Kansas

JACK H. BRIER
Secretary of State

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State of Kansas
**SOCIAL AND REHABILITATION SERVICES
 DIVISION OF SERVICES FOR THE BLIND
 ADVISORY COMMITTEE**

NOTICE OF MEETING

The Division of Services for the Blind Advisory Committee will meet at 10 a.m. Friday, April 4, in the Rehabilitation Center for the Blind conference room, 2516 W. 6th, Topeka.

RICHARD A. SCHUTZ
 Director, Division of
 Services for the Blind

Doc. No. 004024

State of Kansas
**DEPARTMENT OF HUMAN RESOURCES
 KANSAS COUNCIL ON
 EMPLOYMENT AND TRAINING**

NOTICE OF MEETING

The Kansas Council on Employment and Training will meet from 9 a.m. to 3 p.m. Monday, March 24, in the Pozez Education Center, Centennial Room, Stormont-Vail Regional Medical Center, 1505 W. 8th, Topeka.

The agenda includes old and new business, special announcements, and subcommittee reports.

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

Doc. No. 004026

State of Kansas
SOCIAL AND REHABILITATION SERVICES

**NOTICE OF HEARING
 CONCERNING FEDERAL BLOCK GRANTS**

Notice is hereby given to all interested parties that the Kansas Legislature's Senate Ways and Means Committee will conduct a public hearing at 11 a.m. Wednesday, March 26, in the Senate Hearing Room, Room 123-S, State Capitol, Topeka. The scheduled agenda is as follows:

1. Social Services Block Grant.
2. Low Income Energy Assistance Block Grant.
3. Alcohol, Drug Abuse, and Mental Health Service Block Grant.
4. Community Services Block Grant.
5. Other matters pertaining to the SRS budget.

ROBERT C. HARDER
 Secretary of Social
 and Rehabilitation Services

Doc. No. 004025

State of Kansas
**DEPARTMENT OF HUMAN RESOURCES
 KANSAS COUNCIL ON
 EMPLOYMENT AND TRAINING**

**NOTICE OF MEETING OF THE
 DISLOCATED WORKER SUBCOMMITTEE**

The Kansas Council on Employment and Training (KCET) Dislocated Worker Subcommittee will meet at 3:30 p.m. Monday, March 24, at the Pozez Education Center, Stormont-Vail Regional Medical Center, 1505 W. 8th, Topeka.

The committee will review new dislocated worker performance standards for program year 1986 and up-to-date information for ongoing projects administered by the Department of Human Resources Dislocated Worker Unit.

The meeting is open to the public.

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

Doc. No. 004015

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PHONE: 913/296-3489

State of Kansas

**SOCIAL AND REHABILITATION SERVICES
REHABILITATION SERVICES
ADVISORY COMMITTEE**

NOTICE OF MEETING

The Rehabilitation Services Advisory Committee will meet at 1 p.m. Thursday, March 27, in the Alcohol and Drug Abuse Services conference room, 2nd Floor, Biddle Building, 2700 W. 6th, Topeka.

JOAN B. WATSON
Commissioner

Doc. No. 004023

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT**

**NOTICE OF HEARING
CONCERNING THE WIC PROGRAM**

The Kansas Department of Health and Environment will conduct its annual public hearing to allow public input on the state plan of operations for the special supplemental food program for women, infants and children (WIC). The hearing will begin at 3:30 p.m. Wednesday, March 26, in the Pozez Education Center, Centennial Room, Stormont-Vail Regional Medical Center, Topeka.

The WIC Program is designed to improve the nutritional status of pregnant and breastfeeding women, and infants and children up to age five who could not otherwise have a balanced diet. WIC provides supplemental food and nutrition education as a complement to good health care during important times of growth and development.

Particularly helpful will be comments on the following concerns: 1) affirmative action (selection process for local agencies to administer WIC programs); 2) outreach to eligible persons; 3) food delivery system; 4) monitoring procedures; and 5) nutrition education.

All interested local agencies, participants and other interested parties are encouraged to provide input about the writing of the state plan of operation for WIC. Anyone wishing to comment at the hearing is requested to contact the state WIC director at least three days before the hearing. Written comments will be accepted any time before April 26 and should be sent to Shirley Markham, State WIC Director, Bureau of Family Health, Kansas Department of Health and Environment, Forbes Field, Bldg. 740, Topeka 66620.

BARBARA J. SABOL
Secretary of Health
and Environment

Doc. No. 004019

State of Kansas

LEGISLATURE

LEGISLATIVE BILLS INTRODUCED

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

Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N State Capitol, Topeka 66612, (913) 296-4096. There is a limit of 25 copies of any one item.

Bills Introduced March 6-12:

SB 728, by Committee on Ways and Means: An act concerning municipal universities; affecting the determination of credit hour state aid; amending K.S.A. 72-6503 and repealing the existing section.

SB 729, by Committee on Federal and State Affairs: An act relating to insurance; concerning recording and reporting of loss and expense experience; amending K.S.A. 40-937 and 40-1118 and repealing the existing sections.

SB 730, by Committee on Ways and Means: An act concerning the department of revenue; relating to certain agents and employees thereof with law enforcement powers; amending K.S.A. 8-1910 and 66-1319 and repealing the existing sections.

SB 731, by Committee on Federal and State Affairs: An act concerning the prison-made goods act of Kansas; authorizing certain contracts; amending K.S.A. 75-5275 and repealing the existing section.

SB 732, by Committee on Ways and Means: An act concerning revenue bonds for buildings and facilities at educational institutions; authorizing the issuance of such bonds for renovation of the student union building at the university of Kansas; amending K.S.A. 76-6a20 and K.S.A. 1985 Supp. 40-3401, 40-3402, 40-3403, 40-3404 and 40-3414 and repealing the existing sections.

SB 733, by Committee on Ways and Means: An act concerning revenue bonds for buildings and facilities at educational institutions; authorizing the issuance of such bonds for renovation of the student union building at the university of Kansas; amending K.S.A. 76-6a20 and K.S.A. 1985 Supp. 76-6a13, 76-6a15 and 76-6a18 and repealing the existing sections.

SB 734, by Committee on Ways and Means: An act concerning the health care provider insurance availability act; relating to certain persons engaged in postgraduate training programs; amending K.S.A. 1985 Supp. 40-3401, 40-3402, 40-3403, 40-3404 and 40-3414 and repealing the existing sections.

SB 735, by Committee on Ways and Means: An act providing for the award of Kansas displaced farmer job training grants to qualified displaced farmer grantees.

HB 3102, by Committee on Federal and State Affairs: An act repealing K.S.A. 73-1701 to 73-1709, inclusive, relating to duties of the secretary of health and environment with respect to veterans exposed to chemical agents while serving in the armed forces.

HB 3103, by Committee on Ways and Means: An act relating to insurance; concerning tax on gross premiums; amending K.S.A. 1985 Supp. 40-246c and repealing the existing section.

SR 1885, by Senators Burke, Bogina, Langworthy, Walker and Allen: A resolution congratulating and commending film star Charles "Buddy" Rogers on receiving the 1986 Academy of Motion Picture Arts and Sciences Humanitarian Award March 24, 1986.

SR 1886, by Senator Burke: A resolution congratulating and commending Emporia State University men's basketball team and its coach, Ron Slaymaker, on winning the NIAA District 10 Championship.

SR 1887, by Senator Bogina: A resolution congratulating Rebecca Leach of DeSoto, Kansas, on winning the K-Second Grade Division of the 1986 State Department of Education Nutrition Poster Contest.

SR 1888, by Senator Johnston: A resolution of support for the U.S. Foundry Industry's petition for import relief under Section 201 of the Trade Act of 1974.

SR 1889, by Senators Hoferer, Ehrlich, Karr, D. Kerr, Langworthy, Parrish, Reilly, Salisbury, Vidricksen, Walker, Winter and Yost: A resolution directing the community mental health centers in Kansas to establish comprehensive and viable community support programs, and directing the Department of Social and Rehabilitation Services to provide technical assistance, consultation and funding for such programs.

HCR 5050, by Representatives Branson and Hassler: A concurrent resolution requesting the secretary of health and environment to adopt rules and regulations concerning adult care home personnel practices.

HCR 5051, by Representatives Chronister, Apt, Bideau, Crowell, Freeman and Harper: A concurrent resolution endorsing the proposition that certain rules and regulations of the state corporation commission concerning the abandoning and plugging of oil and gas wells and testing of oil and gas wells be examined and modified and consideration be given to a moratorium for a period of one year upon the enforcement of such rules and regulations except in the case of emergency freshwater contamination.

HR 6211, by Representative Brown: A resolution congratulating and commending film star Charles "Buddy" Rogers on receiving the 1986 Academy of Motion Picture Arts and Sciences Humanitarian Award March 24, 1986.

HR 6212, by Representative Long: A resolution congratulating Bluff City, Kansas, on its Centennial anniversary.

HR 6213, by Representative Aylward: A resolution in memory of George W. Kohls.

HR 6214, by Representative Flottman: A resolution honoring and commending St. John's College in Winfield, Kansas, for its long and distinguished history in serving the educational and Christian community for 93 years.

HR 6215, by Representative Baker, Fry and D. Miller: A resolution congratulating and honoring Rebecca Leach, Jason Huff and Jason Stevens on winning the statewide 1986 Nutrition Poster Contests for the K-Second grades, Third-Fourth grades and Fifth-Sixth grades respectively.

HR 6216, by Representatives Runnels, Aylward, Bideau, Blumenthal, Branson, Buehler, Cribbs, Fuller, Goossen, Graeber, Green, Grotewiel, Harder, Hensley, Johnson, Littlejohn, Neufeld, Rosenau, Teagarden, Wagnon and Whiteman: A resolution directing the community mental health centers in Kansas to establish comprehensive and viable community support programs and directing the Department of Social and Rehabilitation Services to provide technical assistance, consultation and funding for such programs.

HR 6217, by Representative Holmes: A resolution congratulating Plains, Kansas, on its Centennial anniversary.

HR 6218, by Representative Laird: A resolution congratulating the Shawnee Heights High School debate squad on winning the 1986 Class 5A State Debate Tournament.

Doc. No. 004030

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURAL SERVICES**

**NOTICE OF COMMENCEMENT
OF NEGOTIATIONS
FOR TECHNICAL SERVICES**

Notice is hereby given of the commencement of negotiations for a subsoil investigation and soil testing services during construction for the Animal Research Laboratory, University of Kansas Medical Center, Kansas City, Kansas.

Any expression of interest should be directed to Phyllis Fast, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, by April 4, 1986.

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

Doc. No. 004012

State of Kansas

**BOARD OF REGENTS
UNIVERSITY OF KANSAS
MEDICAL CENTER**

**NOTICE OF HEARING ON
PROPOSED TRAFFIC REGULATIONS**

The State Board of Regents will conduct a public hearing at 3 p.m. Thursday, April 24, at the University of Kansas Medical Center, Battenfeld Auditorium, Olathe and Rainbow Blvd., Kansas City, Kansas. Regulations governing traffic and parking on the roads, streets, driveways and parking facilities at the University of Kansas Medical Center will be considered for adoption.

The following is a summary of the substance of the rules and proposed changes:

1. Parking, general regulations. The current regulations specify restrictions on vehicles operated on campus, and the location, phone numbers and hours of operation of the Parking Service office. The proposed amendment indicates parking privileges on the Lawrence campus are not extended to green permit holders.

2. Student, faculty, staff and employee parking. The current regulations establish the types of parking permits available, how permits are used and replacement permits. No amendments are proposed.

3. Patient and visitor parking. The current regulations specify certain conditions under which visitors may legally park on the University of Kansas Medical Center campus. No amendments are proposed.

4. Special restricted parking areas. The current regulations specify certain restricted parking areas for the handicapped, metered parking restrictions, loading zones and emergency room parking. The proposed amendment allows parking in surface lots without a permit from 5:30 p.m. to 7 a.m. Monday through Friday, weekends and any holidays.

5. Restrictions to parking areas. The current regulations specify the times and locations for parking restrictions and specify which lots each permit entitles a person to park. The proposed amendment allows patient/visitors with temporary health disabilities to obtain KUMC handicap parking privileges from Patient Affairs and the Senior Citizen's Center.

6. Parking offenses. The current regulations specify the penalties for misuse of parking areas. The proposed amendment would reduce Group I (previously Group II) violations from a \$7.50 to a \$5 fine.

7. Payment of fees for violations. The current regulations specify where fines are to be paid, the late payment penalty and the conditions under which a vehicle may be removed from campus. No amendments are proposed.

8. Appeal of violations notices. The current regulations establish the procedure for appeals from a charge of misuse of parking areas. No amendments are proposed.

9. Permit fees. The current regulations establish permit and parking facility rates and refund procedures. The proposed amendments would increase the annual and semiannual rates for the blue, red, part time/rotating, volunteer, motorcycle, service, car pool, and multiple car permits, and Lot 27 gate cards. The amendment would also provide an increase in the semiannual rates for the yellow, green, handicap and dorm permits.

10. Statutory authorization. The current regulations specify the legal authority for control of parking at Board of Regents' institutions. No amendments are proposed.

Interested persons will be given a reasonable opportunity at the hearing to present their views concerning the adoption of the proposed amendments to the existing regulations. Written comments may also be submitted but must be received prior to the hearing. Written comments or a request for a copy of the proposed regulations and the financial impact statement of such changes should be submitted to A. J. Yarmat, Ph.D., Director of Student Affairs and Educational Development, 3rd Floor, Student Center, University of Kansas Medical Center, 39th and Rainbow Blvd., Kansas City 66103.

JEAN S. SAGAN
Associate General Counsel
Board of Regents

Doc. No. 004018

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 p.m. Friday, March 28, in the third floor conference room, Insurance Department, 420 S.W. 9th, Topeka.

ALDEN K. SHIELDS
Chairman

Doc. No. 004031

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, until 10 a.m., April 17, 1986, and then publicly opened:

DISTRICT ONE—Northeast

Johnson—35-46 K-1401-01, I-35, southbound bridge 21 over U.S. 56 at Olathe, bridge widening. (Federal Funds)

Johnson—46 U-0925-01—71st Street at Brush Creek in Prairie Village, bridge replacement. (Federal Funds)

Johnson—46 U-0939-01—Roe Avenue, 121st Street, then north to 112th Street in Leawood, 1.3 miles, grading and surfacing. (Federal Funds)

Osage—70 C-1463-01—County road, Olivet, then southwest, 0.8 mile, surfacing. (Federal Funds)

Riley—16-81 K-2039-01—K-16, bridge 17 Big Blue River (Tuttle Creek), bridge repair. (State Funds)

Riley—77-81 K-2086-01—U.S. 77, Fancy Creek, 2.1 miles north of K-16, bridge repair. (State Funds)

Shawnee—40-89 K-1887-01—U.S. 40, Whetstone Creek 91, 0.7 mile east of Shawnee Heights Road, 0.4 mile, bridge replacement. (Federal Funds)

Shawnee—40-89 K-2386-01—U.S. 40, Stinson Creek Bridge 89, 1.16 miles east of Croco Road, 0.3 mile, bridge replacement. (Federal Funds)

Shawnee—40-89 K-2387-01—U.S. 40, Tecumseh Creek 90, 0.37 mile east of Tecumseh Road, 0.3 mile, bridge replacement. (Federal Funds)

Shawnee—89 U-0945-01—East Second Street at Deer Creek in Topeka, 0.1 mile, bridge replacement. (Federal Funds)

Wyandotte—105 C-1395-01—County road, 1.0 mile north of U.S. 24 and 1.8 miles east of U.S. 73, then east, 1.6 miles, grading and surfacing. (Federal Funds)

Wyandotte—435-105 K-0987-04—I-435 and I-70 (Kansas Turnpike Authority), 1.2 miles, pavement marking. (Federal Funds)

Wyandotte—105 U-0998-01—Beginning at 115th

Street to 110th Street in Kansas City, 0.5 mile, grading and surfacing. (Federal Funds)

DISTRICT TWO—Northcentral

Geary—77-31 K-2812-01—U.S. 77, junction of U.S. 77/U.S. 77B/K-57/K-244, intersection improvement. (Federal Funds)

McPherson—59 U-1042-01—First and Main Streets in the city of McPherson, traffic signal. (Federal Funds)

Mitchell—62 C-2092-01—County road, 3.5 miles north and 0.7 mile east of Tipton, then east, 0.2 mile, bridge replacement. (Federal Funds)

Ottawa—72 C-2015-01—County road, 2.9 miles east and 1.9 miles south of Delphos, then south, 0.4 mile, bridge replacement. (Federal Funds)

Saline—70-85 M-1406-01—I-70, beginning at the Lincoln-Saline county line, then east, 9.85 miles, slurry seal. (State Funds)

Washington—101 C-2093-01—County road, 4.7 miles south and 6.2 miles west of Washington, then west, 0.1 mile, bridge replacement. (Federal Funds)

Washington—101 C-2103-01—County road, 4.5 miles north of Clifton, then west, 2.9 miles, grading. (Federal Funds)

DISTRICT THREE—Northwest

Ellis—26 C-1613-01—County road, beginning at Schoenchen, then west, 0.1 mile, bridge replacement. (Federal Funds)

Ellis—26 C-1727-01—County road, 0.5 mile east and 0.5 mile south of Victoria, then south, 0.2 mile, bridge replacement. (Federal Funds)

Russell—84 C-1906-01—County road, 4.7 miles south and 3.5 miles west of Russell, then east, bridge replacement. (Federal Funds)

DISTRICT FOUR—Southeast

Cherokee—69A-11 K-2587-01—U.S. 69A, Spring River Drainage bridge 1, 0.36 mile north of U.S. 166, bridge replacement. (Federal Funds)

Miami—7-61 X-0958-02—K-7, Union Pacific Railroad crossing, grading and surfacing. (Federal Funds)

Montgomery—75-63 K-2035-01—U.S. 75, Onion Creek, 9.3 miles north of U.S. 166, bridge repair. (State Funds)

Neosho—67 C-1871-01—Fourth Street in Erie, then east, bridge replacement. (Federal Funds)

DISTRICT FIVE—Southcentral

Barton—5 U-1041-01—10th and Frey Streets in Great Bend, traffic signal. (Federal Funds)

Butler—54-8 K-2477-01—U.S. 54, Walnut overflow 26 and Bird Creek 28, east of U.S. 77, bridge replacement. (Federal Funds)

Comanche—160-17 K-2042-01—U.S. 160, Mule Creek Drainage, 16.3 miles east of U.S. 183, bridge overlay. (State Funds)

Cowley—18 U-0999-01—Summit (U.S. 77) and Radio Streets in Arkansas City, intersection improvement. (Federal Funds)

Reno—50-78 K-2370-01—U.S. 50, 0.44 mile east of

(continued)

K-61 then east to the Reno-Harvey county line, 10.6 miles, surfacing and bridge. (Federal Funds)

Sedgwick—87 U-1037-01—Ridge Road, Denmark to 12th Street in Wichita, 0.7 mile, grading and surfacing. (Federal Funds)

Sumner—96 C-2077-01—County road, 5.5 miles south of Wellington, then west, 9.9 miles, surfacing. (Federal Funds)

Sumner—96 C-2078-01—County road, Mulvane, then east, 4.2 miles surfacing. (Federal Funds)

DISTRICT SIX—Southwest

Seward—54-88 K-2355-01—U.S. 54, Cimarron River bridge 2, 12.7 miles northeast of U.S. 83, 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 projects 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. 004028

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO CONSULTING ENGINEERS

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

35-46 K-1774-01/IR 035-3(308)—Reconstruction of I-35 from U.S. 69 (Switzer) to I-635 to six lanes.

160-96 K-2619-01/F 018-4(32)—Replacement of bridge #070 over I-35 (KTA) east of Wellington.

Firms expressing interest in these projects must respond in writing and complete the Consulting Engineers Qualification Questionnaire (if not already prequalified) by April 3, 1986.

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 qualification 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. 004029

State of Kansas

ATTORNEY GENERAL

Opinion No. 86-30

Taxation—Levy of Taxes—Change in Boundary of Taxing District; Effect of Annexation.

Cities and Municipalities—Additions, Vacation, and Lot Frontage—Taxation of Annexed Territory. Deanne Watts Hay, Counsel for Topeka Township, Topeka, March 7, 1986.

K.S.A. 79-1807 and K.S.A. 12-503a provide for a smooth transition of governmental services, and the financing of those services, in territory which is annexed to a city from a township. Pursuant to K.S.A. 79-1807(a), if the annexation occurs prior to April 1, 1986, it will be deemed to have taken effect for tax purposes on December 31, 1985. The township annexed shall collect and distribute taxes which were due on November 1, 1985, but thereafter the city is responsible for levying, collecting and distributing taxes in the territory annexed. If the annexation occurs after April 1, 1986, it will take effect on December 31, 1986, and taxes due on November 1, 1986 will be collected and distributed by the township. Thereafter, the city will assume those duties.

