

# KANSAS REGISTER



**State of Kansas**

**JACK H. BRIER  
Secretary of State**

**Vol. 5, No. 29**

**July 17, 1986**

**Pages 1041-1064**

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## State of Kansas

**STATE CONSERVATION COMMISSION****NOTICE TO CONTRACTORS**

Sealed bids for the construction of detention/grade stabilization dams in the following watershed districts will be received at the Delaware/Nemaha-Brown Watershed District Office, 125 W. 4th, Holton 66436.

**Delaware Watershed Joint District No. 10**

Sealed bids will be received for construction of site C-50 located in Jackson County until 1 p.m., July 31, 1986, and then publicly opened at the district office.

**Nemaha-Brown Watershed Joint District No. 7**

Sealed bids will be received for construction of site 31-11 located in Nemaha County until 1:30 p.m., July 31, 1986, and then publicly opened at the district office.

Proposals will be issued upon request to all prospective bidders by calling (913) 364-4309. Copies of plans and specifications are available at the watershed district office.

**KENNETH F. KERN**  
Executive Director

Doc. No. 004398

## State of Kansas

**BOARD OF TECHNICAL PROFESSIONS****NOTICE OF MEETING**

The State Board of Technical Professions will meet at 9 a.m. Friday, July 25, in the board office, 214 W. 6th, Room 202, Topeka. The meeting is open to the public.

**BETTY ROSE**  
Executive Secretary

Doc. No. 004405

## State of Kansas

**STATE CONSERVATION COMMISSION****NOTICE TO CONTRACTORS**

Sealed bids for the construction of flood control dam site H-9 in Franklin County will be received by the Pottawatomie Creek Watershed Joint District No. 90 in the Watershed District Office, 201 N. Maple, Garnett 66032, until 10 a.m., August 1, 1986, and then will be publicly opened. Proposals will be issued upon request to all prospective bidders by calling (913) 448-3642. Copies of plans and specifications are available at the watershed district office.

**KENNETH F. KERN**  
Executive Director

Doc. No. 004397

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PUBLISHED BY  
**JACK H. BRIER**  
Secretary of State  
2nd Floor, State Capitol  
Topeka, KS 66612-1594



PHONE: 913/296-3489

## State of Kansas

**ATTORNEY GENERAL**

## Opinion No. 86-96

**Taxation—Collection and Cancellation of Taxes—County Treasurer's Acceptance of Partial Payment of Delinquent Property Taxes.** Frank C. Beyerl, Greenwood County Attorney, Eureka, July 7, 1986.

K.S.A. 79-2004 and K.S.A. 79-2004a deal with the time for payment of real estate and personal property taxes. By expressly giving the taxpayer the option to pay the full amount immediately or one-half of the full amount assessed at a time, the statutes exclude all other options available to the taxpayer. Accordingly, a county treasurer may not be compelled to accept partial payment on any delinquent taxes, although he or she may do so in his or her discretion, crediting it to the tax assessed. Cited herein: K.S.A. 79-2002; 79-2004, 79-2004a; K.S.A. 1985 Supp. 79-2101; Comp. Laws of 1879, § 89, § 91. BPA

## Opinion No. 86-97

**Automobiles and Other Vehicles—Registration of Vehicles—Requirements for Acceptance of Registration Application.** Bruce Flipse, Thomas County Special Prosecutor-County Attorney Pro Tem, Colby, July 7, 1986.

K.S.A. 1985 Supp. 8-173 requires the person making an application for registration of a vehicle to show proof that such person has paid all personal property taxes levied against such person for the preceding year, including taxes upon such vehicle. When personal property is held jointly, both persons are liable for taxes levied thereon. Accordingly, under K.S.A. 1985 Supp. 8-173, a county treasurer may not accept an application for registration of a jointly-owned motor vehicle from either owner until the unpaid taxes on the vehicle and all other personal property taxes assessed to the owners are paid in full.

Furthermore, a county treasurer may accept a motor vehicle registration application from a person whose spouse has died, leaving property in the estate upon which unpaid taxes are due, provided the applicant's taxes are paid for the preceding year and the applicant has sole ownership of the vehicle. Cited herein: K.S.A. 1985 Supp. 8-173. BPA

## Opinion No. 86-98

**Taxation—Levy of Taxes—Change of Boundary of Taxing District; Effect on Motor Vehicle Taxes.** Douglas F. Martin, Shawnee County Counselor, Topeka, July 7, 1986.

Pursuant to K.S.A. 79-1807(a), because the annexation of Topeka Township occurred prior to April 1, 1986, it is deemed to have taken effect on December 31, 1985. The township from which the territory is removed shall collect and distribute taxes which were due on November 1, 1985, but thereafter the city is in charge of levying, collecting and distributing taxes. In our opinion, this would include motor vehicle taxes. Such taxes collected by the city are to be used specif-

ically for the purposes for which they were budgeted. JLM

ROBERT T. STEPHAN  
Attorney General

Doc. No. 004404

## State of Kansas

**SOCIAL AND REHABILITATION SERVICES  
ADVISORY COMMISSION ON  
JUVENILE OFFENDER PROGRAMS****REQUEST FOR PROPOSALS  
FOR TECHNICAL ASSISTANCE**

House Bill 2714 amendments to K.S.A. 75-5389 require that local committees created under K.S.A. 75-5228 submit plans to the Advisory Commission on Juvenile Offender Programs before April 1, 1987, for the removal of juvenile offenders and alleged juvenile offenders from adult jails and adult lockups.

In order to assist local communities in developing their plans, the commission is issuing a request for proposal, not to exceed \$30,000, to obtain technical assistance services for a nine-month period, commencing August 15, 1986 and ending May 15, 1987.

The technical assistance provider will be responsible for reviewing existing jail data, existing resources, and national models of alternative services to be in a position to assess the needs of Kansas communities and recommend alternatives.

The technical assistance provider will be responsible for devising procedures to work closely with and through the Advisory Commission on Juvenile Offender Programs and its staff and the Division of Community Services of the Department of Corrections.

The technical assistance provider will be prepared to provide technical assistance to local committees or combinations of them with regard to the planning for non-secure alternatives, transportation services and, if necessary, secure alternatives to jail. The methods and procedures to achieve this goal will be designed by the technical assistance provider in the application. The approach decided upon should take into account there are about 130 adult facilities in the state, many of which currently hold juveniles, and that, in the view of the commission, many juveniles are currently held inappropriately in secure detention because of a lack of alternatives.

The request for proposal is available from David O'Brien at (913) 296-4649 or SRS/Youth Services, 2700 W. 6th, Smith/Wilson Building, Topeka 66606. Responses to the RFP are due no later than noon, August 6, 1986.

ROBERT C. BARNUM  
Commissioner, Youth Services

Doc. No. 004412

## 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. C.D.T., and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

**MONDAY, JULY 28, 1986**

#27269

Various state agencies—GRAPHIC ART SUPPLIES

#27270

Wichita State University—INTERIOR PAINTING

#27271

Emporia State University—REPLACEMENT OF GUTTERING AT MARRIED STUDENT APARTMENTS

#27274

Kansas Fish and Game Commission—ROAD ROCK, Melvern Wildlife Area

#27280

University of Kansas Medical Center—ANTI-5-HETE ANTISERA

#27284

Department of Transportation—GLASS BEADS FOR TRAFFIC LINE PAINT

#27285

Statewide—APPLE COMPUTER PRODUCTS

#27288

University of Kansas Medical Center—CLINICAL ANALYZER REAGENTS (BECKMAN ASTRA)

#27290

Wichita State University—CARPET

#27291

Statewide—ATHLETIC SUPPLIES AND EQUIPMENT

#66172-A

Department of Corrections—FURNISH ALL LABOR AND PARTIAL MATERIAL TO DO CONCRETE WORK

#66321

Kansas State University—VIDEO EQUIPMENT

#66322

Kansas State University—INSERTING MACHINES

#66324

Department of Transportation—CONTINUOUS FORMS—DA-103T

#66326

Department of Transportation—TRUSS END SUPPORT, Wyandotte County

#66327

University of Kansas Medical Center—COMPUTER PERIPHERALS

#66328

University of Kansas—PLAIN PAPER COPIER

#66329

Kansas State University—IBM 4381 Upgrade

#66330

Department of Human Resources—MAINFRAME COMPUTER

#66331

Department of Administration—SOFTWARE—IBM MAINFRAME COMPATIBLE

#66332

University of Kansas Medical Center—COMPUTER-BASED HOLTER ANALYSIS SYSTEM

**TUESDAY, JULY 29, 1986**

#A-5282

Parsons State Hospital and Training Center—REPLACE PUBLIC ADDRESS SYSTEM, Administration Building

#A-5514

Kansas State University—PROVIDE MASONRY REPAIR, PARAPET WALLS, Boyd and Putnam Halls

#27292

University of Kansas Medical Center—JANITORIAL SUPPLIES

#66334

University of Kansas Medical Center—BLOOD AND RELATED EQUIPMENT

#66342

Department of Administration, Division of Printing—SALE OF SCRAP MATERIAL

**WEDNESDAY, JULY 30, 1986**

#A-5333(a)

University of Kansas—PROJECT "A," CONSTRUCT NEW BOILER STACKS; PROJECT "B," REMOVE OLD STACK; PROJECT "C," OPTIONAL BID AND COMBINATION OF PROJECTS "A" AND "B," CENTRAL POWER PLANT FACILITY

