

KANSAS REGISTER



JACK H. BRIER
Secretary of State

State of Kansas

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IN THIS ISSUE

	Page
Client Assistance Program Advisory Committee	
Notice of Meeting	1482
Adult Services Advisory Council	
Notice of Meeting	1482
State Planning Council on Developmental Disabilities Services	
Request for Proposals	1482
Notice of Meeting	1483
Secretary of State	
Invitation for Qualification Statements of Registered Land Surveying Firms	1482
Invitation for Bids for Land Survey Professional Services	1483
Crime Victims Reparations Board	
Notice of Hearing on Proposed Administrative Regulations	1483
Behavioral Sciences Regulatory Board	
Notice of Hearing on Proposed Administrative Regulations	1483
Board of Adult Care Home Administrators	
Notice of Meeting	1484
Notice to Bidders for State Purchases	1484
State Board of Nursing	
Notice of Hearing on Proposed Administrative Regulations	1485
Legislative Interim Committee Schedule	1486
Attorney General	
Opinions No. 86-152 through 86-157	1488
Department of Administration	
Notice of Hearing on Proposed Administrative Regulations	1489
State Fire Marshal	
Notice of Hearing on Proposed Administrative Regulations	1489
State Board of Accountancy	
Notice of Hearing on Proposed Administrative Regulations	1490
State Board of Mortuary Arts	
Notice of Hearing on Proposed Administrative Regulations	1490
Social and Rehabilitation Services	
Notice of Meeting and Hearing on Proposed Administrative Regulations	1491
Request for Proposals	1491
Department of Health and Environment	
Notices of Hearings on Proposed Administrative Regulations	1491-1493
Public Notice Regarding Hazardous Waste Permit	1493
Department of Human Resources	
Notices of Hearings on Proposed Administrative Regulations	1494, 1495
State Corporation Commission	
Notices of Hearings on Proposed Administrative Regulations	1495-1498
Kansas Parole Board	
Notice of Hearing on Proposed Administrative Regulations	1500
State Board of Regents	
Notice of Hearing on Proposed Administrative Regulations	1500
Notice of Bond Sale	
City of Shawnee	1501
Office of the Securities Commissioner	
Notice of Hearing on Proposed Administrative Regulations	1503

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

NOTICE OF MEETING

The Client Assistance Program Advisory Committee will meet at 1 p.m. Friday, November 14, in the conference room of the Emporia office of Social and Rehabilitation Services, 1015 Scott St., Emporia.

ROBERT C. HARDER
 Secretary of Social and
 Rehabilitation Services

Doc. No. 004779

State of Kansas
**SOCIAL AND REHABILITATION SERVICES
 ADULT SERVICES ADVISORY COUNCIL**

NOTICE OF MEETING

The Adult Services Advisory Council will meet from 10:30 a.m. to 12:30 p.m. Tuesday, December 2, at the SRS Staff Development Training Center, 2700 W. 6th, State Complex West, Feldman Building, Topeka.

JANET SCHALANSKY
 Acting Commissioner of
 Adult Services

Doc. No. 004780

State of Kansas
SECRETARY OF STATE

**INVITATION FOR QUALIFICATION
 STATEMENTS OF REGISTERED
 LAND SURVEYING FIRMS**

The Secretary of State, pursuant to K.S.A. 75-5803, is accepting statements of qualifications and performance data from registered land surveyors. Statements will be received at the address below until November 28, 1986.

Any registered land surveyor who desires additional information about the request should contact Danton B. Rice, Attorney, Secretary of State's Office, State Capitol, Topeka 66612, (913) 296-2336.

JACK H. BRIER
 Secretary of State

Doc. No. 004801

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

REQUEST FOR PROPOSALS

The State Planning Council on Developmental Disabilities Services invites community agencies for mental retardation and developmental disabilities and MR/DD organizations to submit proposals to provide services in the two priority areas of alternative community living and employment related activities. Grant applications are available upon request from the Grants Manager, Mental Health and Retardation Services, 5th Floor, State Office Building, Topeka 66612. All completed applications must be received by 5 p.m. December 5.

JOHN F. KELLY
 Executive Secretary

Doc. No. 004778

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 Secretary of State
 State Capitol
 Topeka, KS 66612



PHONE: 913/296-3489

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

NOTICE OF MEETING

The State Planning Council on Developmental Disabilities Services will meet at 9 a.m. Wednesday, November 19, in the Alcohol and Drug Abuse Services conference room, second floor, Biddle Building, Topeka State Hospital grounds, Topeka.

JOHN KELLY
 Executive Secretary

Doc. No. 004769

State of Kansas
CRIME VICTIMS REPARATIONS BOARD

**NOTICE OF HEARING
 ON PROPOSED
 ADMINISTRATIVE REGULATIONS**

A public hearing will be held at 10 a.m. Monday, December 1, in the offices of the Crime Victims Reparations Board, 117 W. 10th, Topeka, to consider the adoption of proposed administrative regulations under proposed new article 15, entitled "Notoriety for Profit Contracts," commonly referred to as "Son of Sam Law."

K.A.R. 20-15-1. Determinations by the board under L. 1986, ch. 306, sec. 2. This regulation is being promulgated to provide a framework for the board in making determinations, issuing notices, and conducting hearings pertaining to contracts for profits by convicted crime offenders.

K.A.R. 20-15-2. Separate escrow accounts under L. 1986, ch. 306, sec. 2. This regulation is being promulgated to provide a framework for the board in establishing separate escrow accounts, and disbursement of funds from said escrow accounts pertaining to monies received from contracts for profits by convicted crime offenders.

All interested parties may submit written comments prior to the hearing to the Crime Victims Reparations Board at the address above. All interested parties will be given a reasonable opportunity to orally express their views in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit oral presentation to five minutes. Following the hearing, all written and oral comments submitted by interested parties will be considered by the Crime Victims Reparations Board as the basis for making changes to the proposed regulations.

Copies of the regulations and the fiscal impact statement may be obtained by writing Don Stumbaugh, Director, Crime Victims Reparations Board, 117 W. 10th, Topeka 66612.

DON STUMBAUGH
 Director

Doc. No. 004782

State of Kansas
SECRETARY OF STATE

**INVITATION FOR BIDS FOR LAND SURVEY
 PROFESSIONAL SERVICES**

The Secretary of State, pursuant to K.S.A. 82a-201 *et seq.*, will select a land surveyor to survey the abandoned channel of the Missouri River as it existed immediately prior to the 1952 flood as found in T.3S. R.22 & 22E. in Doniphan County.

Sealed bids for these services will be received by the Secretary of State at the address below until noon C.S.T. December 11, 1986, and then will be publicly opened.

Any registered surveyor who desires bid specifications or additional information about the survey to be performed should contact Danton B. Rice, Project Attorney, Secretary of State's Office, State Capitol, Topeka 66612, (913) 296-2236.

JACK H. BRIER
 Secretary of State

Doc. No. 004803

State of Kansas
**BEHAVIORAL SCIENCES
 REGULATORY BOARD**

**NOTICE OF HEARING
 ON PROPOSED
 ADMINISTRATIVE REGULATIONS**

A public hearing is scheduled for Monday, December 1, in the board office conference room at 214 W. 6th, Room 201, Topeka. Psychology rules and regulations will be reviewed at 1 p.m., followed by social rules and regulations at 2 p.m.

All interested parties may submit written comments prior to the hearing to the board office at the address above. All interested parties will be given a reasonable opportunity at the hearing to orally express their views in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit oral presentation to five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered by the board as the basis for making changes to the proposed regulations.

A copy of the regulations and the fiscal impact statement may be obtained by writing to the board office.

MARY ANN GABEL
 Executive Secretary

Doc. No. 004770

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT
BOARD OF ADULT CARE
HOME ADMINISTRATORS**

NOTICE OF MEETING

The Board of Adult Care Home Administrators will meet at 2 p.m. Tuesday, November 25, in the executive conference room at the Kansas Department of Health and Environment, Building 740, Forbes Field, Topeka.

NORMAN DURMASKIN
Chairman

Doc. No. 004766

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES**

NOTICE TO BIDDERS

Sealed bids for the following items will be received by the Director of Purchases, State Office Building, Topeka, until 2 p.m. C.S.T., and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

MONDAY, NOVEMBER 24, 1986

- #27444
Statewide—JANUARY (1987) MEAT PRODUCTS
- #27446
University of Kansas Medical Center—JANUARY (1987) MEAT PRODUCTS
- #27448
Osawatomie State Hospital and Topeka State Hospital—REAGENTS AND SUPPLIES/THERAPEUTIC DRUG DETECTION SYSTEMS
- #27449
Statewide—DESKTOP COMPUTER PRINTERS
- #27450
Kansas State University—DRY CLEANING SERVICE
- #67501
Kansas Insurance Department—SALE OF USED COMPUTER EQUIPMENT
- #67513
Department of Transportation—HEATED PRESSURE WASHERS, various locations
- #67514
University of Kansas—STEREO SUB-CARRIER GENERATOR
- #67515
Kansas Correctional Industries—USED BUS, Oskaloosa
- #67516
Department of Social and Rehabilitation Services—STEP VAN
- #67517
University of Kansas—MINI VAN
- #67518
Emporia State University—PLAIN PAPER COPIER
- #67524
Department of Transportation—LUMINAIRES, Wichita

