

KANSAS REGISTER

State of Kansas

BILL GRAVES
Secretary of State

Vol. 6, No. 3

January 15, 1987

Pages 41-64

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State of Kansas

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NO. 87-91

CONCERNING STATE DETERMINATION
OF UNITARY TAXATION

WHEREAS, many states have instituted the requirement of combined reporting for corporations which have a unitary relationship; and

WHEREAS, a definitive determination and policy by the State of Kansas as to the criteria for unity will provide guidance to corporate taxpayers, aid them in their business decisions with regard to locating facilities in Kansas, and be beneficial to the continued economic growth and prosperity of both Kansas businesses and its citizens; and

WHEREAS, the question of including foreign dividends and gross-ups as defined in Section 78 of the Internal Revenue Code of 1954, as amended, in the state corporate tax base has been litigated by several states with those decisions resulting in no clear statement regarding the continued propriety of taxing such dividends and gross-ups by the states.

NOW THEREFORE, in order to promote and encourage economic development in Kansas yet not compromise the authority of the Secretary of Revenue to enforce Kansas tax statutes and pursuant to the authority vested in me as Governor and chief executive of the State of Kansas, effective for all taxable years beginning after December 31, 1986 I hereby order and direct that any interpretation of K.S.A. 79-32,141, or any other related statutes requiring the combined method of reporting corporate income tax, be enforced only in situations where there is, between

the members of the corporate group, functional integration at their operational level, such as transfers between or pooling among the corporation of items such as products, services, technical information, marketing information, purchasing and intangibles (patents, copyrights, formulas, processes, trade secrets) in a manner that substantially affects the manufacture, distribution, production, extraction, or sale of their products or services. Management oversight, supervision, or control does not constitute functional integration at the operational level and shall not, without more, be used as the basis for the issuance of any combined or unitary assessment.

FURTHER, in order to further promote and encourage economic development in Kansas and eliminate any confusion regarding the proper treatment of foreign dividends and gross-ups as defined in Section 78 of the Internal Revenue Code of 1954, as amended, for state tax purposes, effective for all taxable years beginning after December 31, 1986 I hereby order and direct the Secretary of Revenue to implement procedures necessary to exclude from the state corporate tax base all foreign dividends and gross-ups as defined in Section 78 of the Internal Revenue Code of 1954, as amended.

This document shall be filed with the Secretary of State as Executive Order No. 87-91 and shall become effective immediately.

Dated January 8, 1987.

JOHN CARLIN
Governor
Attest: JACK H. BRIER
Secretary of State

Doc. No. 004958

The *Kansas Register* is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The *Kansas Register* is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One-year subscriptions are \$47.50. Single copies may be purchased, if available, for \$2 each. Second class postage paid at Topeka, KS. ISSN No. 0744-2254.

Postmaster. Send change of address form to *Kansas Register*, Secretary of State, State Capitol, Topeka, KS 66612-1594.

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PUBLISHED BY
BILL GRAVES
Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594



Phone: (913) 296-3489

State of Kansas

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NO. 87-92

**RESCINDING CERTAIN EXECUTIVE ORDERS
AND ABOLISHING THE BODIES CREATED
THEREUNDER**

WHEREAS, the executive power of the Governor of Kansas has been exercised through the issuance of Executive Orders, Executive Directives and Proclamations; and

WHEREAS, the issuance of such documents is recognized as inherent powers vested in the chief executive of this state; and

WHEREAS, the 1975 Session of the Legislature provided statutory guidelines for the issuance of various classes and types of executive documents through the enactment of L. 1975, ch. 429 (K.S.A. 75-105); and

WHEREAS, numerous Executive Orders have been issued by Governor Robert F. Bennett and Governor John Carlin since the enactment of this statute and the promulgation of Executive Order No. 75-1 in April, 1975; and

WHEREAS, several Executive Orders, including Nos. 75-8, 75-9, 77-27, 80-44, 80-45, 80-46, 81-51, 81-52, 81-53, 82-56, 83-63, 83-66, 84-74, 84-77, 84-78, 85-81, 85-83, 86-85 and 86-86 have contained automatic rescissions or have been rescinded or superseded by subsequent Executive Orders, and are currently of no force and effect; and

WHEREAS, many Executive Orders have been for a limited duration, involve the creation of a task force for a specific task, or are otherwise out-dated; and

WHEREAS, periodic examination and evaluation of the continuation of the force and effect of these Executive Orders is necessary and proper.

NOW THEREFORE, pursuant to the authority vested in me as Governor and chief executive of the State of Kansas, I hereby rescind the force and effect of the following Executive Orders promulgated by the Governor of the State of Kansas and abolish all councils, task forces, committees, boards, advisory councils and commissions (if any) created by such Executive Order:

Nos. 75-2, 75-3, 75-4, 76-14, 76-16, 77-20, 77-21, 77-22, 77-23, 77-24, 77-25, 77-26, 78-29, 78-30, 78-31, 78-32, 78-33, 78-35, 80-42, 80-43, 81-54, 82-60 and 84-69.

This document shall be filed with the Secretary of State as Executive Order No. 87-92 and shall become effective immediately.

Dated January 8, 1987.

JOHN CARLIN
Governor

Attest: JACK H. BRIER
Secretary of State

Doc. No. 004959

State of Kansas

**STATE BANK COMMISSIONER
STATE BANKING BOARD****NOTICE OF MEETING**

The State Banking Board will meet at 10 a.m. Monday, January 26, in the conference room of the State Banking Department, 700 Jackson, Suite 300, Topeka. The board reviews matters relating to its supervisory authority set forth in K.S.A. 9-1801 *et seq.*

EUGENE T. BARRETT, JR.
State Bank Commissioner

Doc. No. 004953

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURAL SERVICES****NOTICE OF COMMENCEMENT
OF NEGOTIATIONS
FOR TECHNICAL SERVICES**

Notice is hereby given of the commencement of negotiations for contracts for air and water balancing of the mechanical systems and an infrared scan for the Technology Education Building at Pittsburg State University, Pittsburg, and the Activities Building at Kansas Correctional Institution at Lansing.

Interested individuals or firms in the balancing field must be certified by the National Environmental Balancing Bureau or the Associated Air Balance Council. Said individuals or firms must be engaged in balancing work on a full-time basis. Balance agencies which are of the same parent company as the designers or contractors of a particular project will not be considered for that project. Submit qualifications with letter of interest.

Interested individuals or firms in the infrared scan field must be an independent testing company using trained personnel who work full time on infrared testing projects. Personnel shall be familiar with the operation of the infrared camera and capable of analyzing the results. The infrared survey shall be done with a Model No. 750 infrared camera as manufactured by AGA Corporation of Secaucus, New Jersey, or equal. Submit qualifications with letter of interest.

Any additional information, questions or expressions of interest should be directed to Myron Reed, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, prior to January 30.

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

Doc. No. 004942

State of Kansas
BOARD OF TECHNICAL PROFESSIONS
NOTICE OF MEETING

The State Board of Technical Professions will meet at 8:30 a.m. Friday, January 23, in Room 202, 214 W. 6th, Topeka. The meeting is open to the public.

BETTY ROSE
 Executive Secretary

Doc. No. 004945

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. Thursday, January 22, in the Staff Development Training Center, Topeka State Hospital grounds, Topeka.

JOHN KELLY
 Executive Secretary

Doc. No. 004957

State of Kansas
FISH AND GAME COMMISSION

NOTICE OF MEETING

The Kansas Fish and Game Commission will meet at 7 a.m. Tuesday, January 20, in Room 220, State Capitol, Topeka. The commission plans to recess into executive session to discuss personnel matters, and upon reconvening, it is expected that the commission will recess until 7 p.m. that evening. The public meeting will reconvene in the Capital Room at the Ramada Inn South, 3847 S.W. Topeka Blvd., Topeka.

Items on the agenda include review of policy on appointing authority; review of policy on agency dwellings; discussion of authorizing nonresidents to apply for turkey hunting permits in unlimited turkey hunting units; update on commission-sponsored legislation; commission approval to conduct a public hearing on K.A.R. 23-7-7 (furdealers) during the February meeting; acceptance of donated land in Phillips and Cherokee counties; acceptance of Quail Unlimited Wildtrust donation; and any other business which may come before the commission. Interested parties may request additional information from Kansas Fish and Game Commission headquarters in Pratt.