#A-5523

Adjutant General's Department—PARTIAL REEROOF OF THE NATIONAL GUARD ARMORY, Horton

#27258

Statewide—FROZEN FOODS

#27259

Statewide—SPICES AND MISCELLANEOUS GROCERIES

#66345

University of Kansas Medical Center—STRETCHAIRS, WHEELCHAIRS, MISCELLANEOUS HOSPITAL ITEMS

#66346

Emporia State University—BATHROOM PARTITIONS

#66348

University of Kansas Medical Center—PERFUSION MONITOR, MISCELLANEOUS HOSPITAL EQUIPMENT

#66349

University of Kansas Medical Center—REPAIR STERILIZER

#66351

Kansas State University—FENCE POSTS AND BARBWIRE

#66358

Osawatomie State Hospital—LAB STERILIZER

**THURSDAY, JULY 31, 1986**

#27281

Kansas State University and other agencies—VETERINARY (ANIMAL) PHARMACEUTICALS

#27286

University of Kansas Medical Center—SEPTEMBER (1986) MEAT PRODUCTS

#66335

Department of Transportation—MRA-A AGGREGATE, west of north Jct. K-16 and K-63 on K-16

#66347  
Department of Transportation—CEMENT TYPE III  
PORTLAND, various locations

#66362  
University of Kansas Medical Center—  
ULTRASOUND IMAGING, UPGRADE KITS

#66363  
University of Kansas Medical Center—MILLING  
MACHINE

#66364  
Kansas Fish and Game Commission—  
CONTINUOUS FORMS—BOATING RENEWALS

#66365  
Kansas State Penitentiary and Kansas Correctional  
Institute at Lansing—CLOTHING

#66366  
Kansas State Penitentiary—BOOTS AND  
OVERSHOES

**FRIDAY, AUGUST 1, 1986**

#A-5390  
Kansas State Historical Society—REROOF FORT  
HAYS OFFICERS' QUARTERS, Hays

#A-5517  
Department of Human Resources—REROOF OF  
JOB SERVICE CENTER, Lawrence

#27272  
Statewide—SEPTEMBER (1986) MEAT  
PRODUCTS

#27287  
University of Kansas—SEPTEMBER (1986) MEAT  
PRODUCTS

#66368  
Kansas State Industrial Reformatory—BEVERAGE  
SYRUP

#66370  
Fort Hays State University—HARDWOOD,  
PLYWOOD AND ACCESSORIES

#66372  
Department of Transportation—X-RAY ANALYZER

#66373  
University of Kansas Medical Center—  
MICROSCOPE ACCESSORIES

#66374  
Kansas Highway Patrol—BODY ARMOR

#66375  
Kansas State University—QUADEX 5000  
TYPESETTING SYSTEM UPGRADE

#66376  
University of Kansas Medical Center—DG 5250  
ECLIPSE UPGRADE

#66377  
Department of Transportation—INDIVIDUAL  
AGGREGATE FOR MAINTENANCE, various  
locations

#66378  
Department of Transportation—PLANT MIX  
BITUMINOUS MIXTURE, Columbus

#66379  
Department of Transportation—PLANT MIX  
BITUMINOUS MIXTURE, COMMERCIAL GRADE,  
Fort Scott

#66380  
Department of Transportation—CM-B, CM-F, CM-G  
or CM-H AGGREGATE, Seneca

#66384  
University of Kansas Medical Center—LABELS

**TUESDAY, AUGUST 5, 1986**

#A-5524  
Adjutant General's Department—PARTIAL  
REROOF, NATIONAL GUARD ARMORY, Ottawa

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 004409

**State of Kansas  
SOCIAL AND REHABILITATION SERVICES  
ADVISORY COMMITTEE ON ENERGY  
ASSISTANCE AND CONSERVATION**

**NOTICE OF MEETING**

The Advisory Committee on Energy Assistance and Conservation will meet at 9:30 a.m. Tuesday, July 29, at the Staff Development Building, 4th and Oakley, Topeka. The public is invited to attend and provide input into the developmental processes of the Low Income Energy Assistance Program and the Weatherization Assistance Program.

ROBERT C. HARDER  
Secretary of Social and  
Rehabilitation Services

Doc. No. 004406

**State of Kansas  
SOCIAL AND REHABILITATION SERVICES**

**BASIC MAXIMUM DAILY RATE  
OF CHARGE FOR TREATMENT OF  
PATIENTS IN STATE INSTITUTIONS**

In compliance with K.S.A. 59-2006b(a), the following per patient day costs for fiscal year 1987 will be the basic maximum daily rate of charge, effective July 1, 1986, for the following state institutions:

Parsons State Hospital and Training Center . . . . .	\$107.11
Winfield State Hospital and Training Center . . . . .	\$109.47
Kansas Neurological Institute . . . . .	\$110.19
Norton State Hospital . . . . .	\$130.36

In compliance with K.S.A. 59-2006b(b), the following state institutions are hereby authorized to compute an individual patient charge on the basis of rates for services based on costs incurred by such state institution as determined by application of generally acceptable hospital accounting principles: Topeka State Hospital, Osawatomie State Hospital, Larned State Hospital, including the State Security Hospital, and Rainbow Mental Health Facility.

ROBERT C. HARDER  
Secretary of Social and  
Rehabilitation Services

Doc. No. 004407

## State of Kansas

## DEPARTMENT OF TRANSPORTATION

NOTICE OF PUBLIC AUCTION  
AT SITE  
AUGUST 13, 1986, 11 A.M.

The Kansas Department of Transportation will offer for sale at public auction the following land located in Bourbon County and described as follows:

A tract of land in the Northeast Quarter of Section 22, Township 26 South, Range 22 East of the 6th P.M., described as follows: BEGINNING at a point on the North line, 60.2 feet West of the Northeast corner of said Quarter Section; thence South, 436.0 feet parallel to the East line of said Quarter Section; thence West, 539.25 feet parallel to said North line; thence North to a point on said North line, 539.25 feet West of the place of beginning; thence East along said North line to the place of beginning. The above contains 5.4 acres, more or less.

The tract of land is located approximately five miles south of Uniontown on K-3 Highway (south of old red schoolhouse).

The seller reserves the right to reject any and all bids. Terms of the sale are cash or certified check and the buyer will receive a quitclaim deed only. The K.D.O.T. is not responsible for accidents.

JOHN B. KEMP  
Secretary of Transportation

Doc. No. 004401

## 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, fourth 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 August 7, 1986

*Application for Certificate of Convenience and Necessity:*

Vester F. Skaggs, dba ) Docket No. 150,970 M  
Skaggs Trucking )  
1003 Millwood )  
Salina, KS 67401 )

Applicant's Attorney: None

*Grain,*

Between points and places in Kansas.

\*\*\*\*\*

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

Vaughn Holton and ) Docket No. 147,073 M  
Russell Holton, dba )  
Holton Brothers Oil )  
Field Construction )  
Rural Route, Box 497 )  
Canton, KS 67428 ) MC ID No. 122290  
TO:

Superior Oilfield Service, Inc.  
702 W. Railroad  
Canton, KS 67428

Applicant's Attorney: None

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

Between points and places in McPherson, Marion and Saline counties, Kansas.

Also,

Between points and places in Saline County, on the one hand, and points and places in McPherson and Marion counties, Kansas, on the other hand.

\*\*\*\*\*

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

Lewis Bell, dba ) Docket No. 29,651 M  
Bell's Wrecker Service )  
103 N. Main )  
Box 485 )  
Ottawa, KS 66067 ) MC ID No. 100237  
TO:

Joseph H. Miles  
515 N. Oak  
Ottawa, KS 66067

Applicant's Attorney: None

*Wrecked or disabled automobiles, trucks and vehicles,*

Between Ottawa, Kansas, and points and places within a 25-mile radius thereof.

And,

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

\*\*\*\*\*

*Application for Extension of Certificate of Convenience and Necessity to eliminate radius and re-describe authority:*

Joseph H. Miles ) Docket No. 29,651 M  
515 N. Oak )  
Ottawa, KS 66067 )

Applicant's Attorney: None

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

Between points and places in Franklin, Osage, Douglas, Johnson, Miami, Coffey, Anderson and Linn 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 Certificate of Convenience and Necessity:**

Farmway Co-op, Inc. ) Docket No. 150,971 M  
P.O. Box 36 )  
US-24 )  
Beloit, KS 67420 )

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

*Grain, feed, feed ingredients, salt, anhydrous ammonia, dry fertilizer, liquid fertilizer and propane,*

Between all points and places in Phillips, Smith, Jewell, Republic, Washington, Rooks, Osage, Mitchell, Cloud, Clay, Riley, Ellis, Russell, Lincoln, Ottawa, Dickinson, Geary, Ellsworth, Saline, Morris, McPherson and Marion counties.

Also,

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

\*\*\*\*\*

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

James Thompson, dba ) Docket No. 149,844 M  
Double J Auto Repair )  
413 W. Mill )  
Plainville, KS 67663 )

Applicant's Attorney: John Jandera, 1610 S.W. Topeka Blvd., Topeka, KS 66612

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

Between points and places in the Kansas counties of Rooks, Ellis, Trego, Graham, Norton, Phillips, Smith, Osborne, Lincoln and Russell.