TUESDAY, NOVEMBER 25, 1986

- #A-5295
Winfield State Hospital and Training Center—HANDICAP RAMP, Medical Services Building
- #A-5666
University of Kansas Medical Center—PROVIDE HAZARDOUS WASTE HOLDING FACILITY, Building 25—on campus
- #27445
Kansas State University—FERTILIZER, St. John
- #27447
University of Kansas—JANUARY (1987) MEAT PRODUCTS
- #67528
Kansas State Industrial Reformatory—DISHWASHING SUPPLIES
- #67529
Department of Social and Rehabilitation Services—HANDICAPPED VAN CONVERSION, Shawnee Mission
- #67530
University of Kansas Medical Center—ELECTRO-SURGICAL DRILL
- #67531
Department of Administration, Division of Printing—STITCHING EQUIPMENT
- #67532
Emporia State University—MAIL ROOM EQUIPMENT
- #67533
Department of Administration, Division of Printing—GRAPHIC ARTS SUPPLIES
- #67536
University of Kansas—SALE OF USED COMPUTER EQUIPMENT
- #67537
University of Kansas—HEATING AND AIR CONDITIONING CONTROLS
- #67539
Kansas State University—STEAM RADIATOR TRAPS
- #67540
Kansas State Industrial Reformatory—MEAT (JANUARY 1987)
- #67542
University of Kansas—TAXI SERVICE
- #67543
Kansas State University—LAB EQUIPMENT
- #67545
University of Kansas Medical Center—PATIENT EXAMINATION TABLES
- #67550
Department of Transportation—FURNISH AND INSTALL OVERHEAD DOORS
- #67551
Kansas Correctional Industries—CONSTRUCT A POLE BARN
- #67567
University of Kansas—DATA HANDLING EQUIPMENT
- #67569
Kansas Fish and Game Commission—FEED-AQUATIC, Junction City
- #67570
Department of Revenue—OFFICE FURNITURE
- #67571
Kansas State University—GYM PROTECTIVE FLOOR COVERING

WEDNESDAY, NOVEMBER 26, 1986

#A-5533

Youth Center at Atchison—REPLACE CEILING SYSTEM AND UPDATE LIGHTS, Bert Nash School

#A-5541

Youth Center at Topeka—RESURFACE OUTDOOR PLAY AREAS

#67066-A

Wichita State University—CABLE

#67557

University of Kansas Medical Center—TELEPHONE EQUIPMENT AND SOFTWARE, Wichita

#67560

University of Kansas—CONSTRUCTION OF BORE HOLE—CASED, Ellis County

#67561

Department of Social and Rehabilitation Services—ELECTRIC WHEELCHAIRS, various locations

#67562

University of Kansas Medical Center—DOPPLER FLOWMETER SYSTEM

#67563

University of Kansas Medical Center—DIAGNOSTIC REAGENT

#67564

University of Kansas Medical Center—LAB EQUIPMENT

#67565

University of Kansas Medical Center—LAB EQUIPMENT

MONDAY, DECEMBER 8, 1986

#67538

Kansas Public Employees Retirement System—INTEGRATED ACCOUNTING SYSTEM—SYSTEM 38 COMPATIBLE

TUESDAY, DECEMBER 9, 1986

#A-5649

Department of Transportation—INSULATE AND WEATHERPROOF SUB-AREA SHOP BUILDING, Wamego

#A-5651

Department of Transportation—INSULATE AND WEATHERPROOF SUB-AREA SHOP BUILDING, Altamont

WEDNESDAY, DECEMBER 10, 1986

#A-5633

Department of Transportation—REROOF (COMPLETE REPLACEMENT) DISTRICT SHOP BUILDING, Salina

THURSDAY, DECEMBER 11, 1986

#A-5615

University of Kansas—RENOVATION OF THE KANSAS UNION

WEDNESDAY, DECEMBER 17, 1986

#67544

Kansas State University—ASPHALT OVERLAY

NICHOLAS B. ROACH
Director of Purchases

State of Kansas

BOARD OF NURSING

NOTICE OF HEARING ON PROPOSED

ADMINISTRATIVE REGULATIONS

A public hearing will be held at 1 p.m. Monday, December 1, in Room 201 of the Frank Carlson Federal Building, 444 S.E. Quincy, Topeka, to consider adoption of proposed revisions to existing rules and regulations.

All interested parties may submit written comments prior to the hearing to the Board of Nursing, 503 Kansas Avenue, Suite 330, Topeka 66603. All interested parties will be given a reasonable opportunity to present their views on the adoption of the proposed revisions to the regulations during the hearing.

The following amended existing regulations will be considered for adoption on a temporary and permanent basis. Most of the changes made are editorial, deleting dates which have passed. There are very few substantive changes in the existing regulations. The objective is to bring the Nurse Practice Act up to date.

Article 2. Requirements for Accredited Nursing Programs.

K.A.R. 60-2-101. Defines requirements, updates language, amends dates which have expired, deletes the outdated sections and incorporates board established policy into regulatory format.

Article 3. Requirements for licensure and standards of practice.

K.A.R. 60-3-101. Defines requirements, updates language, deletes outdated sections and specific dates which have expired. Specific dollar amounts for fees removed. No substantive changes in existing regulations.

K.A.R. 60-3-105. Reinstatement of lapsed license. No substantive changes. Deletes dates which have expired.

Article 9. Renewal of license. Continuing education requirements.

K.A.R. 60-9-102. Requirements for licensure renewal. Continuing education requirement. No substantive changes. Deletes dates which have expired and sections which have expired.

Article 11. Advanced Registered Nurse Practitioners.

K.A.R. 60-11-110. Renewal of certification. No substantive changes. Amends old dates out of the existing regulation, updates language.

Copies of the full text of the regulations may be obtained by writing to the Kansas State Board of Nursing, P.O. Box 1098, Topeka 66601.

LOIS RICH SCIBETTA, Ph.D., R.N.
Executive Administrator

Doc. No. 004800

Doc. No. 004775

State of Kansas

LEGISLATURE

INTERIM AGENDA

The following committee meetings have been scheduled during the period of November 17 through November 28, 1986:

Date	Room	Time	Committee	Agenda
Nov. 17	531-N	3:30 p.m.	Legislative Commission on Economic Development	Task force progress reports and discussion of future meeting dates.
Nov. 17	519-S	10:00 a.m.	Special Committee on Transportation	If needed—wrap-up of previous discussion on proposals.
Nov. 17 Nov. 18	521-S 521-S	10:00 a.m. 9:00 a.m.	Special Committee on Communications, Computers and Technology	Committee final recommendations on Proposals No. 1 through 4.
Nov. 17 Nov. 18	526-S 526-S	9:00 a.m. 9:00 a.m.	Task Force on Agriculture—Legislative Commission On Economic Development	Task force discussion of recommendations.
Nov. 17 Nov. 18	531-N 531-N	10:00 a.m. 9:00 a.m.	Task Force on Capital Markets—Legislative Commission on Economic Development	17th: Banking and taxation recommendations. 18th: Public comment; final decisions on all recommendations.
Nov. 17 Nov. 18	514-S 514-S	9:00 a.m. 8:00 a.m.	Task Force on Higher Education—Legislative Commission on Economic Development	Review final reports from consultants on governance and business-university relations; consideration of recommendations.
Nov. 18 Nov. 19	527-S 527-S	10:00 a.m. 9:00 a.m.	Legislative Educational Planning Committee	Review of committee report (preliminary draft) and other matters.
Nov. 19	514-S	10:00 a.m.	Special Committee on Legislative Apportionment	Committee review of proposed bill and resolution and approval of committee report.
Nov. 19	531-N	10:00 a.m.	Subcommittee on Radon—Special Committee on Energy and Natural Resources	Presentations to the subcommittee and consideration of future meetings.
Nov. 20 Nov. 21	514-S 514-S	10:00 a.m. 9:00 a.m.	Joint Committee on Administrative Rules and Regulations	Review rules and regulations filed by: SRS, Health and Environment, Securities Commission, KDED, Department of Administration, Fish and

Game Commission, Board of Pharmacy, Department of Revenue, Department of Education, Board of Agriculture, and Real Estate Commission.

Nov. 20	Tour	8:25 a.m.	Joint Committee on State	20th: Tour of selected state agencies in western Kansas. 21st: Annual status report on state construction claims; report on Statehouse office/committee space; report on handicapped accessibility in the House and Senate galleries; Presentation by the Department of Revenue on FY 1988 capital improvement requests; Presentation of final plans for housing/administration/food service buildings for the Ellsworth correctional work facility.
Nov. 21	423-S	9:00 a.m.	Building Construction	
Nov. 20	527-S	10:00 a.m.	Legislative Budget Committee	Agenda to be determined.
Nov. 21	527-S	9:00 a.m.		
Nov. 20	519-S	10:00 a.m.	Special Committee on	Committee final recommendations.
Nov. 21	519-S	9:00 a.m.	Judiciary	
Nov. 21	531-N	10:00 a.m.	Special Committee on the Court System	Review of report draft and draft bills.
Nov. 24	Wichita		Task Force on Agriculture—Legislative Commission on Economic Development	Task force in Wichita; Final discussion of recommendations.
Nov. 24	519-S	9:00 a.m.	Task Force on Higher Education—Legislative Commission on Economic Development	Consideration of final report (if necessary).
Nov. 24	529-S	10:00 a.m.	Special Committee on	Review of report drafts and bills.
Nov. 25	529-S	9:00 a.m.	Financing Regents Institutions	
Nov. 24	514-S	10:00 a.m.	Special Committee on Ways and Means	Review of report of drafts and bills.
Nov. 25	514-S	9:00 a.m.		
Nov. 24	527-S	10:00 a.m.	Special Committee on Public	Agenda to be determined.
Nov. 25	527-S	9:00 a.m.	Health and Welfare	

WILLIAM R. BACHMAN
Director of Legislative
Administrative Services

State of Kansas

ATTORNEY GENERAL**Opinion No. 86-152**

Insurance—Uniform Unauthorized Insurers Act—Hazardous Waste Liability. Barbara J. Sabol, Secretary, Department of Health and Environment, Topeka, October 30, 1986.

The United States Environmental Protection Agency allows for the use of a parent corporate guarantee as an additional financial responsibility mechanism for subsidiary owners and operators of hazardous waste facilities to comply with the third-party liability requirements of 40 C.F.R. §§ 264.147 and 265.147. Regardless whether this guarantee is defined as "insurance," it is enforceable against the parent company. Cited herein: K.S.A. 1985 Supp. 40-2702; K.A.R. 28-31-8; 40 C.F.R. §§ 264.147; 265.147. TL

Opinion No. 86-153

State Departments; Public Officers and Employees—Public Officers and Employees; Open Public Meetings—Meeting Location. H. Philip Elwood, Counsel for the Kansas Dental Board, Topeka, October 30, 1986.