JOE FOWLER
 Chairman

Doc. No. 004954

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, Landon State Office Building, 900 Jackson, Room 102, Topeka, until 2 p.m. C.S.T. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

MONDAY, JANUARY 26, 1987

#27470-A

Kansas Highway Patrol—DINING SERVICE
 #27514

University of Kansas Medical Center, University of Kansas, Wichita State University and Kansas State University—RADIOCHEMICALS

#27519

Topeka State Hospital—DISHWASHING SUPPLIES
 #27523

University of Kansas Medical Center—PLASTIC LAMINATE

#66916-A

Adjutant General's Department—FURNISH ALL LABOR AND MATERIAL TO CONSTRUCT METAL BUILDINGS, Hutchinson

#67789-A

Department of Transportation—STEEL SIGN AND DELINEATOR POSTS, Chanute

#67999

University of Kansas—SALE OF USED MACOMBER LOOMS AND BENCHES

#68004

University of Kansas Medical Center—DOSIMETRY SYSTEM

#68021

Adjutant General's Department—FURNISH ALL LABOR AND MATERIALS TO CONSTRUCT METAL BUILDINGS, various locations

#68022

Adjutant General's Department—FURNISH ALL LABOR AND MATERIALS TO CONSTRUCT METAL BUILDINGS, various locations

TUESDAY, JANUARY 27, 1987

#A-5630

Department of Transportation—REROOF (complete replacement) SUB-AREA BUILDING (DOT 1-5020), Alma

#A-5671

University of Kansas Medical Center—PARAPET AND EXPANSION JOINT REPAIRS, Delp and Wescoe buildings

#27520

Winfield State Hospital and Training Center—LIQUID LAUNDRY SUPPLIES

#27521

Wichita State University—WAXED CORRUGATED BOXES FOR TITE-WAD COMPACTORS

#27522

Kansas Highway Patrol—UNIFORM WORK JACKETS

#27525

Winfield State Hospital and Training Center—MISCELLANEOUS GROCERIES

#68018

Adjutant General's Department—FURNISH ALL
LABOR AND MATERIALS TO CONSTRUCT
METAL BUILDINGS, Lawrence

#68019

Adjutant General's Department—FURNISH ALL
LABOR AND MATERIAL TO CONSTRUCT METAL
BUILDINGS, various locations

#68020

Adjutant General's Department—FURNISH ALL
LABOR AND MATERIALS TO CONSTRUCT
METAL BUILDINGS, Colby

WEDNESDAY, JANUARY 28, 1987

#A-5494

Pittsburg State University—PROVIDE ENERGY
CONSERVATION RETROFITS, Grubbs and Whitesitt
halls and Physical Plant facility, on campus

#A-5553

Winfield State Hospital and Training Center—
REROOF SERVICE BUILDING AND CONNECT
CORRIDORS, Juniper Building

#27508

Winfield State Hospital and Training Center—
MAINTENANCE AND TESTING OF FIRE ALARM
AND SMOKE DETECTOR SYSTEM

#27509

Kansas Fish and Game Commission—HEAVY
EQUIPMENT WORK, Cedar Bluff wildlife area

#27510

Kansas State University—READY MIX CONCRETE,
Fort Hays

#27511

Kansas Fish and Game Commission—HEAVY
EQUIPMENT WORK, Perry Wildlife Area

#27513

Winfield State Hospital and Training
Center—MAINTENANCE OF WET PIPE
SPRINKLER SYSTEM

#27517

Statewide—SPICES AND MISCELLANEOUS
GROCERIES

#68008

University of Kansas Medical Center—PERISCPIC
VIEWER AND CONES

#68013

University of Kansas—LUMBER AND PLYWOOD

THURSDAY, JANUARY 29, 1987

#A-5629

Department of Transportation—REROOF (complete
replacement) SUB-AREA BUILDING, Kansas City

#27515

Statewide—FROZEN FOODS

#68011

Kansas State University—FURNISH AND INSTALL
AUTOMATIC DOOR

#68012

Department of Transportation—ALUMINUM SIGN
PANELS

#68014

Department of Social and Rehabilitation Services—
CONTINUOUS MAILERS

#68015

Department of Administration, Division of Printing—
PRINTED ENVELOPES—INC./RFI.

#68016

University of Kansas Medical Center—ACTIVITY
MONITOR

#68023

Department of Transportation—OVAL FIBER-
GLASS LEVELING RODS

#68034

University of Kansas Medical Center—
MICROSCOPE SYSTEM

#68038

Kansas State University—PHOTOSYNTHESIS
SYSTEM

FRIDAY, JANUARY 30, 1987

#27516

Statewide—MARCH (1987) MEAT PRODUCTS

#27524

University of Kansas—MARCH (1987) MEAT
PRODUCT

#67737-A

University of Kansas—LOGGING BOREHOLE
SITES

#67750-A

University of Kansas—CARPET

#68024

University of Kansas Medical Center—LAB
EQUIPMENT

#68025

University of Kansas Medical Center—GRAPHIC
ARTS EQUIPMENT

#68029

University of Kansas Medical Center—LIQUID
SCINTILLATION COUNTER

#68033

University of Kansas Medical Center—LAB
INCUBATOR SHAKER

#68037

Department of Administration, Division of
Printing—PLAIN PAPER COPIER

#68040

Kansas Correctional Industries—HARDWOOD
LUMBER

#68043

University of Kansas Medical Center—DIGITAL
VOICE RECOGNITION

#68045

University of Kansas—CONCRETE SLABS FOR
LANDSCAPE BUILDING

MONDAY, FEBRUARY 2, 1987

#68039

Various agencies—MOVING SERVICES

TUESDAY, FEBRUARY 3, 1987

#27490

Statewide—PRIMARY VENDOR FOR
PHARMACEUTICALS

TUESDAY, FEBRUARY 17, 1987

#A-5694

Department of Human Resources—REPLACE
ELECTRICAL SERVICE ENTRANCE
ADMINISTRATIVE OFFICES BUILDING

FRIDAY, FEBRUARY 27, 1987

#27483

University of Kansas Medical Center—
PROFESSIONAL LIABILITY INSURANCE FOR
STUDENTS IN SCHOOL OF NURSING AND
SCHOOL OF ALLIED HEALTH

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 004956

State of Kansas
STATE CORPORATION COMMISSION

NOTICE OF HEARING

The State Corporation Commission has issued an order which penalized the Forney Oil Corporation for failure to renew its operator or contractor license as required by K.S.A. 55-155 and K.A.R. 82-3-120.

Pursuant to K.S.A. 55-164, the matter is set for hearing at 11 a.m. Tuesday, January 27, in the conference room of the Conservation Division, 200 Colorado Derby Building, 202 W. 1st, Wichita.

JAMES E. BROWNE
Assistant General Counsel

Doc. No. 004946

State of Kansas
DEPARTMENT OF HEALTH
AND ENVIRONMENT

NOTICE CONCERNING STATE
WATER QUALITY MANAGEMENT PLAN

The Kansas Department of Health and Environment, Bureau of Water Protection, intends to update portions of the state water quality management plan required under sections 106, 205(j), non-construction management 205(g), 208, 303 and 305 of the Clean Water Act.

The following reports will be adopted as official components of the state water quality management plan. These reports provide background information needed for development and maintenance of the Kansas water quality management program.

Agricultural and Urban Nonpoint Sources of Pollution

- Soldier Creek Water Quality and Conservation Project.
- Statistical Evaluation of the Effects of Irrigation on Chemical Quality of Groundwater and Base Flow in Three River Valleys in North-Central Kansas.
- Urban Water—Quality Data and Statistical Summaries for selected sites in the Shunganunga Creek Basin, Topeka, Kansas.
- Relation of Urban Land—Use and Dry-Weather, Storm and Snowmelt Flow Characteristics to Stream-Water Quality, Shunganunga Creek Basin, Topeka, Kansas.

The reports may be reviewed and further information supplied by contacting Don Snethen, Kansas Department of Health and Environment, Bureau of Water Protection, Water Quality Assessment Section, Forbes Field, Building 740, Topeka 66620, (913) 862-9360, ext. 255. Comments are requested within 30 days of publication of this notice.

BARBARA J. SABOL
Secretary of Health
and Environment

Doc. No. 004951

State of Kansas
STATE CORPORATION COMMISSION

NOTICE OF
MOTOR CARRIER HEARINGS

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

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

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

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

Applications set for February 5, 1987

*Application for Certificate of Convenience
and Necessity:*

Joseph D. Richard, dba) Docket No. 153,399 M
Pro-Tow Wrecker Service)
9920 W. 67th)
Merriam, KS 66203)

Applicant's Attorney: None

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

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

Also,

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

*Application for Certificate of Convenience
and Necessity:*

Harold Daniels and) Docket No. 153,396 M
Shirley Daniels, dba)
Daniels Trucking)
Route 1, Box 76K)
El Dorado, KS 67042)

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

*Building and construction materials, and materials
and supplies used in the manufacture and distribu-
tion of building and construction materials,*

Between points in Kansas on and east of K-99, on the one hand, and on the other, all points and places in Kansas.

Application for Certificate of Convenience and Necessity:

John Hensal Trucking, Inc.) Docket No. 142,056 M
 1709 14th St.)
 Woodward, OK 73801) MC ID No. 101102
 TO:

Leo R. Dorzweiler, dba
 Cattleman's Oil Operations
 Catherine Route
 Box 32
 Hays, KS 67601

Applicant's Attorney: Robert Tilton, 1324 Topeka
 Blvd., Topeka, KS 66612

*Oil field equipment, heavy machinery, materials
 and supplies,*

Between all points and places in the state of Kansas
 west of K-14.

Application for Certificate of Convenience and Necessity:

Wayman & Simon
 Standard, Inc.) Docket No. 153,397 M
 6327 E. 13th)
 Wichita, KS 67208)

Applicant's Attorney: Curtis Irby, Suite 611, First
 National Bank Building, Wichita, KS 67202

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

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

Also,

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

Application for Certificate of Convenience and Necessity:

We Tow'em, Inc.) Docket No. 153,401 M
 912 E. 6th)
 Topeka, KS 66607)

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

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

Between points and places in Nemaha, Brown,
 Doniphan, Atchison, Riley, Pottawatomie, Jackson,
 Jefferson, Leavenworth, Wyandotte, Geary, Wabaun-
 see, Shawnee, Douglas, Johnson, Lyon, Osage,
 Franklin and Miami counties.

Also,

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

Application for Certificate of Convenience and Necessity:

Gurney G. Bartley &) Docket No. 153,400 M
 Janet L. Bartley)
 Route 1, Box 126)
 LeRoy, KS 66857)

Applicant's Attorney: None

Farm products,

Between all points and places on and east of U.S.
 281.