Also,

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

\*\*\*\*\*

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

Tom R. Trible, dba ) Docket No. 150,974 M  
Pro-Tow Wrecker Service )  
14831 Locust )  
Olathe, KS 66062 )

Applicant's Attorney: None

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

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

Also,

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

\*\*\*\*\*

**Applications set for August 12, 1986**

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

Flint Engineering & ) Docket No. 149,838 M  
Construction Co. )  
324 Petroleum Building )  
Billings, MT 59101 )

Applicant's Attorney: Charles Kimball, Suite 665, Capitol Life Center, 1600 Sherman St., Denver, CO 80203

*Machinery, materials, equipment, supplies and facilities used in or incidental to or in connection with the discovery, development, production and preservation of natural gas and petroleum, the construction, dismantling, repairing, servicing and maintenance of pipelines, the construction, operation, repairing, servicing, dismantling and maintenance of facilities for the storage of natural gas, gasoline and petroleum, the construction, operation, repairing, servicing, dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring and blending gasoline, natural gas and petroleum,*

Between all points in the state of Kansas.

\*\*\*\*\*

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

Bowhay Tank Truck ) Docket No. 30,653 M  
Service, Inc. )  
P.O. Box 150 )  
Summerfield, KS 66541 ) MC ID No. 124076

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

*Anhydrous ammonia,*

From points and places in Clay County, Kansas, to all points and places in Kansas.

\*\*\*\*\*

WILLIAM E. GREEN  
Administrator  
Transportation Division

Doc. No. 004411

## State of Kansas

## SECRETARY OF STATE

## Kansas Public Disclosure Commission

## Advisory Opinion No. 86-9

Written June 30, 1986 to John O. Mingle, Esq., Executive Vice President, Kansas State University Research Foundation, Fairchild Hall, Manhattan, KS 66506.

This opinion is in response to your letter of April 15, 1986, in which you request an opinion from the Kansas Public Disclosure Commission on the issue of whether you are required to file a substantial interest statement.

You state the following:

1. As Executive Vice President of the Kansas State University Research Foundation, you are employed 9/10's time. Your other 1/10 time comes from the College of Engineering of Kansas State University where, as a professor, you teach one course a semester. You have no budgeted administrative duties with the College of Engineering.

2. Kansas State University Research Foundation is a non-profit corporation of the state of Kansas who's articles of incorporation were filed on September 12, 1942.

3. Kansas State University Research Foundation receives no money as a result of state appropriations.

4. Kansas State University Research Foundation contracts with Kansas State University to handle your payroll operations, which is commonly referred to as Project 1503, and was initiated in fiscal 1973. Thus, your employees receive a state paycheck but the money is transferred to the University each month to cover your total payroll expenses.

5. Kansas State University Research Foundation is not a unit of state government or a state agency as statutorily required before a statement of substantial interest is applicable.

The definitional requirements for filing substantial interest statements, as applied to your situation, are set forth in K.S.A. 46-282 and 46-283.

K.S.A. 46-282 states:

"Designee" means (a) any state officer, employee or member of any agency, department, division, bureau or other unit of state government who holds a position: (1) defined as a major policy making position; (2) responsible for contracting, purchasing or procurement; (3) responsible for writing or drafting specifications for contracts; (4) responsible for awarding grants, benefits or subsidies except persons performing purely ministerial functions in the awarding of grants under entitlement programs; or (5) responsible for inspecting, licensing, or regulating any person or entity; and (b) any state officer or employee who in the preceding 12 months while a state officer or employee has been a consultant for any person or entity other than the state for compensation. "Designee" does not include any driver's license examiner of the department of revenue."

K.S.A. 46-283 states:

"Major policy making" position means (a) the ad-

ministrative head or heads or executive of a state agency, (b) the head of each department, division, bureau or other major administrative unit within a state agency, and (c) persons exercising similar authority to the foregoing."

From a review of these sections and K.S.A. 46-224 which defines "state agency" for the purposes of this act, it is our opinion that the Kansas State University Research Foundation, Inc. does not constitute a "state agency." Therefore, you cannot be deemed to hold a "major policy making position" under K.S.A. 46-282 (a)(1) in your capacity with that corporation.

The issue then turns to whether K.S.A. 46-282(a)(2)(3)(4) and (5) apply to your situation. It is our opinion that each of these sections must likewise be read to include that the responsibilities relate to actions on behalf of a state agency.

Thus, it is our opinion that you do not meet the definition of "designee" and therefore should be removed from the designee list.

RICHARD E. DIETZ, Chairman  
By the Direction of the Commission

Doc. No. 004403

## 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 May 15, 1986, for failure to file an annual report and pay the annual franchise tax as required by the Kansas General Corporation Code.

Forfeited May 15, 1986 for failure to file the  
October 31, 1985 annual report:

## Domestic for Profit

Aardvark, Inc., Great Bend, KS.  
Agra Tech Laboratories, Inc., Louisburg, KS.  
Agra Tech Services, Inc., Louisburg, KS.  
Allard Systems, Inc., Salina, KS.  
Anthes Drilling, Inc., Mississauga, Ontario.  
Anthes Resource Services, Inc., Mississauga, Ontario.  
Ashborn Corporation, Hillsboro, KS.  
Barnett Management, Inc., Chanute, KS.  
Bergmeier Equipment, Inc., Phillipsburg, KS.  
Berico Industries, Inc., Overland Park, KS.  
Besco Electronics, Inc., Shawnee, KS.  
Blair-Lefler, Inc., Wichita, KS.  
Bruce Munn Associates, Inc., Overland Park, KS.  
Butoe Corporation, Leawood, KS.  
C. D. Investment & Loan, Inc., Salina, KS.  
Central Trading Company, Wichita, KS.  
Cherokee Energy, Inc., McPherson, KS.  
Cimarron Tank Company, Liberal, KS.  
Circle S, Inc., Hesston, KS.  
C & N Enterprises, Inc., Ashland, KS.  
Cody Enterprises, Inc., Lake Quivira, KS.



- Computerware, Inc., Wichita, KS.  
 Concrete Sealing Specialist Inc., Overland Park, KS.  
 Continental Construction Company of Topeka, Inc.,  
 Topeka, KS.  
 Dan's Home Center, Incorporated, Galena, KS.  
 Dedicated Micro Systems, Inc., Yates Center, KS.  
 Earco, Inc., Shawnee Mission, KS.  
 Electra Log, Inc., Great Bend, KS.  
 Energy Efficient Products, Inc., Merriam, KS.  
 Engineering and Computer Consultants, Inc.,  
 Fairway, KS.  
 Fair Companies, Inc., Wichita, KS.  
 Farmer's Truck Sales, Inc., Wichita, KS.  
 First Run Video, Inc., Overland Park, KS.  
 The Fleischer Companies, Ltd., Ottawa, KS.  
 Geco Leasing, Inc., Greensburg, KS.  
 G. M. S., Inc., Lawrence, KS.  
 Good Cousins', Inc., Wichita, KS.  
 Gottlob Engine Conversions, Inc., Arkansas City, KS.  
 Grain Equipment Supply Inc., Overland Park, KS.  
 Great Bend Bumper to Bumper, Inc., Great Bend, KS.  
 Greensburg Equipment, Inc., Greensburg, KS.  
 Guaranty Fuels, Inc., Independence, KS.  
 Heasty and Son, Inc., Independence, KS.  
 Herbert H. Cumonow, Inc., Topeka, KS.  
 Heritage Farms, Inc., Partridge, KS.  
 Homestead Escrow Company, Topeka, KS.  
 Homestead, Inc., Partridge, KS.  
 Homestead Insurors, Inc., Topeka, KS.  
 Homestead Land Title Company of Lawrence, Inc.,  
 Lawrence, KS.  
 Horizons Unlimited, Inc., Hamilton, KS.  
 Hudson Oil Company, Inc., Shawnee Mission, KS.  
 Hudson Van Oil Company of Kansas City, Inc.,  
 Shawnee Mission, KS.  
 Interstate Land & Development Co., Inc.,  
 Overland Park, KS.  
 Jimscoot, Inc., Liberal, KS.  
 Joe Armstrong Equipment, Inc., Fredonia, KS.  
 Johnson County Newspapers, Inc., Gardner, KS.  
 J. R. Delmar Construction Company,  
 Prairie Village, KS.  
 Kansas Management Services, Inc., Topeka, KS.  
 KC Search Associates, Inc., Shawnee, KS.  
 K & G Supply, Inc., El Dorado, KS.  
 Koehn Inc., Coldwater, KS.  
 Landwehr Elevator & Mill Repair, Inc., Colwich, KS.  
 Langston Development Co., Inc., Wichita, KS.  
 Larbarbre Promotions, Inc., Topeka, KS.  
 Lawrence D. Lee, Inc., Wichita, KS.  
 Lawrence KOA, Inc., Lawrence, KS.  
 L.G.D. Inc. (A Close Corporation), Topeka, KS.  
 Liaison International, Inc., Parsons, KS.  
 Linear Industries, Inc., Bellevur, WA.  
 Little Stores, Inc., Kiowa, KS.  
 MAC Associates Inc., Olathe, KS.  
 Magnott, Inc., Hutchinson, KS.  
 Martin Heating & Air Conditioning, Inc., Salina, KS.  
 MDR Construction Inc., Wichita, KS.  
 Meairs Farms, Inc., Sublette, KS.  
 Mechanical Systems Insulation Corporation,  
 Wichita, KS.  
 Memory Gardens of Bourbon County, Inc.,  
 Fort Scott, KS.  
 Metro Adjusting Bureau, Inc., Leawood, KS.  
 Midwest Consultants, Inc., Topeka, KS.  
 Midwest Holdings, Inc., Overland Park, KS.  
 Mineral Management Corporation, Wichita, KS.  
 Mitchell Agency, Inc., Lawrence, KS.  
 Moco Oil Co., Inc., Fairway, KS.  
 M T M Corporation, Bentley, KS.  
 Music City, Ltd., Chanute, KS.  
 National Software, Incorporated, Wichita, KS.  
 N.C.K. Building Center, Inc., Concordia, KS.  
 Neill Oilfield Services, Inc., Great Bend, KS.  
 Norton Homes, Inc., Wichita, KS.  
 Oakland Avenue Development Co., Inc., Wichita, KS.  
 PCS, Inc., Mission, KS.  
 Pickle Creek Mfg., Inc., Larned, KS.  
 Pioneer Supper Club, Inc., Strong City, KS.  
 P.R.N. Learning Systems, Inc., Prairie Village, KS.  
 Proffitt Farms, Inc., Chase, KS.  
 Prophecy Systems, Inc., Overland Park, KS.  
 Pryor Executive Planes, Inc., Mission Woods, KS.  
 Ram Transport Systems, Inc., Kansas City, KS.  
 Recreational Development Co., Inc., Manhattan, KS.  
 Roy E. Daly Management Corporation,  
 Overland Park, KS.  
 R & W Cattle Management, Inc., Cincinnati, OH.  
 Scaletty's, Inc., Parsons, KS.  
 Sedan Implement Company, Inc., Sedan, KS.  
 S&M Enterprises, Inc., Shawnee Mission, KS.  
 Stanton Explorations, Inc., Osawatomie, KS.  
 TMW Company, Overland Park, KS.  
 Toyota of Hays, Inc., Hays, KS.  
 Trans-Oil, Ltd., Overland Park, KS.  
 Tri-County Sales, Inc., Herington, KS.  
 Verene Corporation, Salina, KS.  
 Walden Builders, Inc., Kansas City, KS.  
 Walden Development, Inc., Kansas City, KS.  
 Walton Foundry, Inc., Iola, KS.  
 Westward Industries Inc., Wichita, KS.
- Foreign for Profit**
- All Systems, Inc., Liberty, MO.  
 American Autoglass Association, Detroit, MI.  
 American Business Interiors, Incorporated,  
 Kansas City, MO.  
 American Environmental Services, Inc.,  
 Kansas City, KS.  
 American Truck Sales, Inc., Kansas City, KS.  
 Associated Plastic Surgeons, Inc., Kansas City, MO.  
 The Auto Club of America, Inc., Oklahoma City, OK.  
 The Baltimore Spice Company, Garrison, MD.  
 Bi-State Management, Inc., Kansas City, KS.  
 Country Pride Foods, Inc., El Dorado, AR.  
 C. Paul Schulte Construction Corporation,  
 New Orleans, LA.  
 Data Environment Service, Inc., Lenexa, KS.  
 Dickson Roofing, Inc., Tulsa, OK.  
 Due Diligence, Inc., Littleton, CO.  
 Empire State Energy Management, Inc.,  
 St. Petersburg, FL.  
 Energy Sources, Inc., Lubbock, TX.