The Kansas Open Meetings Act (KOMA) provides that meetings of public bodies must be "open to the public" (K.S.A. 75-4317). The key to determining whether the location of a meeting would subvert the statutory mandate of openness is accessibility of the meeting to the public. Assuming the notice requirements and other provisions of the KOMA are met, it is our opinion that the proposed meeting of the Kansas Dental Board to be held in Kansas City, Missouri would not violate the open meetings law. Cited herein: K.S.A. 74-1404; 74-1405; 74-1406; K.S.A. 75-4317. RLN

Opinion No. 86-154

State Boards, Commissions and Authorities—Law Enforcement Training Center; Training Commission—Entitlement to Kansas Law Enforcement Training Center Fund. Al Naes, Chairman, Kansas Law Enforcement Training Commission, Lawrence, November 3, 1986.

Kansas legislative appropriation acts do not establish funding for the Kansas Law Enforcement Training Commission; nor does the Kansas law enforcement training act, K.S.A. 74-5601 *et seq.*, authorize or otherwise entitle the commission to any funds. Cited herein: K.S.A. 1985 Supp. 20-362, as amended by L. 1986, ch. 146, § 2; 28-172a, as amended by L. 1986, ch. 146, § 3; K.S.A. 74-5601; 74-5603; 74-5614, repealed by L. 1982, ch. 322, § 12. BLB

Opinion No. 86-155

State Departments; Public Officers and Employees—Kansas Tort Claims Act—Liability of Personnel of Quasi-Public Corporations. Charles J. Schwartz, Secretary, Kansas Department of Economic Development, Topeka, November 5, 1986.

Under provisions of the Kansas Tort Claims Act, K.S.A. 75-6101 *et seq.*, a member of the Board of Directors of the Kansas Technology Enterprise Corporation will, upon proper request, be provided with legal representation in, and will not be personally liable for judgments resulting from, lawsuits in which the member has acted within the scope of his employment. Cited herein: K.S.A. 68-2003; 75-3223; 75-6101; 75-6102; 75-6103; 75-6104; 75-6108; 75-6109; L. 1986, ch. 284. JLM

Opinion No. 86-156

Intoxicating Liquors and Beverages—Licensing and Related Provisions; City Option—Appellate Procedure for a Liquor License Revocation. Albert D. Campbell, Chairman, Alcoholic Beverage Control Board of Review, Department of Revenue, Topeka, November 5, 1986.

Due process does not require a trial *de novo* when a decision to revoke a liquor license is on appeal to the Alcoholic Beverage Control Board of Review, nor does the right to such a *de novo* hearing arise from statutory or case law. Cited herein: K.S.A. 1985 Supp. 41-320; 41-321, as amended by L. 1986, ch. 318, § 46; K.A.R. 13-2-11; 13-2-13; 14-16-3. TL

Opinion No. 86-157

Intoxicating Liquors and Beverages—Misdemeanors and Nuisances—Possession, Transportation and Consumption of Alcoholic Liquors and Cereal Malt Beverages by Vehicle Passengers. Richard C. Dearth, City Attorney, Parsons, November 5, 1986.

Kansas law allows transportation and possession of alcoholic liquors and cereal malt beverages in vehicles when the seal of the container is unbroken, the container is locked in the trunk, or when the liquor or cereal malt beverage is in the exclusive possession of a passenger in a recreational vehicle or bus and is not directly accessible to the driver (K.S.A. 41-804; 41-2719). Consumption of alcoholic liquors in vehicles is prohibited by K.S.A. 41-719. However, under specifically delineated circumstances, consumption of cereal malt beverages by a passenger in a recreational vehicle or bus is permissible under Kansas law. Cited herein: K.S.A. 8-1406; K.S.A. 1985 Supp. 41-102; K.S.A. 41-719; 41-804; K.S.A. 1985 Supp. 41-2701; K.S.A. 41-2702; 41-2719; 41-2720; 75-1212. TL

ROBERT T. STEPHAN
Attorney General

Doc. No. 004783

State of Kansas

DEPARTMENT OF ADMINISTRATION

NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS

A public hearing will be held at 9 a.m. Monday, December 1, in Room 514-S, State Capitol, Topeka, to consider the adoption of proposed changes in existing rules and regulations of the Division of Personnel Services and the Division of General Services.

All interested parties may submit written comments prior to the hearing to the Secretary of Administration, Room 263-E, State Capitol, Topeka 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

A summary of proposed regulations follows:

Division of General Services

K.A.R. 1-23-3 and 1-23-4 are being amended on a permanent basis to require vanpool drivers to pay one-fourth of the fare paid by other members of their vanpool and to allow parking of vans on a street overnight if approved by the Central Motor Pool.

Copies of the regulations and of the associated fiscal impact statement may be obtained from Orion Jordan, 400 Van Buren, Topeka 66603, (913) 296-4614, (KANS-A-N 561-4614).

Division of Personnel Services

K.A.R. 1-2-1: This regulation is proposed to be revoked, as it defines abbreviated salary range and is not used by the current pay plan.

K.A.R. 1-2-46: This regulation is proposed to be changed to clarify the status of blind service trainees to allow time worked as a blind service trainee to count toward length of service.

K.A.R. 1-2-51, K.A.R. 1-5-8, K.A.R. 1-5-11, K.A.R. 1-5-14, K.A.R. 1-5-15, K.A.R. 1-5-16, K.A.R. 1-5-20, K.A.R. 1-6-29: These regulations are being revised to change the term "pay increase anniversary date" to "pay increase date" to clarify step movement through the pay plan.

K.A.R. 1-2-85: This regulation is being changed to make the definition of a temporary appointment consistent with its usage in K.A.R. 1-6-25.

K.A.R. 1-5-10: This regulation is being revised to allow reinstated employees to be appointed to higher steps in the salary range under certain circumstances and to change the references to the "pay increase anniversary date" to "pay increase date" to clarify step movement through the pay plan.

K.A.R. 1-5-12: This regulation is being changed to allow employees appointed to the classified service from the unclassified service to be appointed to higher steps in the salary range under certain circumstances. The reference to the "pay increase anniversary date" is being changed to "pay increase date" to clarify step movement through the pay plan.

K.A.R. 1-5-13: This regulation is being changed to delete the redundant wording "The employee's salary shall be at least step A," and to allow employees who are promoted to be appointed to higher steps in the salary range under certain circumstances. The pay increase date is being referenced to clarify step movement through the pay plan.

K.A.R. 1-5-19b: This regulation is being changed to delete the wording that refers to the implementation of the fiscal year 1986 pay plan.

K.A.R. 1-5-19c: This regulation is being changed to clarify the salary of an employee whose class is assigned to a higher salary range and who is being paid a dollar amount below step A of the new salary range. The reference to the "pay increase anniversary date" is being changed to "pay increase date" to clarify step movement through the pay plan.

K.A.R. 1-7-6: This regulation is being changed to specifically refer to K.A.R. 1-7-4.

These regulations are proposed for amendment on a permanent basis. K.A.R. 1-2-46 is also proposed for amendment on a temporary basis. Copies of the regulations and of the associated fiscal impact statements may be obtained from the Division of Personnel Services, Room 123-S, State Office Building, Topeka 66612, (913) 296-2140, (KANS-A-N 561-2140).

ARTHUR H. GRIGGS
Secretary of Administration

Doc. No. 004784

State of Kansas

STATE FIRE MARSHAL

NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS

A public hearing will be conducted at 10 a.m. Monday, December 1, in the State Fire Marshal's conference room, Suite 303, 503 Kansas Ave., Topeka, to consider the adoption of proposed permanent rules and regulations of the State Fire Marshal.

All interested parties may submit written comments prior to the hearing to Lawrence L. Tenopir, Legal Counsel, State Fire Marshal, 503 Kansas Ave., Suite 303, Topeka 66603. All interested parties will be given a reasonable opportunity at the hearing to present their views orally in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered by the State Fire Marshal as the basis for making changes to the proposed regulations.

Summaries of the regulations follow. Copies of the regulations and the fiscal impact statement may be obtained by writing the State Fire Marshal.

The following is a brief summary of the proposed regulations:

K.A.R. 22-7-2 concerns containers for petroleum
(continued)

products and is amended to require red containers for gasoline and also to clarify where container specifications can be found.

K.A.R. 22-8-7 is amended to require more frequent inspection of LP gas-powered vehicles.

K.A.R. 22-10-16 concerns automatic extinguishing systems and is amended to allow for the use of new technology in water-charged systems.

K.A.R. 22-10-7 is a new regulation which adopts by reference N.F.P.A. pamphlet No. 17A, concerning wet chemical extinguishing systems.

K.A.R. 22-11-8 concerns the application of the Life Safety Code and is amended for clarification by adopting the terminology used by other state agencies.

EDWARD C. REDMON
State Fire Marshal

Doc. No. 004786

State of Kansas

BOARD OF ACCOUNTANCY

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

The Board of Accountancy of Kansas will hold a regularly scheduled meeting at 9 a.m. Monday, December 1, in conference room 237, 503 Kansas Avenue, Topeka. Anyone interested in agenda items or in attending this meeting should contact the board secretary at the address above.

A public hearing will be held beginning at 1:30 p.m. on the same date at the same location for the purpose of considering amendments to existing administrative regulations and adoption of new regulations on the Positive Enforcement Program being enacted by the board. Summaries of these regulations are as follows:

74-5-202. Auditing Standards and **74-5-203.** Accounting Principles, are being amended to cite the most recent AICPA and FAST publication dates listed in the regulations.

74-10-1. Definitions of office, issuer, practice unit and report review.

74-10-2. Reports required of practice units, listing the particular types of reports which will be required and exemptions therefrom.

74-10-3. Selection of reports, procedures for, and mechanics thereof.