K.S.A. 12-503a allows the township to choose either to continue furnishing governmental services in the annexed territory until the city begins levying or collecting taxes, or alternatively to surrender to the city both the taxes collected and the obligation to furnish services in the annexed territory. The taxes surrendered are to be used by the city specifically for the purposes for which they were collected. Cited herein: K.S.A. 12-503a; 79-1807. JLM

Opinion No. 86-31

State Departments; Public Officers and Employees—Kansas Tort Claims Act—Definition of "Municipality"; Rural Water Districts. Steven P. Johnson, Chairman, Shawnee County Rural Water District No. 8, Tecumseh, March 7, 1986.

A rural water district organized pursuant to K.S.A. 82a-612 *et seq.* as a quasi-municipal corporation is a political subdivision of the state and its activities are governmental in nature. Accordingly, a rural water district is a municipality for purposes of the Kansas Tort Claims Act and liability for claims against it arising within the scope of the act is limited to \$500,000 per occurrence. Cited herein: K.S.A. 75-6101; 75-6102; 75-6103; 75-6105; K.S.A. 82a-612; 82a-613; 82a-614; 82a-615; 82a-616; 82a-617; 82a-618; 82a-619; 82a-625. RLN

Opinion No. 86-32

Banks and Banking—Banking Code; Dissolution; Insolvency—Appointment of Special Deputy to Take Over Insolvent Bank; Liability of Directors and Officers. Eugene T. Barrett, Jr., State Bank Commissioner, Topeka, March 7, 1986.

In the event that a state bank is found to be insolvent, the bank commissioner may appoint a special

deputy commissioner to take charge of the bank's affairs until either a receiver is appointed or a reorganization plan is prepared and approved (K.S.A. 9-1904, 9-1905). While the corporate structure of the bank remains during the appointment of the special deputy, officers and directors of the bank may act only with the direction and approval of the special deputy, who is a state employee covered by the Kansas Tort Claims Act, K.S.A. 75-6101 *et seq.* Officers and directors may be found personally liable for actions which are not approved by the special deputy. In addition, criminal penalties may be imposed pursuant to the Banking Code (K.S.A. 9-2001, 9-2010). Cited herein: K.S.A. 9-1901; 9-1904; 9-1905; 9-2001; 9-2010; 75-1304; 75-3135; 75-6102; 75-6108; 75-6109. JSS

Opinion No. 86-33

State Departments; Public Officers and Employees—Public Officers and Employees—Open Public Meetings—Executive Meetings; Subjects to be Discussed. Dennis W. Moore, District Attorney, Olathe, March 7, 1986.

K.S.A. 75-4319 provides that any motion to recess for a closed or executive session must include a statement of both the justification for closing the meeting and the subjects to be discussed. A public body adjourning to executive session pursuant to the exception for "personnel matters" must specify the subject to be discussed with a reasonable degree of specificity, although identification of the particular individual or individuals involved need not be made. Cited herein: K.S.A. 75-4317; 75-4319. JSS

Opinion No. 86-34

Crimes and Punishments—Crimes Against the Public Morals—Cruelty to Animals; Custody of Animal. Senator James L. Francisco, 26th District, Mulvane, March 10, 1986.

An officer or agent of a duly incorporated humane society may take into custody any animal which clearly shows evidence of cruelty (K.S.A. 21-4311). The humane society may not, however, retain custody of the animal where the owner is not prosecuted or convicted of any violation of K.S.A. 21-4310 (cruelty to animals). Cited herein: K.S.A. 21-4310, 21-4311; U.S. Const., 14th Amendment. TRH

Opinion No. 86-35

Taxation—State Gaming Revenues Fund—Creation; Effective Date.

Constitution of the State of Kansas—Miscellaneous—Lotteries. Representative Betty Jo Charlton, 46th District, Lawrence, March 10, 1986.

The provisions of 1986 House Bill No. 2789 create a state gaming revenues fund. Depending upon the passage of other legislation, all or part of the fund may be derived from the operation of a state lottery. While such a lottery is currently prohibited by Article 15, Section 3 of the Kansas Constitution, approval of a proposed constitutional amendment in November, 1986 would permit such activity. Under both Kansas

case law and decisions in other states, the legislature may enact bills which are effective only upon the occurrence of some future event, which in this case would be approval of the lottery amendment. Accordingly, 1986 House Bill No. 2789 would be constitutional if enacted. Cited herein: K.S.A. 8-1336; 8-1340; L. 1974, ch. 360, L. 1985, ch. 314; ch. 364; 1985 Senate Concurrent Res. No. 1603; 1986 House Bill No. 2789; Kan. Const., Art. 15, §§ 3, 4. JSS

ROBERT T. STEPHAN
Attorney General

Doc. No. 004021

(Published in the KANSAS REGISTER, March 20, 1986.)

HOUSE BILL No. 2701

AN ACT relating to drainage districts; concerning notice of hearing on petition for enlargement of district; amending K.S.A. 1985 Supp. 24-465 and repealing the existing section.

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

Section 1. K.S.A. 1985 Supp. 24-465 is hereby amended to read as follows: 24-465. Whenever a petition in conformity to K.S.A. 24-464, and amendments thereto, signed by not less than 2/5 of the total number of taxpayers residing within both the original district and the territory named in the petition or by all of the directors of any drainage district incorporated pursuant to K.S.A. 24-458 K.S.A. 24-401 *et seq.*, and amendments thereto, is presented to the board of county commissioners of the county designated in K.S.A. 24-463, and amendments thereto, praying that the limits of the drainage district be extended to include within its boundaries the territory described in the petition it shall be the duty forthwith of such board of county commissioners to fix a time for the hearing of such petition and to cause the county clerk to give notice thereof by one publication in a newspaper of general circulation in the county at least 10 days before the day fixed for the hearing. If such petition is signed by any number in excess of 2/5 of the total number of taxpayers residing within the territory over which the extension is to be made, it shall not be necessary to furnish a petition signed by the taxpayers residing within the original drainage district.

Sec. 2. K.S.A. 1985 Supp. 24-465 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 4, 1986.

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

Passed the SENATE February 26, 1986.

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

APPROVED March 12, 1986.

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 12th day of March, 1986.

(SEAL)

JACK H. BRIER
Secretary of State.

State of Kansas

SECRETARY OF STATE**NOTICE OF FORFEITURE**

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of the state of Kansas and the authority of the following foreign corporations to do business in the state of Kansas were forfeited February 18, 1986, for failure to file an annual report and pay the annual franchise tax as required by the Kansas General Corporation Code.

Forfeited February 18, 1986 for failure to file the January 31, 1985 annual report:

Cooperative Marketing Act

Courtland Co-op Elevator, Courtland, KS.

Forfeited February 18, 1986 for failure to file the July 31, 1985 annual report:

Domestic for Profit

Advance Painting & Sandblasting Systems, Inc., Kansas City, KS.

Argus Developments, Inc., Overland Park, KS.

Baize and Son, Co., Hutchinson, KS.

Blue Room Lounge, Inc., Wichita, KS.

Cargo Oil Company, Incorporated, Kansas City, KS.

C & D Booz, Inc., Smith Center, KS.

Centennial Oil & Gas Company, Inc., Grenola, KS.

Chick Construction, Inc., Olathe, KS.

Chism Petroleum Company, Inc., Great Bend, KS.

Cowling & Stewart, Inc., Kansas City, KS.

Crestline Builders, Inc., Wichita, KS.

Del-Rich, Inc., Wichita, KS.

Equity Developers Inc., Wichita, KS.

Flatland Video Productions, Inc. (A Close Corp.) Topeka, KS.

H & H Associates, Inc., Emporia, KS.

H & J Herbel Farms, Inc., Colby, KS.

H. L. Mills Trucking, Inc., Wichita, KS.

Houses Moved, Inc., Wichita, KS.

Housing Counseling Center, Inc., Shawnee, KS.

Iola Building, Inc., Iola, KS.

Jim's Welding & Electrical, Inc., Ulysses, KS.

Jorban-Riscoe Associates, Inc., Kansas City, KS.

J T I Limited, Salina, KS.

The Kansas Vault Company, Inc., Olathe, KS.

Kendall Trading and Export Ltd., Phillipsburg, KS.

LCD Microsystems, Inc., Lenexa, KS.

Management Alternatives, Inc., Topeka, KS.

Mast Pest Control, Inc., Overland Park, KS.

Mid Continent International Gas & Oil, Inc., Overland Park, KS.

Mobilcom Pittsburg, Incorporated (A Close Corporation), Pittsburg, KS.

Mr. E's, Inc., Great Bend, KS.

Norman Electronic Supply Co. of Coffeyville, Inc., Coffeyville, KS.

Norris & Associates, Inc., Mission, KS.

O'Brien, Inc., Topeka, KS.

OCM Lease Corporation, Overland Park, KS.

Paul J. Fulsom, Inc., Cedar Vale, KS.

P. & G., Inc., DeSoto, KS.

Pioneer Exploration Co., Wichita, KS.

Pizza Operators, Inc., Wichita, KS.

Prairie Lumber & Supply Company, Inc.,

Pretty Prairie, KS.

Rael Corporation, Wichita, KS.

Rieger Medical Brace & Limb Co., Inc., Wichita, KS.

Sani Wax Corporation, Prairie Village, KS.

Scott's Sport Shop, Inc., Salina, KS.

Shampoo, Inc., Wichita, KS.

Stafos Pre-Pak, Inc., Kansas City, KS.

Sunny Days Motor Company, Inc., Hutchinson, KS.

System Sales, Inc., Lenexa, KS.

T. C. Inc., Topeka, KS.

Tech Med International, Ltd., Wichita, KS.

The Uniform Shoppe, Inc., Wichita, KS.

United American Corporation, Wichita, KS.

Venice Foods, Inc., Topeka, KS.

The Washington Development Company, Inc., Kansas City, KS.

Westhoff Asphalt and Sand Company, Inc., Great Bend, KS.

Whispers, Inc., Leawood, KS.

Wilkens Manufacturing, Inc., Goodland, KS.

Foreign for Profit

A B W, Inc., Alexandria, MN.

Art-Kel Restaurant Company, Oklahoma City, OK.

Beatty Electronics, Inc., Overland Park, KS.

Botts Wholesale Co., Miami, OK.

Cahill Associates, Inc., Kansas City, MO.

Chemstar Products Company, Minneapolis, MN.

Coffee Plus, Inc., Merriam, KS.

Dayton-Granger, Inc., Ft. Lauderdale, FL.

Delta Gulf Corporation, Shreveport, LA.

Elliott Oil Company, Abilene, TX.

Gabriele, Hueglin & Cashman, Inc., New York, NY.

Gem Energy Corporation, Zanesville, OH.

Goldring Inc., New York, NY.

Joplin Tobacco Company, Joplin, MO.

Master Services, Incorporated, Louisville, KY.

Merschman, Inc., West Point, IA.

Michael R. Deitz, M.D., Inc., Kansas City, MO.

Nova Power, Incorporated, Irvine, CA.

Nucomp, Inc., Phoenix, AZ.

Quadel Hospitality Management Corporation, Rockville, MD.

Redwin Corporation, Denver, CO.

Retail Concepts, Inc., Houston, TX.

Retail Ventures, Inc., Warrendale, PA.

R. L. Burns Corp., Evansville, IN.

S & B Constructors of Texas, Inc., Houston, TX.

State Wide Real Estate, Inc., Escanaba, MI.

Tom F. Marsh, Inc., Dallas, TX.

Winter Commercial Corp., Los Angeles, CA.

Professional Association

Larry R. Peal, C.P.A., Chartered, Shawnee Mission, KS.

Forfeited February 18, 1986 for failure to file the annual report due after November 15, 1985 extension:

Domestic for Profit

Beefmaster Embryos, Inc., Pittsburg, KS.
 Brooks-Wesley Advertising, Inc., Topeka, KS.
 Green Gold, Inc., Scott City, KS.
 Hagbag, Inc., Wichita, KS.
 Happiness Homes, Inc., Hillsboro, KS.
 Hart Drug Stores, Inc., Wichita, KS.
 Havener's Inc., Wichita, KS.
 Hays City Lumber Company, Inc., Hays, KS.
 H. W. Read's, Inc., Coffeyville, KS.
 Jay Clair, Inc., Hays, KS.
 Kanamer Resources, Inc., Edmonton, Alberta, Canada.
 Medical Marketing, Inc., Lenexa, KS.
 Sentinel Securities, Inc., Wichita, KS.
 Welch-Cunningham Agency, Inc., Marysville, KS.

Foreign for Profit

Alaskan Fur Co., Inc., Kansas City, MO.
 Broadway Electrical Construction, Inc., Shawnee, KS.
 Fotomat Corporation, St. Petersburg, FL.
 NTW Incorporated, Woodbridge, VA.
 Stor-All Management Company, Kansas City, MO.

Forfeited February 18, 1986 for failure to correct and return an annual report:

Domestic for Profit

Arrowhead Printing, Inc., Kansas City, KS.
 Bentwood Investments, Inc., Wichita, KS.
 Central Midwest Petroleum, Inc., Kansas City, KS.
 Diversified Support Systems, Inc., Wichita, KS.
 Fisher & Associates' Money Management Group, Inc.,
 Prairie Village, KS.
 Holiday Pest Control, Inc., Prairie Village, KS.
 Kansas Envelope, Inc., Wichita, KS.
 Midtown, Inc., Manhattan, KS.
 Pippert's Automotive Parts Company, Lawrence, KS.
 R & R Implement Company, Inc., Parsons, KS.
 Southwest Publishing Corporation, Topeka, KS.
 T-Five Family Dining, Inc., Hays, KS.
 Valentino's of Manhattan, Inc., Manhattan, KS.

Foreign for Profit

Northern Telecom, Inc., Nashville, TN.
 Producer's Gas Company, Dallas, TX.
 William Davis Construction Co., Inc., St. Joseph, MO.

Professional Association

Bob W. Storey, P.A., Topeka, KS.

Forfeited February 18, 1986 for failure to submit a certificate of good standing with the annual report:

Foreign for Profit

Allied Copy Equipment Systems, Inc.,
 Kansas City, MO.
 Intecom, Inc., Allen, TX.
 Interstate Carriers, Inc., Marietta, GA.
 LeClair-Westwood, Inc., Denver, CO.
 Newgate Importers Incorporated, Linden, NJ.
 Turnkey Systems International, Inc.,
 Kansas City, MO.
 Val-Agri, Inc., Wichita, KS.

Forfeited February 18, 1986 for failure to designate a new resident agent within 60 days of resignation of previous resident agent:

Foreign for Profit

International Television Leasing, Inc., Laguna
 Niguel, CA.

JACK H. BRIER
 Secretary of State
 By **JOHN R. WINE, JR.**
 Legal Counsel

Doc. No. 004013

(Published in the KANSAS REGISTER, March 20, 1986.)

NOTICE OF BOND SALE
\$178,419.34
GENERAL OBLIGATION BONDS
SERIES A, 1986
OF THE
CITY OF VICTORIA, KANSAS
 (general obligation bonds payable
 from unlimited ad valorem taxes)

Sealed Bids

Sealed bids will be received by the undersigned, City Clerk of the City of Victoria, Kansas, on behalf of the governing body at the City Hall, 1005 4th, Box 87, Victoria, Kansas, until 7:30 p.m. Central Time, Monday, March 31, 1986, for the purchase of \$178,419.34 principal amount of general obligation bonds, series A; 1986, of the city hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the governing body immediately thereafter. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds in denominations of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$3,419.34, dated April 1, 1986, and becoming due serially on October 1 in the years as follows:

Year	Principal Amount
1987	\$13,419.34
1988	15,000.00
1989	15,000.00
1990	15,000.00
1991	15,000.00
1992	20,000.00
1993	20,000.00
1994	20,000.00
1995	20,000.00
1996	25,000.00

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 1987.

Place of Payment and Bond Registration

The principal of and interest on the bonds will be

(continued)

payable in lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, Topeka, Kansas (the paying agent and bond registrar), to the registered owners thereof whose names are on the registration books of the bond registrar as of the 15th day of the month preceding each interest payment date. The bonds will be registered pursuant to a plan of registration approved by the city and the Attorney General of the State of Kansas.

The city will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondowners.

The number, type and denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar by April 15, 1986.

Redemption

The bonds shall become due without option of prior payment.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of $\frac{1}{8}$ or $\frac{1}{20}$ of 1 percent. No interest rate shall exceed a rate equal to the 20 bond index of tax exempt municipal bonds published by Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the city during the life of the bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid, 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 shall also specify the average annual net interest rate to the city on the basis of such bid.

Basis of Award

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

shall be final. The city reserves the right to reject any and all bids and to waive any irregularities in a submitted bid.

Authority, Purpose and Security

The bonds are being issued pursuant to K.S.A. 12-601 *et seq.*, K.S.A. 12-614 *et seq.*, and K.S.A. 12-6a01 *et seq.*, as amended and supplemented, for the purpose of paying the cost of certain internal improvements. The bonds and the interest thereon will constitute general obligations of the city, payable in part from special assessments levied upon the property benefited by the construction of said improvements and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city, with the balance payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city.

Pending Federal Legislation Concerning Tax Exempt Obligations

On December 17, 1985, the U.S. House of Representatives passed H.R. 3838, the Tax Reform Act of 1985. The Bill presently is pending in the Senate. The Bill in its present form imposes additional requirements which must be satisfied in order for interest on obligations issued by or on behalf of states and local governments to be exempt from federal income taxation. Such requirements generally are effective for all obligations issued after December 31, 1985, and thus, if the Bill becomes law in its present form, would be applicable to the bonds.

The city will covenant in the bond ordinance and the closing certificate to take all actions necessary to comply with the provisions of the Bill in order to maintain the federal tax-exempt status of the interest on the bonds. In the opinion of bond counsel, assuming continuing compliance by the city with such covenant, interest on the bonds would continue to be exempt from federal income taxation if the Bill becomes law in its present form. In addition, for taxable years beginning after 1987, the interest on the bonds may be included in adjusted net gain for purposes of the minimum tax imposed on property and casualty insurers under Section 1023 of the Bill.

The Bill is subject to change, and, if it becomes law, may contain requirements which differ from those contained in the Bill in its present form. Therefore, there can be no assurance that the city will be able to comply with such requirements. The failure or inability of the city to comply with the requirements of the Bill could jeopardize the tax exempt status of the bonds. Bondholders should be aware that in such event, the bonds are not callable, nor will the interest rate on the bonds be adjusted to reflect the loss of the tax exemption.

Legal Opinion and Tax Exemption

Bids shall be conditioned upon the unqualified approving opinion of Gaar & Bell, bond counsel, Wich-

ita, Kansas, which opinion will be printed on the reverse 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 bonds will constitute a valid and subsisting indebtedness and obligation of the issuer, payable in part from special assessments levied upon the property benefited by the construction of said improvements and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city, with the balance payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city; 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. The opinion shall also state that based on continuing compliance with the covenant of the city to comply with the provisions of the Bill, the bonds would continue to be exempt from federal income taxation if the Bill becomes law in its present form. In addition, for taxable years beginning after 1987, the interest on the bonds may be included in adjusted net gain for purposes of the minimum tax imposed on property and casualty insurers under Section 1023 of the Bill.

Delivery and Payment

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder within 45 days after the date of sale at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. The successful bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in federal reserve funds, immediately subject to use by the city.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America equal to 2 percent of the total amount of the bid payable to the order of the city. The check of the successful bidder or the proceeds thereof will be held as security for the performance of the contract to purchase the bonds; but in the event that the successful bidder shall fail to comply with the terms of the bid, the check or the proceeds thereof shall then be forfeited and retained by the city as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check. The checks of unsuccessful bidders will be returned promptly.

Bid Forms

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

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk, and marked "Bond Bid." Bids may be submitted by mail or delivered in person to the undersigned at the City Hall and must be received by the undersigned prior to 7:30 p.m. Central Time, on March 31, 1986.

Official Statement

The city has prepared a preliminary official statement dated March 10, 1986, copies of which may be obtained from the city clerk or from the financial adviser. Upon the sale of the bonds, the city will adopt the final official statement and will furnish the successful bidder with a reasonable number of copies thereof without additional cost upon request. Additional copies may be ordered by the successful bidder at his expense.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city, for the year 1985, is as follows:

Equalized assessed valuation of taxable tangible property	\$1,925,365
Tangible valuation of motor vehicles	\$ 837,437
Equalized assessed tangible valuation for computation of bonded debt limitations	\$2,762,802

The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$451,419.34. Temporary notes in the principal amount of \$175,000 will be retired out of proceeds of the bonds and other available funds.