Also,

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

Application for Certificate of Convenience and Necessity:

Olathe Service Center, Inc.) Docket No. 153,402 M
 15500 W. 117th)
 Olathe, KS 66062)

Applicant's Attorney: None

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

Between all points and places in Johnson, Wyan-
 dotte and Douglas counties, Kansas.

Also,

Between all points and places in Johnson, Wyan-
 dotte and Douglas counties, Kansas, on the one hand,
 and all points and places in the state of Kansas, on the
 other.

Application set for March 3, 1987

Application for Certificate of Convenience and Necessity:

Miller's Grain, Inc.) Docket No. 153,398 M
 P.O. Box 671)
 Scott City, KS 67871)

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

*Livestock, grain, feed and feed ingredients
 and dry fertilizer,*

Between points and places in Kansas on and west of
 U.S. 281.

Also,

Between points and places in Kansas on and west of
 U.S. 281, on the one hand, and on the other, points in
 Kansas.

WILLIAM E. GREEN
 Administrator
 Transportation Division

Doc. No. 004955

State of Kansas

BOARD OF AGRICULTURE**REQUEST FOR COMMENT ON PROPOSED
SPECIAL NEED REGISTRATION**

Notice is hereby given that pursuant to 7 U.S.C. 136v, Y-Tex Corporation has filed an application for a special local need registration for the pesticide Max-Con Ear Tags. The purpose of the special local need registration is to allow the use of this pesticide on additional pests not presently shown on the federally registered label. At present, this pesticide is federally registered to be applied on a variety of insect pests in cotton, fruit and vegetables; and turf, ornamental and household insects. This special local need registration, if granted, will allow the use of this pesticide on beef cattle and non-lactating dairy cattle.

Information submitted by the registrant is on file with the Kansas State Board of Agriculture. Anyone wishing to comment or present data or other evidence in support of or in opposition to the registration may do so on or before February 16 to Jon I. Flint, Pesticide Use Law Administrator, Plant Health Division, Kansas State Board of Agriculture, 109 S.W. 9th, Topeka 66612-1280.

JON I. FLINT, Administrator
Plant Health Division

Doc. No. 004960

State of Kansas

BOARD OF AGRICULTURE**REQUEST FOR COMMENT ON PROPOSED
SPECIAL NEED REGISTRATION**

Notice is hereby given that pursuant to 7 U.S.C. 136v, Sandoz Crop Protection has filed an application for a special local need registration for the pesticide Banvel Herbicide Preharvest use for control of Hemp Dogbane in field corn and sorghum. At present this pesticide is federally registered, EPA Registration No. 55947-1, to be applied on corn, sorghum, other grains, pasture, non-cropland and industrial areas. This special local need registration, if granted, will allow the use of this pesticide seven days preharvest for corn and 30 days preharvest for sorghum.

Information submitted by the registrant as on file with the Kansas State Board of Agriculture. Anyone wishing to comment or present data or other evidence in support of or in opposition to the registration may do so on or before February 16 to Jon I. Flint, Pesticide Use Law Administrator, Plant Health Division, Kansas State Board of Agriculture, 109 S.W. 9th, Topeka 66612-1280.

JON I. FLINT, Administrator
Plant Health Division

Doc. No. 004962

State of Kansas

BOARD OF AGRICULTURE**REQUEST FOR COMMENT ON PROPOSED
SPECIAL NEED REGISTRATION**

Notice is hereby given that pursuant to 7 U.S.C. 136v, Spray Control Systems has filed an application for a special local need registration for the pesticide Fenvalerate Wasp and Ant Spray. At present, this pesticide is federally registered to be applied on ants and wasps. This special local need registration, if granted, will allow the use of this pesticide on an additional site—communications equipment enclosures. The request consists of changed inert ingredients which would not adversely affect the equipment.

Information submitted by the registrant is on file with the Kansas State Board of Agriculture. Anyone wishing to present written comments, data or other evidence in support of or in opposition to the proposed special local needs registration may do so on or before February 16 to Jon I. Flint, Pesticide Use Law Administrator, Plant Health Division, Kansas State Board of Agriculture, 109 S.W. 9th, Topeka 66612-1280.

JON I. FLINT, Administrator
Plant Health Division

Doc. No. 004961

State of Kansas

BOARD OF AGRICULTURE**REQUEST FOR COMMENT ON PROPOSED
SPECIAL NEED REGISTRATION**

Notice is hereby given that pursuant to 7 U.S.C. 136v, Fermenta Animal Health Company has filed an application for a special local need registration for the pesticide Ferminator Insecticide Cattle Ear Tag (containing Diazinon). The purpose of the special local need registration is to allow the use of this pesticide on additional pests not presently shown on the federally registered label. At present, this pesticide is federally registered to be applied on a variety of field, orchard and household insects. This special local need registration, if granted, will allow the use of this pesticide for controlling resistant hornflies pests on beef cattle and non-lactating dairy cattle.

Information submitted by the registrant as on file with the Kansas State Board of Agriculture. Anyone wishing to present written comments, data or other evidence in support of or in opposition to the proposed special local needs registration may do so on or before February 16 to Jon I. Flint, Pesticide Use Law Administrator, Plant Health Division, Kansas State Board of Agriculture, 109 S.W. 9th, Topeka 66612-1280.

JON I. FLINT, Administrator
Plant Health Division

Doc. No. 004963

State of Kansas

BOARD OF REGENTS

REQUEST FOR BIDS FOR
AN OIL AND GAS LEASE

Under authority of K.S.A. 76-164 through 76-168, the State Board of Regents has determined that certain portions of land in Morton County, Kansas, of which the mineral rights are owned by Kansas State University of Agriculture and Applied Science and the surface rights are owned by the federal government, such tracts consisting of approximately 640 acres, are valuable for leasing for the purpose of the production of oil and gas and that the land can be leased for that purpose without materially interfering with the purposes for which the land was granted by the U.S. Congress to the state of Kansas.

The board intends to lease the land in separate tracts for oil and gas mining purposes. Bids will be accepted on the following tracts:

Northwest Quarter (NW/4) of Section Twenty-six (26), Township Thirty-four (34) South, Range Forty-three (43) West, Morton County, Kansas.

Northeast Quarter (NE/4) of Section Twenty-six (26), Township Thirty-four (34) South, Range Forty-three (43) West, Morton County, Kansas.

Southwest Quarter (SW/4) of Section Twenty-six (26), Township Thirty-four (34) South, Range Forty-three (43) West, Morton County, Kansas.

Southeast Quarter (SE/4) of Section Twenty-six (26), Township Thirty-four (34) South, Range Forty-three (43) West, Morton County, Kansas.

The terms and conditions prescribed by the board of the leasing and the provisions for the competitive bids in accordance with law and other matters incidental thereto are contained in a resolution passed by the board on December 19, 1986 and in the minutes of the board. Both the minutes and the resolution are open to public inspection in the office of the Board of Regents, Suite 609, Capitol Tower, 400 S.W. 8th, Topeka. Copies may be obtained by application to Dr. Stanley Z. Koplík, executive director of the board.

Competitive bids for leasing of the land will be received by the board until 1:30 p.m. February 19 and will be considered by the board. Any lease or leases entered into by the board will be awarded to the highest responsible bidder. The board reserves the right to reject any and all bids.

Bids should be addressed to the executive director of the state Board of Regents, plainly marked "Bid on Oil and Gas Lease." Only those bids in substantial conformity with the terms and provisions of the resolution will be considered or accepted by the board.

STANLEY Z. KOPLIK
Executive Director

Doc. No. 004952

State of Kansas

KANSAS WATER AUTHORITY

NOTICE OF MEETING

The Kansas Water Authority will meet on January 20-21 in Topeka. Committee meetings and locations are scheduled as follows:

Tuesday, January 20, 1987

10:30 a.m.-noon	Federal and State Affairs Committee— Suite 200, 109 S.W. 9th
1 p.m.-3 p.m.	Management Committee—State Conservation Commission conference room, third floor, 109 S.W. 9th
3 p.m.-5 p.m.	Quality Committee—State Conservation Commission conference room
3 p.m.-5 p.m.	Federal and State Affairs Committee— conference room A, basement, 109 S.W. 9th

Wednesday, January 21, 1987

8 a.m.-9 a.m.	Fish, Wildlife and Recreation Committee—State Conservation Commission conference room
9 a.m.-11 a.m.	Basin Planning Committee—conference room A, basement
10 a.m.-11 a.m.	Research Committee—State Conservation Commission conference room

The business session of the Kansas Water Authority will begin at 11 a.m. Wednesday, January 21, in conference room A in the basement at 109 S.W. 9th.

Copies of the agenda may be obtained by contacting Dotty Kester, Kansas Water Office, 109 S.W. 9th, Suite 200, Topeka 66612, (913) 296-3185.

H. PHILIP MARTIN
Chairman

Doc. No. 004964

(Published in the KANSAS REGISTER, January 15, 1987.)

NOTICE OF BOND SALE
\$150,000
GENERAL OBLIGATION BONDS
SERIES A, 1987
OF THE
CITY OF EASTBOROUGH, 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 Eastborough, Kansas, on behalf of the governing body at the City Hall, 1 Douglas, Wichita, until noon C.S.T. on Monday, January 26, 1987, for the purchase of \$150,000 principal amount of general obligation bonds, Series A, 1987, 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 February 1, 1987, and becoming due serially on December 1 in the years as follows:

(continued)

Year	Principal Amount
1988	10,000
1989	10,000
1990	10,000
1991	15,000
1992	15,000
1993	15,000
1994	15,000
1995	20,000
1996	20,000
1997	20,000

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

The number, 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. In the absence of such information, the city will deliver one bond per maturity registered in the name of the manager of the successful bidder. 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. A certificate setting forth such initial reoffering price to the public shall be furnished to the city by the original purchaser at closing.