74-10-4. Review process, particulars thereof, and responses.

74-10-5. Disposition of problem reports, providing for field reviews of working papers, provisions for disagreement and possible sanctions.

The full text of the regulations can be obtained by contacting the board secretary at the address above.

GLENDIA SHERMAN
Board Secretary

Doc. No. 004744

State of Kansas

BOARD OF MORTUARY ARTS

**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A public hearing will be held at 2 p.m. Monday, December 1, in Suite 203 of the Kansas State Board of Mortuary Arts, 214 W. 6th, Topeka, at which time all interested persons will have an opportunity to be heard regarding the adoption of permanent rules and regulations.

All interested parties may submit written comments prior to the hearing to the executive secretary of the Mortuary Arts Board. In order to give all parties an opportunity to present their views, it will be necessary to request that each participant limit any oral presentation to five minutes.

The regulations to be amended are as follows:

- 63-1-1.** Definitions.
- 63-1-4.** Examination.
- 63-1-5.** Requirements for reciprocal embalmer's license.
- 63-1-6.** General rules relating to the practice of embalming.
- 63-1-7.** Revocation of licenses or refusal to renew.
- 63-1-8.** Administrative procedure.
- 63-1-15.** Standards for approval.
- 63-1-16.** Post approval.
- 63-1-18.** Reports of licensee.
- 63-1-20.** Disability or illness.
- 63-1-22.** Reinstatement of inactive practitioners.
- 63-2-1.** Embalming regulations adopted.
- 63-2-3.** Licensee in charge of establishments.
- 63-2-8.** Revocation of licenses or refusal to renew.
- 63-2-11.** Requirements for reciprocal funeral director's license.
- 63-2-12.** Apprenticeship.
- 63-2-14.** Funeral director's biennial renewals.
- 63-2-15.** Assistant funeral director's biennial renewals.
- 63-4-1.** Payment of fees.

Copies of the regulations and fiscal impact statements may be obtained by writing to the Mortuary Arts Board, 214 W. 6th, Suite 203, Topeka 66603-3797.

DOUGLAS "MACK" SMITH
Executive Secretary

Doc. No. 004765

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, December 2, in the Staff Development Training Center, 2700 W. 6th, Topeka.

The scheduled agenda includes:

- Solicit input concerning legislation.
- Adoption of proposed permanent administrative regulations.
- Public hearing concerning a proposed temporary administrative regulation. A summary of the proposed regulation is set forth below. The proposed change is scheduled to become effective January 1, 1987.
- Adoption of proposed temporary administrative regulations.

A. Medicaid/Medikan Program—Client Eligibility.

1. 30-6-107. Property exemption. This regulation is being amended to increase the allowable nonexempt resource level from \$1,700 to \$1,800 for one person and from \$2,550 to \$2,700 for two or more persons.

A copy of the proposed regulation and fiscal impact statement may be obtained prior to December 2 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 same address.

Interested persons will be given reasonable opportunity at the hearing to present their views and arguments on the adoption of the proposed temporary regulation. Presentations should be in writing whenever possible. Depending on the number of persons wanting to speak, the department may require that each participant limit 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. 004776

State of Kansas

SOCIAL AND REHABILITATION SERVICES**REQUEST FOR PROPOSALS**

The Departmental Task Force on Adolescent Pregnancy will accept proposals to fund local planning conferences on teen parenting and pregnancy prevention. The local SRS area office or SRS youth center (if one is located in that area) must be a cosponsor of the conference and must assist in the development of the conference funding proposal. The deadline for submitting proposals is December 15.

More information about these conferences as well as copies of the conference funding proposal can be obtained from any SRS area office or from Aileen C. Whitfill, Executive Assistant for Policy and Program Development, State Office Building, Topeka 66612, (913) 296-3271.

AILEEN C. WHITFILL
Executive Assistant for Policy and
Program Development

Doc. No. 004787

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT****NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A public hearing will be held at 10 a.m. Monday, December 1, at the Kansas Department of Health and Environment, Building 321 conference room, Forbes Field, Topeka, to receive oral and written comments regarding the adoption of the following regulations:

Proposed Permanent and Temporary K.A.R. 28-52-1. This regulation concerns the required procedures for submittal of risk management plans by medical care facilities.

Proposed Permanent K.A.R. 28-34-125. This regulation concerns hospital construction and is amended to require certification by the architect that contract documents are in compliance with regulations.

Proposed Permanent K.A.R. 28-51-100. This regulation concerns home health agencies and is amended to include "social worker" in the definition of appropriate health professional.

All interested parties may submit written and oral comments regarding these proposed regulations at this hearing. All comments will be considered prior to adoption and submittal to the Revisor of Statutes.

Copies of the full text of these proposed regulations and the fiscal impact statements may be obtained by writing the Bureau of Adult and Child Care Facilities, Kansas Department of Health and Environment, Forbes Field, Topeka 66620.

BARBARA J. SABOL
Secretary of Health
and Environment

Doc. No. 004802

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT**

**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted at 1 p.m. Monday, December 1, at the Kansas Department of Health and Environment, executive conference room, Building 740, Forbes Field, Topeka, to consider amending the following permanent regulations of the Department of Health and Environment.

K.A.R. 28-46-10 and 28-46-32 are existing regulations establishing procedures, administrative functions and regulatory requirements for the Kansas Underground Injection Control (UIC) Program. K.A.R. 28-46-10 addresses the term of UIC permits and the requirement to periodically review the permits to determine whether they should be modified, revoked and reissued, or terminated. Pursuant to a recommendation made by the Joint Committee on Administrative Rules and Regulations, K.A.R. 28-46-10(c) was amended to require the review of Class I hazardous waste injection wells be conducted at least annually. K.A.R. 28-46-32 addresses the area of review required for all injection wells. K.A.R. 28-46-32(a) was amended to extend the area of review to 1/4 mile, which is consistent with Federal UIC requirements in 40 CFR 146.6. These regulations are authorized by and will be implementing K.S.A. 65-171d, effective May 1, 1987.

All interested parties may submit written comments prior to the hearing to Donald R. Carlson, Bureau of Water Protection, Building 740, Forbes Field, Topeka 66620. All interested parties will be given a reasonable opportunity at the hearing to orally present their views in regard to the adoption of the amended regulations. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit oral presentation to five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered by the Secretary of Health and Environment as the basis for making changes to these amended regulations.

Copies of the regulations and the fiscal impact statement may be obtained by writing the Bureau of Water Protection.

BARBARA J. SABOL
Secretary of Health
and Environment

Doc. No. 004768

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT**

**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

The Kansas Department of Health and Environment will conduct a public hearing at 1:30 p.m. Monday, December 1, in the conference room of the Kansas Department of Health and Environment, Building 321, Forbes Field, Topeka, to receive oral and written testimony concerning adoption of Kansas Administrative Regulations 28-35-145, 28-35-146 and 28-35-147. These proposed permanent regulations will establish fees for those persons licensed by the department to possess, use, transfer, dispose or obtain radioactive materials, and those persons registered by the department as having obtained, possessed or used radiation producing devices.

These persons include physicians and institutions using such sources for diagnostic and therapeutic medical purposes, colleges and universities using such sources for educational and research purposes, industries using the sources as aids in non-destructive testing, measuring height of fill in containers and others.

The regulations will become effective May 1, 1987.

Persons may present oral or written testimony at the hearing. The written testimony will not be read aloud to those in attendance at the hearing. Written testimony will also receive consideration if mailed and received by the department by December 1.

Copies of the proposed regulations and a statement of financial impact due to these proposed regulations may be obtained from or reviewed at the Bureau of Air Quality and Radiation Control, Building 321, Forbes Field, Topeka 66620, (913) 862-9360, ext. 284.

The following is a brief summary of the proposed regulations:

K.A.R. 28-35-145, 28-35-146 and 28-35-147 relate to the possession and use of radiation producing equipment and radioactive materials and fees to be established by the department for the licensing and registration programs pursuant to K.S.A. 48-1601 *et seq.*

K.A.R. 28-35-145 identifies who pays the fees.

K.A.R. 28-35-146 establishes the conditions for payment and exemptions from the fees.

K.A.R. 28-35-147 is a schedule of fees indicating the fee for each of the types of licensees or registrants.

BARBARA J. SABOL
Secretary of Health
and Environment

Doc. No. 004781

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT****PUBLIC NOTICE REGARDING
HAZARDOUS WASTE PERMIT**

The Travenol Laboratories, Inc. facility, Hays, has requested that the interim status for its hazardous waste storage facility be terminated. Kansas Administrative Regulation 28-31-9 requires that the Kansas Department of Health and Environment either issue or deny a permit in order to terminate interim status. Therefore, the KDHE is publishing public notice of its intent to deny a hazardous waste facility permit for the Travenol Laboratories, Inc., Hays. The KDHE is also providing public notice of the closure activities associated with the hazardous waste operations at Travenol's Hays facility. Closure was completed during February 1986.

The facility is located at I-70 and Bird Road in Hays. Travenol operated a hazardous waste storage facility under interim status, EPA I.D. No. KSD043933266. In a letter dated January 31, 1985, Travenol advised the department of intention to close the facility. On October 21, 1985, an approved closure plan was placed on public review for comments. No comments were received. The facility completed closure of all hazardous waste operations during February 1986.

A Notice of Intent to Deny a permit is a type of draft permit subject to procedures applicable to draft permits as set forth in 40 Code of Federal Regulations (CFR) Part 124 as adopted by K.A.R. 28-31-9, and is based upon an administrative record. The administrative record consists of the Notice of Intent to Deny Hazardous Waste Permit, the statement of basis which describes the reasons supporting the decision, the closure procedures, and data submitted by the facility.

The administrative record is available for public review from November 20, 1986 to January 5, 1987, from 8 a.m. to 4:30 p.m., Monday through Friday, at the KDHE Topeka office, Building 321, Forbes Field, Topeka; the KDHE Hays office, 2301 E. 13th, Hays; and the Region VII—U.S. Environmental Protection Agency, 726 Minnesota Ave., Kansas City, Kansas.