Additional Information

Additional information regarding the bonds may be obtained from the city clerk, or from the financial adviser, Mid-Continent Municipal Investments, Inc., Attn: Jerry D. Rayl, 333 Century Plaza Building, Wichita, KS 67202, (316) 262-5161.

Dated March 10, 1986.

CITY OF VICTORIA, KANSAS
 By Alice K. Sander, City Clerk
 City Hall
 1005 4th, Box 87
 Victoria, KS 67671
 (913) 735-2259

Doc. No. 004017

State of Kansas

STATE CORPORATION COMMISSION

NOTICE OF MOTOR CARRIER HEARINGS

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, 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."

Applications set for April 10, 1986

Application for Abandonment of Certificate of Convenience and Necessity:

Hays Auto Parts, Inc.) Docket No. 91,778 M
North Hwy. 183)
Hays, KS 67601) MC ID No. 101086

Applicant's Attorney: None

Application for Abandonment of Certificate of Convenience and Necessity:

Fleet Service) Docket No. 37,667 M
& Equipment, Inc.)
1534 N. Tyler)
Topeka, KS 66608) MC ID No. 100398

Applicant's Attorney: None

Application for Abandonment of Certificate of Convenience and Necessity:

Bernard K. Freeman, dba) Docket No. 134,501 M
Freeman & Sons Trucking)
P.O. Box 72)
Lawrence, KS 66044) MC ID No. 105364

Applicant's Attorney: None

Application for Transfer of Certificate of Convenience and Necessity:

Trego County Implement) Docket No. 142,507 M
Co., Inc.)
140 S. 4th)
WaKeeney, KS 67672) MC ID No. 115834

TO:

Carroll Fabrizius
Route 2, Box 30
WaKeeney, KS 67672

Applicant's Attorney: None

Farm products, dry feed, dry feed ingredients and machinery,

Between points in Trego, Graham, Gove and Ness counties, Kansas, on the one hand, and on the other, points and places in Kansas.

Application for Certificate of Convenience and Necessity:

Ed Hutton Auto Services,) Docket No. 149, 463 M
Inc.)
3518 County Line Road)
Kansas City, KS 66106)

Applicant's Attorney: Zygmunt Jarczyk, Tower State Bank Building, 1314 N. 38th, Kansas City, KS 66102-2293

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

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

Also,

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

Application for Certificate of Convenience and Necessity:

McDonald Tank &) Docket No. 149,801 M
Equipment Company,)
Inc.)
620 Morton)
Great Bend, KS 67530)

Applicant's Attorney: Bob Storey, Shadow Wood Office Park, 5863 S.W. 29th, Topeka, KS 66614-2461

Oilfield equipment, materials and supplies,

Between all points and places in the state of Kansas.

Applications set for April 15, 1986

Application for Certificate of Convenience and Necessity:

Big 7 Corp.) Docket No. 149,802 M
422 Union Center Bldg.)
Wichita, KS 67202)

Applicant's Attorney: John Richeson, 2nd and Main, P.O. Box 7, Ottawa, KS 66067

Fresh water and salt water,

Between points and places in Ellis, Russell, Ellsworth, Rush, Ness, Hodgeman, Pawnee, Rice, Edwards, Reno, Kiowa, Kingman and Barber counties, Kansas, on the one hand, and points and places in the state of Kansas, on the other.

Application for Certificate of Convenience and Necessity:

Gene Heilman, dba) Docket No. 149,462 M
 Heilman Trucking)
 132 S. Harrison)
 Hugoton, KS 67951)

Applicant's Attorney: Clyde Christey, Southwest Plaza Bldg., Suite 202, 361 W. 29th, Topeka, KS 66614

Grain, hay, dry feed, dry feed ingredients, dry fertilizer, seeds and salt,

Between points and places in Greeley, Wichita, Scott, Lane, Ness, Rush, Barton, Pawnee, Hodgeman, Finney, Kearny, Hamilton, Stanton, Grant, Haskell, Gray, Ford, Clark, Meade, Seward, Stevens, Morton, Reno, Sedgwick, Saline, Dickinson, Lyon, Douglas, Wyandotte, Comanche, Kiowa, Edwards, Atchison, McPherson, Cowley and Sumner counties.

Also,

Between 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:

Rose Piano & Moving) Docket No. 149,803 M
 Co., Inc.)
 508 Duck Road)
 Grandview, MO 64030)

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

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

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

Application for Extension of Certificate of Convenience and Necessity:

Oliver A. Kuhn) Docket No. 26,264 M
 P.O. Box 7)
 Victoria, KS 67671) MC ID No. 100149

Applicant's Attorney: Clyde Christey, Southwest Plaza Bldg., Suite 202, 3601 W. 29th, Topeka, KS 66614

Buildings and houses,

Between points and places in Kansas west of U.S. Hwy. 77.

Also,

Between points and places in Kansas west of U.S. Hwy. 77, on the one hand, and points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Tom Schmidt, dba) Docket No. 149,461 M
 Emporia Tow Service)
 2124½ W. Hwy. 50)
 Emporia, KS 66801)

Applicant's Attorney: Clyde Christey, Southwest Plaza Bldg., Suite 202, 3601 W. 29th, Topeka, KS 66614

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

Between points and places in Wyandotte, Saline, Dickinson, Wabaunsee, Shawnee, Douglas, Johnson, McPherson, Marion, Morris, Chase, Lyon, Osage, Franklin, Coffey, Anderson, Harvey, Sedgwick, Butler, Greenwood, Woodson and Sumner counties.

Also,

Between 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 Extension of Certificate of Convenience and Necessity:

Elvin Bailey, dba) Docket No. 27,126 M
 Bailey Truck Line)
 700 N. Vine)
 Abilene, KS 67410) MC ID No. 100175

Applicant's Attorney: None

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

Between all points and places in the state of Kansas.

Application for Abandonment of Certificate of Convenience and Necessity:

Anderson Motor Co., Inc.) Docket No. 43,012 M
 526 S. Oak)
 Garnett, KS 66032) MC ID No. 100435

Applicant's Attorney: None

Application for Abandonment of Certificate of Convenience and Necessity:

Melvin Rexwinkle &) Docket No. 139,751 M
 Wayne Helkenberg, dba)
 Beal Feed Store)
 1230 Walnut)
 Coffeyville, KS 67337) MC ID No. 116956

Applicant's Attorney: None

(continued)

Applications set for April 17, 1986

Application for Extension of Certificate of Convenience and Necessity:

R. B. Stucky and N. M.) Docket No. 32,566 M
 Stucky, dba)
 S & S Dairies)
 Route 2, Box 115)
 Moundridge, KS 67107) MC ID No. 100319

Applicant's Attorney: Clyde Christey, Southwest Plaza Bldg., Suite 202, 3601 W. 29th, Topeka, KS 66614

Gasoline and diesel fuel,

From McPherson County to Marion and Reno counties, Kansas.

Application for Transfer of Certificate of Convenience and Necessity:

Danny L. Rogers) Docket No. 29,649 M
 Box 374)
 LeRoy, KS 66857) MC ID No. 100242
 TO:

Karen S. Rogers, dba
 Rogers Trucking
 Box 374
 LeRoy, KS 66857

Applicant's Attorney: Bryan Joy, 512 Neosho St., P.O. Box 209, Burlington, KS 66839

Livestock,

Between points and places within a 10-mile radius of LeRoy, Kansas, and between points and places within said radius, on the one hand, and markets and community sales at Kansas City, Topeka, Emporia, Iola, Burlington and Yates Center, Kansas, on the other.

Unprocessed hay and grain,

Between all farms and rural locations within a 10-mile radius of LeRoy, Kansas.

Also,

Between farms and rural locations within said radius, on the one hand, and farms and rural locations within a 100-mile radius of LeRoy, Kansas, on the other.

Processed mill feeds,

Between LeRoy, Kansas, on the one hand, and rural locations within a 10-mile radius of LeRoy, Kansas, on the other.

Salt,

Between LeRoy, Kansas, on the one hand, and all rural locations within a 10-mile radius of LeRoy, Kansas, on the other.

Farm machinery and building material,

Between LeRoy, Kansas, on the one hand, and rural locations within a 10-mile radius thereof, on the other.

Emigrant farm movables,

Between all points and places within a 10-mile

radius of LeRoy, Kansas, and between all points and places within said radius, on the one hand, and points and places in Kansas within 100-mile radius of LeRoy, Kansas, on the other, when moving from farm to farm, farm to town and town to farm.

Application for Extension of Certificate of Convenience and Necessity:

Karen S. Rogers, dba) Docket No. 29,649 M
 Rogers Trucking)
 Box 374)
 LeRoy, KS 66857)

Applicant's Attorney: Bryan Joy, 512 Neosho St., P.O. Box 209, Burlington, KS 66839

Livestock, grain, hay, processed mill feed, salt, farm machinery and building materials,

Between all points and places in Coffey, Woodson, Allen and Anderson counties, Kansas.

Also,

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

Applications set for April 22, 1986

Application for Transfer of Certificate of Convenience and Necessity:

Robert D. Bowhay, dba) Docket No. 22,773 M
 Bowhay Truck Line)
 Summerfield, KS 66541) MC ID No. 100105
 TO:

Bowhay Truck Line, Inc.
 P.O. Box 150
 Summerfield, KS 66541

Applicant's Attorney: Clyde Christey, Southwest Plaza Bldg., Suite 202, 3601 W. 29th, Topeka, KS 66614

Livestock and farm products,

From, to and between all points and places in Kansas, within a radius of 15 miles of Beattie, Kansas, and is further authorized to operate as a common carrier of said commodities.

Between all points and places in Kansas, within said radius of Beattie, Kansas, on the one hand, and the market points of Wichita, Topeka and Kansas City, Kansas, and community sale points of Summerfield, Frankfort, Blue Rapids, Marysville, Seneca, Manhattan, Clay Center, Washington, Sabetha and Hiawatha, Kansas, on the other, and is further authorized to operate as a common carrier by the motor vehicle for the transportation of livestock.

Between all points and places in Kansas, within said radius of Beattie, Kansas, on the one hand, and pastures in Marshall and Pottawatomie counties, on the other.

Livestock and farm products,

Between points and places within a 15-mile radius of Beattie, Kansas.

Also,

Between points and places within a 15-mile radius of Beattie, Kansas, on the one hand, and points and places in the state of Kansas, on the other hand.

Feed and feed ingredients,

From Atchison, Kansas, and a 5-mile radius thereof, to points and places in the state of Kansas.

Restricted further to provide no transportation of fats, tallows or greases between any fat, tallow or grease producer, on the one hand, and Kansas City, Kansas, on the other hand.

Restricted further to perform no transportation of fats or oils, in bulk, in tanks.

Application for Transfer of Certificate of Convenience and Necessity:

Robert D. Bowhay, dba) Docket No. 53,235 M
Bowhay Truck Line)
Summerfield, KS 66541) MC ID No. 100105
TO:
Bowhay Truck Line, Inc.
P.O. Box 150
Summerfield, KS 66541

Applicant's Attorney: Clyde Christey, Southwest Plaza Bldg., Suite 202, 3601 W. 29th, Topeka, KS 66614

Livestock,

Between Vermillion, Kansas, and a 15-mile radius thereof, on the one hand, and on the other, markets at Kansas City, Kansas, and community sales at Marysville, Seneca and Frankfort, Kansas.

Also,

Between points and places within a 15-mile radius of Vermillion, Kansas.

Also,

Between points and places within a said radius, on the one hand, on the other, farms, ranches and pasture within the state of Kansas.

Unprocessed farm products,

Between all points and places within a 15-mile radius of Vermillion, Kansas.

Farm machinery, new and used, set-up and knocked-down, but no parts,

Between points and places within a 15-mile radius of Vermillion, Kansas.

Livestock,

Between points and places within a 15-mile radius of Vermillion, Kansas.

Also,

Between points and places within a 15-mile radius of Vermillion, Kansas, on the one hand, and points and places in the state of Kansas, on the other.

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

Robert D. Bowhay, dba) Docket No. 30,653 M
Bowhay Truck Line)
Summerfield, KS 66541) MC ID No. 100105

TO:

Bowhay Truck Line, Inc.
P.O. Box 150
Summerfield, KS 66541

Applicant's Attorney: Clyde Christey, Southwest Plaza Bldg., Suite 202, 3601 W. 29th, Topeka, KS 66614

Livestock,

Between all points and places within a 10-mile radius of Marysville, Kansas, on the one hand.

Also,

Between all points and places within a 10-mile radius of Marysville, Kansas, on the one hand, and points and places in the state of Kansas, on the other hand.

Unprocessed hay and grain,

Between all points and places within a 10-mile radius of Marysville, Kansas, on the one hand, and points and places in the state of Kansas, on the other hand.

Processed mill feeds, tankage and meat scraps,

Between all points and places within a 10-mile radius of Marysville, Kansas, on the one hand.

Between all points and places within a 10-mile radius of Marysville, Kansas, on the one hand, and points and places in the state of Kansas, on the other hand.

Restricted to provide no service on traffic originating within or destined to a 30-mile radius of Galena, Kansas.

Application for Extension and Consolidation of Certificates of Convenience and Necessity:

Bowhay Truck Line, Inc.) Docket No. 22,773 M
Rural Route, Box 150) Docket No. 53,235 M
Summerfield, KS 66541) Docket No. 30,653 M

Applicant's Attorney: Clyde Christey, Southwest Plaza Bldg., Suite 202, 3601 W. 29th, Topeka, KS 66614

Livestock, feed, feed ingredients, machinery, grain and hay,

Between points and places in Marshall, Nemaha, Pottawatomie, Riley, Jackson, Washington, Clay, Wabunsee, Doniphan and Brown counties, Kansas.

Also,

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

Application for Transfer of Certificate of Convenience and Necessity:

Robert D. Bowhay, dba) Docket No. 42,893 M
Bowhay Truck Line)
Summerfield, KS 66541) MC ID No. 100105

(continued)

TO:
Bowhay Tank Truck Service, Inc.
P.O. Box 150
Summerfield, KS 66541

Applicant's Attorney: Clyde Christey, Southwest
Plaza Bldg., Suite 202, 3601 W. 29th, Topeka, KS
66614

Liquid petroleum gas, having a vapor pressure of not less than 40 pounds pressure and not more than 200 pounds pressure per square inch at 100 degrees fahrenheit, in bulk, in tank truck loads,

Between all refineries, rail unloading points and pipeline outlets, on the one hand, and all points and places in the counties of Marshall and Washington, on the other.

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

Robert D. Bowhay, dba) Docket No. 30,653 M
Bowhay Truck Line)
Summerfield, KS 66541) MC ID No. 100105

TO:
Bowhay Tank Truck Service, Inc.
P.O. Box 150
Summerfield, KS 66541

Applicant's Attorney: Clyde Christey, Southwest
Plaza Bldg., Suite 202, 3601 W. 29th, Topeka, KS
66614

Anhydrous ammonia,

From the pipeline of Mapco located approximately 4 miles north of Clay Center, Kansas on Kansas Hwy. 15, to points and places in the state of Kansas.

Application for Extension and Consolidation of Certificates of Convenience and Necessity:

Bowhay Tank Truck) Docket No. 42,893 M
Service, Inc.)
Rural Route, Box 150) Docket No. 30,653 M
Summerfield, KS 66541)

Applicant's Attorney: Clyde Christey, Southwest
Plaza Bldg., Suite 202, 3601 W. 29th, Topeka, KS
66614

Liquified petroleum gas having a vapor pressure of not less than 40 pounds of pressure and not more than 200 pounds of pressure per square inch at 100° F, in bulk, in tank truck loads and fertilizer,

Between points and places in Marshall, Washington, Nemaha, Pottawatomie, Riley and Brown counties.

Also,

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

Anhydrous ammonia,

Between points and places in McPherson, Douglas, Clay and Ford counties, Kansas, on the one hand, and

points and places in Marshall, Washington, Nemaha, Pottawatomie, Riley, Brown and Atchison counties, Kansas, on the other hand.

Applications set for April 29, 1986

Application for Transfer of Certificate of Convenience and Necessity:

Ron Werner, dba) Docket No. 57,662 M
Werner Tank Service)
Route 1)
Plainville, KS 67663) MC ID No. 100548

TO:
Russell Wells, dba
Wells & Sons Tank Service
Box 13
Damar, KS 67632

Applicant's Attorney: Clyde Christey, Southwest
Plaza Bldg., Suite 202, 3601 W. 29th, Topeka, KS
66614

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

Between all points and places in the counties of Ellis, Rooks, Graham, Russell, Trego, Rush, Phillips, Osborne, Norton, Sheridan, Sherman, Thomas, Gove, Decatur, Rawlins, Cheyenne, Logan and Wallace, Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Professional Cargo) Docket No. 124,521 M
Services, Inc.)
P.O. Box 9244)
Wichita, KS 67277) MC ID No. 103278

Applicant's Attorney: Clyde Christey, Southwest
Plaza Bldg., Suite 202, 3601 W. 29th, Topeka, KS
66614

General commodities (except those of unusual value, classes A and B explosives, household goods and commodities in bulk and commodities requiring special equipment because of size or weight and those injurious or contaminating to other lading),

Between points and places in Sedgwick, Reno, Pratt and Kingman counties, on the one hand, and points and places in Jewell, Republic, Washington, Mitchell, Cloud, Clay, Riley, Geary, Dickinson, Lincoln, Saline, Ellsworth, Rice, McPherson, Marion and Harvey counties, on the other hand.

Application for Certificate of Convenience and Necessity:

Bradley C. Hall, dba) Docket No. 149,804 M
J & M Motors)
Route 1, Box 12)
Independence, KS 67301)

Applicant's Attorney: None

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

Between all points and places east of U.S. Hwy. 281.
Also,

Between all points and places east of U.S. Hwy. 281, on the one hand, and between all points and places in the state of Kansas, on the other.

Application for Extension of Certificate of Convenience and Necessity:

Harold Witthuhn) Docket No. 30,075 M
Bazine, KS 67516) MC ID No. 100254

Applicant's Attorney: Clyde Christey, Southwest Plaza Bldg., Suite 202, 3601 W. 29th, Topeka, KS 66614

Dry feed, dry feed ingredients, hay and farm machinery,

Between points and places in Trego, Ness, Rush, Hodgeman and Pawnee counties.

Also,

Between 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.

Livestock and grain,

Between points and places in Sheridan, Graham, Rooks, Osborne, Gove, Trego, Ellis, Russell, Scott, Lane, Ness, Rush, Barton, Finney, Hodgeman, Pawnee, Stafford, Gray, Ford, Edwards, Pratt and Kiowa counties.

Also,

Between 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:

Calvin D. Kirkham, Jr.) Docket No. 149,806 M
dba Cal's Mobile Home)
936 Calhoun Bluff Lane)
Topeka, KS 66617)

Applicant's Attorney: Clyde Christey, Southwest Plaza Bldg., Suite 202, 3601 W. 29th, Topeka, KS 66614

Manufactured housing units (mobile homes, house trailers and pre-fab buildings), boats and houseboats and recreational vehicles,

Between points and places east of the western boundary line of Jewell, Mitchell, Lincoln, Ellsworth, Rice, Reno, Kingman and Harper counties, Kansas.

Also,

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

Also,

Between points and places in those counties south

of the north county lines of Hamilton, Kearny, Finney, Hodgeman, Pawnee and Stafford counties.

Also,

Between 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:

Lorenzo S. Atkinson, dba) Docket No. 149,805 M
L. Atkinson Services)
230 Laura, No. 105)
Wichita, KS 67211)

Applicant's Attorney: None

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

Between all points and places in Sedgwick, Butler, Sumner, Harvey, Reno, Barton, Saline, Riley, Shawnee, Allen, Crawford, Labette, Montgomery, Ford, Finney and Seward counties, Kansas.

Also,

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

Application for Transfer of Certificate of Convenience and Necessity:

Gregory Morton, dba) Docket No. 135,642 M
Morton Tank Truck)
Service)
401 S. Main)
Canton, KS 67428) MC ID No. 106088
TO:

Roger A. Schulz, dba
Schulz Welding Service
136 N. Main
P.O. Box 273
Canton, KS 67428

Applicant's Attorney: None

Salt water, fresh water, tank bottoms, and crude oil,

Between all points and places in McPherson, Dickinson, Saline, Ellsworth, Rice, Marion, Reno and Harvey counties, Kansas.

