

# KANSAS REGISTER

**BILL GRAVES**  
Secretary of State

State of Kansas

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## State of Kansas

## LEGISLATURE

## INTERIM COMMITTEE SCHEDULE

The following committee meetings have been scheduled during the period of July 27 through August 9:

Date	Room	Time	Committee	Agenda
July 27 through August 2	No meetings scheduled.			
August 3	123-S	10:00 a.m.	Legislative Post Audit	Legislative matters.
August 6 August 7	519-S 519-S	10:00 a.m. 9:00 a.m.	Special Committee on Transportation	Agenda unavailable at this time.
August 6 August 7	531-N 531-N	10:00 a.m. 9:00 a.m.	Special Committee on Public Health and Welfare	Agenda unavailable at this time.
August 7	527-S	9:00 a.m.	Legislative Coordinating Council	Legislative matters.

The following two additions have been made in interim committee charges (Proposals):

**Special Committee on Agriculture and Livestock  
Proposal No. 43—Interstate Compact on Agricultural  
Grain Marketing**

Examine the benefits and costs of updating current provisions of the statutes that would make Kansas a member of the Interstate Compact on Agricultural Grain Marketing, and review the actions in other states that have recently approved legislation that makes them members of the compact.

**Special Committee on Federal and State Affairs  
Proposal No. 44—Lottery, Parimutuel and Liquor-by-the-Drink Legislation**

Monitor implementation of the lottery, parimutuel, and liquor-by-the-drink legislation and make any recommendations related thereto.

The following change has been made in one interim committee charge:

**Special Committee on Transportation  
Proposal No. 32—Vehicle Identification Number  
(VIN) Program Issues and Odometer Rollbacks**

Review the state policy with respect to vehicle identification number (VIN) inspections, including administration and funding of this program; study problems associated with motor vehicle odometer rollbacks; and review the provisions of 1987 H.B. 2203 relating to certain disclosures by a motor vehicle dealer to a purchaser.

WILLIAM R. BACHMAN  
Director of Legislative  
Administrative Services

Doc. No. 005607

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Phone: (913) 296-3489

**State of Kansas**  
**COMMISSION ON WILDLIFE AND PARKS**

**NOTICE OF MEETING**

A meeting of the Kansas Commission on Wildlife and Parks is scheduled for Wednesday, August 5 and Thursday, August 6 at the Mid-America Best Western Inn, 1846 N. 9th, Salina. The meeting will begin at 1:30 p.m.

Agenda items include a review of commission responsibilities, procedures for conducting meetings, review of future meeting needs, commission communications, briefing on merger status, and staff presentations on agency programs. The meeting will continue at 9 a.m. August 6.

**JOHN STRICKLER**  
 Acting Secretary

Doc. No. 005618

**State of Kansas**  
**ATTORNEY GENERAL**

**Opinion No. 87-101**

**Crimes and Punishment—Code; Crimes Against the Public Morals—Pull Tab Games on Indian Reservations. Phillip A. Burdick, Brown County Attorney, Hiawatha.**

The term "lottery" includes pull tab games and any game or combination of games involving consideration, chance and a prize. The constitutional amendment permitting a state owned and operated lottery is civil/regulatory in nature and therefore may not be enforced against Indians conducting lottery games on Indian reservations within Kansas. Cited herein: K.S.A. 21-4302; L. 1986, ch. 414; Kan. Const., Art. 15, §§ 3b, 3c. BLB

**ROBERT T. STEPHAN**  
 Attorney General

Doc. No. 005612

**State of Kansas**  
**SOCIAL AND REHABILITATION SERVICES**

**NOTICE OF MEETING**

The Department of Social and Rehabilitation Services will meet at 9 a.m. Tuesday, August 4, in the Staff Development Training Center, 2700 W. 6th, Topeka.

The scheduled agenda includes the adoption of community service block grant plan and a report of general conclusions regarding fiscal year 1988-1989 budgets.

The public is invited to attend. Telephone hook-ups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hiawatha, Hutchinson, Junction City, Kansas City, Lawrence, Olathe, Osawatomie, Parsons, Pittsburg, Pratt, Salina, Topeka (area office

and Docking State Office Building), Wichita and Winfield.

**WINSTON BARTON**  
 Secretary of Social and  
 Rehabilitation Services

Doc. No. 005605

**State of Kansas**  
**BOARD OF REGENTS**  
**NOTICE OF HEARING**  
**ON PROPOSED**  
**ADMINISTRATIVE REGULATIONS**

A hearing will be conducted at 10 a.m. Friday, August 7, in the Board of Regent's conference room, Suite 609, Capitol Tower, 400 S.W. 8th, Topeka, to consider the adoption of temporary rules and regulations and additions to the permanent administrative rules and regulations of the Board of Regents.

All interested parties may submit written comments prior to the hearing to Ted D. Ayres, General Counsel, Kansas Board of Regents, 400 S.W. 8th, Suite 609, Topeka 66603. All interested parties will be given a reasonable opportunity at the hearing to orally present their views in regard to the adoption of the proposed regulations and amendments. In order to give all parties an opportunity to express their views, it may be necessary to request each participant to limit oral presentation to five minutes.