Comments and requests for additional information should be made in writing to Dennis Murphey, Bureau of Waste Management, at the KDHE Topeka office. Requests for additional information may also be submitted by telephone at (913) 862-9360, ext. 290. All comments must be submitted by January 5, 1987.

If comments are received which indicate a significant degree of public interest, a public hearing will be scheduled. Requests for a public hearing must be in writing and must state the nature of the issues proposed to be raised in the hearing. Such requests must be submitted by January 5, 1987. The public notice and public hearing procedures may be found in 40 CFR Sections 124.11 and 124.12.

After considering all comments received, KDHE will make a final permit decision. If the determination is substantially unchanged from that announced by this notice, KDHE will notify all persons submitting

written comments or requesting the notice of final permit determination. If the determination is substantially changed from that announced by this notice, a new public notice will be issued and the public participation process will be reopened.

BARBARA J. SABOL
Secretary of Health
and Environment

Doc. No. 004772

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT****NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted at 9 a.m. Monday, December 1, at the Kansas Department of Health and Environment, executive conference room, Building 740, Forbes Field, Topeka, to consider amending the following permanent regulations of the Department of Health and Environment.

K.A.R. 28-16-83 through 28-16-98 are existing regulations establishing procedures, administrative functions and regulatory requirements for the Kansas Pretreatment Program. The regulations are authorized by and will be implementing K.S.A. 65-171d, effective May 1, 1987. The amendments update references to 40 CFR Part 136 which was published October 26, 1984 and subsequently amended January 4, 1985 and June 30, 1986 (see 49 FR 43234, 50 FR 690, and 51 FR 23692), and 40 CFR Part 403 as in effect on July 1, 1986.

All interested parties may submit written comments prior to the hearing to Donald R. Carlson, Bureau of Water Protection, Building 740, Forbes Field, Topeka 66620.

Following the hearing, all written and oral comments submitted by interested parties will be considered by the Secretary of Health and Environment as the basis for making changes to these amended regulations.

Copies of the regulations and the fiscal impact statement may be obtained by writing the Bureau of Water Protection.

BARBARA J. SABOL
Secretary of Health
and Environment

Doc. No. 004767

State of Kansas

DEPARTMENT OF HUMAN RESOURCES

NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS

A public hearing will be held from 9 a.m. to noon Monday, December 1, in the second floor conference room, 512 W. 6th, Topeka, to consider the adoption of proposed regulations of the Department of Human Resources.

All interested parties may submit written comments prior to the hearing to the Kansas Department of Human Resources, Legal Division, Attention: Paul E. Pendergast, 401 Topeka Blvd., Topeka 66603.

Copies of the proposed regulations may be obtained at the address above. Persons requesting copies of the proposed regulations and fiscal impact statements will be required to compensate the legal division for reproduction.

All interested parties will be given a reasonable opportunity to present their views orally in regard to the adoption of the proposed regulations.

The following are brief summaries of the proposed regulations:

Article 45. Boiler Specification and Inspections. 49-45-1 through 49-45-28. The proposed regulations incorporate by reference two codes utilized in boiler specifications and inspections.

Article 45a. Definitions. 49-45a-1 through 49-45a-27. The proposed regulations define terms utilized in the inspection of the boilers.

Article 47. Inspections. 49-47-2. The proposed regulation details the manner in which a boiler will be stamped at installation or inspection.

Article 49. Fee Schedule for Boiler Inspections. 49-49-1 and 49-49-2. The proposed regulation 49-49-1 specifies the fee for inspections made by the chief or deputy inspector. The proposed regulation increases the certification fee from \$10 to \$15. The proposed regulation 49-49-2 provides the penalty for failure to pay the fee for a boiler inspection.

Article 50. General Requirements for All Boilers. 49-50-1 through 49-50-20. The proposed regulations specify the criteria that must be satisfied to operate all boilers in Kansas.

49-50-20. The proposed regulation requires the owners and users of new boilers to notify the office of chief inspector within 72 hours of an inspection by a commissioned inspector. The proposed regulation details specifications regarding the placement of boilers and the means of exit from new boiler rooms.

Article 51. High Pressure Boilers. 49-51-1 through 49-51-14. The proposed regulations specify the criteria that must be satisfied to operate high pressure boilers in Kansas.

Article 52. Low Pressure Boilers. 49-52-1 through 49-52-15. The proposed regulation specifies standards that must be satisfied to operate low pressure heating boilers in Kansas.

Article 53. Nuclear Power Plant Components. 49-

53-1. The proposed regulation specifies the code that must be satisfied to operate nuclear power systems in Kansas.

49-53-2. The proposed regulation specifies criteria regulating repairs of nuclear power plant components.

Article 54. Hearings. 49-54-1 through 49-54-3. The proposed regulations establish the procedure by which an appeal to the secretary's order written pursuant to K.S.A. 44-913 *et seq.*, is heard.

LARRY E. WOLGAST
Secretary of Human Resources

Doc. No. 004788

State of Kansas

DEPARTMENT OF HUMAN RESOURCES

NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS

A public hearing will be held from 3:30 to 4:30 p.m. Monday, December 1, in Hearing Room 36, third floor, 1430 Topeka Blvd., Topeka, to consider the adoption of proposed regulations of the Department of Human Resources.

All interested parties may submit written comments prior to the hearing to the Kansas Department of Human Resources, Legal Division, Attention: Paul E. Pendergast, 401 Topeka Blvd., Topeka 66603.

Copies of the proposed regulations may be obtained at the address above. Persons requesting copies of the proposed regulations and fiscal impact statements will be required to compensate the legal division for reproduction.

All interested parties will be given a reasonable opportunity to present their views orally in regard to the adoption of the proposed regulations.

The following are brief summaries of the proposed regulations:

Article 1. Appellate Procedure. 48-1-1. The proposed regulation establishes criteria to govern unemployment benefits hearings which are conducted by telephone.

Article 3. Appeals. 48-3-2. The proposed regulation defines who can participate in the hearing of unemployment appeals as a duly authorized representative and establishes the authority of the referee or board of review to limit or disallow participation in a hearing by a duly authorized representative.

LARRY E. WOLGAST
Secretary of Human Resources

Doc. No. 004791

State of Kansas

DEPARTMENT OF HUMAN RESOURCES**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A public hearing will be held from 1:30 to 2:30 p.m. Monday, December 1, in the second floor conference room, 512 W 6th, Topeka, to consider the adoption of proposed regulations of the Department of Human Resources.

All interested parties may submit written comments prior to the hearing to the Kansas Department of Human Resources, Legal Division, Attention: Paul E. Pendergast, 401 Topeka Blvd., Topeka 66603.

Copies of the proposed regulation may be obtained at the address above. Persons requesting copies of the proposed regulation and fiscal impact statement will be required to compensate the legal division for reproduction.

All interested parties will be given a reasonable opportunity to present their views orally in regard to the adoption of the proposed regulation.

The following is a brief summary of the proposed regulation:

Article 21 Procedures. The proposed regulation clarifies the requirements to accept an assignment of a claim in trust for enforcement. The proposed regulation establishes a fee schedule for the enforcement of a claim in trust.

LARRY E. WOLGAST
Secretary of Human Resources

Doc. No. 004789

State of Kansas

DEPARTMENT OF HUMAN RESOURCES**DIVISION OF EMPLOYMENT****NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A public hearing will be held from 2:30 to 3:30 p.m. Monday, December 1, in the second floor conference room, 401 Topeka Blvd., Topeka, to consider the adoption of proposed regulations of the Department of Human Resources.

All interested parties may submit written comments prior to the hearing to the Kansas Department of Human Resources, Legal Division, Attention: Paul E. Pendergast, 401 Topeka Blvd., Topeka 66603.

Copies of the proposed regulations may be obtained at the address above. Persons requesting copies of the proposed regulations and fiscal impact statements will be required to compensate the legal division for reproduction.

All interested parties will be given a reasonable opportunity to present their views orally in regard to the adoption of the proposed regulations.

The following are brief summaries of the proposed regulations:

Article 1. Meaning of Terms. 50-1-1. The proposal is to revoke the regulation.

50-1-3. The proposal is to revoke the definition of wages paid.

Article 2. Unemployment Insurance Contributing, Reimbursing and Rated Governmental Employment.

50-2-1. The proposed regulation revises the wording in regard to value of payments in kind.

50-2-10. The proposal is to revoke the regulation.

50-2-21. The proposed amendment of the regulation 50-2-21(b)(2) provides an exception in the calculation of the average rate of contribution in a year when the taxable wage base changes. A proposed amendment of the regulation 50-2-21(e)(1)(E) provides an exception in the tabulation formula involving final, total taxable payrolls for the fiscal year.

LARRY E. WOLGAST
Secretary of Human Resources

Doc. No. 004790

State of Kansas

STATE CORPORATION COMMISSION**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted at 10 a.m. Monday, December 1, by the State Corporation Commission at the commission's office, Hearing Room B, fourth floor, State Office Building, Topeka, to receive written comments and testimony on the commission's proposed amendment to the intrastate railroad hazardous materials regulation (K.A.R. 82-5-11).

Persons may review the proposed regulation at the office of the State Corporation Commission between the hours of 7:50 a.m. and 4:50 p.m., Monday through Friday. The regulation will be available for review until the time of the hearing.

Persons may receive a copy of the proposed amendment to the regulation and the fiscal impact statement by written request to the Administrator of the Transportation Division, State Corporation Commission, 4th Floor, State Office Building, Topeka 66612. Persons requesting a copy of the amended regulation, in accordance with the Open Records Act, K.S.A. 1985 Supp. 45-219, will be required to compensate the commission for the cost of reproduction.

K.A.R. 82-5-11 adopts by reference federal amendments to 49 CFR, Parts 171, 172, 173, 174, 177, 178 and 393.77 enacted between September 28, 1984 and September 26, 1986.