WILLIAM E. GREEN
Administrator
Transportation Division

Doc. No. 004027

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, 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, MARCH 31, 1986

#27051

University of Kansas, Lawrence—CHEMISTRY
ANALYZER REAGENTS AND SUPPLIES

#27052

Department of Transportation, Topeka—VEHICLES
TO TRANSPORT THE ELDERLY AND
HANDICAPPED

#27058

Kansas Correctional Industries, Lansing—TERRY
CLOTH FOR TOWEL MANUFACTURING

#27059

Kansas State University, Manhattan—RENTAL
SERVICE FOR CLOTHING, LINENS AND
HOUSEKEEPING ITEMS, Student Health Center

#27060

Department of Social and Rehabilitation Services,
Topeka—BROOMS (Household/Warehouse)

#65012

University of Kansas, Lawrence—SCANNING
ELECTRON MICROSCOPE

TUESDAY, APRIL 1, 1986

#A-5339

Department of Transportation, Topeka—REROOF
SUB-AREA BUILDING, Troy

#A-5358

Youth Center at Topeka, Topeka—REPLACE
COMBINATION TOILET/LAVATORY FIXTURES,
Security Rooms, Mowhawk Cottage

#27045

University of Kansas Medical Center, Kansas
City—MAY (1986) MEAT PRODUCTS

#27048

Statewide—MAY (1986) MEAT PRODUCTS

#27053

Kansas Fish and Game Commission, Pratt—AERIAL
APPLICATOR, Norton Wildlife Area

#64977

Department of Transportation, Topeka—SQUARE
TELESCOPIC TUBING

#64987

Kansas State Penitentiary, Lansing—WELL
CLEANING AND CHEMICAL TREATMENT

WEDNESDAY, APRIL 2, 1986

#A-3652(c)

Winfield State Hospital and Training Center,
Winfield—FURNISH AND INSTALL HOT WATER
SUPPLY FOR HYDRO-THERAPY TANK, Timber
Creek Facility

#A-5289

Parsons State Hospital and Training Center,
Parsons—REPLACE WATER SOFTENING SYSTEM,
Cafeteria Facility

#27043

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

#64980

Kansas State University, Manhattan—LAB
OSCILLOSCOPE

#64981

Kansas State University, Manhattan—
REFRIGERATED CENTRIFUGE

#64982

Kansas State University, Manhattan—GRAIN
DRILL, Hays

#64983

University of Kansas Medical Center, Kansas
City—AIRCRAFT ENGINE

#64986

Wichita State University, Wichita—TURF
SCOOTER AND CUSHMAN ENGINE

#64988

Kansas Correctional Industries, Lansing—SEWING
THREAD, Hutchinson

THURSDAY, APRIL 3, 1986

#A-5491

Fort Hays State University, Hays—PROVIDE
WINDOW REPLACEMENT, Davis Hall

#27054

Statewide—AUTOMOTIVE BATTERIES

#64992

Department of Transportation, Hutchinson—
COMMUNICATION SERVICE MONITOR

#64993

Department of Social and Rehabilitation Services,
Topeka—ZIPPERS, Kansas City

#64994

Wichita State University, Wichita—4X4 PICKUP

#64995

Kansas State Penitentiary, Lansing—CHIP AND
SEAL ROAD TO DORM NO. 2

#65011

University of Kansas Medical Center, Kansas
City—ANIMAL RESEARCH EQUIPMENT

FRIDAY, APRIL 4, 1986

#27055

Statewide—CALCULATORS

#64998

Kansas State University, Manhattan—KJELDAHL
APPARATUS

#64999

Kansas State University, Manhattan—DNA
SYNTHESIZER

#65004

University of Kansas Medical Center, Kansas
City—CENTRIFUGE ROTOR

#65006

Department of Social and Rehabilitation Services,
Topeka—CONTINUOUS MAILERS—IM-3114

#65007

Department of Transportation, various locations—
PORTABLE AIR COMPRESSORS

#65008

Department of Transportation, Salina—MOWER

#65010

Department of Transportation, Salina—SNOW
PLOW BLADES

#65013

University of Kansas Medical Center, Kansas
City—ELECTRONIC MEDICAL EQUIPMENT

#65014

Kansas State University, Manhattan—LASER
SYSTEM

#65015

University of Kansas, Lawrence—HPLC PUMPS

#65016

Kansas State University, Manhattan—ARTIFICIAL
INTELLIGENCE PROCESSOR

#65021

Winfield State Hospital and Training Center,
Winfield—MISCELLANEOUS GROCERIES

#65022

Larned State Hospital, Larned—MISCELLANEOUS
GROCERIES

MONDAY, APRIL 7, 1986

#27049

Kansas Public Employees Retirement System,
Topeka—PRODUCTION OF VIDEO TAPES

TUESDAY, APRIL 15, 1986

#A-5363

Department of Corrections, Topeka—ADDITION
TO MAIN BUILDING, Toronto Honor Camp

THURSDAY, APRIL 24, 1986

#27057

Youth Center at Topeka, Topeka—LEASE OF
FARMLAND, Shawnee County

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 004022

State of Kansas

KANSAS PAROLE BOARD

PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1986)

Article 1.—MEANING OF TERMS

45-1-1. Definitions. (a) "Board" means the members of the Kansas Parole Board.

(b) "Correctional institutions" mean one or more of the following: Kansas state penitentiary (KSP) and Kansas correctional institution at Lansing (KCIL) at Lansing, Kansas; state industrial reformatory (KSIR) at Hutchinson, Kansas; correctional vocational training center (KCVTC), and State reception and diagnostic center (SRDC) at Topeka; and any other honor camps, pre-release centers, work release centers, and other facilities under the general management of the secretary of corrections.

(c) "Director" means the person in charge of the operation and management of a correctional institution.

(d) "Docket" means the board's prearranged schedule of hearings.

(e) "Good time credits" mean the statutory authorized reduction in time on an inmate's sentence as specified by K.S.A. 22-3717, and amendments thereto, and department of corrections regulations.

(f) "In absentia" means the case of an inmate who is committed to the custody of the secretary of corrections and is serving the sentence out of state or in another jurisdiction.

(g) "Parole officer" means a member of the field parole staff of the department of corrections.

(h) "Public comment session" means the board's regular scheduled meeting with interested parties in the community for the purpose of receiving comments concerning the publicly announced listing of persons to be considered for parole by the board. (Authorized by K.S.A. 1984 Supp. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982; amended May 1, 1986.)

Article 2.—GOOD TIME CREDITS

45-2-1 to 45-2-6. (Authorized by K.S.A. 1984 Supp. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982; revoked May 1, 1986.)

Article 4.—PAROLE HEARINGS

45-4-4. Attendees at hearings. Attendance at parole hearings shall be at the discretion of the board and shall be limited to its members, board staff, the inmate, the parole planning coordinator, and a representative of the unit team or other designated institutional staff member. Any additional institutional staff member who wishes to attend the hearing shall receive prior approval of the board. In addition, a limited number of persons, who have a professional interest in parole procedures or who are necessary to the hearing proceedings, may be present providing they receive advance permission from the board and the parole applicant offers no objection. Whenever the board conducts a parole hearing for an inmate who has psychiatric or medical problems, the board may request that a member of the institution's clinical staff who is familiar with the case attend the parole hearing. (Authorized by and implementing K.S.A. 1984 Supp. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982; amended May 1, 1986.)

45-4-5. Endorsements. A recommendation for or against parole by institutional staff, outside of customary procedure as outlined in these regulations, will not be entertained by the board unless it bears written approval from the institutional director or designated representative. (Authorized by and implementing K.S.A. 1984 Supp. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1986.)

45-4-6. Review and Appeals. (a) If a parole hearing has been conducted by only one member of the board, the findings of that member shall be reviewed by another member of the board prior to a decision being made on the inmate's parole. If there is a disagreement between the member who conducted the hearing and the member who reviewed the findings, the findings shall be reviewed by the whole board, which shall make a decision based on the findings. The inmate need not be present at either of these reviews.

(b) An appeal to the board or a request to reconsider

(continued)

shall be granted only on the basis that the inmate has new evidence which was unavailable at the prior hearing. An appeal to the board or a request for reconsideration shall be made to the board in writing, and shall detail the new evidence that was unavailable at the prior hearing. The inmate need not be present.

(c) Inmates who are appealing their sentence or conviction shall not be adversely affected in the parole process or deliberations. The board may, however, continue the parole hearing for a reasonable time for the purpose of clarifying the status of the appeal to assure that the board is considering the applicant on the proper sentence. (Authorized by and implementing K.S.A. 1984 Supp. 22-3717 effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1986.)

45-4-7. Reasons for parole denial. Inmates who have not been granted parole shall be furnished written reasons for the board's decision as soon as practical through the unit team as well as any recommendations as to the manner in which the inmate may improve the inmate's status at the designated pass date. (Authorized by and implementing K.S.A. 1984 Supp. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1986.)

45-4-9. Medical cases. If the board has been notified that an inmate is under medication at the time of the hearing, and if an institutional physician has recommended that the medication continue after release, the board may impose a special condition that sufficient arrangements be made for the continuation of the medication as long as medically necessary. (Authorized by and implementing K.S.A. 1984 Supp. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1986.)

45-4-11. (Authorized by K.S.A. 1984 Supp. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982; revoked May 1, 1986.)

45-4-12. (Authorized by K.S.A. 1984 Supp. 22-3717; implementing K.S.A. 22-3719; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982; revoked May 1, 1986.)

Article 5.—INITIAL HEARINGS

45-5-1. (Authorized by K.S.A. 1984 Supp. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982; revoked May 1, 1986.)

Article 6.—DOCKETS

45-6-1. Docketing regular parole hearings. (a) The board will docket all cases for regular parole hearings when the following prerequisites have been met:

(1) An inmate has achieved parole eligibility pursuant to K.S.A. 22-3717, K.S.A. 21-4608 and department of corrections regulations.

(2) The parole investigation has been completed; and

(3) The inmate's name, number, county of conviction, and offense have been submitted to the board by the eighth day of the month preceding the proposed docketing of parole hearing so that the board may conduct a public comment session before the inmate's parole hearing.

(b) If the board needs additional information concerning the inmate or the inmate's parole plan, the board shall request the information from institution staff. The decision on the inmate's parole hearing may be continued for a reasonable length of time so the necessary information can be obtained. (Authorized by and implementing K.S.A. 1984 Supp. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982; amended May 1, 1986.)

45-6-2. Docketing hearings for cases previously denied parole. If an inmate has been passed by the board for later consideration, that inmate's next parole hearing shall not be advanced or deferred without the approval of the board. (Authorized by and implementing K.S.A. 1984 Supp. 22-3717; effective May 1, 1982; amended May 1, 1986.)

45-6-3. Absence of inmate at docketed hearing. If an inmate is unable to appear for hearing by the board whenever scheduled due to a physical or mental condition, absence from the institution, in absentia status, or other reasons, the inmate's name shall nevertheless be submitted to the board in the same manner as all other eligible inmates. Unless otherwise ordered by the board, the inmate shall be brought before the board for hearing at the next regularly scheduled hearing date at that institution after the inmate becomes available. (Authorized by and implementing K.S.A. 1984 Supp. 22-3717; effective May 1, 1982; amended May 1, 1986.)

45-6-4. (Authorized by K.S.A. 1984 Supp. 22-3717; effective May 1, 1982; revoked May 1, 1986.)

45-6-5. Docketing of cases when detainer cancelled. Unless otherwise ordered by the board, an inmate who has been paroled to a detainer which is thereafter cancelled, shall be scheduled by the board to appear for further consideration at the next parole hearing following the effective date of the parole that was originally granted. (Authorized by and implementing K.S.A. 1984 Supp. 22-3717; effective May 1, 1982; amended May 1, 1986.)

45-6-6. (Authorized by and implementing K.S.A. 1984 Supp. 22-3717; effective May 1, 1982; revoked May 1, 1986.)

Article 7.—PAROLE RELEASE

45-7-1. General provisions. (a) The board shall prepare minutes of its action following all parole hearings and notify the department of corrections personnel accordingly. The results of the hearings may not be divulged to outside interested parties until notice of the board's action has been sent to the inmate

through official means. The board may require the fulfillment of certain conditions in the best interests of a released inmate under the department of corrections' supervision. Additional requirements recommended by the secretary may be imposed by the board. Except as provided in K.S.A. 22-3717(h), any conditions established by the board may only be modified or waived by order of the board.

Nothing in this section shall be construed to prevent a parole officer from imposing special conditions on a parolee under the parole officer's supervision. (Authorized by and implementing K.S.A. 1984 Supp. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982; amended May 1, 1986.)

45-7-2. Report on parole. Any inmate who has been granted parole subject to an approved parole plan shall remain in confinement until a satisfactory parole plan is approved by the board. The parole release is contingent on the inmate's satisfactory institutional conduct and final approval by the board. (Authorized by and implementing K.S.A. 1984 Supp. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1986.)

45-7-3. Parole release. (a) *Parole release dates.* (1) Inmates who have been granted parole and have been assigned to a specific parole district may receive a release date whenever placement arrangements are completed. In those instances the board may schedule parole release from the institution three (3) working days after the report on parole plan has been received and final approval granted.

(2) The board may also designate a prescribed release date to comply with statutory parole eligibility or for any other special cause as determined on a case by case basis. When a specific release date has been established, requests for advance release may be considered by the board for valid reasons and may be subject to investigation and confirmation by the proper authorities. An inmate shall not be released on parole sooner than authorized by statute.

(3) When an inmate's release date falls on a Saturday, Sunday, or holiday observed by the department of corrections, the inmate may be released on the last work day preceding the computed release date.

(b) *Interstate compact release.* All inmates who have been granted parole for out-of-state supervision under the interstate compact agreement, shall remain in confinement until the receiving state has entered its report with the compact administrator of the secretary who shall refer it to the board for final determination and authorization of release.

(c) *Changes in parole plan.* Inmates who are on continued status, and elect to change their parole plan, shall present this information to the unit team to notify the board for its determination and advice.

(d) *Release to detainer.* Inmates who have been granted parole to a detainer shall remain in confinement until sufficient arrangements have been accomplished to determine when the detaining authority shall assume custody. (Authorized by and implement-

ing K.S.A. 1984 Supp. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982; amended May 1, 1986.)

45-7-4. Deferred release. (a) Whenever the board is informed that an inmate who has been granted parole has subsequently committed an institutional infraction, the board shall consider the date of the alleged infraction, the nature of the alleged violation charged and penalty classification, and whether or not the institution recommends that the inmate's parole release be held up for disciplinary proceedings. A parole release shall not be made by the institution following notification to the board until further order of the board is received.

(b) If the board so orders, the inmate shall not be released until the institutional disciplinary process is completed and the board has acted upon a report submitted by the institution concerning the infraction. This report may contain a recommendation to the board concerning the inmate's parole status.

(c) If the board is considering rescission of parole or further deferment of the established release date, it shall give the inmate:

(1) Written notice, at least twenty-four hours before the hearing, of the purpose of the hearing and the nature of the charges to be heard;

(2) a special hearing before the board or one or more of its members;

(3) an opportunity to appear, to hear or read the evidence against the inmate, to confront and cross-examine any adverse witnesses, unless the hearing officer finds this should not be allowed because of threat to institutional safety or for other good cause, to testify and to present witnesses or documentary evidence in the inmate's behalf;

(4) a written statement of the board's order, including the reasons therefore; and

(5) an opportunity to request assistance from the institutional staff.

(d) Inmates who have been granted parole may have their release deferred or have the parole rescinded on the basis of: the board finding there is probable cause to believe that the inmate committed an institutional infraction; failure to comply with a specific condition of the parole contract; an inadequate parole plan that does not provide for sufficient supervision; or information that was not available at the hearing which would indicate the inmate cannot reasonably lead a law abiding life. (Authorized by and implementing K.S.A. 1984 Supp. 22-3717; effective May 1, 1982; effective May 1, 1986.)

45-7-5. Sidetrips and stopovers. Requests for sidetrips and stopovers for persons granted parole shall be directed to the board. Full information on the nature of the trip and address of the destination shall be provided by the inmate in advance of the release date. Additional expenses shall not be incurred by the institution for the sidetrip, and the individual shall remain with a responsible adult, whenever possible, during the stopover. The board may also require the

(continued)

parolee to report to a parole officer in that district on arrival and departure. On arrival to the assigned parole district, any further travel requests shall be referred to the assigned parole officer. (Authorized by and implementing K.S.A. 1984 Supp. 22-3717; effective May 1, 1982; effective May 1, 1986.)

Article 8.—PAROLE ELIGIBILITY; IN ABSENTIA

45-8-1. (Authorized by K.S.A. 1984 Supp. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; revoked May 1, 1986.)

Article 9.—PAROLE VIOLATORS

45-9-1. General provisions. Any inmate who is returned on a violator warrant issued by the secretary of corrections shall be brought before the board as soon as practical. In the event institutional administrative procedures for admissions have not been completed to insure a full and fair hearing before the board, the institution may reschedule the inmate for the next regular hearing. If the inmate is returned by way of the reception and diagnostic center with a new sentence, the board's disposition of the violator hearing may be continued until the psychiatric report is available for examination. (Authorized by K.S.A. 1984 Supp. 22-3717; implementing K.S.A. 75-5217; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982; amended May 1, 1986.)

45-9-2. Parole revocation hearings. (a) If a parolee is returned to a correctional institution after a probable cause hearing pursuant to K.A.R. 44-9-105, or if the parolee waives a probable cause hearing, the parolee may request a hearing prior to the final decision on revocation by the board. The final hearing shall be held without unnecessary delay. The board, or any member of the board, shall conduct the hearing to determine whether the parole should be revoked. After considering all pertinent evidence, the board shall enter an appropriate order. If the violation is established to the satisfaction of the board, it may re-instate or revoke the parole.

(b) Prior to the final hearing, the board shall make sure that the parolee has written notice of the alleged violations of parole, and that the evidence against the parolee has been disclosed to the parolee. If the board finds there are additional violations other than those contained in the written notice, the hearing shall be continued so that a written notice of the additional violations and a statement of the evidence against the parolee can be prepared.

(c) The parolee shall have the right to confront and cross examine adverse witnesses unless the board finds good cause for not allowing confrontation. If the board does not allow the parolee to confront a witness it shall specify the reasons in the statement required by subsection (g). If the parolee had the opportunity to cross examine a witness at the probable cause hearing provided for in K.A.R. 44-9-105, the board may rely on the record in lieu of calling that witness.

(d) The parolee shall have an opportunity to be heard in person and to present documentary evidence and witnesses who can provide information relevant to the allegations of the parole violation. Attendance of witnesses favorable to the parolee is the responsibility of the parolee and shall be at the parolee's expense. The hearing may be continued from time to time to allow for the attendance of witnesses.

(e) All relevant evidence shall be received by the board, including letters and affidavits. If the parole violation is a new conviction of a felony or misdemeanor, the board shall not be obligated to arrange for the presence of witnesses and the only question considered by the board shall be whether or not the new conviction warrants revocation.

(f) Representation by legal counsel may be allowed at the discretion of the board and at the parolee's expense.

(g) If the inmate's parole is revoked, the board shall give the inmate a written statement as to the evidence relied on and reasons for revoking parole. (Authorized by K.S.A. 1984 Supp. 22-3717; implementing K.S.A. 75-5217; effective May 1, 1986.)

45-9-3. Computation of time. (a) The board may require an inmate whose parole has been revoked to serve all or any part of the remaining time on the sentence up to the original conditional release date, plus all good time forfeited by the board. The board may require an inmate whose conditional release has been revoked to serve all or any part of the remaining time on the sentence. An inmate with a new conviction and sentence must also achieve parole eligibility on the new term or terms as determined by K.S.A. 22-3717, K.S.A. 21-4608, and department of corrections regulations.

(b) Statutory authorized good time credits, to be applied towards the conditional release date, shall be earned while on parole in the same manner as under an inmate status. All good time credits earned up to the parole revocation date may be forfeited by the board.

(c) A released inmate for whose return a warrant has been issued by the secretary, shall, if it is found that the warrant cannot be served, be deemed to be a fugitive from justice or to have fled from justice. If it shall appear that this fugitive has violated provisions of release, the time from the violation of the provision to the date of arrest as determined by the department of corrections shall not be counted as time served under the sentence unless approved by the board.

(d) An alleged violator who has been returned directly to the Larned state security hospital, may be transferred to the nearest correctional institution for appearance before the board at the next regular hearing, providing the inmate is medically capable of traveling. Following the hearing, the patient may be returned to Larned for continued treatment. (Authorized by K.S.A. 22-3717; implementing K.S.A. 75-5217; effective May 1, 1986.)

Article 10.—CONDITIONAL RELEASE

45-10-1. General provisions. (a) An inmate shall be

granted conditional release when the inmate has served the maximum sentence less statutory authorized good time credits as provided under department of corrections regulations.

(b) Conditional releasees shall be placed under parole supervision in the same manner as parolees. Conditional releasees shall be subject to the same terms and conditions as parolees while under supervision. If probable cause is established that a conditional releasee has violated the conditions of release, the conditional releasee may be returned to confinement upon determination of the secretary and thereafter, subject to the final hearing and order of the board, considered in the same manner as a parole violator. The conditional releasee shall have the same rights at the final hearing as a parolee under K.A.R. 45-9-2.