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European-International Motorcars, Inc.,  
Overland Park, KS.  
Fairfield Petroleum, Inc., Dallas, TX.  
Fairland Mortgage Company, Inc., Annandale, VA.  
Intech Services, Corp., Phoenix, AZ.  
Intercep Resources, Inc., Del Mar, CA.  
J. M. Mortgage Inc., of Tennessee, Nashville, TN.  
K.C. Time, Incorporated, Kansas City, MO.  
LaGrange Equipment Company, Cornbelt Region,  
Omaha, NE.  
Mager Mortgage Company, Tulsa, OK.  
Martin's Rat Hole Drilling, Inc., Enid, OK.  
Maxwell & Assoc. Construction Company, Inc.,  
Independence, MO.  
The Mortgage Factory, Inc., Bensenville, IL.  
National Glass Company, Detroit, MI.  
Olympus Corporation, Woodbury, NY.  
The Petrol Oil and Gas Corporation, Wilmington, DE.  
Pozzi Window Company, Bend, OR.  
The Record Bar, Inc., Durham, NC.  
The R. H. Bogle Company, Alexandria, VA.  
SECC Financial Services, Inc., Crystal Lake, IL.  
Service Erection & Machine Company,  
Louisville, KY.  
Sterling Pipe & Supply Company,  
Oklahoma City, OK.  
Sulpetro Exploration, Inc., Dallas, TX.  
Tertiary Research Company, Denver, CO.  
Tom Masterson, Inc., Leawood, KS.  
Transierra Exploration Corporation, Irvine, CA.  
Travelodge International, Inc., El Cajon, CA.  
Tray Installation and Inspection Corporation,  
Houston, TX.  
Trigg Drilling Company, Inc., Oklahoma City, OK.  
United International Petroleum Corporation,  
Upland, CA.  
Universal Landmark Co., Kansas City, MO.  
William J. Pitts Enterprises, Inc., Park Ridge, IL.  
Williams Drilling Co., Inc., Belvidere, NE.

#### Domestic Limited Partnership

Flatland Industries, L. P., Kansas City, KS.

#### Professional Association

Jeff Weltmer, O.D., P.A., Olathe, KS.  
Kevin Carver, Chartered, Kansas City, KS.  
Medical Practice, P.A., Leawood, KS.

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

#### Domestic for Profit

Capitol Air Spray, Inc., Topeka, KS.  
Custom Flex, Ltd., Wichita, KS.  
The Energy Outlet, Inc., Hutchinson, KS.  
Fantastic Foods, Inc., Louisburg, KS.  
The Farmers Elevator and Merchandise Co.,  
Liberal, KS.  
G Fred, Inc., Augusta, KS.  
Leawood Country Club, Inc., Leawood, KS.  
Olympic Leasing, Inc., Wichita, KS.  
Pump Club, Inc., Wichita, KS.  
Sprigg Rent-All, Inc., Paola, KS.  
Sunflower Energy Corp., Iola, KS.

Treaster Implement Company, Inc.,  
Lincoln Center, KS.  
Village Estates of Larned, Inc., Larned, KS.  
Zabel and Conrad, Inc., Gaylord, KS.

#### Foreign for Profit

LFE Corporation, Clinton, MA.

**Forfeited May 15, 1986 for failure to correct and return  
an annual report:**

#### Domestic for Profit

Atkinson Body Works, Inc., Wichita, KS.  
The Country Cottage, Ltd., Kansas City, KS.  
Greeno & Whyde, Inc., Arkansas City, KS.  
Heritage Builders, Inc., Hutchinson, KS.  
International Funding Corporation,  
Overland Park, KS.  
Kaw Valley Meat Company, Kansas City, KS.  
McVay's Wrecker Service, Inc., Hutchinson, KS.  
Sage Institute Affiliated, Burns, KS.  
Sunflower Metal Products, Inc., Topeka, KS.  
3-J Ranch, Inc., Jetmore, KS.

**Forfeited May 15, 1986 for failure to submit a certifi-  
cate of good standing with the annual report:**

#### Foreign for Profit

Automotive Imports, Inc., Aurora, CO.  
Data Card Corporation, Minneapolis, MN.  
Designers II Incorporated, Atlanta, GA.  
El Taquito, Inc., Kansas City, MO.  
Evajon Cosmetics Corp., The Colony, TX.  
Gas Consultants, Incorporated, Pampa, TX.  
General Mechanical Service Corporation,  
Minnetonka, MN.  
Health Care Affiliates, Inc., Springfield, MO.  
Hospital Management Professionals, Inc.,  
Brentwood, TN.  
Redland Prismo Corporation, Parsippany, NJ.  
Torch Energy Corporation, Denver, CO.

**Forfeited May 15, 1986 for failure to designate a new  
resident agent within 60 days of resignation of  
previous resident agent:**

#### Domestic for Profit

Automotive Glass and Accessories Specialists, Inc.,  
Wichita, KS.

**JACK H. BRIER**  
Secretary of State

Doc. No. 004400

(Published in the KANSAS REGISTER, July 17, 1986.)

**NOTICE OF BOND SALE**  
**\$940,000**  
**GENERAL OBLIGATION BONDS**  
**SERIES 112 OF 1986**  
**OF THE**  
**CITY OF McPHERSON, 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 McPherson, Kansas, on behalf of the governing body at the office of the City Clerk, Municipal Center, 400 E. Kansas Ave., McPherson, Kansas, until 11 a.m. C.D.T., on Thursday, July 24, 1986, for the purchase of \$940,000 principal amount of general obligation bonds, series 112 of 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, dated August 1, 1986, and becoming due serially on November 1 in the years as follows:

Year	Principal Amount	Year	Principal Amount
1987	\$ 65,000	1995	110,000
1988	70,000	1996	120,000
1989	70,000	1997	10,000
1990	75,000	1998	10,000
1991	85,000	1999	10,000
1992	90,000	2000	10,000
1993	95,000	2001	15,000
1994	105,000		

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 May 1 and November 1 in each year, beginning on May 1, 1987.

**Place of Payment and Bond Registration**

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

The 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 and denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall

be submitted in writing by the successful bidder to the city and bond registrar at least two weeks prior to the closing date.