WILLIAM E. GREEN
Administrator
Transportation Division

Doc. No. 004798

State of Kansas
STATE CORPORATION COMMISSION

NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS

A public hearing will be conducted at 10 a.m. Monday, December 1, by the State Corporation Commission at the commission's office, Hearing Room B, fourth floor, State Office Building, Topeka, to receive written comments and testimony on the commission's proposed intrastate oil and natural gas liquid pipeline regulations (K.A.R. 82-10-1 to 82-10-5).

Persons may review the proposed regulations at the office of the State Corporation Commission between the hours of 7:50 a.m. and 4:50 p.m., Monday through Friday. The regulations will be available for review until the time of the hearing.

Persons may receive a copy of the proposed new regulations and the fiscal impact statement by written request to the Administrator of the Transportation Division, State Corporation Commission of Kansas, 4th Floor, State Office Building, Topeka 66612. Persons requesting a copy of the regulations, in accordance with the Open Records Act, K.S.A. 1985 Supp. 45-219, will be required to compensate the commission for the cost of reproduction.

The following is a brief summary of the proposed regulations.

K.A.R. 82-10-1. New regulation. This proposed regulation defines the terms "carrier" and "commission" as used in 18 CFR 352 which is adopted by reference.

K.A.R. 82-10-2. New regulation. This proposed regulation explains what information must be contained in rate applications filed with the commission by oil and natural gas liquid pipeline companies. This regulation also adopts by reference the 18 CFR Part 352-uniform systems of accounts prescribed for oil pipeline companies subject to the provision of the Interstate Commerce Act and 18 CFR Part 356—Preservation of Records.

K.A.R. 82-10-3. New regulation. This proposed regulation sets out the requirements for filing revisions to application and schedules with the commission by oil and natural gas liquid pipeline companies. The regulation requires that revisions be filed in accordance with K.A.R. 82-1-221 and 82-1-225.

K.A.R. 82-10-4. New regulation. This proposed regulation requires intrastate oil and natural gas liquid pipeline companies to file with the commission a copy of the annual report filed with the Federal Energy Regulatory Commission. The report must be filed by March 31 of each year.

K.A.R. 82-10-5. New regulation. This proposed regulation allows the commission to suspend or cancel the certificate of a oil or natural gas liquid pipeline company for failure to comply with commission regulations following citation and hearing.

WILLIAM E. GREEN
Administrator
Transportation Division

Doc. No. 004799

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State of Kansas
STATE CORPORATION COMMISSION

NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS

A public hearing will be conducted at 10 a.m. Monday, December 1, in the State Corporation Commission at the commission's office, Hearing Room B, fourth floor, State Office Building, Topeka, to receive written comments and testimony on the commission's proposed new and amended intrastate motor carrier regulations.

Persons may review the proposed regulations at the office of the State Corporation Commission between the hours of 7:50 a.m. and 4:50 p.m., Monday through Friday. The regulations will be available for review until the time of the hearing.

Persons may receive a copy of the proposed amendment to the regulations and the fiscal impact statement by written request to the administrator of the Transportation Division, State Corporation Commission, 4th Floor, State Office Building, Topeka 66612. Persons requesting a copy of the proposed regulations, in accordance with the Open Records Act, K.S.A. 1985 Supp. 45-219, will be required to compensate the commission for the cost of reproduction.

The following is a brief summary of the proposed regulations:

K.A.R. 82-4-2. Proposed amendment. This regulation requires motor carriers to keep their current address on file with the commission.

K.A.R. 82-4-3. Proposed amendment. This regulation adopts by reference federal amendments to 49 CFR, Parts 390, 391, 392, 393, 394, 395, 396, 397, 398 and 399 enacted between September 28, 1984 and September 26, 1986. The terms "special agent and authorized representatives of the Federal Highway Administration" are proposed to be amended to include motor carrier inspectors of the Department of Revenue.

K.A.R. 82-4-20. Proposed amendment. This regulation adopts by reference federal amendments to 49 CFR, Parts 107, 171, 172, 173, 177, and 178 enacted between September 28, 1984 and September 26, 1986.

K.A.R. 82-4-22. Proposed amendment. This regulation restates in different language that motor carriers shall provide proof of insurance on the forms required in K.A.R. 82-4-24a. New language will allow motor carriers to file the original or a certified copy of a cargo or liability policy, including all endorsements, temporarily. Motor carriers shall be required to file proof of insurance coverage by filing a Form E or Form H within 15 days.

K.A.R. 82-4-27. Proposed amendment. This regulation requires that an original and three copies of an application for a certificate of convenience be filed with the commission. The regulation also requires that motor carriers provide a list of trailers along with other information currently required to be filed with the application for certificate of convenience and necessity.

K.A.R. 82-4-27a. Proposed amendment. This regulation has been reorganized but requires the same information currently required to be filed with a transfer application. The regulation also requires that an original application and three copies of the application for transfers of certificates of convenience and necessity or transfers of permits be filed with the commission, and limits information on the transferor's creditors to only the motor carrier operation. The regulation also requires that the transferor shall keep specific records of the transferee for a period of three years.

K.A.R. 82-4-27c. Proposed amendment. This regulation requires the filing of an application for name changes be filed by common and contract motor carriers wishing to change their name. These types of applications may be considered by the commission without a hearing as authorized by K.S.A. 66-1,115a. The regulation adds two other situations in which a transfer without hearing is authorized: (1) dissolution of a partnership and the formation of a sole proprietorship by one of the former partners; and (2) name change of an entity involving no merger, acquisition or stock transfer.

K.A.R. 82-4-27f. Proposed amendment. This regulation requires all applications for temporary authority shall provide a statement with the application indicating the nature of the emergency and the name and business of the shipper witness supporting the application. The regulation also requires the persons or person appearing at the hearing to explain the exact nature of the immediate need for the temporary authority.

K.A.R. 82-4-32. Proposed amendment. This regulation requires that all requirements for a certificate of convenience or a permit shall be provided to the commission within 30 days after the date of the hearing. The regulation also states application fees shall not be refunded.

K.A.R. 82-4-35. Proposed amendment. Section C of this regulation is deleted.

K.A.R. 82-4-35a. New regulation. This regulation requires that authority cards, cab cards, driver logs, bills of lading, way bills, freight bills, run tickets or equivalent documents, and commission orders shall be made available upon request to representatives of the highway patrol, representatives of the commission, inspectors of the Department of Revenue and other law enforcement officers.

K.A.R. 82-4-54. Proposed amendment. This regulation would permit a tariff filing to become effective on less than 30 days notice if good cause is shown. A motor carrier's desire to respond to a competitor's tariff may be a factor considered for publication of a tariff on short notice.

K.A.R. 82-4-58d. New regulation. This regulation specifies additional information required to be filed with a formal application for abandonment of motor carrier passenger services.

K.A.R. 82-4-63. Proposed amendment. This regulation has been restructured to apply only to contested and noncontested motor carrier hearings. The last two

paragraphs of the current regulation regarding protestants or intervenors have been deleted.

K.A.R. 82-4-65. Proposed amendment. This regulation requires protest of motor carrier applications be filed within 10 days after publication of a notice of hearing of a motor carrier application appearing in the Kansas Register. Language in Section C of the current regulation regarding intervenors appearing at the hearing has been deleted.

WILLIAM E. GREEN
Administrator
Transportation Division

Doc. No. 004797

State of Kansas

STATE CORPORATION COMMISSION

NOTICE OF HEARING ON PROPOSED ADMINISTRATIVE REGULATIONS

A public hearing will be held at 10 a.m. Monday, December 1, in the commission's Hearing Room B, fourth floor, State Office Building, Topeka, to consider the adoption of proposed new and amended permanent regulations of the State Corporation Commission.

All interested parties may submit written comments prior to the hearing to the chairman of the State Corporation Commission, Attention Jo E. Jenkins, Assistant General Counsel, 4th Floor, State Office Building, Topeka 66612. Copies of the proposed permanent regulations and the fiscal impact statement may be obtained at the address above. Persons requesting a copy of the proposed regulation, in accordance with K.S.A. 1985 Supp. 45-219, will be required to compensate the commission for the cost of the reproduction. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally or in writing, in regard to the adoption of the proposed regulations.

All written or oral comments submitted by interested parties on or before December 1 will be considered by the commission as a basis for making changes to the proposed permanent regulations.

The following is a brief summary of the proposed amended regulations:

K.A.R. 82-1-202. Proposed to be amended. Sets forth the scope and purpose of the commission's procedural rules. Authorizes the commission to waive rules when in the public interest and upon a showing of good cause.

K.A.R. 82-1-231. Proposed to be amended. Removes reference to small rural distribution electric cooperatives and their ability to file expedited rate cases. The cooperatives will be permitted to make such filings under new regulation K.A.R. 82-1-231a. There are also some form changes to comply with Department of Administration guidelines.

K.A.R. 82-1-231a. New proposed regulation. Authorizes small rural distribution electric cooperatives to file less extensive rate applications to permit expe-

(continued)

dited consideration by the commission. The cooperatives have filed such expedited cases under the former K.A.R. 82-1-231(d). This regulation merely provides more detailed guidelines. The regulation sets forth general guidelines to be followed in preparing and filing these applications, including test year, audited financial statements and cost of service studies.

This expedited procedure may not be used more than twice consecutively without prior commission approval. The regulation also authorizes the commission to convert as expedited rate case to an application under K.A.R. 82-1-231 if the commission finds it is not practicable or desirable to consider an application under this regulation.

JUDITH McCONNELL
Executive Secretary
State Corporation Commission

Doc. No. 004785

State of Kansas

STATE CORPORATION COMMISSION

**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A public hearing will be held at 9 a.m. Monday, December 1, in the conference room of the Conservation Division, 200 Colorado Derby Building, 202 W. 1st, Wichita, to consider the adoption of proposed temporary and permanent regulations for the conservation of crude oil and natural gas.