(c) A parolee who achieves conditional release status while on parole, shall continue under supervision of the parole officer. The conditions of parole shall not be changed by the parolee reaching conditional releasee status. (Authorized by and implementing K.S.A. 1984 Supp. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982; amended May 1, 1986.)

Article 11.—DISCHARGE

45-11-1. General provisions. Parolees or conditional releasees shall be discharged from parole supervision when:

- (a) They reach their maximum sentence date; or
- (b) Discharge is recommended by the parole officer and approved by the board. (Authorized by and implementing K.S.A. 1984 Supp. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982; amended May 1, 1986.)

Article 14.—EXECUTIVE CLEMENCY

45-14-1. Procedures. (a) An inmate who desires to apply to the governor for commutation of sentence or pardon shall make a request to the institutional representative designated by the director.

(b) The applicant shall prepare, on forms furnished by the board, a written statement of the reasons for requesting clemency, as well as complying with all information requested on the form. If the applicant prefers not to disclose the reasons to institutional officials, the information may be sent in writing, in a sealed envelope, directly to the board, on completion of the prescribed application forms.

(c) The application shall be reviewed by the board. The review shall include an examination by the board of pertinent records, reports, and other information which may be available, and a personal interview with the applicant, if requested by the board.

(d) Any person who was convicted of a crime in any court of this state, but who has been released from confinement on the conviction, or was not confined, may apply for executive clemency by making application to the board, which shall provide the person with

information and forms needed to initiate the application. (Authorized by K.S.A. 22-3701; and implementing K.S.A. 1984 Supp. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982; amended May 1, 1986.)

Article 16.—ORDERS OF RESTITUTION

45-16-1. Based on court order. Whenever the sentencing court has made a finding of a restitution amount in the journal entry of conviction or in a separate restitution order, the board shall adopt that amount if the board orders reparation or restitution as a condition of parole. (Authorized by and implementing K.S.A. 1984 Supp. 22-3717; effective May 1, 1982; amended May 1, 1986.)

45-16-2. Without court order. If no reparation or restitution amount is contained in the findings of the sentencing court, the board shall determine the amount of reparation or restitution based on information contained in the presentence report, the findings of the pre-parole investigation or an interview with the inmate at the parole hearing. If the amount of reparation or restitution cannot be determined on the information available to the board, the board may request that the sentencing court hold a restitution hearing for a determination of restitution prior to the release of the inmate on parole. (Authorized by and implementing K.S.A. 1984 Supp. 22-3717; effective May 1, 1982; amended May 1, 1986.)

45-16-3. Transportation expenses. Whenever any transportation expenses have resulted from returning the parolee to this state to answer criminal charges or a probation, parole or conditional release violation warrant, the agency or department that has incurred such expense may submit a statement of the expenses to the board prior to the final violation hearing or prior to the initial parole hearing. If the board finds the statement of expenses is reasonable and necessary, it may order that amount paid as a condition of parole. (Authorized by and implementing K.S.A. 1984 Supp. 22-3717; effective May 1, 1986.)

45-16-4. Manner of payments. When payments have been ordered as a condition of parole, the payments may be monitored by the parole officer in the same manner as any other condition of parole. If a change of circumstances makes payments according to the established schedule unworkable, the parole officer may change the schedule as long as the adjusted schedule still makes it possible for the parolee to make all payments prior to the inmate's discharge. If compelling circumstances develop which render the plan of reparation and the schedule of payment unworkable, the parolee may apply to the board to be released from the payment order. (Authorized by and implementing K.S.A. 1984 Supp. 22-3717; effective May 1, 1986.)

ELWAIN F. POMEROY
Chairman, Kansas Parole Board

Doc. No. 003968

State of Kansas

BOARD OF REGENTS

PERMANENT ADMINISTRATIVE
REGULATIONS

(Effective May 1, 1986)

Article 3.—GUIDELINES FOR THE
DETERMINATION OF RESIDENCY
FOR FEE PURPOSES

88-3-1. Student information. Whenever a question arises concerning a person's residence classification for fee purposes, that person shall be afforded a copy of information substantially as set forth in this regulation, together with K.A.R. 88-3-2 to 88-3-9 inclusive:

"Carefully read the information, statute and regulations which follow. Then, if you believe you should be eligible for resident classification for fee purposes, complete the attached application for residence classification and submit it to the office of admissions and records within 30 days of the date that you were classified as a nonresident for fee purposes. When an appeal is made by a student from a determination that the student is a nonresident, the student must pay nonresident fees at the time designated for payment of fees. If the student is found to be a resident, the difference between resident and nonresident fees will be refunded. Subject to the provisions of K.S.A. 60-2101, decisions of the residence committee shall not be subject to further administrative review by any officer or board of the university or college or by the state board of regents."

Responsibility

"The responsibility of enrolling under proper residence classification for fee purposes is placed on the student. If there is any possible question of residence classification under the regulations of the state board of regents, it is the duty of the student when registering and paying fees to raise the question with the office of admissions and records. If a student enrolls incorrectly as a resident of Kansas and it is determined at a later date the student was a nonresident for fee purposes, the student will be required to pay the nonresident fee for all terms during which the student was incorrectly registered." (Authorized by K.S.A. 76-730; implementing K.S.A. 76-729, 76-730; effective, E-71-35, Aug. 20, 1971; effective Jan. 1, 1972; amended, E-76-50, Oct. 10, 1975; amended, E-77-5, March 19, 1976; amended Feb. 15, 1977; amended May 1, 1986.)

88-3-2. Definition of "residence" for fee purposes.

(a) Except as otherwise provided in the rules and regulations of the state board of regents, residence means a person's place of habitation, to which, whenever the person is absent, the person has the intention of returning. A person shall not be considered a resident of Kansas unless that person is in continuous physical residence and intends to make Kansas a permanent home, not only while in attendance at an educational institution, but indefinitely thereafter as well.

(b) The factors which, while not conclusive, will be given probative value in support of a claim for resident status include, but are not limited, to the following:

- (1) continuous presence in Kansas during periods when not enrolled as a student;
- (2) employment in Kansas;
- (3) payment of Kansas state income taxes;
- (4) reliance on Kansas sources for financial support;
- (5) commitments to an education program which indicates an intent to remain permanently in Kansas;
- (6) acceptance of an offer of permanent employment in Kansas;
- (7) admission to a licensed practicing profession in Kansas; or

(8) ownership of a home in Kansas. No factor shall be considered in support of a claim for resident status unless the factor has existed for at least one year prior to enrollment or re-enrollment.

(c) The following circumstances, standing alone, ordinarily will not constitute sufficient evidence of a change to Kansas residence:

- (1) voting or registration for voting in Kansas;
- (2) employment in any position normally filled by a student;
- (3) lease of living quarters in Kansas;
- (4) a statement of intention to acquire residence in Kansas;

- (5) residence in Kansas of the student's spouse;
- (6) vehicle registration in Kansas;
- (7) acquisition of a Kansas driver's license;
- (8) payment of Kansas personal property taxes; or
- (9) continuous enrollment in a postsecondary educational institution in Kansas.

(d) Maintenance of ties with another state, including voting, payment of personal property taxes, registering a vehicle or securing a driver's license in that state, may be considered sufficient evidence that residence in the other state has been retained. (Authorized by K.S.A. 76-730; implementing K.S.A. 76-729, 76-730; effective, E-71-35, Aug. 20, 1971; effective Jan. 1, 1972; amended, E-76-50, Oct. 10, 1975; amended, E-77-5, March 19, 1976; amended Feb. 15, 1977; amended May 1, 1986.)

88-3-4. Residence of persons under eighteen years of age. Generally, the residence of a person who is under 18 years of age is determined by the residence of the person's custodial parent or parents or of the parent providing the preponderance of the student's support. If both parents are deceased, residence shall be determined by the residence of the person's legal guardian or custodian, or if none exists, of the person providing the preponderance of support. Any person under 18 years of age who is legally emancipated shall be considered an adult for residence purposes. (Authorized by K.S.A. 76-730; implementing K.S.A. 76-729, 76-730; effective, E-71-35, Aug. 20, 1971; effective Jan. 1, 1972; amended, E-76-50, Oct. 10, 1975; amended, E-77-5, March 19, 1976; amended Feb. 15, 1977; amended May 1, 1986.)

88-3-8. Military personnel. (a) Active United States military personnel and their dependent spouses and children shall be accorded the resident fee privi-

lege while enrolled in any university or college under the state board of regents if such personnel are assigned full-time to a duty-station in Kansas and are living in Kansas. If such a service person is reassigned from Kansas to a duty-station outside the United States, the resident fee privilege shall be extended so long as that person's family continues to reside in Kansas and the service person remains outside the United States.

(b) Nothing in this regulation shall be construed to prevent a service person from acquiring or retaining a bona fide residence in Kansas. (Authorized by K.S.A. 76-730; implementing K.S.A. 76-729, 76-730; effective, E-71-35, Aug. 20, 1971; effective Jan. 1, 1972; amended, E-76-50, Oct. 10, 1975; amended, E-77-5, March 19, 1976; amended Feb. 15, 1977; amended May 1, 1986.)

Article 12.—GUIDELINES FOR PARTICIPATION IN THE REGENTS VOLUNTARY REDUCED SERVICE PROGRAM

88-12-1. Eligibility. Any person who is a tenured faculty member at a regents university or has completed at least seven years of full-time faculty service at Kansas technical institute shall be eligible for participation in the program during the academic year in which the faculty member becomes 60 years of age. Such faculty member shall remain eligible for participation until the end of the academic year in which the faculty member becomes 65 years of age. (Authorized by and implementing K.S.A. 76-746, as amended by 1985 HB 2622, Sec. 2; effective, T-86-22, July 1, 1985; effective May 1, 1986.)

88-12-2. Voluntariness. Entry into a reduced service agreement is voluntary on the part of the regents institutions and the individual faculty member, except that the institution shall only refuse to enter into a reduced service agreement when entry into the agreement is not in the best interests of the institution. (Authorized by and implementing K.S.A. 76-746, as amended by 1985 HB 2622, Sec. 2; effective, T-86-22, July 1, 1985; effective May 1, 1986.)

88-12-3. Procedure for application and approval. Each eligible faculty member requesting participation in the program shall submit a written request for participation to the appropriate department or unit chairperson and dean for review and transmittal to the chief academic officer of the institution. The chief academic officer shall ascertain whether entry into the requested agreement is in the best interest of the institution. If so, the chief academic officer shall make the final decision on the terms of the agreement and shall then recommend approval of the agreement to the chief executive officer of the institution. (Authorized by and implementing K.S.A. 76-746, as amended by 1985 HB 2622, Sec. 2; effective, T-86-22, July 1, 1985; effective May 1, 1986.)

88-12-4. Revocability. Each reduced service agreement shall be irrevocable, except that the agreement may be rescinded within 48 hours of signature at the option of the employee. (Authorized by and im-

plementing K.S.A. 76-746, as amended by 1985 HB 2622, Sec. 2; effective, T-86-22, July 1, 1985; effective May 1, 1986.)

88-12-5. Provisions of agreement. (a) Every reduced service agreement shall specify:

(1) the fractional time appointment to be served. Fractional time appointments shall be calculated on the total academic or fiscal year depending on the term of the appointment at the time of entry into the program, and shall carry with them a proportionate reduction in salary;

(2) the initial salary to be paid for reduced service;

(3) the full-time benefits to be enjoyed by the faculty member; and

(4) the duration of the agreement, including the date of retirement.

(b) The final agreement shall contain the signatures of both parties. (Authorized by and implementing K.S.A. 76-746, as amended by 1985 HB 2622, Sec. 2; effective, T-86-22, July 1, 1985; effective May 1, 1986.)

88-12-6. Full-time benefits. Participating faculty members shall receive the following benefits: (a) retention of full-time health care benefits until the end of the academic year in which the faculty member becomes 65 or until total retirement, whichever occurs first;

(b) retention of death and disability coverage until the end of the academic year in which the faculty member becomes 65 or until full retirement, whichever occurs first;

(c) retention of full-time employer-paid retirement benefits until the end of the academic year in which the faculty member becomes 65 or until total retirement, whichever occurs first;

(d) retention of tenure, except at Kansas technical institute, for duration of program at fractional time for which appointed;

(e) continued full use of university facilities; and

(f) continued eligibility for annual merit increases.

The full-time equivalent salary shall be used for the calculation of all state-provided benefits. (Authorized by and implementing K.S.A. 76-746, as amended by 1985 HB 2622, Sec. 2; effective, T-86-22, July 1, 1985; effective May 1, 1986.)

88-12-7. Modification of agreement. The participating faculty member and the institution may, by mutual consent, modify the agreement by further reducing the participant's fractional time appointment prior to the specified date of retirement. (Authorized by and implementing K.S.A. 76-746, as amended by 1985 HB 2622, Sec. 2; effective, T-86-22, July 1, 1985; effective May 1, 1986.)

88-12-8. Full retirement. Full retirement shall occur not later than the end of the academic year following the attainment of age 70. Retirement from an institution under this program shall not preclude post-retirement term appointments. (Authorized by and implementing K.S.A. 76-746, as amended by 1985 HB 2622, Sec. 2; effective, T-86-22, July 1, 1985; effective May 1, 1986.)

(continued)

Article 13.—STUDENT ASSISTANCE PROGRAMS

88-13-1. Definitions. Terms used herein are defined as follows: (a) "Parent" means a guardian or any person who is legally responsible for the maintenance, care, or support of a dependent who is an applicant under this program.

(b) "Parent's contribution" means the amount parents can reasonably be expected to contribute from their income and assets toward a year's college education costs for a dependent. This amount shall be determined based upon criteria approved by the board and established by the financial needs analysis agency selected by the board.

(c) "Independent student" means a student who demonstrates independence from a parent's support to the satisfaction of the board. Documentation that will meet U.S. education department guidelines for an independent student may be required from the applicant, applicant's parent or parents, or guardian to verify emancipation from the parent or parents.

(d) "Student contribution" means the amount a student can contribute from the student's own work and resources toward a year's college education costs. This amount shall be determined based upon criteria approved by the board and established by the financial needs analysis agency selected by the board. The student contribution shall not be less than \$450.

(e) "Student resources" means assets, earnings, income or benefits from other sources, work study income, and any grant or loan coming directly to the student from non-college sources.

(f) "Family contribution" means the sum of parents' contribution and student contribution. The family contribution shall be determined annually.

(g) "Tuition" means the amount of money charged a full-time student for the cost of educational services for the academic year excluding any summer session. The amount of the tuition shall be set by the eligible postsecondary institution and shall be the same for the grantee and non-grantee students who are in identical circumstances at the institution.

(h) "Required fees" means fees which are not optional for the full-time student and which are considered by the board to be for educational purposes.

(i) "College budget" means the total amount required for a student to attend the postsecondary institution of the student's choice. The costs of tuition and required fees, room and board, supplies, and incidentals shall be included in the college budget. For married students, a family maintenance budget shall be substituted for room and board. All amounts to be used for maintenance, supplies and incidentals shall be comparable for all eligible institutions.

(j) "Tuition grant offer" means the annual amount offered to a student under this program, rounded to the nearest \$10. Each tuition grant offer shall be the lesser of the following amounts:

- (1) \$1,200;
- (2) the annual tuition and required fees at the college of the student's choice;
- (3) the financial need of the student; or
- (4) the pro-rata amount determined by the board.

(k) "State scholarship offer" means the annual amount offered to a state scholar under this program, rounded to the nearest \$10. Each state scholarship offer shall be the lesser of the following amounts:

(1) \$1,000 for scholars designated for fall, 1985 and thereafter;

(2) \$500 for any scholar designated prior to fall, 1985;

(3) the financial need of the state scholar;

(4) the pro-rata amount determined by the board.

(l) "Grantee" means a person possessing a valid tuition grant offer, or state scholarship offer, or both.

(m) "Tuition grant payment or state scholarship payment" means the amount awarded to a student to attend a portion of the academic year. This amount shall be determined by pro-rating the amount of the tuition grant offer, or state scholarship offer, or both.

(n) "Unmet need" means the financial need of a grantee less the amount of the student's tuition grant offer or state scholarship offer, or both. (Authorized by K.S.A. 72-6111, 72-6814; implementing K.S.A. 72-6107, 72-6109, 72-6110, 72-6111, 72-6810, 72-6812, 72-6814, 72-6815; effective, E-76-57, Dec. 12, 1975; effective, E-77-5, March 19, 1976; effective Feb. 15, 1977; amended May 1, 1984; amended, T-86-35, Nov. 20, 1985; amended May 1, 1986.)

88-13-4. Applicant eligibility. To be eligible for a tuition grant offer, or state scholarship offer, or both, a person shall demonstrate to the executive director of the board that the applicant: (a) qualifies as a resident of the state of Kansas for fee purposes at a state educational institution according to K.S.A. 76-729 and K.A.R. 88-3-1, *et seq.*;

(b) is initially accepted or enrolled at an eligible Kansas postsecondary institution;

(c) is an undergraduate who has never received a baccalaureate degree; and

(d) has met financial need as determined by an analysis of information submitted on the American College Testing Service Family Financial Statement 1986-87, which is hereby adopted as the board's family financial statement;

(e) having received a state scholarship and having completed the initial enrollment in a postsecondary educational institution, has attained the academic standard of a cumulative 3.3 grade point average for all postsecondary academic terms or semesters. The average shall be calculated on a 4.0 scale where an A equals four points; and

(f) having received a tuition grant and having completed the initial enrollment in a postsecondary educational institution, has attained the academic standard of a cumulative 2.0 grade point average for all postsecondary academic terms or semesters. The average shall be calculated on a 4.0 scale where an A equals four points. (Authorized by K.S.A. 72-6112, 72-6815; implementing K.S.A. 72-6112, 72-6815; effective, E-76-57, Dec. 12, 1975; effective, E-77-5, March 19, 1976; effective Feb. 15, 1977; amended, T-85-6, Feb. 15, 1984; amended May 1, 1984; amended, T-85-14, May 3, 1984; amended, T-85-39, Dec. 17, 1984; amended May 1, 1985; amended, T-86-35, Nov. 20, 1985; amended May 1, 1986.)

88-13-11. College certification. Upon the enrollment of grantees, each eligible postsecondary institution shall certify to the board that each grantee attending its institution: (a) is providing a minimum of \$450 from the grantee's own work and resources;

(b) is not receiving more financial aid than the grantee's unmet need;

(c) is a full-time undergraduate student in good standing who is responsible for paying full tuition and required fees;

(d) has met the state scholarship academic standard of a cumulative 3.3 grade point average for grantees participating in the state scholarship program;

(e) has met the tuition grant academic standard of a cumulative 2.0 grade point average for grantees participating in the tuition grant program;

(f) has reported accurate parent or student income data, as verified by a copy of the income tax return for the most recent tax year or through other verification of income criteria as provided in 34 C.F.R. 690.77, effective April 29, 1985, which are hereby adopted by reference; and

(g) for an independent grantee, that the grantee meets the U.S. education department guidelines for an independent student, as in effect on October 26, 1983, and that the college has on file a valid statement of financial independence. The statement of financial independence shall be certified by a notarized signature of the applicant's parent or legal guardian. (Authorized by K.S.A. 72-6111, 72-6814; implementing K.S.A. 72-6107, 72-6111, 72-6810, 72-6814; effective, E-76-57, Dec. 12, 1975; effective, E-77-5, March 19, 1976; effective Feb. 15, 1977; amended, T-85-6, Feb. 15, 1984; amended May 1, 1984; amended, T-85-14, May 3, 1984; amended, T-85-39, Dec. 19, 1984; amended May 1, 1985; amended, T-86-35, Nov. 20, 1985; amended May 1, 1986.)

Article 16.—AUTHORIZATION OF NON-PUBLIC INSTITUTIONS OF POSTSECONDARY EDUCATION TO CONFER DEGREES

88-16-1a. Definitions. (a) "Associate in arts degree" means a transfer-oriented degree:

(1) consisting of courses totaling a minimum of 60 semester credit hours; (2) granted to those who successfully complete programs which emphasize the liberal arts; and

(3) in which not less than 45 semester credit hours in general education are required.

(b) "Associate in science degree" means a degree:

(1) consisting of courses totaling a minimum of 60 semester credit hours designed to serve both career and transfer objectives;

(2) granted to those who successfully complete programs which emphasize mathematics or the biological or physical sciences, or both; and

(3) which includes not less than 30 semester credit hours in general education.