Redemption of Bonds Prior to Maturity

Bonds maturing in the years 1988 to 1994, inclusive, shall become due without option of prior payment. At the option of the city, bonds maturing in the years 1995 and thereafter may be called for redemption and payment prior to maturity in whole or in part in inverse order of maturity (selection of bonds within the same maturity to be by lot by the city in such equitable manner as it may determine) on December 1, 1994, or on any interest payment date thereafter at the redemption price of 101 percent (expressed as a percentage of the principal amount), plus accrued interest to the redemption date.

Whenever the city is to select the bonds for the purpose of redemption, it shall, in the case of bonds in

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

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

Conditions of Bids

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

Basis of Award

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

Authority, Purpose and Security

The bonds are being issued pursuant to K.S.A. 1985 Supp. 25-431 *et seq.*, and K.S.A. 12-1736 *et seq.*, as

amended, for the purpose of paying a portion of the cost of certain public building improvements. The bonds and the interest thereon will constitute general obligations of the city, 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.

Legal Opinion and Tax Exemption

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

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 the Internal Revenue Code of 1986. The 1986 code imposes certain additional requirements and restrictions 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. The city will covenant in the bond ordinance to comply with the provisions of the Act and to take all action as may be necessary to comply with the Act and all applicable future law to preserve the tax-exempt status of the bonds, to the extent such actions can be taken by the governing body of the city.

In the opinion of Gaar & Bell, Wichita, Kansas, bond counsel, under existing law, statutes, regulations, rulings and judicial decisions, assuming continued compliance by the city with the terms of the bond ordinance, the bonds are exempt from intangible personal property taxes levied by Kansas counties, cities or townships, and 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 or the alternative tax net operating loss deduction). For taxable years beginning after 1989, the use of "book income" will be replaced by "adjusted current earnings," and "50%" will be replaced by "75%."

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

H.R. 2005, the Superfund Amendments and Reauthorization Act of 1986, which was enacted on October 17, 1986, includes among its provisions the imposition of a new environmental tax. Calculation of

the tax is to be based generally on a percentage of the corporate alternative minimum taxable income as defined in the 1986 code which would include interest on tax-exempt obligations, including the bonds. The amount of tax is equal to 0.12 percent of excess of the alternative minimum taxable income (without regard to net operating losses and the deduction for the environmental tax) over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax, but is deductible from gross income. The environmental tax is effective for taxable years beginning after 1991. The imposition of this environmental tax could result in additional taxation of interest on the bonds for certain bondowners.

A form of bond counsel's opinion is contained in the official statement of the city with respect to the bonds.

Qualified Tax Exempt Obligations

The Tax Reform Act of 1986, H.R. 3838, was signed into law by the President of the United States on October 22, 1986. The Act provides that banks and thrift institutions would be unable to deduct any portion of the interest cost of purchasing or carrying tax-exempt obligations (with certain exceptions) if such interest costs are incurred in taxable years ending after December 31, 1986 with respect to bonds acquired after August 7, 1986. The Act provides that certain "qualified tax-exempt obligations" as defined in Section 902(b)(3) 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.

Delivery and Payment

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before February 26, 1987 at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. The successful bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in federal reserve funds, immediately subject to use by the city.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America equal to 2 percent of the total amount of the bid payable to the order of the city. If a bid is accepted, said check or the proceeds thereof will be held by the city until the bidder shall have complied with all of the terms and conditions of this notice. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a

(continued)

(Published in the KANSAS REGISTER, January 15, 1987.)

NOTICE OF BOND SALE
\$2,000,000
GENERAL OBLIGATION BONDS
SERIES 1987
OF
UNIFIED SCHOOL DISTRICT 263
SEDGWICK COUNTY, KANSAS (MULVANE)
(general obligation bonds payable
from unlimited ad valorem taxes)

Sealed Bids

Sealed bids will be received by the undersigned, Clerk of the Board of Education of Unified School District 263, Sedgwick County, Kansas (Mulvane), on behalf of the Board of Education at the District Office, 200 W. Main, Mulvane, KS 67110, until 5 p.m. C.S.T. on Monday, January 26, 1987, for the purchase of \$2,000,000 principal amount of general obligation bonds, Series 1987, of the district hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the Board of Education at their regular meeting held at 8 p.m. on said date. 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 February 1, 1987, and becoming due serially on December 1 in the years as follows:

Year	Principal Amount
1987	\$100,000
1988	100,000
1989	100,000
1990	100,000
1991	100,000
1992	100,000
1993	100,000
1994	100,000
1995	100,000
1996	100,000
1997	100,000
1998	100,000
1999	100,000
2000	100,000
2001	100,000
2002	100,000
2003	100,000
2004	100,000
2005	100,000
2006	100,000

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

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 noon C.S.T. on Monday, January 26, 1987.

Official Statement

The city has prepared an official statement dated January 7, 1987, copies of which may be obtained from the city clerk. Upon the sale of the bonds, the city will furnish the successful bidder with a reasonable number of copies thereof without additional cost upon request. Additional copies may be ordered by the successful bidder at his expense.

Assessed Valuation and Indebtedness

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

Equalized assessed valuation of taxable tangible property	\$4,438,715
Tangible valuation of motor vehicles	\$ 926,068
Equalized assessed tangible valuation for computation of bonded debt limitations ...	\$5,364,783

The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$150,000.

Additional Information

Additional information regarding the bonds may be obtained from the city clerk.

Dated January 7, 1987.

CITY OF EASTBOROUGH, KANSAS

By Janis Griffin, City Clerk

City Hall

1 Douglas

Wichita, KS 67207

(316) 682-4111

district and the Attorney General of the State of Kansas.

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

The number and denominations of the bonds and the names, addresses, and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the district and bond registrar at least two weeks prior to the closing date. In the absence of such information, the district will deliver one bond per maturity registered in the name of the manager of the successful bidder. The initial reoffering price to the public by the original purchaser shall be furnished to the district at least one week prior to the closing date. A certificate setting forth such initial reoffering price to the public shall be furnished to the district by the original purchaser at closing.

Redemption of Bonds Prior to Maturity

Bonds maturing in the years 1987 to 1996, inclusive, shall become due without option of prior payment. At the option of the district, bonds maturing in the years 1997 and thereafter may be called for redemption and payment prior to maturity in whole or in part in inverse order of maturity (selection of bonds within the same maturity to be by lot by the district in such equitable manner as it may determine) on December 1, 1996, or on any interest payment date thereafter at the redemption prices set forth below (expressed as percentages of the principal amount), plus accrued interest to the redemption date:

Redemption Dates	Redemption Price
1996 through 1997	101.00%
1998 through 2000	100.50%
2001, and thereafter	100.00%

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

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

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1 percent. No interest rate shall exceed a rate equal to the 20 bond index of tax exempt municipal bonds published by Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2 percent. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the district 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 district on the basis of such bid, all certified by the bidder to be correct, and the district 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 district 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 district, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the district. 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 Board of Education shall determine which bid, if any, shall be accepted, and its determination shall be final. The district reserves the right to reject any and all bids and to waive any irregularities in a submitted bid.

Authority, Purpose and Security

The bonds are being issued pursuant to K.S.A. 1985 Supp. 25-2018(f), K.S.A. 1985 Supp. 72-6761 and K.S.A. 1985 Supp. 25-431 et seq., as amended, for the purpose of paying a portion of the cost of certain school building improvements. The balance of the costs will be paid from not to exceed \$750,000 in available capital outlay funds. The bonds and the interest thereon will constitute general obligations of the district, 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 district.

Legal Opinion and Tax Exemption

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

(continued)

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 the Internal Revenue Code of 1986. The 1986 code imposes certain additional requirements and restrictions 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. The district will covenant in the bond resolution to comply with the provisions of the Act and to take all action as may be necessary to comply with the Act and all applicable future law to preserve the tax-exempt status of the bonds, to the extent such actions can be taken by the Board of Education of the district.

In the opinion of Gaar & Bell, Wichita, Kansas, bond counsel, under existing law, statutes, regulations, rulings and judicial decisions, assuming continued compliance by the district with the terms of the bond resolution, the bonds are exempt from intangible personal property taxes levied by Kansas counties, cities or townships, and 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 or the alternative tax net operating loss deduction). For taxable years beginning after 1989, the use of "book income" will be replaced by "adjusted current earnings," and "50%" will be replaced by "75%."

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

H.R. 2005, the Superfund Amendments and Reauthorization Act of 1986, which was enacted on October 17, 1986, includes among its provisions the imposition of a new environmental tax. Calculation of the tax is to be based generally on a percentage of the corporate alternative minimum taxable income as defined in the 1986 code which would include interest on tax-exempt obligations, including the bonds. The amount of tax is equal to 0.12 percent of excess of the alternative minimum taxable income (without regard to net operating losses and the deduction for the environmental tax) over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax, but is deductible from gross income. The environmental tax is effective for taxable years beginning after 1991. The imposition of this environmental tax could result in additional taxation of interest on the bonds for certain bondowners.

A form of bond counsel's opinion is contained in the official statement of the district with respect to the bonds.