All interested parties may submit written comments prior to the hearing to Shari M. Feist, Assistant General Counsel, State Corporation Commission, 200 Colorado Derby Building, 202 W. 1st, Wichita 67202. Copies of the regulations and the fiscal impact statements may be obtained at the address above. Persons requesting a copy of the proposed regulations, in accordance with K.S.A. 1985 Supp. 45-219, will be required to compensate the State Corporation Commission for the cost of the reproduction. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally or in writing, in regard to the adoption of the proposed regulations.

All written and oral comments submitted by interested parties on or before December 1 will be considered by the commission as a basis for making changes to these proposed permanent and temporary regulations.

The following is a brief summary of the proposed regulations:

K.A.R. 82-3-101 (Temporary and permanent regulation). Amends the definition section of the rules and regulations by adding 10 new definitions and amending four existing definitions. The new definitions are as follows: burn pit, director, drilling pit, emergency pit, multiple completion, spud date, storage pit, surface pond, tertiary recovery process and water flood. The amended definitions are as follows: gas, gas well, oil well and pool. It is necessary to issue this regulation as a temporary regulation to implement L. 1986, Ch. 201.

K.A.R. 82-3-103 (Permanent regulation). The amendment requires the filing of notice of intention to drill for a storage well.

K.A.R. 82-3-106 (Temporary and permanent regulation). The amendment deletes reference to the Kansas Department of Health and Environment, expands the notice provisions, and clarifies that falsification of the documentation or failure to complete Alternate II cementing is punishable by a \$5,000 fine. It is necessary to issue this regulation as a temporary regulation to implement L. 1986, Ch. 201.

K.A.R. 82-3-107 (Permanent regulation). The amendment clarifies that formation samples and well histories and logs are to be delivered to the commission within 120 days of the spud date of the well, thus conforming to the requirement that completion data be filed with the commission within this same period of time.

K.A.R. 82-3-108 (Permanent regulation). The amendment deletes reference to the provision relating to bonus allowables and it clarifies that well location exceptions may be issued without hearing.

K.A.R. 82-3-109 (Permanent regulation). The amendment provides that the application for well spacing shall include proposed provisions for well location exceptions.

K.A.R. 82-3-123 (Permanent regulation). The amendment clarifies that the maximum well allowable is dependent upon the regulations for oil allowables and gas allowables. The amendment also expands the requirements for the provision of notice.

K.A.R. 82-3-124 (Permanent regulation). The amendment clarifies and expands the provisions for notice and specifies that the allowables for dual or multiple completed wells will be determined according to the oil and gas allowables rules.

K.A.R. 82-3-127 (Permanent regulation). The amendment clarifies that the word "fluids" includes crude oil, sediment oil, water or brine.

K.A.R. 82-3-131 (Permanent regulation). The amendment allows the commission to grant applications for vacuum and high-volume pumps without hearing. The amendment further requires the filing of an application when an operator chooses to use a high-volume pump, which is defined as one capable of producing total fluids in excess of 2,500 barrels per day. The amendment also specifies the notice requirements which must be met in making such application.

K.A.R. 82-3-138. (Permanent regulation). The amendment consolidates new pool and discovery allowable applications by allowing an operator to file a single application form to apply to new pool and discovery allowables. The amendment enables the applicant seeking a new pool certification only to file the application without provision of notice. The amendment also requires those applicants who are seeking both new pool certification and the assignment of discovery allowables to provide notice that such application is pending to certain designated persons. The amendment further allows the commission

to grant such an application without hearing where there has been no protest filed to the application. The amendment, as it pertains to discovery allowables, extends the time period for which a discovery allowable may be assigned from 18 months to 24 months from the date of first oil production from the discovery well.

K.A.R. 82-3-140 (Temporary and permanent new regulation). This new regulation specifies that applicants for certification of a tertiary recovery project must file an application for such relief, and the regulation specifies the contents of such application. The regulation also makes provision for notice. It is necessary to issue this regulation as a temporary regulation to implement K.S.A. 79-4217, as amended by L. 1986, Ch. 204.

K.A.R. 82-3-203 (Permanent regulation). The amendment increases the maximum oil allowable available to a well on a daily basis by approximately 25 barrels per day. The amendment deletes reference to the provisions pertaining to discovery allowables. The amendment includes a provision for exceptions to the allowable provisions upon application to the commission.

K.A.R. 82-3-209 (Permanent new regulation). This new regulation specifies the contents required for an application for the flaring of sour gas.

K.A.R. 82-3-303 (Permanent regulation). The amendment clarifies the process by which shut-in pressures are taken.

K.A.R. 82-3-304 (Permanent regulation). The amendment deletes reference to the filing of completion reports.

K.A.R. 82-3-400 (Temporary and permanent regulation). The amendment deletes reference to the Department of Health and Environment. It is necessary to issue this regulation as a temporary regulation to implement L. 1986, Ch. 201.

K.A.R. 82-3-401 (Temporary and permanent regulation). The amendment deletes reference to the Kansas Department of Health and Environment and clarifies the completion procedure for wells disposing into a producing formation. It is necessary to issue this regulation as a temporary regulation to implement L. 1986, Ch. 201.

K.A.R. 82-3-404 (Temporary and permanent regulation). The amendment deletes reference to the Department of Health and Environment and clarifies the types of pressure data that is to be recorded monthly and retained by the operator. It is necessary to implement this regulation as a temporary regulation to implement L. 1986, Ch. 201.

K.A.R. 82-3-405 (Permanent regulation). The amendment clarifies the requirements for the taking of mechanical integrity tests. The amendment specifies that wells located in areas having salt water bearing zones shall have a maximum test pressure of 300 psi and that for wells located in areas without salt water bearing zones the maximum required test pressure is 100 psi.

K.A.R. 82-3-406 (Temporary and permanent regula-

tion). The amendment clarifies the requirements pertaining to notice and deletes reference to the Department of Health and Environment. It is necessary to issue this regulation as a temporary regulation to implement L. 1986, Ch. 201.

K.A.R. 82-3-407 (Temporary and permanent regulation). The amendment deletes reference to the Department of Health and Environment. It is necessary to issue this regulation as a temporary regulation to implement L. 1986, Ch. 201.

K.A.R. 82-3-408 (Temporary and permanent regulation). The amendment deletes reference to the Department of Health and Environment. It is necessary to issue this regulation as a temporary regulation to implement L. 1986, Ch. 201.

K.A.R. 82-3-410 (Permanent regulation). The amendment provides that fees for injection and disposal applications are to accompany the application.

K.A.R. 82-3-600 (Temporary and permanent new regulation). This new regulation specifies that surface ponds shall be permitted only upon application to the commission. The regulation further establishes the construction guidelines for surface ponds. It is necessary to issue this regulation as a temporary regulation to implement L. 1986, Ch. 201.

K.A.R. 82-3-601 (Temporary and permanent new regulation). This new regulation specifies which types of surface ponds may be permitted automatically. It is necessary to issue this regulation as a temporary regulation to implement L. 1986, Ch. 201.

K.A.R. 82-3-602 (Temporary and permanent new regulation). This new regulation specifies the contents of an application for a surface pond permit. It is necessary to issue this regulation as a temporary regulation to implement L. 1986, Ch. 201.

K.A.R. 82-3-603 (Temporary and permanent new regulation). This new regulation specifies the procedure for abandoning a surface pond. It is necessary to issue this regulation as a temporary regulation to implement L. 1986, Ch. 201.

K.A.R. 82-3-604 (Temporary and permanent new regulation). This new regulation specifies the requirements imposed upon an operator in the event a spill occurs. It is necessary to issue this regulation as a temporary regulation to implement L. 1986, Ch. 201.

MICHAEL LENNEN, Chairman
State Corporation Commission

Doc| No. 004771

State of Kansas

KANSAS PAROLE BOARD**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A public hearing will be held at 9 a.m. Monday, December 1, in the conference room of the Kansas Parole Board, fourth floor, 700 Jackson, Topeka, to consider the adoption, revocation and amendment of proposed permanent rules and regulations of the Kansas Parole Board.

All interested parties may submit written comments prior to the hearing to the chairman of the Kansas Parole Board at the address above. All interested parties will be given a reasonable opportunity to orally present their views on the proposed regulations during the hearing.

Copies of the full text of the regulations and the fiscal impact statement may be obtained by writing to the chairman of the Kansas Parole Board.

The following is a summary of the regulations:

45-1-1: Definitions: Amends this section by heading a definition of "unit team."

45-4-4: Amended to describe the parole planning coordinator, and to broaden persons who may attend parole hearings to include any employee of the Department of Corrections.

Article 7: Amended to apply to all releases, not just parole releases.

45-7-1: Amended to refer to Secretary of Corrections.

45-7-3: Amended to apply to all releases, not just parole releases, and by deleting unnecessary language.

45-9-2: Amended to delete unnecessary language.

45-9-3: Amended to specify that time spent incarcerated in another state shall not be counted as time served under the Kansas sentence, unless approved by the board.

45-10-1: Amended to refer to Secretary of Corrections.

45-16-1: Revoked.

45-16-2: Amended to reflect 1986 legislative changes.

ELWAINE F. POMEROY
Chairman
Kansas Parole Board

Doc. No. 004773

State of Kansas

BOARD OF REGENTS**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A hearing will be conducted at 2:30 p.m. Monday, December 1, in the Board of Regents' conference room, Suite 609, Capitol Tower, 400 S.W. 8th, Topeka, to consider the adoption of temporary and permanent rules and regulations and amendments to permanent rules and regulations of the State Board of Regents.

All interested parties may submit written comments prior to the hearing to Jean S. Sagan, Associate General Counsel, State Board of Regents. All interested parties will be given a reasonable opportunity at the hearing to present their views orally in regard to the adoption of the proposed regulations and amendments. In order to give all parties an opportunity to present their views, it may be necessary to request each party to limit oral presentation to five minutes.

All written and oral comments submitted by interested parties will be considered in assessing the merits of the adoption of the proposed regulations and amendments. A copy of the regulations and the fiscal impact statement may be obtained by writing to the Board of Regents at the address above.