(c) "Associate in applied science degree" means a degree:

(1) consisting of courses totaling a minimum of 60 semester credit hours;

(2) granted to those who successfully complete programs which emphasize preparation in the applied arts and sciences for careers, typically at the technical or semi-professional level; and

(3) which includes not less than 15 semester credit hours in general education and not less than 30 semester credit hours in the area of specialized preparation. Such programs may be transferred to a college or university upon validation of applicable course work.

(d) "Baccalaureate degree" means a degree:

(1) consisting of courses totaling a minimum of 120 semester credit hours in the liberal arts, sciences or professional fields;

(2) granted to those who successfully complete an educational program requiring at least four but not more than five years of academic work or the equivalent in part-time attendance.

(e) "Master's degree" means a degree:

(1) granted to those who successfully complete an educational program in the liberal arts and sciences or a professional field; and

(2) requiring not less than one year of academic work or the equivalent in part-time attendance beyond the baccalaureate degree.

(f) "Intermediate (specialist) degree" means a degree:

(1) granted to those who successfully complete an educational program; and

(2) requiring not less than one year of academic work or the equivalent in part-time attendance beyond the master's degree in the liberal arts and sciences or a professional field.

(g) "Doctor's degree" means a degree:

(1) granted to those who successfully complete an educational program requiring three or more academic years of full-time study or the equivalent in part-time attendance beyond the baccalaureate degree; and

(2) requiring evidence, in the form of a doctoral dissertation, of competence in independent research. (Authorized by K.S.A. 74-3252; implementing K.S.A. 74-3249, K.S.A. 1984 Supp. 74-3250, K.S.A. 74-3252; effective May 1, 1980; amended May 1, 1986.)

JEAN S. SAGAN
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State of Kansas

**BEHAVIORAL SCIENCES
REGULATORY BOARD****PERMANENT ADMINISTRATIVE
REGULATIONS
(Effective May 1, 1986)****Article 1.—CERTIFICATION OF
PSYCHOLOGISTS**

102-1-1. Definitions. (a) A "student, intern or resident" means:

(1) A person who is actively enrolled in, or a graduate of, a program as defined by K.A.R. 102-1-12;

(2) a person who is preparing for the profession under supervision;

(3) a person who is in a training institution or facility recognized by the board;

(4) a person to whom a fee is not paid directly; and

(5) a person who is designated by a title which clearly indicates the person's training status.

(b) A "year of supervised experience" means a minimum of 1800 supervised clock hours pursuant to K.A.R. 102-1-5. The 1800 hours shall not commence until all requirements for the doctoral degree have been completed.

(c) "Full-time employment" means at least 2,000 hours during a 12 month period.

(d) In the case of academic employment, "year" means the period normally associated with full-time employment at the employing institution.

(e) "Part-time employment experience credit" means supervised work experience of at least six consecutive months which shall be credited on a prorated basis.

(f) A "client or patient" means a person who is a direct recipient of psychological services. Such services may be either therapeutic or diagnostic in nature.

(g) A "therapeutic relationship" means a relationship between a psychologist and client or patient which is initiated by mutual consent or pursuant to law. The assessment of a client, or expert consultation regarding a client, by a psychologist for a third party, for purposes of diagnosis and assessment alone shall not be considered a therapeutic relationship.

(h) "Active therapeutic treatment" means the use of psychotherapy or other psychological remedial measures that are applied to persons individually or in groups with the intent of assisting the person or persons in modifying attitudes and behavior which are intellectually, physically, socially, or emotionally maladaptive.

(i) "Termination of a therapeutic relationship or active therapeutic treatment" means termination by either the mutual consent of both parties, the completion of treatment, dismissal of the psychologist or the transfer of the client to another professional for active treatment with belief that continuation of treatment will occur.

(j) "Psychological assessment" means the use, in any manner, of established psychological tests, pro-

cedures, and techniques with the intent of diagnosing adjustment, functional, mental, vocational, or emotional problems or establishing treatment methods for persons having such problems.

(k) A "psychologist supervisor," for training purposes or supervision of uncertified assistants, means an individual licensed, certified, or certifiable at the doctoral level in that person's state to engage in the practice of psychology, and who has or had, in full or in part, legal, administrative or professional authority over and responsibility for the professional functioning of the applicant.

(l) "Consultant" means an individual who provides professional guidance, information, or advice, but who has no legal, administrative, or professional authority over or responsibility for the professional functioning of the applicant.

(m) A "non-resident psychologist" means a psychologist duly licensed by another state which has licensing standards which guarantee substantial equivalence to those in the state of Kansas or with which the board has entered into a reciprocity agreement.

(n) A "pre-doctoral internship or residency" means an organized program of supervised practice of psychology which:

(1) Consists of at least one year of full-time or two consecutive years of half-time training;

(2) accepts as interns or residents only applicants enrolled in a doctoral program as defined in K.A.R. 102-1-12;

(3) is directed by an individual who is certified, licensed, or certifiable at the doctoral level to engage in the practice of psychology;

(4) provides training and close supervision in a wide range of professional activity. That professional activity shall include diagnosis, remediation techniques, inter-disciplinary relationships, consultation and experience with a population of clients or patients presenting a diverse set of problems and backgrounds;

(5) is taken after completion of graduate courses and practica in the area of emphasis or after completion of university pre-internship training requirements;

(6) provides the intern or resident with a minimum of one hour of supervision for every 10 hours of training experience;

(7) provides supervision by certified, licensed, or certifiable psychologists at least 75 percent of that supervised time;

(8) stands as a distinct and organized program clearly recognizable within an institution or agency, as well as in pertinent public, official documents issued by the institution or agency, as a training program for psychologists;

(9) identifies interns or residents as being in training and not as staff;

(10) has an identifiable licensed, certified or certifiable psychology training staff; and

(11) is an integrated, conceptually-organized entity, not an after-the-fact tabulation of experience.

(o) "Continuing education" means programs or activities which are designed to enhance the psycholo-

gist's level of knowledge, skill, and ability to practice psychology. Such programs shall have content clearly related to the enhancement of psychology practice, values, and knowledge. Continuing education credits shall not be used as a substitute for basic professional education preparation as defined in K.A.R. 102-1-12. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-5302, K.S.A. 74-5310, K.S.A. 74-5314, K.S.A. 74-5316, K.S.A. 74-5344, K.S.A. 74-5345, and K.S.A. 74,7507; effective May 1, 1982; amended May 1, 1984; amended, T-85-35, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986.)

102-1-3. Applications. (a) An applicant shall not be given a tentative judgment on the applicant's eligibility for certification until all credentials are received and procedures are completed.

(b) An application may, for lack of qualifications, be held in active status for a period not to exceed one year. Beyond one year, the application shall expire, and a new application and fee shall be required of each reapplying applicant.

(c) Transcripts from outside the United States. All applicants who are graduates of colleges and universities from outside the United States shall submit their official transcripts, an officially translated English copy of those transcripts, supporting documents, and where necessary, the doctoral dissertation. The transcript shall be translated by a source or in a manner that is acceptable to the board. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-5314, and K.S.A. 74-5317; effective May 1, 1982; amended May 1, 1984; amended, T-85-35, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986.)

102-1-4. Examinations. (a) Each applicant for certification by the board shall take an examination. The pass criterion score shall be 75 percent correct. Each applicant shall be notified of the results in writing.

(b) The standard examination shall be a written examination. A written examination may be waived and an oral examination procedure substituted when:

(1) A certificate has been revoked or suspended and re-certification is requested; or

(2) an applicant is unable to take the written examination because one or more physical handicaps preclude completion of the written examination, or may severely affect the applicant's performance.

(c) For oral examinations, the board may contract collectively or individually with a panel of certified psychologists to conduct the oral examination and make recommendations to the board, based on the performance evaluation of the applicant.

(d) Oral examinations shall include assessment of:

(1) Effectiveness and clarity of expression;

(2) knowledge and skills in the area in which the applicant is otherwise qualified to offer psychological services;

(3) knowledge and awareness of ethical issues and problems in the professional area of emphasis and for psychologists in general; and

(4) knowledge of general psychology.

(e) All oral examinations shall be recorded verbatim.

(f) The pass/fail decision shall be based on a review of the recommendation of the oral examining panel and review of the verbatim recordings, when necessary.

(g) Any applicant, other than an applicant for reinstatement of a revoked or suspended certificate, may be exempt from taking the written examination if:

(1) The applicant successfully passed the written portion of an examination taken in another state at a level equal to or greater than the criterion pass score; or

(2) the applicant:

(A) has been continuously licensed or certified at the doctoral level with implementation or under the grandfathering provisions of the certification or licensure law in the applicant's state;

(B) has been employed as a psychologist full-time at least for five years; and

(C) has never taken the examination. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-5310, K.S.A. 1984 Supp. 74-5311, and K.S.A. 74-7507; effective May 1, 1982; amended May 1, 1984; amended, T-85-35, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986.)

102-1-8. Renewal. (a) Certified psychologists shall renew their certification pursuant to K.S.A. 74-5319 by submitting a renewal form to the executive secretary, together with the renewal fee required by K.S.A. 74-5318.

(b) At the time of the renewal, each certified psychologist shall submit evidence of satisfactory completion of 100 continuing education hours as defined in 102-1-15. (Authorized by and implementing K.S.A. 74-5314, 74-5318, 74-7507; effective May 1, 1982; amended May 1, 1984; amended May 1, 1986.)

102-1-10. Wrongful actions and moral character.

(a) If the board finds a certified psychologist guilty of a wrongful action or a lack of good moral character, the board may revoke or suspend the psychologist's certification.

(b) The following acts shall be evidence of wrongful actions or lack of good moral character:

(1) Knowingly engaging in fraudulent or misleading advertising;

(2) practicing psychology in an incompetent manner;

(3) misrepresenting professional competency by offering to perform services that are clearly unwarranted on the basis of education, training, or experience;

(4) performing professional services that are inconsistent with the certificand's emphasis area or areas recognized by the board based on a review of training, education, or experience;

(5) being convicted of a crime resulting from or relating to the licensee's professional practice of psychology;

(6) reporting distorted, erroneous, or misleading psychological information;

(7) taking credit for work not personally performed;

(8) practicing psychology while under the influence

(continued)

of alcoholic beverages or using drugs in an abusive manner;

(9) failing to obtain written, informed consent from a client or patient, or the client's or patient's legal representative or representatives, before electronically recording sessions with the client or patient, or before releasing information to a third party concerning the client or patient, except as required by law;

(10) making sexual advances or engaging in sexual activities with clients, patients, or students of that psychologist;

(11) failing to provide clients or patients with a description of what the client or patient may expect in the way of tests, consultation, reports, fees, billing, therapeutic regimen, or schedule;

(12) failing to provide clients or patients with a description of possible effects of proposed treatment when there are clear and established risks to the client or patient;

(13) failing to inform the client or patient of any financial interests that might accrue to the certified psychologist for referral to any other service or for the use of any tests, books, or apparatus;

(14) refusing to cooperate in a timely manner with the board's investigation of complaints lodged against an applicant or a psychologist certified by the board. Persons taking longer than 30 days to provide requested information shall have the burden of demonstrating that they have acted in a timely manner;

(15) impersonating another person holding a certificate issued by this board;

(16) knowingly allowing another person to use one's certificate;

(17) failing to notify the board of having a license, certificate, permit, or registration, granted by this or any other state for the practice of psychology or school psychology, that has been limited, restricted, suspended or revoked, or of having been subject to other disciplinary action by a licensing or certifying authority or professional association or of having employment terminated or suspended for some form of misfeasance, malfeasance, or nonfeasance;

(18) failing to inform the client or patient that the client or patient is entitled to the same services from a public agency if the certified psychologist is employed by that public agency and also offers services privately;

(19) exercising undue influence on the client, patient, or student, including the promotion of the sales of services, goods, appliances, or drugs, in such manner as to exploit the patient, client or student for the financial gain or personal gratification of the practitioner or of a third party;

(20) directly or indirectly offering, giving, soliciting, receiving, or agreeing to receive any fee or other consideration to or from a third party for the referral of a client or patient or in connection with the performance of professional services;

(21) permitting any person to share in the fees for professional services, other than a partner, employee, an associate in a professional firm, or a consultant authorized to practice the same profession;

(22) making claims of professional superiority

which cannot be substantiated by the certified psychologist;

(23) abandoning or neglecting a client or patient under and in need of immediate professional care, without making reasonable arrangements for the continuation of that care, or abandoning a group practice, hospital clinic or other health care facility without reasonable notice and under circumstances which seriously impair the delivery of professional care to clients or patients.

(24) failing to maintain a record for each client or patient which accurately reflects the client or patient contact with the practitioner. Unless otherwise provided by law, each client or patient record shall be retained for at least two years after the date of termination of the contact or contacts;

(25) failing to exercise appropriate supervision over persons with whom the psychologist has a supervisory relationship;

(26) failing to notify the board within a reasonable time that a certified psychologist practicing or teaching psychology is, in the judgment of the certified psychologist, practicing or teaching psychology in violation of the laws or regulations regulating psychology;

(27) guaranteeing that satisfaction or a cure will result from the performance of professional services;

(28) continuing or ordering tests, treatment, or use of treatment facilities not warranted by the condition of the client or patient; or

(29) claiming or using any secret or special method of treatment or diagnostic technique which the certified psychologist refuses to divulge to the board. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-7507, K.S.A. 74-5324; effective May 1, 1982; amended May 1, 1984; amended, T-85-35, Dec. 10, 1984; amended May 1, 1985; amended May 1, 1986.)

102-1-12. Educational requirements. (a) To comply with the requirement that the person has received a doctoral degree pursuant to K.S.A. 74-5310(c), consideration shall be given to whether the doctoral degree program is approved by the American Psychological Association, or whether the program, if not approved, meets the standards for approval of the American Psychological Association as of January 1, 1983. If the program does not meet the above standards, consideration shall be given as to:

(1) Whether the training is in a doctoral program of studies offered by an institution of higher education which is regionally accredited by an accrediting agency that is substantially equivalent to the accrediting agencies which accredit the universities in Kansas;

(2) Whether the program, wherever administratively housed, is clearly identified and specified in pertinent institutional catalogs as having the intent to educate and train psychologists;

(3) Whether the program stands as a recognized coherent organizational entity within the university;

(4) Whether there is clear authority and primary responsibility within the program for the core and emphasis areas of psychology;

(5) Whether the program, wherever administratively housed, is an organized sequence of study which is planned, by responsible administrators, to provide an integrated educational experience;

(6) Whether there is an identifiable full-time faculty, and a person responsible for the program, whether those individuals are licensed, certified, or certifiable at the doctoral level to engage in the practice of psychology and whether the student's major advisor is a member of the psychology faculty;

(7) Whether the program has an identifiable body of students who are matriculated in the program for a degree, with residency requirements substantially equivalent to the requirements at the state universities in Kansas;

(8) Whether the program includes appropriate practicum, internship, field or laboratory training;

(9) Whether the curriculum encompasses a minimum of three academic years of full-time graduate study, including at least one continuous academic year of full-time residency at the university granting the degree;

(10) Whether the program requires each student to demonstrate competency in a manner indicating a degree of mastery in each of the following substantive content areas. The program shall require a minimum of three or more graduate semester hours or five or more graduate quarter hours in each of the following four core substantive areas:

(A) The biological bases of behavior, including such courses as physiological psychology, comparative psychology, neuropsychology, sensation and perception, and psychopharmacology;

(B) the cognitive-affective bases of behavior, including such courses as learning, thinking, motivation, and emotion;

(C) the social bases of behavior, including such courses as social psychology, group processes, and organizational and systems theory; and

(D) the individual differences, including such courses as personality theory, human development, and abnormal psychology;

(11) Whether the training program requires at least 90 hours of formal graduate study in the psychology program in which the applicant shows on the transcript satisfactory achievement as demonstrated in a manner indicating a degree of mastery. At least 60 of the hours shall be distributed among the four core areas as set forth in subsection (10) and in the following five areas:

(A) Scientific and professional ethics and standards;

(B) research design and methodology;

(C) statistics;

(D) psychometrics; and

(E) history and systems.

(12) Whether at least 60 semester hours of the course work for the doctoral program are clearly designated on the university transcript as graduate level courses in the program, exclusive of practica, internship and dissertation credits. The number of university extension credits shall not exceed 10 semester hours. The 60 semester hour credits shall be taken

during the period in which the applicant is matriculated in the doctoral program;

(13) Whether the course work includes the skill courses appropriate for the applicant's major or area of emphasis. These courses shall constitute at least 30 semester hours of the total 90 semester hours in the graduate program;

(14) Whether the program requires, before internship training, completion of internship prerequisites and requires, for an emphasis area, prior training and course work in that area. When the program has an applied emphasis including clinical psychology, counseling psychology, or school psychology, the training shall also include a set of coordinated practica and internship training exercises which total at least two semesters in the practica setting in addition to the one year of internship. The supervised training in the application of skills related to areas of emphasis shall be performed in an organized setting necessary to qualify for professional experiences as required by K.A.R. 102-1-5;

(15) Whether the program includes principles of professional ethics in regard to the use of assessment and intervention techniques and with regard to the confidentiality of interviews and records. The program shall also include ethical principles such as those pertaining to research with human subjects, and the obligations to the parents of clients or patients and to the instructions;

(16) Whether the program advertises in official documents, including course catalogues and announcements of program standards and descriptions, admission requirements that are in part or in full based on objective, standardized achievement tests and measures which are substantially equivalent to those of the state universities of Kansas;

(17) Whether the program includes ongoing objective review and evaluation of student learning and progress and reports this evaluation in the official transcript;

(18) Whether the program includes an objective comprehensive examination in general psychology and the area of emphasis in psychology and whether the program requires that the applicant pass both examinations before the awarding of the doctoral degree;

(19) Whether each student is required to initiate, prepare, conduct, and report original research as part of the graduation requirements;

(20) Whether the institution offering the graduate program has equipment and resources available, including suitable scientific and practica facilities, and a library. The equipment, resources, and library shall be adequate for the size of the student body and the scope of the program offered and shall be substantially equivalent to the state universities of Kansas; and

(21) Whether the doctoral program is housed in other than an academic setting.

(b) The board shall prepare and keep up to date a list of approved programs.

(c) A program shall not be approved without the formal action of the board. (Authorized by K.S.A. 74-

(continued)

7507; implementing K.S.A. 74-5310; effective May 1, 1982, amended May 1, 1984, amended, T-85-35, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986.)

102-1-15. Continuing education. (a) Applicants for renewal of certification shall have earned 100 continuing education hours in the two years preceding application for renewal. The required number of continuing education hours shall be pro-rated for periods of renewal which are less than the full two years, using the ratio of 25 continuing education hours for each six months since the date of certification or most recent renewal.

(b) One academic semester credit hour is equivalent to 15 continuing education hours.

(c) Continuing education credits counting toward the required 100 hours shall be distributed over the following categories of activities so that at least three categories are represented, and with a maximum of 50 hours in any one category. The categories shall be:

(1) Activities which are sponsored, accredited or conducted by educational institutions, by professional associations, or by private institutions which are nationally or regionally accredited for training;

(2) activities conducted by agencies and groups which do not meet the requirements of national or regional accreditation, if the content is clearly related to the enhancement of psychology skills and knowledge;

(3) presentation of courses, workshops, or other formal training activities, when the content is clearly related to the enhancement of psychology skills and knowledge. Continuing education credit shall be allowed only for the initial presentation. A maximum of 20 continuing education hours shall be allowed for providing supervision. A maximum of 20 hours shall be allowed for receiving supervision;

(4) publications and professional presentations. Fifteen hours may be claimed for each publication or book chapter authored by the applicant and 10 hours may be claimed for each scientific or professional paper presented; and

(5) non-supervised, self-programmed activities. Such activities include the following:

(A) Self-instruction. The maximum number of hours allowed shall 20 hours;

(B) preparation by the applicant for a specialty board examination. The maximum number of hours allowed shall be 20 hours and shall be allowed only for the applicant's initial preparation for such an examination;

(C) participation in quality care, client or patient diagnosis review conferences, treatment utilization reviews, peer review, case consultation with another certified psychologist, or other quality assurance committees or activities. The maximum number of hours allowed in this sub-category shall be 10 hours;

(D) participation in professional organizations, if the organization's goals are clearly related to the enhancement of psychology values, skills, and knowledge. Such participation may include holding office or serving on committees of the organization. The maximum

continuing education credit allowed shall be 10 hours; and

(E) receiving personal psychotherapy which is provided by a licensed or certified mental health provider. A maximum of 10 continuing education hours shall be allowed for personal therapy.

(d) If continuing education credits are claimed within paragraph (c)(1) of this regulation, at least one-fifth shall have been earned in activities sponsored by an agency or institution other than where the psychologist is employed.