Qualified Tax Exempt Obligations

The Tax Reform Act of 1986, H.R. 3838, was signed into law by the President of the United States on October 22, 1986. The Act provides that banks and thrift institutions would be unable to deduct any portion of the interest cost of purchasing or carrying tax-exempt obligations (with certain exceptions) if such interest costs are incurred in taxable years ending after December 31, 1986 with respect to bonds acquired after August 7, 1986. The Act provides that certain "qualified tax-exempt obligations" as defined in Section 902(b)(3) will be treated as having been acquired on August 7, 1986. The district will covenant to take such actions as are necessary to designate the bonds as "qualified tax-exempt obligations" described above.

Delivery and Payment

The district will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before February 26, 1987, 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 district.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America equal to 2 percent of the total amount of the bid payable to the order of the district. If a bid is accepted, said check or the proceeds thereof will be held by the district until the bidder shall have complied with all of the terms and conditions of this notice. If a bid is accepted but the district shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the district 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 district.

Bid Forms

All bids must be made on forms which may be procured from the clerk or the financial adviser. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The district 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 clerk and marked "Bond Bid." Bids may be submitted by mail or delivered in person to the undersigned at the district office and must be received by the undersigned prior to 5 p.m. C.S.T. on January 26, 1987.

Assessed Valuation and Indebtedness

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

Equalized assessed valuation of taxable tangible property	\$16,837,666
Tangible valuation of motor vehicles	\$ 3,890,706
Equalized assessed tangible valuation for computation of bonded debt limitations	\$20,728,372

The total general obligation indebtedness of the district as of the date of the bonds, including the bonds being sold, is \$2,610,000.

Additional Information

Additional information regarding the bonds may be obtained from the clerk.
Dated December 22, 1986.

UNIFIED SCHOOL DISTRICT 263
SEDGWICK COUNTY, KANSAS (MULVANE)
By Linda Peirce, Clerk
200 W. Main
Mulvane, KS 67110
(316) 777-1102

Doc. No. 004944

State of Kansas

OFFICE OF SECURITIES COMMISSIONER

TEMPORARY ADMINISTRATIVE REGULATIONS

Article 3.—LICENSING; BROKER-DEALERS, AGENTS

81-3-2. Broker-Dealer, investment adviser and agents; fees. The fee for original registration of each broker-dealer and each investment adviser, other than an investment adviser who does not have custody of customers' moneys, securities or other property, shall be \$100 and the fee for renewal of each broker-dealer registration and each investment adviser shall be \$50. The fee for original registration of an investment adviser who does not have custody of customers' moneys, securities or other property and of an agent shall be \$15, and the fee for renewal of any investment adviser who does not have custody of customers'

moneys, securities or other property and of any agent's registration, shall be \$10. (Authorized by K.S.A. 1985 Supp. 17-1270 (f); implementing K.S.A. 1985 Supp. 17-1254; effective, E-82-24, Dec. 9, 1981; effective May 1, 1982; amended T-87-41, Dec. 8, 1986.)

Article 5.—EXEMPTIONS

81-5-3. Isolated transaction exemption. A security or securities shall be deemed to have been offered and sold in an isolated transaction pursuant to K.S.A. 1985 Supp. 17-1262(a), as amended by L. 1986, Ch. 332, sec. 16, provided:

- (a) no twelve-month period in which the date of the sale can be included contains more than five sales of the securities in Kansas by the seller and affiliates, or by or for the benefit of the issuer;
- (b) no public offering as defined by K.A.R. 81-1-1 occurred in connection with the offer or sale unless an application for registration of the security or securities under the federal Securities Act of 1933 had been filed prior to the public offering;
- (c) no reasonable cause existed for the seller to believe that any purchaser of the securities was purchasing from the seller for resale in Kansas and not for investment; and
- (d) no intent by the seller to at any time exceed subsection (a) above existed.

In calculating the number of sales in a twelve-month period, sales made in violation of K.S.A. 17-1255, and sales exempt from registration pursuant to paragraphs (a), (h), (m) or (p) of K.S.A. 1985 Supp. 17-1262, as amended by L. 1986, Ch. 332, sec. 16, shall be taken into account.

For purposes of this exemption, a husband and wife shall be considered as one purchaser. A corporation, partnership, association, joint stock company, trust or unincorporated organization shall be considered as one purchaser unless it was organized for the purpose of acquiring the purchased securities. In such a case each beneficial owner of equity interest or equity securities in the entity shall be considered a separate purchaser. (Authorized by K.S.A. 1985 Supp. 17-1270(f); implementing K.S.A. 1985 Supp. 17-1262(a), as amended by L. 1986, Ch. 332, Sec. 16; effective, T-83-40, November 23, 1982; effective May 1, 1983; amended, T-87-41, Dec. 8, 1986.)

JOHN R. WURTH
Securities Commissioner

Doc. No. 004913

State of Kansas

BOARD OF HEALING ARTS

TEMPORARY ADMINISTRATIVE
REGULATIONS

Article 2.—SECRETARY; DUTIES

100-2-5. Secretary; duties. It shall be the duty of the secretary to cause the minutes of each meeting to be recorded and maintained in a permanent record book and to present the same for approval at the next meeting of the board. Minutes approved by the board shall be signed by the secretary and countersigned by the president. The secretary shall be custodian of the common seal of the board and shall have custody and charge of all books, papers and records of the board and shall have power to administer oaths pertaining to the business of the board and discharge all duties incident to the office of secretary.

It shall be the duty of the secretary to make a report of all of his or her official acts at each regular meeting of the board, including a detailed written report concerning the granting of licenses by the board. The report shall include the names of all applicants to whom a license was granted, as well as each application rejected. The report shall further show whether such licenses were issued upon examination or by endorsement.

The secretary shall further report concerning all legislation pending and enacted pertaining to the healing arts board and of pending negotiations with other states concerning endorsement relations and all matters of new information affecting the standing of healing arts schools and colleges which shall come to his or her notice. At each regular meeting, immediately following June 30 and December 31 of each year, the secretary shall give an itemized statement of all monies received and disbursements made by the board since the previous report and the balance on hand in the state treasury to the credit of the board.

The secretary may employ professional and clerical assistance from time to time as the board shall authorize, to be compensated from the healing arts fund. The secretary may require all such employees to give bond in an amount not to exceed \$10,000.

In addition to the above, the secretary shall have such other powers and duties as are provided by the laws of Kansas. (Authorized by K.S.A. 65-2865; implementing K.S.A. 65-2818; effective Jan. 1, 1966; amended Feb. 15, 1977; amended May 1, 1979; amended, T-87-42, Dec. 19, 1986.)

Article 11.—FEES

100-11-1. Amount. The following fees shall be collected by the Board:

(a) License based upon an examination given by the Board	\$150.00
(b) License based upon endorsement	\$150.00
(c) License based upon a certificate issued from the national boards	\$150.00
(d) License based upon a certificate issued by the Federation of state medical boards	\$150.00

(e) (1) Annual renewal of a license	\$100.00
(2) Second notice renewal	\$150.00
(3) Reinstatement renewal	\$150.00
(f) Temporary permit	\$ 30.00
(g) Institutional license	\$150.00
(h) Visiting professor license	\$ 15.00
(i) Certification fee	\$ 15.00
(j) Duplicate license	\$ 15.00
(k) Examinations:	
(1) Medical or osteopathic	
(A) FLEX I and FLEX II	\$460.00
(B) FLEX I	\$250.00
(C) FLEX II	\$300.00
(2) Chiropractic	\$ 95.00
(l) Special permit (out-of-phase)	\$ 15.00
(m) Postgraduate training temporary permit	\$ 25.00

(Authorized by K.S.A. 65-2865; implementing K.S.A. 65-2809, as amended by L. 1986, Ch. 239, Sec. 1, 65-2833, as amended by L. 1986, Ch. 229, Sec. 40, 65-2852, 65-2811; effective Jan. 1, 1966; amended Jan. 1, 1970; amended Feb. 15, 1977; amended May 1, 1979; amended May 1, 1980; amended May 1, 1981; amended, T-83-33, Nov. 10, 1982; amended May 1, 1983; amended, T-85-50, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-42, Dec. 19, 1986.)

Article 24.—PATIENT RECORDS

100-24-1. Adequacy; minimal requirements. (a) Each licensee of the board shall maintain an adequate record for each patient justifying the course of treatment of the patient. Each patient record maintained shall be considered to be adequate and in compliance with this regulation if it conforms to the following minimal requirements:

- (1) It is legible;
 - (2) it contains only those terms and abbreviations which are comprehensible to similar licensees;
 - (3) it contains adequate identification of the patient;
 - (4) it indicates the dates any professional service was provided;
 - (5) it contains pertinent and significant information concerning the patient's condition;
 - (6) it reflects what examinations, vital signs and tests were obtained, performed or ordered and the findings and results of each;
 - (7) it indicates the initial diagnosis and the patient's initial reason for seeking the licensee's services;
 - (8) it indicates the medications prescribed, dispensed or administered and the quantity and strength of each;
 - (9) it reflects the treatment performed or recommended; and
 - (10) it documents the patient's progress during the course of treatment provided by the licensee.
- (b) Patient records shall be maintained by each licensee of the board or the licensee's designee for a minimum of 10 years from the date any professional service was provided. (Authorized by K.S.A. 65-2865; implementing L. 1986, Ch. 229, Sec. 42; effective, T-87-42, Dec. 19, 1986.)