**Redemption of Bonds Prior to Maturity**

Bonds maturing in the years 1987 to 1993, inclusive, shall become due without option of prior payment. At the option of the city, bonds maturing in the years 1994 and thereafter may be called for redemption and payment prior to maturity in whole or in part in inverse order of maturity (selection of bonds within the same maturity to be by lot by the city in such equitable manner as it may determine) on November 1, 1993, or on any interest payment date thereafter at the redemption price of 100 percent (expressed as a percentage of the principal amount), plus accrued interest to the redemption date.

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

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

**Conditions of Bids**

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of 1/8 or 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. The difference between the highest rate specified and the lowest rate specified shall not exceed 3 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

(continued)

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. 12-619 and 12-624, as amended and supplemented, K.S.A. 12-626 to 12-629, inclusive, K.S.A. 12-685 *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, together with the balance 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 imposes additional requirements which must be satisfied in order for interest on obligations issued by or on behalf of state 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, would be applicable to the bonds.

The bill is subject to change, and if it becomes law may contain requirements which differ from those contained in the bill. 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 from their date of issuance. 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.

On March 14, 1986, a joint statement was issued by key congressional leadership and the Secretary of the Treasury of the United States concerning a delay in the effective date of certain provisions of the bill. The city has relied on the joint statement in issuance of the bonds.

On June 24, 1986, the U.S. Senate adopted an

amendment in the nature of a substitute to the bill. The amendment contains a provision which would provide that the alternative minimum taxable income of an applicable corporation shall be increased by one-half of the amount by which the "adjusted net book income" of such corporation exceeds the "pre-book alternative taxable income" of such corporation. The effect of such provision may be to subject the interest of the bonds held by corporations to the alternative minimum tax provisions of the bill for taxable years commencing after December 31, 1986.

#### **Legal Opinion and Tax Exemption**

The bonds will be sold subject to the legal opinion of Gaar & Bell, Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered. Said opinion will state that in the opinion of bond counsel, 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.

#### **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 on or before August 28, 1986, 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. If a bid is accepted, said check or the proceeds thereof will be held by the city until the bidder shall have complied with all of the terms and conditions of this notice. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the city as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

#### **CUSIP Numbers**

It is anticipated that CUSIP identification numbers will be printed on certificated bonds or assigned to uncertificated bonds, but neither the failure to print such number on or assign such number to any bond nor any error with respect thereto shall constitute

cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of the purchase contract. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the city.

**Bid Forms**

All bids must be made on forms which may be procured from the city clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The city reserves the right to waive irregularities and to reject any 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 11 a.m. C.D.T. on July 24, 1986.

**Official Statement**

The city has prepared an official statement dated July 7, 1986, copies of which may be obtained from the city clerk. 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 .....	\$33,796,910
Tangible valuation of motor vehicles .....	\$ 8,097,903
Equalized assessed tangible valuation for computation of bonded debt limitations	\$41,894,813

The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$4,933,400. Temporary notes in the principal amount of \$1,400,000 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.  
Dated July 7, 1986.

CITY OF McPHERSON, KANSAS  
By William J. Goering, City Clerk  
Municipal Center  
400 E. Kansas Ave.  
P.O. Box 1008  
McPherson, KS 67460  
(316) 241-6300

Doc. No. 004399

(Published in the KANSAS REGISTER, July 17, 1986.)

**NOTICE OF BOND SALE**  
**\$8,000,000**  
**CITY OF WICHITA, KANSAS**  
**AIRPORT IMPROVEMENT**  
**GENERAL OBLIGATION BONDS**  
**(SERIES 709)**

(general obligation bonds payable from unlimited ad valorem taxes)

Sealed bids will be received in the office of the City Clerk, City Hall, 455 N. Main, Wichita, KS 67202-1679, until 10 a.m. C.D.T., on July 29, 1986, and will thereafter be considered by the governing body of the city in the City Commission Room, at which time and place all proposals will be publicly opened, read aloud, and considered for the purchase of all, but not less than all of the series 709 general obligation bonds aggregating the principal sum of \$8,000,000. No oral or auction bids will be considered.

**Details of the Bonds**

The series 709 bonds shall be issued in the form of fully registered certificated bonds without coupons, in the denomination of \$5,000 or in integral multiples thereof, not exceeding the principal amount of bonds maturing in each year. Interest on the series 709 bonds will be payable semiannually, commencing February 1, 1987 and each August 1 and February 1 thereafter. The series 709 bonds shall be dated August 1, 1986 and shall become due serially on August 1, in each of the years and in the principal amounts, as follows:

Date of Maturity	Amount
August 1, 1987	\$290,000
August 1, 1988	320,000
August 1, 1989	340,000
August 1, 1990	370,000
August 1, 1991	400,000
August 1, 1992	430,000
August 1, 1993	470,000
August 1, 1994	500,000
August 1, 1995	550,000
August 1, 1996	590,000
August 1, 1997	640,000
August 1, 1998	690,000
August 1, 1999	740,000
August 1, 2000	800,000
August 1, 2001	870,000

**Place of Payment**

The principal of, and premium, if any, on the bonds shall be payable in lawful money of the United States of America, at the principal trust office of The Chase Manhattan Bank, N.A., in the city and state of New York (the paying agent and bond registrar) to the registered owners thereof upon presentation of the bonds for payment and cancellation. Interest on the bonds shall be payable in lawful money of the United States of America, by check or draft of the paying agent and bond registrar to the registered owners appearing on the books maintained by the bond registrar as of the 15th day of the month next preceding the interest payment dates (the record dates). The fees of the bond

(continued)

registrar for registration and transfer of the bonds shall be paid by the city.

#### Redemption

Bonds maturing in the years 1987 to 1990, inclusive, shall become due without option of prior payment. At the option of the city, bonds maturing in the years 1991, and thereafter, may be called for redemption and payment prior to maturity in whole or in part in inverse order of maturity (selection of bonds within the same maturity to be by lot by the city in such equitable manner as it may determine) on August 1, 1990, or on any interest payment date thereafter at the redemption prices set forth below (expressed as percentages of the principal amount), plus accrued interest to the redemption date:

Redemption Dates	Redemption Price
1990-1992	101.00%
1993-1995	100.50%
1996, and thereafter	100.00%

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

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

#### Interest Rate

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders. The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be in an even multiple of  $1/8$  or  $1/20$  of 1 percent. The difference between the highest interest rate bid and the lowest rate of interest bid shall not exceed 2 percent per annum. No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being the 20 bond index of tax exempt municipal bonds published by the Credit Markets in New York, New York on the Monday next preceding the day on which the bonds are sold (July 28, 1986), plus 2 percent, and no bid of less than par and accrued interest will be considered.

A bid for the purchase of less than all of the bonds or bid at a price less than par and accrued interest will not be considered.

#### Bid Form and Good Faith Deposit

Bids shall be submitted on the official bid form furnished by the city and should be addressed to Donald C. Gisick, City Clerk, 455 N. Main, Wichita, KS 67202-1679, plainly marked "Bond Bid." All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual net interest rate, all certified by the bidder to be correct, and the city may rely upon the certificate of correctness of the bidder. No bid will be considered if made on other than the official bid form and no bid will be considered if such form is amended or modified. Each bid must be accompanied by a certified or cashier's check in the amount of 2 percent of the total par value of the bonds payable to the City Treasurer, City of Wichita, on which no interest will be allowed. The checks of unsuccessful bidders will be returned promptly. 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.

#### Award of the Bonds

The sealed bids for the bonds shall be opened publicly and only at the time and place specified in this notice, and the bonds will be sold to the best bidder. The city reserves the right to reject any and all of the bids, and to waive any irregularities or informalities. Unless all bids are rejected, the bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the city, and the net interest cost will be determined by deducting the amount of any premium bid from the aggregate amount of interest upon all of the bonds from their date until their respective maturities. If there is a discrepancy between the lowest net interest cost and the average annual interest rate specified, the net interest cost figure shall govern and the interest rates in the bid shall be adjusted accordingly. In the event more than one bid is received at the same net interest cost, the successful bidder will be selected by lot.

#### Delivery and Payment

The bonds, duly printed, executed and registered, will be furnished and paid for by the city. Delivery of the bonds will be made on or before August 28, 1986, at any bank or trust company in New York, New York. Payment shall be made in immediately available federal reserve funds. The number, denomination of bonds, and the names and tax identification numbers of the initial registered owners to be initially printed on the bonds must be submitted in writing by the successful bidder to the bond registrar at least 10 business days prior to the date of delivery of the bonds. In the absence of such information, the city will delivery the bonds in the denomination of each maturity registered in the name of the successful bidder.

#### Pending Federal Legislation Concerning Tax Exempt Obligations

On December 17, 1985, the U.S. House of Repre-



sentatives passed H.R. 3838, the Tax Reform Act of 1985. The bill presently is pending in the Senate. The bill imposes additional requirements which must be satisfied in order for interest on obligations issued by or on behalf of state 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, would be applicable to the bonds.

The bill is subject to change, and if it becomes law may contain requirements which differ from those contained in the bill. 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 from their date of issuance. 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.

On March 14, 1986, a joint statement was issued by key congressional leadership and the Secretary of the Treasury of the United States concerning a delay in the effective date of certain provisions of the bill. The city has relied on the joint statement in issuance of the bonds.