(e) Each certified psychologist shall be responsible for maintaining personal continuing education records. The board may provide forms for the recording of continuing education activities. Personal records of participation in continuing education activities shall be submitted to the board at the time the 100 hours are completed, or no later than 60 days prior to the date the current certification expires.

(f) In determining whether a claimed continuing education activity will be allowed, the board may require any psychologist to demonstrate that the content was clearly related to psychology, or to verify that psychologist's participation in any claimed or reported activity. If a psychologist fails to comply with this requirement, the board may disallow the claimed credit.

(g) Applicants who submit continuing education documentation which fails to meet the required 100 hours may request an extension from the board. The request shall include a plan for completion of the continuing education requirements. The board may grant an extension which shall not exceed six months.

(h) The board may sign contractual agreements with sponsors of continuing education activities. (Authorized by and implementing K.S.A. 74-7507; effective May 1, 1984; amended, T-85-35, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986.)

Article 2.—LICENSING OF SOCIAL WORKERS

102-2-1a. Definitions. (a) "LBSW" means licensed baccalaureate social worker.

(b) "LMSW" means licensed master social worker.

(c) "LS-SW" means a licensed specialist (name of specialty) social worker.

(d) "Social work practice specialty" means a post-masters degree practice with emphasis upon a specific, identifiable field of practice and methods of helping. The minimum requirements for a license in a specialty shall be two years of post-masters experience under supervision in that practice specialty from one licensed in, or qualified for licensing in, that specialty as established by the board and successful completion of an examination approved by the board for this purpose.

(e) "Clinical specialist" means a person who has a masters or doctoral degree in social work, who meets the requirements for experience and supervision in K.A.R. 102-2-12, and who has passed an examination approved by the board.

(f) "Clinical social work" means a social work practice specialty which has as its goal the maintenance

and enhancement of the psychosocial functioning of individuals, families, and groups by increasing the availability of intrapersonal, interpersonal, and societal resources. Psychotherapy is a part of, but not synonymous with, clinical social work.

(g) "Clinical social work supervision" means an educational function with the purpose of enabling the student to realize the following objectives:

(1) integration of theory and practice, including articulation of rationales for assessment and intervention;

(2) development and appropriate application of intervention skills and techniques;

(3) development of self-evaluation skills. Clinical social work supervision enables a gradual shift from critique by the supervisor to critique by the supervisee and includes self-assessment of personal growth issues; and

(4) continual acquisition of professional knowledge. Clinical social work supervision is a continuous learning process with an emphasis on learning skills and techniques related to the four objectives.

(h) "Social work supervision" means the actions and process of critically watching, directing, and overseeing the supervisee's total practice in which:

(1) the supervisor is located in close geographic proximity to the site of service so as to be physically available within a reasonable period of time;

(2) the supervisor assumes ultimate responsibility for social work services provided by the supervisee;

(3) the supervisor performs the administrative, educational, and supportive roles of supervision; and

(4) the supervisor is a licensed social worker or an individual who is eligible for licensing.

(i) "Social work consultation" means a time-limited contractual relationship in which:

(1) the primary function is a problem-solving process related to the enhancement of specific knowledge or skills and the four objectives of clinical social work supervision as defined in K.A.R. 102-2-1a(g) are lacking; and

(2) the consultant has no legal, administrative, or professional authority over or responsibility for the professional functioning of the consultee. Social work consultation shall not meet the supervision requirements.

(j) "Private, independent practice of social work" means the provision of social work services by a self-employed person, member of a partnership, member of a professional corporation, or member of a group practice who is not accountable to a social work supervisor.

(k) "Practicum" means a supervised experience wherein a student applies classroom theory to actual practice situations.

(l) "Continuing education" means a formally organized learning experience which has education as its explicit, principal intent, and which is oriented towards the enhancement of social work practice, values, skills and knowledge.

(m) "Prior-approved continuing education" means:

(1) single program material that has been submitted

by a provider to the board, approved by the board, and assigned a continuing education number;

(2) any program offered by a provider with approved-provider status; or

(3) academic social work courses taken for credit or audited.

(n) "Retroactively-approved continuing education" means material submitted for continuing education credit by the licensee after attending the workshop, conference, seminar, or other offering and that is reviewed and subsequently approved by the board.

(o) "Providers of continuing education" means individuals, groups, professional associations, schools, institutions, organizations, or agencies approved by the board to offer continuing education programs on either approved-provider status or single program-provider status.

(1) Approved-provider status means that the provider has been approved by the board to provide any continuing education program. Approved-provider status may be granted for a one-year probationary period to new applicants. After completion of the probationary year, approved-providers may re-apply for approval biennially.

(2) Single program-provider status means that the provider has been granted approval to offer a specific continuing education program.

(p) "Social service designee" means a person who participates in the delivery of social work service who is not licensed under the social work act but who is supervised by a licensed social worker pursuant to K.S.A. 75-5348(a). (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-7507; K.S.A. 75-5352; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985; amended May 1, 1986.)

102-2-2a. Application for licensure. (a) Each request for license application forms shall be forwarded to the board's executive secretary and shall indicate the level of licensure desired. The application shall be returned to the board and shall include:

(1) The applicant's academic social work transcript or proof of receipt of degree and completion of a social work program; and

(2) full payment of the appropriate fee. The fee shall be submitted prior to the deadlines established by the board.

(b) Three written references shall be required to provide proof that the applicant meets the requirements for professional conduct and competence as required under the social worker licensing act. Two of these references shall be from social workers licensed at or above the applicant's level of licensure or eligible for licensure at such a level. The reference shall be familiar with the applicant's work. One of the references shall be from the academic social work supervisor if the applicant is a student or a recent graduate. For all others, one reference shall be from the current or most recent work supervisor. Under extenuating circumstances, references from individuals other than social workers may be accepted.

(c) No applicant shall be given a tentative judgment

(continued)

on the applicant's eligibility for licensure until all credentials are received and procedures are completed unless it is apparent that the applicant does not qualify for licensure on the basis of education pursuant to K.S.A. 75-5310.

(d) An applicant, who otherwise meets the educational requirements of K.S.A. 75-5351, and any amendments thereto, may be granted, under extenuating circumstances, a temporary permit.

(e) Applications shall be held through two examinations. If an applicant has not been licensed after the second examination offering through failure to pass the examination or to be seated for the examination, the application shall expire. Upon such an expiration, the application may be renewed when the applicant submits a new application, fee, and all supporting documents.

(f) Any applicant's application may, for lack of qualifications, be suspended for a period not to exceed one year. If the applicant has not met the qualifications by the end of that year, the application shall expire. Upon such expiration, an application may be renewed when the applicant submits a new application, fee, and all supporting documents. (Authorized by K.S.A. 74-7507; implementing K.S.A. 75-5351, 75-5354; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985; amended May 1, 1986.)

102-2-3. Fees. (a) Each applicant for a social work license shall pay the application fee as set forth below:

- (1) Licensed baccalaureate social worker (LBSW), 60 dollars;
- (2) Licensed master social worker (LMSW), 60 dollars; or
- (3) Licensed specialist clinical social worker (LSCSW), 60 dollars.

(b) Each licensee applying for renewal of his or her license shall pay the applicable fee as set forth below:

- (1) Licensed associate social worker (LASW), 60 dollars;
- (2) Licensed baccalaureate social worker (LBSW), 60 dollars;
- (3) Licensed master social worker (LMSW), 60 dollars; or
- (4) Licensed specialist clinical social worker (LSCSW), 60 dollars.

(c) The fee for a social work examination shall be 65 dollars.

(Authorized by and implementing K.S.A. 75-5359, as amended by 1985 HB 2504; effective May 1, 1982; amended T-86-20, July 1, 1985; amended May 1, 1986.)

102-2-4a. Continuing education for licensees. (a) Each licensee shall have earned 60 clock hours of documented and approved continuing education during each two-year renewal period.

(b) One clock hour shall be a minimum of 50 minutes of classroom instruction between instructor and participant.

(c) One academic credit hour shall be equivalent to 15 clock hours for the purpose of continuing education. Credit for auditing an academic course shall be for actual clock hours attended during which instruc-

tion was given, and shall not exceed the academic credit allowed.

(d) Acceptable continuing education shall include:

- (1) Academic social work courses taken for credit or audited;
- (2) seminars, institutes, workshops or mini-courses oriented to the enhancement of social work practice, values, skills and knowledge;
- (3) cross-disciplinary offerings from medicine, law, and the behavioral sciences, or other disciplines, if such offerings are clearly related to the enhancement of social work practice, values, skills, and knowledge;
- (4) self-directed learning projects approved by the board;
- (5) supervision of undergraduate and graduate practicum students or specialty applicants;
- (6) approved-provider programs;
- (7) programs presented by approved single program-providers;
- (8) first-time preparation and presentation of a social work course, seminar, institute, or workshop; or
- (9) first-time publication of a social work article.

(e) The maximum number of clock hours for which continuing education credit in each of the following categories may be approved during any period shall be:

(1) 10 clock hours credit for each first-time preparation and presentation of a new course, seminar, institute, or workshop which is related to the enhancement of social work practice, values, skills, and knowledge. In addition to the preparation and presentation credit allowed, the number of clock hours approved for participants in the program may be given to the presenter, up to a maximum of 10 additional clock hours. If the presentation was presented by more than one social worker or other professional, the continuing education credit shall be prorated among the presenters;

(2) 10 clock hours credit for each preparation of a professional social work article published for the first time in a recognized professional journal, a book chapter published by a recognized publisher, or a written presentation given for the first time at a statewide or national professional meeting. If such material was authored by more than one social worker or other professional, the continuing education credit shall be prorated among the authors;

(3) 20 clock hours credit for self-directed learning projects approved by the board; and

(4) 20 clock hours credit for the supervision of undergraduate and graduate practicum students or specialty license applicants. Continuing education credit for such supervision shall not exceed five hours per semester.

(f) Approval shall not be granted for identical programs completed within the same license renewal period.

(g) Approval shall not be granted for job orientation or on-the-job training.

(h) The board may accept out-of-state programs if the program or programs from out-of-state providers is sponsored by one of the following:

- (1) national association of social workers;
- (2) council on social work education; or

(3) other national, non-profit professional organizations providing offerings with an explicit educational intent related to the enhancement of social work practice, values, skills, and knowledge; or

(4) non-credit or non-academic courses offered by academic institutions.

(i) Each licensee shall maintain individual continuing education records. Continuing education records shall document the licensee's attendance as defined by K.A.R. 102-2-5. These records may be required to be submitted to the board prior to the license renewal. (Authorized by and implementing K.S.A. 74-7507; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985; amended May 1, 1986.)

102-2-4b. Continuing education approval for sponsors. (a) An application may be made to the board to become an approved provider or a single program provider as defined in K.A.R. 102-2-1a(o). Applications shall be on forms provided by the board.

(b) Approved providers.

(1) Each application for approved-provider status shall be submitted at least three months prior to the first scheduled program.

(2) Each applicant for approved-provider status shall submit an organizational plan which includes a written statement of purpose documenting that social work practice, values, skills, and knowledge are the basis for the provider's educational goals and objectives and administrative procedures.

(3) A licensed social worker or one eligible for licensing shall be designated to be responsible for the conduct and coordination of the program.

(4) Each approved provider shall develop:

(A) a system for maintaining records for a period of at least two years; and

(B) a system for selection and evaluation of instructors, participant performance requirements, and provision of accessible and adequate space.

(5) Each approved provider shall maintain a summary of each individual program offered for a period of at least two years which documents:

(A) the relationship of the program to the enhancement of social work practice, values, skills, or knowledge;

(B) the learning objectives for the program and the relationship between the program content and the objectives;

(C) the licensing levels for which the program is designed and any program prerequisites;

(D) the relationship of the format and presentation methods to the learning objectives and the content, and size and composition of the participant group;

(E) the qualifications of the instructor in the subject matter;

(F) the means of program evaluation;

(G) the program agenda. The agenda shall clearly indicate all coffee and lunch breaks; and

(H) the dates the program was given.

(6) Approved providers may be evaluated and monitored by the board by random contact of social work participants attending programs sponsored by the approved provider.

(7) Provider approval may be withdrawn by the board if the provider violates this rule and regulation, or if quality programs are not maintained to the board's satisfaction.

(c) Single program providers.

(1) Each application for single program-provider status shall be submitted at least 30 days prior to the scheduled program.

(2) Each application for single program-provider status shall include a description of the following:

(A) the relationship of the program to the enhancement of social work practice, values, skills, or knowledge;

(B) the learning objectives for the program and the relationship between the program content and the objectives;

(C) the licensing levels for which the program is designed and any program prerequisites;

(D) the relationship of the format and presentation methods to the learning objectives and the content, and size and composition of the participant group;

(E) the qualifications of the instructor in the subject matter;

(F) the means of program evaluation;

(G) the program agenda. The agenda shall clearly indicate all coffee and lunch breaks; and

(H) the date or dates the program is to be given.

(3) Any material not submitted in this format 30 days before the scheduled date of presentation may not be processed or approved by the board prior to the date of the presentation.

(4) Single program-provider status may be withdrawn by the board if the provider violates this rule and regulation, or if a quality program is not maintained to the board's satisfaction.

(d) Each single program provider and approved provider shall maintain a record of individual social workers' attendance for a period of at least two years.

(e) Each single program provider and approved provider shall provide social work participants with verification of the participant's attendance. Such verification shall be on forms approved by the board. (Authorized by and implementing K.S.A. 74-7507; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985; amended May 1, 1986.)

102-2-7. Code of professional responsibility. (a) Each social worker shall maintain the level of conduct herein or shall be subject to disciplinary action pursuant to K.S.A. 74-7507. The board may refuse to renew, may suspend, or may revoke the license of any social worker whom the board finds guilty of unprofessional conduct, negligence, or wrongful actions.

(b) The following acts shall be evidence of unprofessional conduct, negligence, or wrongful actions:

(1) Making a materially false statement in, or failing to disclose a material fact requested in connection with application for licensure;

(2) failing to notify the board of having a license, certificate, permit, or registration granted by this or any other state for the practice of social work that has been limited, restricted, suspended or revoked, or has

(continued)

having been subject to other disciplinary action by a licensing or certifying authority or professional association;

(3) knowingly allowing another person to use one's license;

(4) impersonating another person holding a license issued by this board;

(5) conviction of a crime resulting from or relating to the licensee's professional practice of social work;

(6) furthering the application for social work licensure of another person who is known by that social worker to be unqualified in respect to character, education, or other relevant attributes;

(7) knowingly aiding or abetting a person who is not a licensed social worker in representations of that person as a social worker in this state;

(8) failing to notify the board of a social worker who, in the judgment of the social worker, is practicing or teaching social work in violation of the laws or regulations regulating social work;

(9) refusing, upon request, to cooperate in a timely manner with the board's investigation of complaints lodged against any applicant or social worker licensed by the board. Persons taking longer than 30 days to provide requested information shall have the burden of demonstrating excusable neglect;

(10) misrepresenting professional competency by performing, or offering to perform, services clearly inconsistent with training, education, and experience;

(11) practicing inhumane or discriminatory treatment toward any person or group of persons;

(12) engaging in professional activities, including advertising, involving dishonesty, fraud, deceit, or misrepresentation;

(13) failing to advise and explain to each client the joint rights, responsibilities, and duties involved in the social work relationship;

(14) failing to provide each client with a description of what the client may expect in the way of tests, consultation, reports, fees, billing, therapeutic regimen, or schedule;

(15) failing to provide each client with a description of possible effects of proposed treatment when there are clear and established risks to the client;

(16) failing to inform each client of any financial interests that might accrue to the social worker for referral to any other service, or for the use of any tests, books, or apparatus;

(17) failing to inform each client that the client is entitled to the same service from a public agency, if the social worker is employed by that public agency and also offers services privately;

(18) failing to inform each client of the limits of confidentiality, the purposes for which information is obtained, and how it may be used;

(19) revealing a confidence or secret of any client, except:

(A) as required by law;

(B) after full disclosure of the information to be revealed and the persons to whom the information will be revealed, and after obtaining consent of the client; and

(C) if necessary to defend the social worker or employees or associates against an accusation of wrongful conduct made by that client;

(20) using a confidence or secret of any client to the client's disadvantage;

(21) using a confidence or secret of any client for the advantage of the social worker or a third person, without obtaining the client's consent after full disclosure of the purpose;

(22) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before electronically recording sessions with that client, before permitting a third party observation of their activities, or before releasing information to a third party concerning a client;

(23) when providing any client with access to that client's records, failing to protect the confidences of other persons contained in that record;

(24) failing to exercise due diligence in protecting the confidences and secrets of the client from disclosure by employees, associates, and others whose services are utilized by the social worker;

(25) making sexual advances toward or engaging in physical intimacies or sexual activities with, any client, patient or student of that social worker;

(26) practicing social work while using alcohol or other drugs in an abusive manner;

(27) exercising undue influence on any client, patient, or student, including promotion of the sales of services, goods, appliances or drugs in a manner that will exploit the patient, client, or student for the financial gain or personal gratification of the practitioner or of a third party;

(28) directly or indirectly offering, giving, soliciting, receiving, or agreeing to receive any fee or other consideration to or from a third party for the referral of the client or patient or in connection with the performance of professional services;

(29) permitting any person to share in the fees for professional services, other than a partner, employee, an associate in a professional firm, or a consultant authorized to practice social work;

(30) soliciting the clients of colleagues or assuming professional responsibility for clients of another agency or colleague without appropriate communication with that agency or colleague;

(31) making claims of professional superiority which cannot be substantiated by the social worker;

(32) guaranteeing that satisfaction or a cure will result from the performance of professional services;

(33) claiming or using any secret or special method of treatment or techniques which the social worker refuses to divulge to the board;

(34) continuing or ordering tests, treatment, or use of treatment facilities not warranted by the condition of the client;

(35) failing to maintain the confidences shared by colleagues in the course of professional relationships and transactions with those colleagues;

(36) taking credit for work not personally performed whether by giving inaccurate information or failing to give accurate information;

(37) if engaged in research, failing to consider carefully the possible consequences for human beings participating in the research, failing to protect each participant from unwarranted physical and mental harm, failing to ascertain that the consent of the participant is voluntary and informed, and failing to treat information obtained as confidential;

(38) knowingly reporting distorted, erroneous, or misleading information;

(39) when termination or interruption of service of the client is anticipated, failing to notify the client promptly and failing to seek continuation of service in relation to the client's needs and preferences;

(40) abandoning or neglecting a client under and in need of immediate professional care, without making reasonable arrangements for continuation of that care, or abandoning an agency, organization, institution, or a group practice without reasonable notice and under circumstance which seriously impair the delivery of professional care to clients;

(41) failing to terminate the social work relationship when it is apparent that the service no longer serves the clients' needs;

(42) failing to maintain a record for each client which accurately reflects the client contact with the social worker. Unless otherwise provided by law, all client records shall be retained for at least two years after the date of termination of the contact or contacts;

(43) failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of a social worker;

(44) practicing social work in an incompetent manner; or

(45) practicing social work after expiration of his or her license. (Authorized by and implementing K.S.A. 74-7507; effective May 1, 1982; amended, T-85-36, Dec. 19, 1984; amended May 1, 1985; amended, T-86-39, Dec. 11, 1985; amended May 1, 1986.)

102-2-8. Supervision. (a) Licensed social workers.

(1) Social workers having less than the masters license and two years of post-masters, supervised experience in the method to be offered shall not engage in private, independent practice.

(2) Any person who provides clinical social work services as a self-employed person, member of a partnership, member of a professional corporation, or a member of a group practice and who is not licensed as a specialist social worker shall be supervised by a clinical specialist social worker.

(3) Social work consultation shall not meet the supervision requirements for the clinical social work service provider.

(4) A minimum of one hour of supervision shall be provided per 40 hours of service delivery.

(b) Non-licensed social work service providers.

(1) Social work consultation shall not meet the supervision requirements for the non-licensed social work service provider.

(2) Social workers utilizing non-licensed individuals in the delivery of social services shall specifically delineate the non-licensed individual's duties and provide a level of supervision which is consistent with the training and ability of the supervisee.

(3) A written agreement shall be developed between the supervisor and the employer of the social service designee, consisting of specific goals/objectives, the means to attain the goals, and the manner in which the goals relate to the overall objectives for supervision of the social service designee. Documentation of the written agreement shall include:

(A) a copy of the written agreement;

(B) a summary of types of clients and situations dealt with at the supervisory session;

(C) a written explanation of the relationship of the goals and objectives of supervision to the supervisory session; and

(D) the length of time spent in the supervisory session.

(4) A minimum of one hour of supervision shall be provided per 40 hours of service delivery. No less than four hours of supervision per month shall be provided. (Authorized by and implementing K.S.A. 74-7507; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985; amended May 1, 1986.)