CHARLENE K. ABBOTT
Executive Secretary

Doc. No. 004948

**State of Kansas
PARK AND RESOURCES AUTHORITY
TEMPORARY ADMINISTRATIVE
REGULATIONS**

Article 3.—OTHER FEES AND CHARGES

33-3-3. Schedule of fees and charges.

Overnight Camping (per night-per unit)	\$ 2.00
Overnight Camping with utility charge for electricity (per night-per unit)	\$ 5.00
Overnight Camping with utility charge for electricity, water, and sewer hookup (per night-per unit)	\$ 6.00
Annual Camping Fee for calendar year (in lieu of \$2.00 Overnight Camping Fee)	\$ 30.00
Duplicate Annual Camping Fee (to replace lost, stolen, or damaged Annual Camping Fee)	\$ 1.00
Utility charge for electricity (per night-per unit) with Annual Camping Fee	\$ 3.00
Utility charge for electricity, water, and sewer hookup (per night-per unit) with Annual Camping Fee	\$ 4.00
Annual charge for private boat dock	\$ 10.00
Towing fee for towing boat docks and other watercraft	\$ 10.00
Daily rental for group shelters	\$ 25.00
Annual rental for private cabin sites	\$100.00
Annual rental for club and organization cabin sites	\$150.00

This regulation shall take effect on January 1, 1987. (Authorized by and implementing K.S.A. 1985 Supp. 74-4510, as amended by L. 1986, Ch. 292, Sec. 1; effective Jan. 1, 1966; amended E-77-26, May 1, 1976; amended Feb. 15, 1977; amended May 1, 1980; amended T-83-13, July 1, 1982; amended, T-83-39, Nov. 23, 1982; amended May 1, 1983; amended T-87-45, Jan. 1, 1987.)

LYNN BURRIS
Director

Doc. No. 004947

**State of Kansas
SOCIAL AND REHABILITATION SERVICES
TEMPORARY ADMINISTRATIVE
REGULATIONS**

Article 4.—PUBLIC ASSISTANCE PROGRAM

30-4-91. Eligibility factors specific to the transitional GA (TGA) program. (a) Each applicant or recipient shall meet the applicable general eligibility requirements set forth in K.A.R. 30-4-51, 30-4-52, 30-4-53, 30-4-54, 30-4-55, 30-4-56, 30-4-57, 30-4-58, 30-4-59, 30-4-60, and 30-4-61, and the specific eligibility requirements set forth below to be eligible for TGA.

(1) Each applicant or recipient who is eligible for a federal program or GAU or who has been rendered ineligible for a federal program or GAU due to a voluntary action on the part of the applicant or recipient, and the members of the assistance family group for whom the applicant or recipient is legally responsible, shall be ineligible for TGA.

(2) Each applicant or recipient who is voluntarily unavailable for employment, and the members of the assistance family group for whom the applicant or recipient is legally responsible, shall be ineligible for

TGA. This provision shall not be applicable to persons who are attending high school on a full-time basis or who are participating in an agency-approved, work-related activity.

(b) Assistance shall be limited to a maximum of one month in a 12-month period of time. The effective date of this regulation shall be January 1, 1987. (Authorized by and implementing K.S.A. 1985 Supp. 39-708c; effective, T-84-8, March 29, 1983; effective May 1, 1984; amended May 1, 1985; amended, T-87-15, July 1, 1986; amended, T-87-44, Jan. 1, 1987.)

30-4-102. Standards for children in foster care. The standards below shall be used for children in foster care. (a) The cost of care for any child placed in a care facility other than a foster family home shall be as established by the secretary.

(b) The foster care standard shall be used in ADC and GAU only if an approved service plan is on file which documents that the child is temporarily absent from the home because of illness of another member of the household or incarceration of the caretaker.

(c) The residential standard shall be used only if an approved service plan is on file which documents that the child is temporarily absent from the home because of basic education or training, if the training results in gainful employment.

Standards for Foster Family Care

	Monthly Rate	Daily Rate
Infant through 4 years	\$177.00	\$ 5.81
5 through 11 years	\$239.00	\$ 7.86
12 years and older	\$303.00	\$ 9.96

The effective date of this regulation shall be January 1, 1987. (Authorized by K.S.A. 1985 Supp. 39-708c; implementing K.S.A. 1985 Supp. 39-708c, 39-709, as amended by L. 1986, Ch. 137, Sec. 23; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended, T-84-8, April 1, 1983; amended, T-84-9, May 1, 1983; amended, T-84-11, July 1, 1983; amended May 1, 1984; amended, T-85-19, July 1, 1984; amended May 1, 1985; amended, T-86-19, July 1, 1985; amended, T-86-42, Dec. 18, 1985; amended May 1, 1986; amended, T-87-44, Jan. 1, 1987.)

**Article 5.—PROVIDER PARTICIPATION,
SCOPE OF SERVICES, AND REIMBURSEMENTS
FOR THE MEDICAID (MEDICAL ASSISTANCE)
PROGRAM**

30-5-70. Payment of medical expenses for eligible recipients. (a) Program recipients shall be eligible for the payment of specific medical expenses as follows:

(1) Payment of medicare (title XVIII) premiums and deductibles and co-insurance amounts for services covered in the medicaid program. Recipients who are ineligible for program coverage because they have a spenddown shall also be eligible for the payment of the medicare (title XVIII) premium expense. For cash recipients, including SSI recipients, age 65 or older, payment of the medicare (title XVIII) premium shall begin with the month of approval for medicaid, excluding any months of prior eligibility. For recipients

(continued)

under age 65 who are eligible for medicare after receiving retirement and survivor's disability insurance for 24 consecutive months, payment of the medicare (title XVIII) premium shall begin with the 25th month. For all other recipients, payment of the medicare (title XVIII) premium shall begin with the second month following the month of approval for medicaid, excluding any months of prior eligibility;

(2) payment of premiums of health maintenance organizations which are approved by the agency; and

(3) payment of other allowable medical expenses incurred in the current eligibility base period in excess of any co-pay or spenddown requirements.

(b) The scope of services to be provided recipients and the payment for those services shall be as set forth in articles 5 and 10 of this chapter, subject to the following limitations.

(1) Payment for a particular medical expense shall be denied if it is determined that:

(A) The recipient failed to utilize medical care available through other community resources, including public institutions, veterans administration benefits, and those laboratory services that are available at no charge through the state department of health and environment;

(B) a third party liability for the medical expense has been established and is available;

(C) the recipient fails to make a good faith effort to establish a third party liability for the medical expense or fails to cooperate with the agency in establishing the liability. Payment of a medical expense may be delayed pending the outcome of a determination concerning third party liability;

(D) the expense is not covered or is only partially covered by an insurance policy because of an insurance program limitation or exclusion;

(E) the recipient failed to notify the provider of services of the recipient's eligibility for the program;

(F) the service is cosmetic, pioneering, experimental, or a result of complications related to such procedures; or

(G) the service was provided by a provider not designated as a lock-in provider for any recipient who is locked into designated providers due to abuse or participation in a primary care network. This limitation shall not apply to emergency services or services not provided by the primary care network.

(2) Payment for out-of-state services shall be limited to:

(A) Payment on behalf of recipients living near a state border, where medical services are normally provided by medical vendors that are located in the bordering state and within 50 miles of the state border, except for community mental health center services or alcohol and drug abuse services;

(B) emergency services rendered outside the state;

(C) nonemergency services for which prior approval by the agency has been given. Authorization from the agency shall be obtained before making arrangements for the individual to obtain the out-of-state services;

(D) services provided by independent laboratories;

(E) services provided in the state by out-of-state durable medical equipment and medical supply pro-

viders, if there is a provider service representative located in the state; and

(F) services provided to foster care recipients.

(3) Payment liability for services rendered to a person who is mandated to receive inpatient treatment for tuberculosis and who is not otherwise eligible for participation in the program shall be limited to services related to the treatment.

(4) Each claim for payment shall be submitted within six months of the date of service and in accordance with K.A.R. 30-5-65.

(5) For the time period January 1, 1987 through April 30, 1987, the scope of services for adult non-medicaid (non-title XIX) program recipients shall be limited to the following services:

(A) Inpatient hospital services as set forth in K.A.R. 30-5-151, except that services shall be limited to \$225.00 per person per state fiscal year;

(B) physician office visits not to exceed eight visits per calendar year;

(C) community mental health center services as set forth in K.A.R. 30-5-154;

(D) home health services as set forth in K.A.R. 30-5-157;

(E) pharmacy services as set forth in K.A.R. 30-5-158;

(F) family planning services as set forth in K.A.R. 30-5-168; and

(G) partial hospitalization services as set forth in K.A.R. 30-5-169.

(6) The scope of services for adult medicaid (title XIX) program recipients shall be limited as set forth in K.A.R. 30-5-156, 30-5-160, and 30-5-161. The effective date of this regulation shall be January 1, 1987. (Authorized by and implementing K.S.A. 1985 Supp. 39-708c, 39-709, as amended by L. 1986, Ch. 137, Sec. 23; effective May 1, 1981; amended, E-82-11, June 17, 1981; modified, L. 1982, ch. 469, May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-87-44, Jan. 1, 1987.)

30-5-81b. The basis of reimbursement for hospital services. (a) General hospitals; inpatient services. For covered services rendered to program recipients, each general hospital shall be reimbursed on the basis of a prospective per diem rate pursuant to the provisions of K.A.R. 30-5-81q through 30-5-81t except as set forth below.

(b) General hospitals; outpatient services. For covered services rendered to program recipients, each general hospital shall be reimbursed based on the reimbursement methodology for comparable services rendered by non-hospital providers. For laboratory and radiology services, each general hospital shall be reimbursed its customary charges not to exceed the range maximum set forth in K.A.R. 30-5-85a plus 2%.