On June 24, 1986, the U.S. Senate adopted an amendment in the nature of a substitute to the bill. The amendment contains a provision which would provide that the alternative minimum taxable income of an applicable corporation shall be increased by one-half of the amount by which the "adjusted net book income" of such corporation exceeds the "pre-book alternative taxable income" of such corporation. The effect of such provision may be to subject the interest on the bonds held by corporations to the alternative minimum tax provisions of the bill for taxable years commencing after December 31, 1986.

**Legal Opinion**

The bonds will be sold subject to the unqualified approving opinion of Gaar & Bell, bond counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each bond. The cost of this legal opinion and the expenses of printing the bonds and legal opinion will be paid by the city. The legal opinion will state in part substantially that the bonds and the interest thereon constitute general obligations of the city payable as to both principal and interest from ad valorem taxes without limitation as to rate or amount upon all the taxable property within the territorial limits of said 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. A manually signed original of such opinion will be furnished without expense to the purchaser of the bonds at the delivery thereof. The purchaser will be furnished with a complete transcript of proceedings evidencing the authorization and issuance of the bonds, and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time

of delivery of the bonds affecting their validity and a certificate relating to the completeness and accuracy of the official statement and notice of bond sale.

**Purpose of Issue**

The bonds are being issued pursuant to K.S.A. 13-1348a, as amended by Charter Ordinance No. 78 and 3-162 *et seq.*, as amended, for the purpose of paying the cost of making certain improvements to the airport facilities of the city of Wichita, Kansas, operated by the Wichita Airport Authority.

**Security**

Pursuant to the act, the Wichita Airport Authority has pledged the net income from the Wichita Mid-Continent Airport and the Colonel James Jabara Airport facilities to pay the principal of and interest on the bonds by a resolution of the Wichita Airport Authority under date of May 13, 1986, and the bonds and the interest thereon will also constitute general obligations of the city. If said net income is insufficient to pay the principal of or interest on said bonds, the governing body of the city of Wichita, Kansas is required to levy ad valorem taxes without limitation as to rate or amount upon all the taxable property within the territorial limits of said city to pay the principal of and interest on the bonds.

**CUSIP Identification Numbers**

CUSIP identification numbers will be printed on the bonds, but neither the failure to print such numbers on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the successful bidder to accept deliver of and to pay for said bonds in accordance with the terms of this notice. All expenses in relation to printing of CUSIP numbers on said bonds and the expenses of the CUSIP Service Bureau for the assignment of said numbers shall be the responsibility of and shall be paid for by the city.

**Assessed Valuation**

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

Equalized assessed valuation of taxable tangible property .....	\$ 980,243,519
Estimated tangible valuation of motor vehicles .....	<u>196,171,738</u>
Equalized assessed tangible valuation for computation of bonded indebtedness limitations .....	<u>\$1,176,415,257</u>

**Bonded Indebtedness**

The total bonded indebtedness of the city of Wichita, Kansas, as of June 1, 1986, including the bonds described in this notice of bond sale in the aggregate amount of \$8,000,000, is \$256,645,000, which amount excludes all revenue bonds. In addition, the city has outstanding temporary notes in the amount of \$21,365,000.

**Rating of the Bonds**

The city has applied to Moody's Investors Service, Inc. and Standard & Poor's Corporation for ratings on the bonds. General obligation bonds issued by the city

(continued)

of Wichita since 1975 have been rated Aa by Moody's Investors Service and rated AA by Standard & Poor's Corporation.

#### Other Pending Bond and Temporary Note Issues

Neither the city of Wichita, nor Sedgwick County, nor Unified School District 259 (Wichita Public School System), contemplates the issuance of any additional general obligation bonds within the next 30 days. The city of Wichita is currently evaluating the propriety of advance refunding certain outstanding general obligation bonds of the city issued for airport improvements. In addition, the city is evaluating the sale of temporary improvement notes to be dated October 1, 1986.

#### Redistribution of Notice and Official Statement

Authorization is given to redistribute this notice of bond sale and the official statement, but the entire notice of bond sale and official statement, and not portions thereof, must be redistributed. The successful bidder, upon request, will be furnished with fifty copies of the notice of bond sale and official statement, without cost; additional copies will be furnished at a nominal charge.

#### Official Statement

This notice of bond sale and the official statement has been prepared under the authority of the governing body of the city of Wichita, Kansas. Additional copies of this notice of bond sale, copies of the official statement, or further information may be received from the office of the City Treasurer, City Hall, 455 N. Main, Wichita, KS 67202-1679, (316) 268-4109.

Figures used in this notice of bond sale and in the official statement through December 31, 1985 were obtained from the city of Wichita, Kansas financial records as of December 31, 1985, which report will be audited by an outside firm of certified public accountants appointed by the governing body of the city of Wichita, Kansas.

BY ORDER OF THE GOVERNING BODY OF  
THE CITY OF WICHITA, KANSAS  
THIS 8TH DAY OF JULY, 1986

By Tony Casado, Mayor  
Attest: Donald C. Gisick, City Clerk

Doc. No. 004402

#### State of Kansas

### SOCIAL AND REHABILITATION SERVICES

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

The Department of Social and Rehabilitation Services will meet at 9 a.m. Tuesday, August 5, in the Staff Development Training Center, 2700 W. 6th, Topeka.

The scheduled agenda includes:

- Report of general conclusions related to FY 1987 and 1988 budget.
- Present final community services block grant plan.

- Present final social services block grant plan.
- Public hearing concerning proposed temporary administrative regulations. A summary of the proposed regulations is set forth below. The proposed regulations are scheduled to become effective on September 1, 1986.

#### A. Public Assistance.

1. 30-4-106. General rules for consideration of resources, including real property, personal property, and income. This regulation is being amended to require that a resource shall be considered unavailable when there is a legal impediment that precludes the disposal of the resource. The applicant or recipient shall pursue reasonable steps to overcome the legal impediment unless it is determined that the cost of pursuing legal action would be more than the applicant or recipient would gain or the likelihood of succeeding in the legal action would be unfavorable to the applicant or recipient.

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

1. 30-5-71. Co-pay requirements. This regulation is being amended to delete Medicare crossover claims as being exempt from co-pay requirements.

2. 30-5-150. Co-pay requirements for adult medikan program recipients. This regulation is being amended to:

(a) Make technical changes; and

(b) delete medikan co-pay requirements for recipients under 18, recipients enrolled in health maintenance organization, for family planning purposes, and services that are related to pregnancy.

3. 30-5-162. Scope of psychological services for adult medikan program recipients. This regulation is being amended to reflect technical changes.

#### C. Medicaid/Medikan Program—Client Eligibility.

1. 30-6-106. General rules for consideration of resources, including real property, personal property, and income. This regulation is being amended to require that a resource shall be considered unavailable when there is a legal impediment that precludes the disposal of the resource. The applicant or recipient shall pursue reasonable steps to overcome the legal impediment unless it is determined that the cost of pursuing legal action would be more than the applicant or recipient would gain or the likelihood of succeeding in the legal action would be unfavorable to the applicant or recipient.

2. 30-6-108. Real property. This regulation is being amended to:

(a) Redefine the term "other real property" for SSI purposes as either real property other than a home or a home from which an applicant or recipient has been absent and does not intend to return; and

(b) delete the requirement that a dependent relative must meet the age, blindness, or disability criteria set forth in K.A.R. 30-6-85.

#### D. Licensing of Non-Medical Resident Care Facilities.

1. 30-42-6. Definitions. The secretary is promul-



gating a new regulation. The text of the regulation is set forth below:

30-42-6. Definitions. (a) "Applicant" means any facility which applies for a license issued by the department to provide residential care.

(b) "Department" means the Kansas state department of social and rehabilitation services.

(c) "Facility" means any private person, group, association or corporation, or any community or local government department undertaking to provide residential care within the meaning of these regulations.

(d) "Handicapped" means a physical, mental, or emotional impairment which limits one or more major life activities.

(e) "Mental or emotional abuse" means any method of inflicting or causing mental injury or causing deterioration of the individual. Mental or emotional abuse includes failure to maintain reasonable care or treatment to such an extent that the individual's emotional well-being is in danger.

(f) "Secretary" means the secretary of the department of social and rehabilitation services.

(g) "Staff" means employees of the facility who spend a majority of their worktime in the supervision of residents. The effective date of this regulation shall be September 1, 1986.

2. 30-42-7. Licensing procedures. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-42-7. Licensing procedures. (a) Each facility shall apply for a license on application forms provided by the department.

(b) Each application for renewal of a license shall be submitted by the licensed facility to the department at least 60 days before expiration of the license. This provision may be waived by the department upon a showing of good cause by the facility.

(c) At the discretion of the department, a provisional license may be issued to any facility that is substantially in compliance with the licensing regulations, if the facility presents evidence that any deficiency is temporary and if efforts to correct the deficiency are agreed to or are in progress. Each provisional license shall automatically become a regular license at the end of a period of 180 days if the department agrees, in writing, that the previously noted deficiencies have been corrected. If the deficiencies have not been corrected, the provisional license shall automatically lapse at the end of the 180-day period.

(d) Each license issued shall specify and shall be valid only for the facility and the operator named on the license. A new application shall be required for each change of operator. A facility which changes operators may continue to provide the same care which it was licensed to provide under its last prior operator for the period of time that is required for the facility to pursue all administrative avenues available under these regulations for obtaining licensure under the facility's new operator.