102-2-9. Examinations. (a) Each applicant for licensure by the board shall take an examination approved by the board. The pass criterion score shall be:

(1) One standard deviation below the national norm for those applicants who take the examination offered by Educational Testing Service or Professional Examination Testing Service; and

(2) at the criterion reference cut-off score for those applicants who take the Assessment Systems, Inc., examinations. Each applicant shall be notified of the results in writing.

(b) The usual and customary examination shall be a written examination. Special arrangements shall be made for applicants with a physical handicap or handicaps when requested by the applicant.

(c) Waiver of examination. The written examination requirement may be waived for any applicant, other than an applicant for reinstatement of a revoked or suspended license, if the applicant successfully passed the written portion of an examination deemed by the board to be substantially equivalent to that used in Kansas at a level equal to or greater than the criterion pass score.

(d) Each applicant for licensure who fails the examination shall submit the fee required by K.A.R. 102-2-3 for each subsequent examination which the applicant attempts to pass. (Authorized by K.S.A. 74-7507; implementing K.S.A. 75-5351; K.S.A. 75-5354; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985; amended, T-86-39, Dec. 11, 1985; amended May 1, 1986.)

102-2-11. Renewal. (a) Each licensed social worker shall renew the license by submitting a renewal form to the executive secretary together with the renewal fee prescribed in K.A.R. 102-2-3.

(b) At or prior to the time of the renewal, each licensed social worker shall submit evidence of satisfactory completion of 60 hours of continuing education as defined in K.A.R. 102-2-4a and 102-2-5.

(c) If the licensee has not satisfactorily completed

(continued)

58,566	Carl Smith and Vickie Smith, appellants, v. Richard L. Frazier, M.D., <i>et al.</i> , appellees.	Andrew Heyl Charles L. Davis, Jr. Thomas L. Theis Charles R. Hay Sally H. Harris Dan Krueger Lisa Eckold	Lyon
57,983	Michael Felder and Silver Lake N.E.A. Teachers Association, appellees, v. Board of Education, U.S.D. 372, appellant.	David W. Cooper Fred W. Rausch, Jr.	Shawnee

Tuesday, April 1, 1986
9:00 a.m.

Case No.	Case Name	Attorney	County
58,249	State of Kansas, appellee, v. Larry L. Liggatt, appellant.	Gene Olander, District Attorney Attorney General	Shawnee
58,483	Indian Trails Nursing Home, appellee, v. Medical Programs Sec., Social and Rehabilitation Services, appellant.	James P. Nordstrom Mark Beshears Bruce A. Roby	Shawnee
58,656	James Vega, appellant, v. State Dept. of Social and Rehabilitation Services, appellee.	Robert M. Brown Reid Stacey	Shawnee
58,500	Rodney J. and Jane B. Smith, appellants, v. Wayne Dunn, Donald V. "Buck" Schooler, Bob Rickel and Doug Rickel, appellees.	Craig C. Blumreich Adrian M. Farver Frederick W. Godderz	Osage

Kansas Court of Appeals
11th Floor Courtroom, Sedgwick County Courthouse
525 N. Main, Wichita, Kansas
Before Meyer, P.J.; Charles J. Sell, District Judge, Assigned;
and Barry A. Bennington, District Judge, Assigned

Monday, March 31, 1986
1:00 p.m.

Case No.	Case Name	Attorney	County
57,950	Clifton Conley, appellee, v. Peter Ricelli and James L. Larsen, appellants.	Michael K. Hassenplug Ronald P. Wood	Montgomery
57,935	Wilshire Development, Inc., appellee, v. Carl H. Garrison, <i>et al.</i> , appellants. v. Garrett Little, <i>et al.</i> , third-party defendant, appellees.	Joe L. Levy Morris D. Hildreth Woody D. Smith	Montgomery

(continued)

58,277	In the Matter of the Estate of James W. Vestring, Deceased.	Douglas S. Pringle R. A. Munroe O. J. Connell, Jr. Gary L. Ayers Baird, Holm, McEachen, Pedersen, Hamann & Strasheim Laurel D. McClellan Elvin D. Perkins James B. McKay, Jr.	Butler
57,891	Garland Peter Ferrell III, Executor of Estate of Garland Peter Ferrell, Jr., appellee, v. Iris B. Ferrell, Jane Ferrell Fassett, Nancy Ferrell Frazier and Elsie H. Ferrell, appellants.	O. J. Connell Gary W. Davis Charles W. Harris Steven J. Rupp James B. McKay	Butler
58,058	The Kansas Power & Light Co., a Kansas Corporation, appellee, v. Charles S. Ritchie, d/b/a Charles S. Ritchie Oil, appellant.	Galen E. Biery Spencer L. Depew	Greenwood

Tuesday, April 1, 1986
9:00 a.m.

Case No.	Case Name	Attorney	County
57,382	Dennis R. Johnson, appellant, v. Charles Hagebusch, appellee.	David L. Nelson	Butler
58,085	Janet Ellis, appellant, v. City of Augusta, Kansas, and James Lane, appellees.	Michael G. Coash David P. Calvert	Butler
57,272	Tom Thomas, appellee, v. Ted Dwenger, Defendant, John Riggs, appellant, and Robert Schmidt, Interveners.	Michael G. Coash Allyn McGinnis Michael Coash Norman G. Manley Michael E. Ward Ervin D. Grant	Butler
58,082	B & S Well Service, Inc., and Halliburton Company, appellants, v. Martec Petroleum & Energy Corporation, et al., appellees.	LeeAnne Hays Andrea Ramsay Gerald Rogers David Andreas	Sumner
57,782	Joseph Potucek III, et al., appellees, v. Steven Lee Potucek, appellant.	Steven C. Day Richard Ebersole Laurence R. Hollis	Sumner
58,112	State of Kansas, appellee, v. Bob Evans, appellant.	David Brace, County Attorney Patrick T. Forbes Jack Focht	Elk

1:00 p.m.

56,756	Raymond E. Duling and Winona Duling, appellants, v. Doyle Herrin, Inc., a corporation; Beachner Const. Co., a Kansas Corporation; and Rural Water District No. 11, Wilson County, appellees.	David K. Clark Hal D. Meltzer Casey R. Law Daryl Ahlquist John J. Gillett	Greenwood
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**Kansas Court of Appeals
Public Meeting Room, 1st Floor
Barton County Courthouse
Great Bend, Kansas**

Before Brazil, P.J.; David W. Kennedy, District Judge, Assigned;
and Gary W. Rulon, District Judge, Assigned

Monday, March 31, 1986

1:00 p.m.

Case No.	Case Name	Attorney	County
57,989	Pearl Franklin, appellant, v. In re Estate of Louise Cress, Deceased, <i>et al.</i> , appellees.	Thomas R. Oglevie Jerry Fairbanks John Kite	Cheyenne
57,481	Clifford E. Ritchhart and Wildena Ritchhart, and Joe A. Sena and Glora Sena, appellants, v. Board of County Commissioners, Finney County, Kansas; 2nd Drainage District of Finney County; Donald C. McMillan and Beatrice McMillan, appellees.	Robert Levy H. Lee Turner Kurt Ratzlaff R. H. Calihan, Jr. John Wheeler, Jr.	Finney
58,247	Colonial Savings, A Federal Association, appellee, v. Virgil Merle Mowbray, Ronald R. Heggemeier, Rhonda S. Heggemeier, Kirby J. Clarke, Constance S. Clarke, Farmers State Bank, Finance America Thrift Corp., and Board of County Commissioners, Barton County, appellants.	Gary W. Huston Ray S. Schulz Linus M. Pfannenstiel, Jr. Malcolm C. Black Jane Isern Gene Porter, County Attorney	Barton
58,418	Nathan Feldt, appellant, v. Union Ins. Co., Betty J. Vanek and Kansas Dept. of Revenue.	Robert L. Feldt Jerry M. Ward Kenneth L. Kerns	Barton

Tuesday, April 1, 1986

9:00 a.m.

Case No.	Case Name	Attorney	County
58,252	In the Matter of the Marriage of Louise Johnson and Morris E. Johnson.	Timothy R. Keenan John M. Russell	Barton
58,111	Reiter Chev., Inc., appellant, v. Jim A. Norvell, appellee.	Greg Bauer Keenan Law Firm, P.A. Richard Boeckman	Barton
58,031	Rebecca S. J. Deatherage, appellant, v. David D. Deatherage, appellee.	Paul D. Post Michael S. Holland	Russell

(continued)

57,621	Wilson State Bank, appellant, v. Bruce M. Bohnen, <i>et al.</i> , appellees.	John Sherman	Russell
57,709	Citizens State Bank & Trust Co. of Ellsworth, appellee, v. W. H. Westerhaus, d/b/a Westerhaus Motor Co., and Thelma Westerhaus, appellants.	Michael S. Holland John Sherman Dan D. Boyer	Ellsworth
1:00 p.m.			
[57,660] [57,741] (Cons.)	Pawnee Production Serv. Inc., appellant, v. Gerald Karlin, <i>et al.</i> , appellees. Service Acid, Inc. and Mercury Wireline, Inc., appellants, v. Sylvester J. Urban, <i>et al.</i> , appellees.	Larry D. Tittel Don C. Staab Greg Bauer Robert F. Glassman Kenneth Havner Gregory Saindon Jerry M. Smetana Terry L. Cikanec Donald F. Hoffman John C. Herman Charles R. Pike J. Randall Clinkscales	Rush
57,771	Howard Williford, appellee, v. Jomax Const., Co., Inc., appellant.	Dan Forker, Jr. McPherson, Bauer, Pike & Pike	Barton

**Kansas Court of Appeals
Courtroom No. 1, Geary County Courthouse
Junction City, Kansas**

**Before Parks, P.J.; Daniel L. Hebert, District Judge, Assigned;
and James M. MacNish, Jr., District Judge, Assigned**

Monday, March 31, 1986

1:00 p.m.

Case No.	Case Name	Attorney	County
58,382	State of Kansas, appellee, v. Glen Skeen, appellant.	Michael F. Powers, County Attorney Attorney General	Morris
58,177	State Bank of Axtell, appellee, v. Duane A. Dick, Arliss S. Dick, Tomahawk Oil, Inc., Western Petroleum Co., Amoco Oil Co., James J. Koehler, Alice M. Koehler, Gerald J. Koehler and Janette R. Koehler, appellants.	David H. Heilman T. A. Blaser Richard J. Massieon Phillip A. Burdick Michael K. Schmitt	Nemaha
58,162	Unified School District No. 252, South Lyon County, appellant, v. South Lyon County Teachers Association, appellee.	Thomas A. Krueger David M. Schauner	Lyon
58,613	State of Kansas, appellee, v. Edward L. Norton, appellant.	Rodney Symmonds, County Attorney Attorney General W. Irvin Shaw Miller & Miller	Lyon

56,707 State of Kansas, appellee, Steven L. Opat, County Attorney Geary
 Attorney General
 v.
 Gregory Curry, appellant. Ralph J. DeZago

Tuesday, April 1, 1986

9:00 a.m.

Case No.	Case Name	Attorney	County
58,272	State of Kansas, appellee,	William Kennedy, Assistant County Attorney Attorney General	Riley
	v. William M. Smith, a/k/a Cribbits, appellant.	Mark A. Furney	
58,361	State of Kansas, appellee,	Greg Kieffer, Assistant County Attorney Attorney General	Riley
	v. Jesse Lee Hammond, appellant.	Grace A. Schroer	
57,710	In the Interest of W.A., P.S., S.S., and P.S., Minors.	Greg Kieffer, Assistant County Attorney Attorney General Don Weiner Lawrence Vogel John D. Conderman	Riley
58,107	Leonardville State Bank, appellant, v. Albert Parry and Louise Parry, v. Manhattan Production Credit Association, appellees.	Sam Brownback Bill Malcolm Dwight Taylor John Stauffer	Riley

1:00 p.m.

58,199	Myrtle Hatchett, appellant, v. Grace Schroer, appellee.	Michael George Edwin Smith	Geary
57,599	DSG Corporation, appellee, v. Jerry R. Shelor, Secretary of Human Resources for the State of Kansas.	Arthur E. Palmer	Riley
58,558	In the Interest of P.B., A.G., K.G., and N.G., Minor Children.	H. Dean Cotton Wendell E. Yockey Colt Knutson, County Attorney Attorney General David L. Stutzman Jeffrey Ray Elder James Morrison	Riley

Kansas Court of Appeals
 Courtroom, 3rd Floor, Crawford County Courthouse,
 Girard, Kansas

Position No. 7, P.J.; Sam K. Bruner, District Judge, Assigned;
 and Marion W. Chipman, District Judge, Assigned

Monday, March 31, 1986

1:00 p.m.

Case No.	Case Name	Attorney	County
57,902	John L. Armstrong, appellee, v. Lowell H. Listrom & Co., Inc., appellant.	Forrest E. Short Mark A. Ward	Bourbon

(continued)

57,597	Homer L. Rosson, appellee, v. Richard D. Cutshall and Kellie Brashier, formerly Kellie S. Cutshall, appellants.	W. J. Fitzpatrick Jon R. Viets	Montgomery
57,878	Continental Oil Reserves, Inc., appellee, v. Harold E. Lewis, Jr., <i>et al.</i> , appellants.	Patricia Meyer John M. Wall	Montgomery
58,159	Lindsay Credit Corp., appellee, v. Delbert C. Geier and Helen Geir, appellants, v. Lindsay Manufacturing Co. and Haubeins, Inc., appellees.	Robert S. Tomassi Stuart R. Collier R. L. White	Crawford

Tuesday, April 1, 1986

9:00 a.m.

Case No.	Case Name	Attorney	County
57,974	Edward C. Ranz III and E. Anne Ranz, appellees, v. Oil Well Loggers, Inc., and Tommy D. Taylor, appellants.	Kurt F. Kluin Charles Gentry	Neosho
57,795	In the Matter of the Marriage of Diane L. Newkirk, appellee, and Charles W. Newkirk, appellant.	Jack L. Lively John D. Sherwood	Montgomery
57,677	In the Matter of the Adoption of H.A.C., B.L.C., and M.C.	Edward W. Dosh Monte K. Heasty	Montgomery
58,067	Earl P. Drake, appellant, v. Bank of Commerce, appellee.	Edward W. Dosh Davis S. Brake	Neosho

1:00 p.m.

58,024	Brenda Jean Hodgden, appellant, v. L. D. Hodgden, appellee.	Edward W. Dosh Richard G. Tucker	Labette
57,893	Hilda Nash, Robert C. Adkins, <i>et al.</i> , appellees, v. Selkerk Metalbestos Co., <i>et al.</i> , appellants.	Ronald P. Wood Monti L. Belot	Labette
58,193	Lewis Everett Shrum and Lois Joan Shrum, appellees, v. Westates Drilling Equipment, Inc., and Stephen D. Davies and Parker Bryant, Inc., appellants.	Ronald P. Wood John R. Horst	Neosho
58,219	State of Kansas, appellee, v. Gerald Clark, appellant.	Jeffrey A. Chubb, County Attorney Lisa Nathanson	Montgomery

Kansas Court of Appeals
Courtroom No. 301, Saline County Courthouse
Salina, Kansas

Before Abbott, C.J.; Paul E. Miller, District Judge, Assigned;
and James P. Buchele, District Judge, Assigned

Monday, March 31, 1986
1:00 p.m.

Case No.	Case Name	Attorney	County
57,962 S.C.	Wilfred D. Mantz, appellant, v. State of Kansas, appellee.	Scott Showalter T. R. Gross, County Attorney Attorney General	Pawnee
57,537	Donald L. Burnett, Exec. of Estate of W. Wayne Wilson, Deceased, appellant, v. Maryl J. Morgan, formerly Maryl J. Gross, appellee.	David L. Patton Morgan Wright	Pawnee
57,478	Charles W. Parker, Adm. of the Estate of Melvin Douglas, Deceased, appellant, v. Farmway Credit Union, <i>et al.</i> , appellees.	Don W. Noah Curtis A. Frasier Brian Cox	Mitchell
57,717	Glenn E. Wineinger, appellee, v. Darrel G. Wineinger and Doris Wineinger, appellants.	Don W. Noah Neil Roach	Republic
57,881	Maurice R. Connolly and James L. Geisendorf, on behalf of themselves and all others similarly situated, appellees, v. Robert F. Frobenius, Union Cemeteries Association, Inc., Roselawn Service Co., Inc., and Union Cemeteries Association, appellants.	C. Stanley Nelson Edwin P. Carpenter	Saline

Tuesday, April 1, 1986
9:00 a.m.

Case No.	Case Name	Attorney	County
58,214	State of Kansas, appellee, v. Rodney Lewis Smith, appellant.	Mickey W. Mosier, County Attorney Attorney General	Saline
57,927	Rose Barker, appellant, v. Great Plains Mutual Ins. Co., appellee.	George R. Robertson Jack O. Bowker	McPherson
57,373	Gary Drummond, Mary Drummond, and Graves Truck Lines, appellants, v. William M. Reimold and Virginia Lee Reimold, appellees.	Norman R. Kelly Steven M. Dickson Judy A. Pope	Saline
58,431	LaVerne Clinisman, appellant, v. St. Joseph Hospital of Concordia and St. Paul Fire & Marine Ins. Co., and Workers' Compensation Fund, appellees.	Richard Honeyman James P. Mize George E. McCullough Jeffrey E. King Norman Kelly	Cloud

(continued)

1:00 p.m.

58,222	Eugene M. Malone and Mercedes Malone, appellants, v. Art Younkin and Sandy Younkin, appellees.	Clifford L. Malone Richard Ankerholz	Rice
57,748	In the Matter of the Estate of William B. Moe, Deceased.	J. Stan Sexton John Q. Royce Fred Swoyer John C. Nodgaard	Republic
57,659	Pak-Mor Manufacturing Co., appellant, v. City of Russell, appellee.	Mark Arthur, Jr. Robert Earnest	Russell

**Kansas Court of Appeals
Division No. 1 Courtroom
3rd Floor, Reno County Courthouse
Hutchinson, Kansas**

**Before Rees, P.J.; Paul W. Clark, District Judge, Assigned;
and James J. Noone, District Judge, Retired, Assigned**

**Monday, March 31, 1986
1:00 p.m.**

Case No.	Case Name	Attorney	County
58,406	Iuka Cooperative Exchange, v. First National Bank, appellee, Marvin Barnett and Alberta Barnett, appellants, and Kennedy & Coe.	Alan C. Goering Michael K. Johnston John V. Black David D. Mosheir	Pratt
57,457	Glenn Mace, appellart, v. L. J. "Pinky" Roberts, d/b/a Roberts Flying Service, appellee.	Granville M. Bush IV William F. Bradley, Jr.	Stafford
57,892	Betty L. Brown, Arthur Moye, Sr., Clement W. Kilpatrick, James G. Stoecklein and Robert A. Tiemeyer, appellees, v. Chaparral Resources, Inc., Earl Abbey and Bill Rogers, appellants.	Larry Bolton Ernest L. Tousley E. Lael Alkire John B. Swearer	Reno
58,311	Andrew Wilson, appellant, v. Kansas State Industrial Reformatory, appellee.	Susan M. Olander Timothy Frieden	Reno

**Tuesday, April 1, 1986
9:00 a.m.**

Case No.	Case Name	Attorney	County
58,041 S.C.	State of Kansas, appellee, v. George Harold Taubert, Jr., appellant.	Francis E. Meisenheimer, Assistant County Attorney Attorney General David Chalfant	Reno
58,173	Arnold L. Ruebke, Jr., appellant, v. State of Kansas, appellee.	Richard J. Rome Francis E. Meisenheimer, Assistant County Attorney Attorney General	Reno

58,113	Rod Allan and Ethel Allan, appellees, v. David Razo and Joyce Razo, appellants.	Richard A. Benjes	Reno
57,553	John N. Blank and Mildred M. Blank, appellees, v. Dan F. Callahan, David Callahan, Martha Katherine Callahan and Eugene Haile Callahan, <i>et al.</i> , appellants.	Richard J. Rome Robert S. Wunsch	Kingman
58,192	David N. Allen, appellant, v. Tom Mills, d/b/a F & M Box Co., appellee.	Donald W. Bostwick James S. Oswalt Forrest James Robinson, Jr.	Reno

1:00 p.m.

57,536	Richard Renner, appellant, v. City of Hutchinson, appellee.	Paul L. Thomas	Reno
57,937	Charles Stevens, appellant, v. City of Hutchinson, appellee.	Phil Alexander Charles Stevens, <i>pro se</i>	Reno
57,952	Bank of Kansas, appellant, v. Hutchinson Health Services, <i>et al.</i> , and Central State Bank, appellees.	Phil Alexander Dell Marie Shanahan Swearer Dennis O. Smith Patricia Rose Myers J. Stanley Hill	Reno

LEWIS C. CARTER
Clerk of the Appellate Courts

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