(c) General hospitals; long term care in swing bed hospitals. For covered services rendered to program recipients, each general hospital shall be reimbursed pursuant to 42 CFR 447.251 through 447.256, 447.271,

and 447.280, revised October 1, 1984, which are adopted by reference.

(d) Special hospitals. Each special hospital shall be reimbursed the lesser of reasonable costs or customary charges for covered services rendered to program recipients.

(e) New hospitals. A newly constructed hospital which was not in operation for a full year for the hospital's fiscal year ending in 1981, or an existing hospital which served less than five Kansas medicaid recipients during the hospital's fiscal year ending in 1981 shall be considered a new hospital.

(f) Hospitals which are determined to have a disproportionate number of low income patients with special needs shall be reimbursed at an additional 1% of their per diem rate for the year in which a disproportionate number of low income patients with special needs occurs. The effective date of this regulation shall be January 1, 1987. (Authorized by and implementing K.S.A. 1985 Supp. 39-708c; effective May 1, 1981; amended, E-82-6, May 1, 1981; modified, L. 1982, ch. 469, May 1, 1982; amended May 1, 1983; amended, T-84-7, March 29, 1983; amended May 1, 1984; amended, T-85-24, Sept. 18, 1984; amended May 1, 1985; amended, T-86-19, July 1, 1985; amended May 1, 1986; amended, T-87-44, Jan. 1, 1987.)

30-5-83a. Reimbursement for ambulatory surgical centers. Reimbursement shall be made as a fee for service established by the secretary. No fee shall be paid in excess of reasonable cost or charges, whichever is less. The effective date of this regulation shall be January 1, 1987. (Authorized by and implementing K.S.A. 1985 Supp. 39-708c; effective May 1, 1981; amended May 1, 1983; amended, T-87-44, Jan. 1, 1987.)

30-5-87a. Reimbursement for early and periodic screening, diagnosis and treatment (EPSDT). (a) Reimbursement for screening and appropriate referral shall be made as a fee for service established by the secretary. No fee shall be paid in excess of reasonable cost or charges, whichever is less.

(b) Reimbursement for diagnosis and treatment shall follow the guidelines established for all other provider groups in the program. The effective date of this regulation shall be January 1, 1987. (Authorized by and implementing K.S.A. 1985 Supp. 39-708c; effective May 1, 1981; amended, T-87-44, Jan. 1, 1987.)

30-5-100. Scope of dental services. (a) Dental services shall be covered for EPSDT participants.

(b) Limitations.

(1) Prior authorization shall be required for designated services.

(2) Prior authorization shall be required for dental treatment plans estimated to exceed, during a calendar year, the range maximum established by the secretary. The effective date of this regulation shall be January 1, 1987. (Authorized by and implementing K.S.A. 1985 Supp. 39-708c; effective May 1, 1981; amended May 1, 1983; amended, T-84-7, May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended, T-87-44, Jan. 1, 1987.)

30-5-106a. Reimbursement for ambulance services. Reasonable fees as related to customary charges shall be paid for ambulance services. However, no fee shall be paid in excess of the range maximum. The range of charges shall provide the base for computations. The effective date of this regulation shall be January 1, 1987. (Authorized by and implementing K.S.A. 1985 Supp. 39-708c; effective May 1, 1981; amended May 1, 1983; amended, T-87-44, Jan. 1, 1987.)

Article 6.—MEDICAL ASSISTANCE PROGRAM—CLIENTS' ELIGIBILITY FOR PARTICIPATION

30-6-65. Automatic eligibles. To be automatically eligible for medical assistance, each person shall meet the general eligibility requirement of K.A.R. 30-6-63 and shall be: (a) Legally entitled to and receiving SSI benefits and shall meet the general eligibility requirements of residence;

(b) legally entitled to and receiving state (Kansas) supplemental payments related to SSI;

(c) determined by SSA to retain recipient status, although not currently receiving an SSI benefit;

(d) receiving public assistance (excepting TGA and emergency assistance) pursuant to article 4 of this chapter. Such recipients shall meet the general eligibility requirement of K.A.R. 30-6-55(d);

(e) not receiving public assistance for one of the following reasons:

(1) The person is eligible for less than \$10.00 of public assistance;

(2) the amount of recovery of an overpayment is greater than the budget deficit;

(3) the person is eligible using prospective budgeting, but ineligible due to retrospective accounting of income; or

(4) the person is not eligible for ADC due to the provisions of K.A.R. 30-4-62, 30-4-71, or 30-4-75;

(f) included in the assistance plan of a family which was receiving ADC, ADC-FC, or APW in at least three of the six months immediately preceding the month in which the family became ineligible for ADC, ADC-FC, or APW and which became ineligible solely because of increased earned income or increased hours of employment. Such recipients shall meet the general eligibility requirement of K.A.R. 30-6-55(d). Automatic eligibility for the medical assistance program shall continue for the four months immediately subsequent to the last month in which the family was eligible (legally entitled) to receive ADC, ADC-FC, or APW as long as a family member is employed and the family and the person remains ineligible for ADC, ADC-FC, or APW solely because of increased earned income or increased hours of employment. The receipt of an extra pay check due to an additional pay period within a calendar month shall not constitute an increase in earnings;

(g) included in the assistance plan of a family which was receiving ADC, ADC-FC, or APW in at least three of the six months immediately preceding

(continued)

the month in which the family became ineligible for ADC, ADC-FC, or APW as a result (in whole or in part) of collection or increased collection of support. Such recipients shall meet the general eligibility requirement of K.A.R. 30-6-55(d). Automatic eligibility for the medical assistance program shall continue for the four months immediately subsequent to the last month in which the family was eligible (legally entitled) to receive ADC, ADC-FC, or APW as long as the family remains ineligible for ADC, ADC-FC, or APW due to such collection or increased collection of support;

(h) mandated to receive inpatient treatment for tuberculosis;

(i) one who is not a public assistance recipient but is receiving maintenance payments from youth services;

(j) included in the assistance plan of a family which became ineligible for ADC, ADC-FC, or APW solely because of the termination of the earned income disregards as provided in K.A.R. 30-4-111(e). Automatic eligibility for the medical assistance program shall continue for the nine months immediately subsequent to the last month in which the family was eligible (legally entitled) to receive ADC, ADC-FC, or APW;

(k) a non-ADC eligible child who is under 18 years of age and who meets the ADC income and resource requirements pursuant to article 4 of this chapter;

(l) a child born to a mother eligible for and receiving medicaid at the time of birth for a period of up to one year. The child shall remain eligible so long as such mother remains eligible for medicaid and the child remains in the same household with the mother;

(m) a child receiving foster care payments under title IV-E, regardless of the state making payment; or

(n) a child for whom an adoption assistance agreement under title IV-E is in effect, even if assistance payments are not being made or the adoption assistance agreement was entered into with another state. Automatic eligibility begins when the child is placed for adoption even if an interlocutory decree of adoption or a judicial decree of adoption has not been issued. The effective date of this regulation shall be January 1, 1987. (Authorized by and implementing K.S.A. 1985 Supp. 39-708c, 39-709, as amended by L. 1986, Ch. 137, Sec. 23; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended, T-86-19, July 1, 1985; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-87-29, Nov. 1, 1986; amended, T-87-44, Jan. 1, 1987.)

30-6-107. Property exemption. Ownership of otherwise nonexempt real or personal property shall not affect eligibility if the aggregate resource value is not in excess of \$1,800.00 for one person or \$2,700.00 for two or more persons who are included in the assistance plan or are legally responsible for a person in the assistance plan. (a) For non-SSI, ownership of prop-

erty with a resource value in excess of the amounts above shall render the assistance family group ineligible for medical assistance. However, if there is ineligibility due to excess real property, assistance shall be provided for a period of up to nine months if the applicant or recipient is making a bona fide and documented effort to dispose of the property.

(b) For SSI, ownership of property with a resource value in excess of the amounts above shall render the assistance family group ineligible for medical assistance unless the applicant or recipient is making a bona fide and documented effort to dispose of the excess property at a reasonable market value. Assistance under this provision shall not exceed nine months. The effective date of this regulation shall be January 1, 1987. (Authorized by and implementing K.S.A. 1985 Supp. 39-708c, 39-709, as amended by L. 1986, Ch. 137, Sec. 23; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended, T-85-33, Dec. 19, 1984; amended, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-43, Jan. 1, 1987.)

**Article 10.—ADULT CARE HOME
PROGRAM OF THE MEDICAID
(MEDICAL ASSISTANCE) PROGRAM**

30-10-1d. Inadequate care. (a) When the agency determines that inadequate care is being provided to a recipient, payment to the adult care home for the recipient may be terminated.

(b) When the agency receives confirmation from the Kansas department of health and environment or the inspection of care teams that an adult care home has not corrected deficiencies which affect significantly and adversely the health, safety, nutrition or sanitation of the adult care home residents, the agency shall deny payments for new admissions and withhold future payments for all recipients until confirmation that the deficiencies have been corrected. (Authorized by and implementing K.S.A. 1985 Supp. 39-708c; effective May 1, 1982; amended, T-87-43, Dec. 19, 1986.)