(e) The license shall be issued for a specified period of time not to exceed one year.

(f) The department, upon request, may waive any

specific licensing standard for good cause if such waiver does not effect the health, safety or welfare of a facility's residents. The effective date of this regulation shall be September 1, 1986.

3. 30-42-8. Capacity. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-42-8. Capacity. Each license shall specify the maximum number of residents who may be served at any one time in the facility. That maximum number shall not be less than five nor more than 40. The effective date of this regulation shall be September 1, 1986.

4. 30-42-9. Suspension or revocation of license. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-42-9. Suspension or revocation of license. (a) The license of any facility shall be suspended or revoked according to the provisions of this subsection (a) whenever:

(1) The department finds that the facility has failed to comply with the provisions of K.A.R. 30-2-15 or of any licensing regulations set forth in this article and there is reason to believe that the facility will be in further non-compliance; or

(2) the department finds that the facility is in continuing non-compliance with K.A.R. 30-2-15 or of any licensing regulations set forth in this article.

(b) Procedures for the suspension or revocation of a license.

(1) Subject to the provisions of paragraph (2) of this subsection, when the department finds that a licensed facility is not in compliance with the provisions of any licensing regulations set forth in this article, the department shall informally advise the facility's operator or chief officer in person or by telephone of a finding of non-compliance. This informal communication shall be confirmed in writing within five working days of the informal advice. The written confirmation of the advice shall:

(A) Specify in detail the noted items of non-compliance;

(B) inform the facility of the action required to correct the non-compliance;

(C) inform the facility that failure to provide evidence that the non-compliance has been corrected will result in suspension or revocation of the facility's license;

(D) inform the facility of the time period within which the item of non-compliance can be corrected without temporary or permanent loss of license. This time period shall not be less than 45 days from the date of written confirmation; and

(E) inform the facility of the name and address of the person within the department to whom evidence must be provided demonstrating that the item of non-compliance has been corrected.

(2) The department shall immediately suspend the license of any facility whose non-compliance with these regulations is of a nature so serious that such non-compliance will constitute an immediate threat to the health, safety or welfare of the facility's residents.

(continued)

The department shall immediately initiate an action to revoke such a license according to these regulations.

(3) Whenever a facility has failed to satisfy the department that an item of non-compliance has been corrected as provided in paragraph (1) of this subsection, or whenever the department has suspended a facility's license under paragraph (2) of this subsection, action shall be commenced to revoke the facility's license. Prior to revocation of a facility's license, the department shall send to the facility a written notification of the proposed revocation and the reasons therefor. The notice shall state whether the facility's license has been suspended pending further proceedings. If the decision is to revoke the facility's license as herein provided, the department shall issue a written order of revocation setting forth the effective date of such revocation and the basic underlying facts supporting the order. The effective date of this regulation shall be September 1, 1986.

**5. 30-42-10. Prerequisites for license.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

**30-42-10. Prerequisites for license.** (a) Any applicant for licensure shall be at least 18 years of age at the time of application.

(b) Each facility for eight or more persons shall be approved by the Kansas department of health and environment as meeting the standards for a lodging establishment under the food service and lodging act.

(c) Each facility shall meet the legal requirement of the community for zoning, fire protection, water supply and sewage disposal.

(d) Each facility shall obtain and retain on file a fire life safety code report issued within the previous 12 months by the state fire marshal, or persons designated in K.S.A. 31-137 and amendments thereto. Deficiencies noted on the report shall be the subject of an acceptable plan of correction submitted to the state fire marshal within the time-frame established by the state fire marshal. The facility shall adhere to the plan of correction as well as the date, if any, by which the correction is to be made.

(e) Each facility shall provide and maintain fire protection equipment. This equipment shall be approved as adequate by the state fire marshal.

(f) Each facility shall employ at least one staff person certified in the administration of first-aid. All other staff shall receive training in the administration of first-aid within 30 days of employment and every two years thereafter. The date of that training shall be recorded for each staff person and retained on file.

(g) Each facility shall provide adequate care of residents and shall not exceed a maximum ratio of 20 residents to one staff person.

(h) Each facility shall allow residents the right of privacy and the right to see relatives, friends and participate in regular community activities.

(i) Corporal punishments, restraints or punitive measures shall not be used by any facility.

(j) Each facility shall develop a current, written grievance procedure for residents.

(k) Each facility shall see that arrangements are

made for emergency and regular medical care for residents.

(l) Each facility shall allow the secretary and authorized representatives of the secretary access to the home, grounds, residents and to records related to residents.

(m) Each facility shall maintain official policies and make them available for review by the department, staff, residents, and guardians and relatives of residents. The official policies of each facility shall contain statements regarding the provisions of subsections (g), (h), (i), (j) and (k) set forth above. The effective date of this regulation shall be September 1, 1986.

**6. 30-42-11. Admission and discharge policies.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

**30-42-11. Admission and discharge policies.** (a) Each facility shall have on file and shall provide to the department an admissions policy. At a minimum, the admissions policy shall indicate the types of residents the facility will accept indicating:

(1) Age range;

(2) sex;

(3) type of disability; and

(4) the types of residents the facility will not accept.

(b) The facility shall make an inventory of each resident's major personal items within 24 hours of the resident's admission to the facility. Documentation of the inventory shall be retained on file.

(c) Prior to or within 24 hours of admission, the facility shall obtain and retain on file a document signed by the resident and guardian, if any, verifying that they have received in writing the phone number which they may call at any time to complain about exploitation, neglect, or abuse, including mental or emotional abuse.

(d) The facility shall be responsible for encouraging residents to seek and utilize available services when needed.

(e) The facility shall agree to refer a resident to other appropriate residential facilities as soon as it determines that the needs of a resident can no longer be met by the facility.

(f) The resident shall not be involuntarily transferred or discharged from the facility except:

(1) For medical or behavioral reasons which render the facility an inappropriate placement;

(2) for the welfare of the resident or others; or

(3) for non-payment of the rates and charges imposed by the facility.

(g) Except in emergencies, the resident and legal guardian, if any, shall be given written notice at least seven days in advance of a transfer or discharge of the resident. The effective date of this regulation shall be September 1, 1986.

**7. 30-42-12. Disaster policies.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

**30-42-12. Disaster policies.** The facility shall, in consultation with the fire inspector or other appropriate resources, develop a written disaster plan to

provide for the care and safety of residents and employees in emergencies and in occurrences of serious illness or injury. The residents and employees shall be informed of the disaster plan and the plan, including an exit diagram, shall be posted. Evacuation drills shall be conducted each quarter and the date and the length of time for evacuation shall be recorded. A telephone shall be located on the premises and readily available. Emergency numbers shall be posted by each phone. The effective date of this regulation shall be September 1, 1986.

**8. 30-42-13. Health policies.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-42-13. Health policies. (a) The facility may assist with the taking of medication when the medication is in a labeled bottle dispensed by a pharmacist which clearly shows a physician's orders and when the resident requires assistance because of tremor, visual impairment, or similar health conditions. The facility may assist the residents with such physical activities as eating, bathing, dressing, help with brace or walker, and transferring from wheelchairs.

(b) Each facility shall provide a sanitary environment and shall follow proper techniques of asepsis and isolation for residents with infections and contagious diseases.

(c) All outdated or discontinued medication shall be discarded in the presence of the supervisor.

(d) Each employee infected with a disease in a communicable form or having communicable skin lesions shall be restricted from work until the disease is no longer communicable. The effective date of this regulation shall be September 1, 1986.

**9. 30-42-14. Financial policies.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-42-14. Financial policies. The personal money of each resident shall be kept in the resident's individual account. The individual account shall be separate from the funds of the facility, owner, operator, employees, and other residents. The effective date of this regulation shall be September 1, 1986.

**10. 30-42-15. Adult residential sleeping quarters.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-42-15. Adult residential sleeping quarters. (a) Sleeping quarters shall have a minimum of 70 square feet per person of free floor space in single rooms and an average of not less than 55 square feet per person in rooms accommodating more than one person.

(b) Rooms used as sleeping quarters shall have windows that are operable without a tool. The effective date of this regulation shall be September 1, 1986.

**11. 30-42-16. Environmental standards.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-42-16. Environmental standards. (a) Each facility shall comply with the standards set forth below. The department may consider, but need not accept, written statements of compliance with environmental requirements from other authorized licensing agencies or groups.

(b) The building shall be clean, in good state of repair, and free from accumulated dirt or trash and vermin infestation.

(c) Aisles, hallways, stairways, and main routes of travel shall be maintained free of obstacles and stored materials.

(d) Furniture shall be clean and in good state of repair.

(e) Rooms shall be well-ventilated, adequately lighted, and appropriately heated or cooled.

(f) Each resident shall have a separate bed with a level, flat mattress in good condition, and sufficient and clean bedding.

(g) Bathroom fixtures shall be accessible, clean, and in good state of repair.

(h) Kitchenware and tableware shall be clean and in good condition.

(i) Meals and snacks, when provided, shall be appropriate to the nutritional needs of the residents. Menus shall follow the basic food group requirements.

(j) The outside area shall be free of physical hazards and be free of accumulated garbage and trash. The effective date of this regulation shall be September 1, 1986.

#### E. Youth Services.

**1. 30-45-10. Definitions.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-45-10. Definitions. (a) "Medical neglect" includes, but is not limited to, the withholding of medically indicated treatment from a disabled infant with a life-threatening condition.