The following is a summary of the proposed temporary and permanent regulations and amendments to the permanent regulations:

K.A.R. 88-13-1 includes definitions of terms used in the article on student assistance. The proposed change substitutes the language "an amount equal to one-half of the difference between the average amount of the total tuition and required fees of full-time in-state students who are enrolled at the state universities and the average amount of the total tuition and required fees of full-time in-state students who are enrolled at the accredited independent institutions in Kansas" for the figure "\$1,200."

K.A.R. 88-13-4 concerns applicant eligibility for student assistance programs and lists the conditions an applicant must meet. One proposed amendment would change the reference to the board's family financial statement from 1986-87 to "current year's" so that annual amendment of this provision would not be required in the future. A second change would add the requirement that an applicant, having received federal financial assistance, not owe a refund or be in default of such assistance and have otherwise complied with the requirements of 34 C.F.R. 692.40.

K.A.R. 88-13-11 requires that eligible postsecondary institutions certify to the Board several factors concerning each student applicant. The proposed amendment would require where applicable, certification that the student is in compliance with the eligibility requirements of 34 C.F.R. 692.40, and that if selected for verification review by the federal government, the student has successfully completed that review process.

K.A.R. 88-14-1 through 88-14-6 relate to the newly established vocational education scholarship program.

K.A.R. 88-14-1 contains the definition of terms used in Article 14.

K.A.R. 88-14-2 concerns applicant eligibility for the vocational education scholarship program. It lists four conditions that an applicant must fulfill in order to be eligible for a vocational education scholarship offer.

K.A.R. 88-14-3 directs that any person desiring designation as a vocational education scholar register for and complete the differential aptitude test. The proposed regulation indicates when the test shall be administered, what fee is to be charged, and where detailed information pertaining to the examination may be obtained.

K.A.R. 88-14-4 indicates where written information and application materials for the program may be obtained, and sets forth a deadline of May 15 of the preceding school year for submission of scholarship applications.

K.A.R. 88-14-5 directs those institutions enrolling vocational education scholarship grantees to certify certain information to the Board of Regents with respect to the individual grantee. The required information relates to the student's enrollment status and the total of his or her tuition and required fees for the vocational education program in which the student is enrolled.

K.A.R. 88-14-6 sets forth the Board of Regents' responsibility concerning scholar selection. It requires the board to select 100 scholars annually on the basis of greatest ability and aptitude, to designate those vocational education scholars on or before May 1 of each year, and to notify qualified applicants of their award on or before July 1 of each year.

TED D. AYRES
General Counsel
State Board of Regents

Doc. No. 004793

(Published in the KANSAS REGISTER, November 13, 1986.)

NOTICE OF BOND SALE
\$1,900,000
GENERAL OBLIGATION BONDS
SERIES 1986-A
OF THE
CITY OF SHAWNEE, 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 Shawnee, Kansas, on behalf of the governing body at the City Hall, 11110 Johnson Drive, Shawnee, until 6 p.m. C.S.T. on Tuesday, November 18, 1986, for the purchase of \$1,900,000 principal amount of general obligation bonds, series 1986-A, 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 December 1, 1986, and becoming due serially on December 1st in the years as follows:

Year	Principal Amount
1987	\$190,000
1988	\$190,000
1989	\$190,000
1990	\$190,000
1991	\$190,000
1992	\$190,000
1993	\$190,000
1994	\$190,000
1995	\$190,000
1996	\$190,000

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 June 1 and December 1 in each year, beginning on June 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 bonds may be registered as fully registered certificated bonds or uncertificated (book entry) bonds at the option of each registered owner.

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

The number, type and denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar at least two weeks prior to the closing date. The initial reoffering price to the public by the original purchaser shall be furnished to the city at least one week prior to the closing date.

Redemption of Bonds Prior to Maturity

None of said bonds shall be called for redemption prior to its stated maturity.

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. No rate specified shall be lower than any rate specified for an earlier maturity

(continued)

of the bonds. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the city during the life of the bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid, all certified by the bidder to be correct, and the city will be entitled to rely on the certificate of correctness of the bidder. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid.

Basis of Award

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

Authority, Purpose and Security

The bonds are being issued pursuant to:

(a) K.S.A. 12-6a14, for the purpose of paying the cost of certain general improvements made pursuant to K.S.A. 12-6a01 *et seq.*, to wit: Johnson Drive sidewalks from Pflumm Road to Lackman Road; Pflumm Road sidewalks from Midland Drive to 71st Street.

(b) K.S.A. 12-1302 for the purpose of paying the cost of acquiring land for, construction of and renovation of swimming pools.

(c) K.S.A. 13-1024(a) for the purpose of paying the cost of development of Swarner Park and swimming pool construction and renovation.

The bonds and the interest thereon will constitute general obligations of the city, payable in part from special assessments levied upon the property benefited by the construction of said improvements and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city, with the balance payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city.

Federal Tax Exemption

On October 22, 1986, the President of the United States signed into law H.R. 3838, the Tax Reform Act of 1986, which redesignates the Internal Revenue Code of 1954, as amended, as the Internal Revenue Code of 1986. The Code imposes certain requirements which must be met subsequent to the issuance of state and local government obligations in order to maintain the exemption from federal income taxation of the interest on such obligations.

In the opinion of Gaar and Bell, Overland Park, Kansas, bond counsel, under existing law, assuming continued compliance by the city with the terms of the bond ordinance, the interest on the bonds is exempt from federal income taxation except as follows:

(a) For taxable years beginning in the years 1987, 1988 and 1989, the interest on the bonds will be included in the adjusted net book income of corporations. For purposes of computing the corporate alternative minimum tax, a corporation's alternative minimum taxable income must be increased by 50 percent of the amount by which such corporation's adjusted net book income exceeds such corporation's alternative minimum taxable income (determined without regard to this adjustment and the alternative tax net operating loss deduction). For taxable years beginning after 1989, the use of "adjusted net book income" will be replaced by "adjusted current earnings," and "75%" will be substituted for "50%."

(b) For taxable years beginning after December 31, 1986, property and casualty insurance companies will be required to reduce their deduction for underwriting losses by 15 percent of the amount of interest received or accrued on tax-exempt obligations acquired after August 7, 1986, including the bonds.

(c) Interest on the bonds must be included in the calculation of the modified alternative minimum taxable income of corporations for purposes of calculating the environmental tax imposed by the Superfund Amendments and Reauthorization Act of 1986, effective for taxable years beginning after December 31, 1986, and ending before January 1, 1992.

The Act provides that certain "qualified tax-exempt obligations" as defined in Section 265 of the Code will be treated as having been acquired on August 7, 1986. The city will covenant to take such actions as are necessary to designate the bonds as "qualified tax-exempt obligations" described above.

Legal Opinion

The bonds will be sold subject to the legal opinion of Gaar & Bell, Overland Park, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered. Said opinion will also state that in the opinion of the bond counsel, under existing law, assuming continued compliance by the city with the terms of the bond ordinance and with certain exceptions as set forth under the caption "Federal Tax Exemption" herein, the interest on the bonds is exempt from federal income taxation.

Delivery and Payment

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

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America equal to 2 percent of the total par value of the bonds 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 terms and conditions of this notice, said check or 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 6 p.m. C.S.T. on Tuesday, November 18, 1986.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city for the year 1986 is as follows:

Equalized assessed valuation of taxable tangible property	\$ 81,399,086
Tangible valuation of motor vehicles	\$ 25,642,825
Equalized assessed tangible valuation for computation of bonded debt limitations ..	\$107,041,911

The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$12,250,750. Temporary notes in the principal amount of \$1,000 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 October 29, 1986.

CITY OF SHAWNEE, KANSAS
Debra Howell, City Clerk
Shawnee City Hall
11110 Johnson Drive
Shawnee, KS 66203
(913) 631-2500

State of Kansas

**OFFICE OF THE
SECURITIES COMMISSIONER**

**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted from 9:30 to 10 a.m. Monday, December 1, at the office of the Securities Commissioner of Kansas, Suite 212, 503 Kansas Ave., Topeka, to consider the adoption and amendment of permanent and temporary regulations of the commissioner.

All interested parties may submit written comments prior to the hearing to the commissioner at the address above. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to adoption of the proposed amendments and revocations. Following the hearing, all written and oral comments submitted by interested parties will be considered by the commissioner as a basis for making any changes to the proposed amendments or revocations.

The following is a brief summary of the proposed regulations and amendments:

K.A.R. 81-1-1. Definition of terms. The proposed amendment deletes certain unnecessary definitions and adds new definitions required by proposed amendments to other regulations.

K.A.R. 81-2-1. Filing, fees and forms. The proposed amendment updates general application and fee requirements to be consistent with current practices, and updates reference to forms to be consistent with uniform forms implemented among the several states.

K.A.R. 81-3-1. Requirements and registration procedures for broker-dealers, agents, and investment advisers. The proposed amendment revamps and simplifies application, registration, and post-effective registration requirements for broker-dealer and agents, and implements new requirements for registration and examination of investment advisers. The amendment also changes the financial responsibility requirements pertaining to such registrants.

K.A.R. 81-3-2. Broker-dealer, investment adviser and agents; fees. The proposed amendment raises the registration and renewal fees for agents and certain investment advisers.

K.A.R. 81-5-3. Isolated transaction exemption. The proposed amendment changes the method of counting the 12-month period in which no more than five allowable sales can occur, and prohibits any public offering in connection with and offer or sale in an isolated transaction.

K.A.R. 81-5-4. Unsolicited order exemption. The proposed amendment eliminates the requirement of obtaining a written customer acknowledgement as a condition to use of the exemption.

K.A.R. 81-6-1. Prospectus. The proposed amendment updates and clarifies certain requirements pertaining to the use of a prospectus and makes certain minor changes to the prospectus form.

Copies of the full text of the proposed amendments and regulations and the fiscal impact statements may be obtained by writing to the office of the Securities Commissioner.

JOHN R. WURTH

Securities Commissioner of Kansas

Doc. No. 004804

Doc. No. 004774

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