ROBERT C. HARDER
Secretary of Social and
Rehabilitation Services

Doc. No. 004950

State of Kansas

DEPARTMENT OF ADMINISTRATION

TEMPORARY ADMINISTRATIVE
REGULATIONS

Article 2.—DEFINITIONS

1-2-46. Length of service. (a) Subject to the provisions of subsection (b), length of service shall mean total time worked in the classified service or unclassified service, or both, excluding:

(1) temporary or emergency appointments other than time spent, on and after May 1, 1985, on a temporary appointment in the unclassified service pursuant to K.S.A. 1985 Supp. 75-2935(1)(i);

(2) time worked as a student employed by any board of regents institution;

(3) time worked as a resident worker in any social and rehabilitation services institution; or

(4) time worked as an inmate.

(b)(1) In crediting employment in an intermittent position, 160 hours in pay status shall be equivalent to one month of service.

(2) Accrual of service credit shall be limited to a maximum of:

(A) six months in a 12-month period, for intermittent positions restricted to less than 1,000 hours; or

(B) nine months in a 12-month period, for intermittent positions allowing 1,500 hours.

(c) Time spent on military leave, or on leave while receiving workers' compensation benefits for disability attributable to state employment, shall be considered to be time worked in the classified or unclassified service. Time on leave while receiving workers' compensation benefits for disability attributable to state employment prior to May 1, 1983 shall not be credited.

(d) Within educational institutions under the control and supervision of the state board of regents or the state board of education, time spent on leave of absence, imposed by the employer based on employment customs arising from an academic or school calendar requiring less than a full calendar year of service, shall be considered to be time worked in the classified service. However, such leave of absence service credit shall not be transferable to other state agencies. For the purposes of layoff, employees of such institutions shall be credited only for actual time worked.

(e) In computing an individual's vacation leave credits, sick leave credits and service for compensation purposes, any service performed prior to May 1, 1983 shall be credited on the basis of the individual's service credit on April 30, 1983. (Authorized by K.S.A. 1985 Supp. 75-3747; implementing K.S.A. 1985 Supp. 75-3746; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended, T-87-52, Dec. 19, 1986.)

ARTHUR K. GRIGGS

Acting Secretary of Administration

Doc. No. 004949

State of Kansas

SECRETARY OF STATE

EXECUTIVE APPOINTMENTS

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office.

Complete listings of state agencies, boards and commissions are included in the Kansas Directory. County officials are listed in the Directory of County Officers. Both directories are published by the Secretary of State's office and are available free of charge.

The following appointments were filed by Governor John Carlin December 17, 1986 through January 9, 1987:

Supreme Court Justice

Donald L. Allegrucci, Route 4, Box 234, Pittsburg 66762. Effective January 12, 1987. Succeeds Alfred G. Schroeder, retired.

Lincoln County Clerk

Victor Suelter, Route 2, Lincoln 67455. Effective January 8, 1987. Expires when a successor is elected and qualifies according to law. Succeeds Loa Page, resigned.

Linn County Clerk

Richard D. Read, 206 W. 14th, Pleasanton 66075. Effective December 22, 1986. Expires when a successor is elected and qualifies according to law. Succeeds Marion R. Johnson, resigned.

Aging, Advisory Council on

Charles M. Barnes, 2514 Thompson, Dodge City 67801. Effective January 6, 1987. Expires June 30, 1989. Reappointment.

Kenneth F. Betterton, 9642 Belinder Road, Leawood 66206. Effective January 6, 1987. Expires June 30, 1987. Succeeds Sister M. Charles McGrath, resigned.

John R. Grace, 1836 Cassell, Manhattan 66502. Effective January 6, 1987. Expires June 30, 1989. Reappointment.

Marjorie Jantz, 9408 Roe Blvd., Prairie Village 66207. Effective January 6, 1987. Expires June 30, 1989. Succeeds Bea Bacon.

Lu Janzen, 310 Willow Road, Hillsboro 67063. Effective January 6, 1987. Expires June 30, 1989. Reappointment.

Hattie Norman, 308 Tefft, Topeka 66607. Effective January 6, 1987. Expires June 30, 1989. Reappointment.

Armory Board, Kansas

Brig. Gen. Alonzo Dougherty, 116 9th Ave., Leavenworth 66048. Effective January 8, 1987. Expires December 1, 1990. Reappointment.

Brig. Gen. William J. Mullins (Retired), 5317 W. 65th Terrace, Shawnee Mission 66202. Effective Jan-

(continued)

uary 8, 1987. Expires December 1, 1990. Reappointment.

**Applied Remote Sensing,
Kansas Commission on**

Ralph Davis, 301 S. Main, St. John 67576. Effective January 8, 1987. Expires June 30, 1988. Reappointment.

Richard Malm, Route 2, Valley Falls 66088. Effective January 8, 1987. Expires June 30, 1988. Reappointment.

Tim Peterson, HC 1, Box 54, Monument 67747. Effective January 8, 1987. Expires June 30, 1988. Succeeds John A. Shoemaker.

Behavioral Sciences Regulatory Board

Delbert L. Potter, 230 S. Kansas, Chanute 66720. Effective January 7, 1987. Expires June 30, 1990. Succeeds Kay Mettner.

**Bicentennial of the United States Constitution,
Kansas Commission on**

Cordell D. Meeks, Jr., 7915 Walker, Kansas City 66112. Effective January 6, 1987. Expires December 31, 1991. New commission.

Frederick D. Seaton, 2 Easy St., Winfield 67156. Effective January 6, 1987. Expires December 31, 1991. New commission.

Building Advisory Commission, State

J. David Kaaz, 400 S. Esplanade, Leavenworth 66048. Effective January 7, 1987. Expires December 31, 1990. Reappointment.

William L. Muir, 2040 Shirley Lane, Manhattan 66502. Effective January 7, 1987. Expires December 31, 1990. Succeeds Hal Keltz.

Dealer Review Board

Homer L. Clark, Route 1, Holton 66436. Effective January 7, 1987. Expires June 30, 1989. Reappointment.

Walter L. Lesline, 2160 N. Riverside Blvd., Wichita 67203. Effective January 7, 1987. Expires June 30, 1989. Reappointment.

Ralph E. Ratliff, Route 2, Box 49, Winfield 67156. Effective January 7, 1987. Expires June 30, 1989. Reappointment.

Emergency Medical Services Council

Paul F. Bogner, M.D., 1318 Sunrise Circle, Clay

Center 67432. Effective January 7, 1987. Expires July 31, 1990. Succeeds Richard F. Beamon, M.D.

Richard B. Horton, 32 S. Pyle, Kansas City 66101. Effective January 8, 1987. Expires July 31, 1990. Succeeds John W. Prior.

Clyde T. McCracken, Box 35, Ness City 67560. Effective January 7, 1987. Expires July 31, 1990. Reappointment.

Theodore H. McFarlane, 224 Dakota, Lawrence 66044. Effective January 7, 1987. Expires June 30, 1988. Succeeds Lorin J. Kasper, Jr., resigned.

Joseph E. Moreland III, 322 North Star, El Dorado 67042. Effective January 7, 1987. Expires June 30, 1990. New position.

Darlene S. Whitlock, 415 Aquarius, Silver Lake 66539. Effective January 7, 1987. Expires July 31, 1990. Succeeds Reed Hartford.

Hearing Aids, Board of Examiners for

William A. Bell, 902 W. 6th, Topeka 66606. Effective January 6, 1987. Expires June 30, 1989. Succeeds Virginia M. Donigan.

Dorothea E. Klein, 1320 S.W. 27th, Topeka 66611. Effective January 6, 1987. Expires June 30, 1989. Reappointment.

Milk Advisory Committee

Jim R. Ploger, P.O. Box 2571, Topeka 66601. Effective January 9, 1987. Expires August 25, 1989. Succeeds Teresa A. Batchman.

George W. Pretz, Route 1, Osawatomie 66064. Effective January 9, 1987. Expires August 25, 1989. Reappointment.

Mined-Land Conservation and Reclamation Board

Tom W. Bryant, Ph.D., 2204 S. Homer, Pittsburg 66762. Effective January 7, 1987. Serves at the pleasure of the Governor. Succeeds R. W. Fowler, resigned.

Technical Professions, State Board of

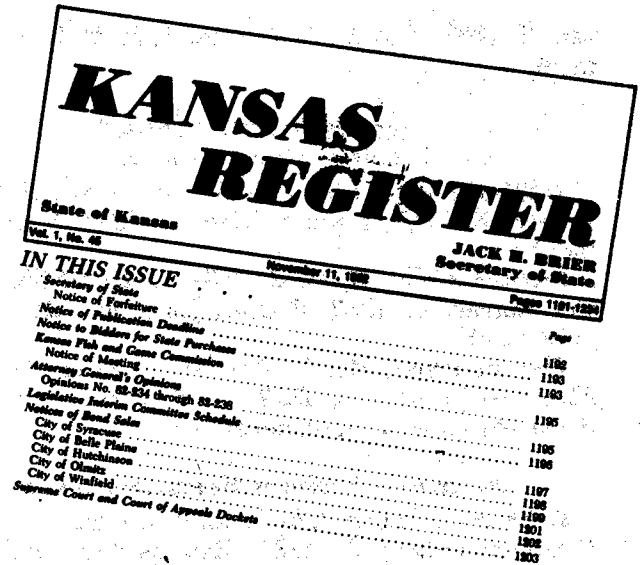
Michael A. Conduff, 1208 Bitner Drive, Pittsburg 66762. Effective January 6, 1987. Expires June 30, 1990. Reappointment.

M. Dale Dronberger, 3010 A Nutmeg Lane, Hutchinson 67502. Effective January 6, 1987. Expires June 30, 1990. Reappointment.

Bill Graves
Secretary of State

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