(b) "Withholding of medically indicated treatment" means the failure to respond to the infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration and medication, which in the treating physician's reasonable medical judgment will be most likely to be effective in ameliorating or correcting all such conditions, except that the term does not include the failure to provide treatment, other than appropriate nutrition, hydration or medication, to an infant when, in the treating physician's reasonable medical judgment, any of the following circumstances apply:

(1) The infant is chronically and irreversibly comatose;

(2) the provision of such treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; or

(3) the provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane.

(c) "Reasonable medical judgment" means a medical judgment that would be made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

(d) "Infant" means an infant less than one year of

(continued)

age. The reference to less than one year of age shall not be construed to imply that treatment should be changed or discontinued when an infant reaches one year of age. Additionally, these standards should be consulted thoroughly in the evaluation of any issue of medical neglect involving an infant older than one year of age who has been continuously hospitalized since birth, who was born extremely prematurely, or who has a long-term disability.

(e) "Designated hospital liaison" means the individual designated by the hospital administrator as the person to be contacted by agency personnel in the event of a report of medically indicated treatment being withheld from a disabled infant. Names of liaisons shall be furnished to the agency annually by each hospital.

(f) "Hospital ethics review committee" means the group established by the hospital to review medical treatment and make recommendations to the appropriate medical personnel involved in the case. The effective date of this regulation shall be September 1, 1986.

**2. 30-45-11. Reports of medically neglected infants.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

**30-45-11. Reports of medically neglected infants.** (a) Reports of the medical neglect of a disabled infant shall be made to the local social and rehabilitation services office. Receipt of the report and subsequent initiation of an investigation will follow the emergency procedures established under the Kansas code for care of children. The agency social service workers shall upon receiving notification of withholding of medically indicated treatment from a disabled infant:

- (1) Contact the designated hospital liaison at the facility where the infant is located;
- (2) contact the hospital ethics review committee at the facility housing the infant to instigate that committee's review of the case if the committee has not reviewed the case; and
- (3) incorporate into the investigation, information from and reports to the designated hospital liaison and the hospital ethics review committee.

(b) Subsequent to the initial investigation of a report of medical neglect of a disabled infant, the agency personnel shall follow the procedures established under the Kansas code for care of children and all due process rights contained therein shall apply. The effective date of this regulation shall be September 1, 1986.

**3. 30-45-12. Responsible reporters.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

**30-45-12. Responsible reporters.** (a) The responsibility for reporting cases of medical neglect of a disabled infant is mandated for physicians, nurses, hospital administrators, and others as listed in K.S.A. 1985 Supp. 38-1522.

(b) Reports to social and rehabilitation services of medical neglect of disabled infants can be initiated by any concerned citizen. The reporter will remain anonymous unless the reporter agrees to the use of the reporter's identity by the agency. The reporter is not

liable to prosecution for reports made in good faith as per K.S.A. 1985 Supp. 38-1525 and 38-1526. The effective date of this regulation shall be September 1, 1986.

**4. 30-45-13. Records.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

**30-45-13. Records.** (a) Record keeping of medical neglect cases involving disabled infants shall be handled according to established agency procedures.

(b) Cumulative data shall be available to the medical community on an annual basis. The agency shall also make available to the public, non-confidential information regarding medical neglect cases. The effective date of this regulation shall be September 1, 1986.

**5. 30-45-14. Public information.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

**30-45-14. Public information.** The agency shall annually inform the medical community of the need to report cases of alleged medical neglect of disabled infants as per these regulations. The effective date of this regulation shall be September 1, 1986.

A copy of the proposed regulations and fiscal impact statement may be obtained prior to August 5, 1986 by contacting Mary Slaybaugh, Legal Division, State Department of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka 66612, (913) 296-3969. Written comments may be submitted prior to such date to Dr. Robert Harder, Secretary of Social and Rehabilitation Services, at the address above.

Interested persons will be given reasonable opportunity at the hearing to present their views and arguments on the adoption of the proposed temporary regulations. Presentations should be in writing whenever possible. Depending on the number of persons wanting to speak, the department may require that each participant limit his or her oral presentation to three minutes.

The public is invited to this meeting. Telephone hook-ups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hiawatha, Hutchinson, Junction City, Kansas City, Lawrence, Olathe, Ottawa, Parsons, Pittsburg, Pratt, Salina, Topeka (Area Office and State Office Building), Wichita and Winfield.

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

Doc. No. 004410

## State of Kansas

## LEGISLATURE

## INTERIM AGENDA

The following committee meetings have been scheduled during the period of July 21 through August 1, 1986.

Date	Room	Time	Committee	Agenda
July 21 July 22	313-S 313-S	10:00 a.m. 9:00 a.m.	Special Committee on Legislative Apportionment	Proposal No. 21— Legislative Apportionment. 21st: Overview of Proposal No. 21 and Block Boundary Project presentation. 22nd: Conferees and committee discussion.
July 21 July 22	123-S 123-S	10:00 a.m. 9:00 a.m.	Joint Committee on State Building Construction	Election of committee officers; Review of selected state agencies' FY 1988 capital improvement requests.
July 21 July 22	514-S 514-S	10:00 a.m. 9:00 a.m.	Joint Committee on Administrative Rules and Regulations	Review of statutes pertaining to the Board of Pharmacy; review of rules and regulations adopted by the Board of Pharmacy, the Consumer Credit Commissioner, the Grain Inspection Department, the Emergency Medical Services Council, the State Corporation Commission, the Department of Health and Environment, the Department of Administration, and the Department of Social and Rehabilitation Services.
July 21 July 22	526-S 526-S	10:00 a.m. 9:00 a.m.	Special Committee on Judiciary	Proposal No. 17—Division of Assets.
July 22 July 23	519-S 519-S	10:00 a.m. 9:00 a.m.	Special Committee on the Court System	Hearings on Proposal No. 5.
July 23 July 24	527-S 522-S	10:00 a.m. 9:00 a.m.	Special Committee on Public Health and Welfare	Hearings on Proposal No. 25—Residential Facilities for the Handicapped, the Elderly, and the Mentally Ill and Functionally Disabled.
July 24 July 25	527-S 527-S	10:00 a.m. 9:00 a.m.	Joint Committee on Special Claims Against the State	Hearings on claims filed to date.
July 28	123-S		Legislative Post Audit	Legislative matters.
July 28 July 29	526-S 526-S	10:00 a.m. 9:00 a.m.	Special Committee on Communication, Computers, and Technology	Briefings on Proposal No. 1—Funding and Interconnection of Public Television and Radio.

(continued)

July 29	527-S	10:00 a.m.	Legislative Budget	Proposal No. 22—State General Fund; staff report on state general fund finances.
July 30	123-S	10:00 a.m.	Special Committee on	Presentations on enrollment adjustment procedures by chancellor and university presidents.
July 31	123-S	9:00 a.m.	Financing of Regents' Institutions	

The following changes have been made in interim committee assignments:

Rep. Dave Louis replaces Rep. Bill Bryant on the Joint Committee on State Building Construction. Task forces have been named and membership designated for the Legislative Commission on Economic Development, as follows:

### LEGISLATIVE COMMISSION ON ECONOMIC DEVELOPMENT TASK FORCES

#### AGRICULTURE TASK FORCE

##### Committee Members

Chairman: Rep. David Heinemann  
Vice Chairman: Sen. Fred Kerr

##### Senators

Jerry Karr  
Merrill Werts

##### Representatives

Bill Bryant  
Don Rezac

##### Private Sector

Richard Basor, Bentley  
Eugene C. Beachner, St. Paul  
John Davis, Garden City  
Gary Gilbert, Clay Center  
Wayne Hagerman, Larned  
Dana Jackson, Salina  
Dale Rodman, Wichita

#### BUSINESS TRAINING

##### Committee Members

Chairman: Sen. Alicia Salisbury  
Vice Chairman: Rep. Denise Apt

##### Senators

Leroy Hayden  
Ben Vidricksen

##### Representatives

Rick Bowden  
Dorothy Nichols

##### Private Sector

Buddy Baker, Iola  
Fred P. Braun, Leavenworth  
Gary Clark, Lawrence  
Richard Corwin, Topeka  
Ron Hoover, Topeka  
John Moore, Wichita  
Dr. James H. Stringer, Hutchinson

#### CAPITAL MARKETS AND TAX STRUCTURE

##### Committee Members

Chairman: Sen. Dave Kerr  
Vice Chairman: Rep. Clyde Graeber

##### Senators

Bud Burke  
Frank Gaines

##### Representatives

Joan Adam  
Clint Acheson

##### Private Sector

Charles Becker, Lawrence  
Ben Craig, Overland Park  
Nancy Hiebert, Lawrence  
Lee W. Peakes, Kansas City  
Daryl Schuster, Liberal  
Shelby Smith, Wichita  
Montie Taylor, Parsons

EDUCATION

Committee Members

Chairman: Rep. Phil Kline  
Vice Chairman: Sen. Audry Langworthy

Senators

Nancy Parrish  
Wint Winter

Representatives

Jo Ann Pottorff  
Bill Reardon

Private Sector

Gary Bell, Wichita  
Frank Eaton, Manhattan  
Frances Royer, Topeka  
Dr. Gery Hochanadel, Parsons  
Dr. Michael McCarthy,  
Dodge City  
Sandra McMullen, Hutchinson  
Don Slawson, Wichita

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Administrative Services

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