All written and oral comments submitted by interested parties will be considered in assessing the merits of the adoption of the proposed regulations and amendments.

A copy of the regulations and the fiscal impact statement may be obtained by writing the Board of Regents at the address above.

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

**K.A.R. 88-3-10** provides for a waiver of non-resident tuition for certain individuals who have graduated from an accredited high school in Kansas within 12 months of their enrollment at a Regents institution.

**K.A.R. 88-3-11** provides for a waiver of non-resident tuition for certain individuals who established a domiciliary residence in the state of Kansas for purposes of accepting or retaining employment with a Kansas employer.

**TED D. AYRES**  
 General Counsel

Doc. No. 005617

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

**MONDAY, AUGUST 3, 1987**

#27291  
Statewide—RECREATION EQUIPMENT AND SUPPLIES

#27503  
Various state agencies—GRAPHIC ART SUPPLIES

#27516  
Statewide—SEPTEMBER (1987) MEAT PRODUCTS

#69751  
Department of Education—COLLATOR/STITCHER

#69752  
University of Kansas—AIR FILTER

#69768  
Kansas State University—HPLC

**TUESDAY, AUGUST 4, 1987**

#A-5399  
Kansas State University—ION LAB FACILITY SITE PLAN ALTERATIONS

#A-5522(a)  
University of Kansas—WATERPROOFING PEDESTRIAN TUNNEL, Kansas Union Facility to Parking Lot No. 9

#A-5598  
Osawatomie State Hospital—FURNISH AND INSTALL CONDENSATE PUMP POWER PLANT TUNNEL ENTRANCE

#A-5743(b)  
Kansas State University—PROVIDE B-7 PARKING LOT LANDSCAPING

#27515  
Statewide—FROZEN FOODS

#27557  
Kansas State University—SEPTEMBER (1987) MEAT PRODUCTS

#27670  
Statewide—TELEPHONE WIRING CABINETS

#69776  
Emporia State University—ELEVATOR PARTS AND REPAIR

#69777  
University of Kansas Medical Center—CHEMISTRY ANALYZER

#69781  
Kansas State University—PRINT PROCESSOR

**WEDNESDAY, AUGUST 5, 1987**

#25689  
University of Kansas Medical Center—ELEVATOR MAINTENANCE, Wichita

#27517  
Statewide—SPICES AND MISCELLANEOUS GROCERIES

#27673  
Statewide—INVENTORY DECALS

#69805  
Emporia State University—JANITORIAL SUPPLIES

#69810  
Department of Education—SOFTWARE

**THURSDAY, AUGUST 6, 1987**

#69821  
University of Kansas Medical Center—SURGICAL INSTRUMENTS

#69823  
Department of Transportation—SNOW AND GRADER BLADES, Salina

#69824  
University of Kansas—LIGHT FIXTURES

#69825  
Kansas State University—MODULAR OFFICES AND AIR CONDITIONING

#69834  
Department of Transportation—PHOTOGRAPHIC PROCESSOR

#69836  
University of Kansas Medical Center—ANIMAL CAGES

#69837  
University of Kansas Medical Center—PEDIATRIC UROLOGICAL INSTRUMENTS

#69838  
Kansas State Reception and Diagnostic Center—FURNISH LABOR AND MATERIALS TO DO CONCRETE WORK

**FRIDAY, AUGUST 7, 1987**

#27293  
Statewide—PRINTING AND OFFSET DUPLICATING SUPPLIES

#69835  
State Corporation Commission—RECLAMATION PROJECT BILL'S COAL COMPANY, Bourbon County

#69840  
Department of Administration, Division of Printing—INCOME TAX ENVELOPES

#69841  
Department of Administration, Division of Printing—25% RAG BOND W/STATE SEAL WATERMARK

#69846  
Emporia State University—CYLINDRICAL LOCKSET

#69847  
University of Kansas Medical Center—PARKING CONTROL EQUIPMENT

#69872  
Kansas State University—PORTABLE RECORDER/PLAYER

#69877  
University of Kansas Medical Center—GAS STERILIZER

#69878  
Department of Transportation—OIL TRANSPORT TRAILER, Chanute

#69879  
University of Kansas Medical Center—MICROCAPILLARY INFUSION SYSTEM

#69880  
University of Kansas Medical Center—BRAIN MAPPING SYSTEM

#69881  
University of Kansas Medical Center—PHYSIOLOGICAL MONITORS

TUESDAY, AUGUST 11, 1987

#27186

Statewide—COARSE AND INDUSTRIAL PAPERS,  
Rebid Groups 27, 29, 30, 32, 33

MONDAY, AUGUST 31, 1987

#27242

Department of Transportation—AUTOMOBILE  
LIABILITY INSURANCE

**REQUEST FOR PROPOSALS**

THURSDAY, JULY 30, 1987

#66915

SPECIAL BOND COUNSEL FOR KANSAS  
DEVELOPMENT FINANCE AUTHORITY

THURSDAY AUGUST 6, 1987

#69839

TECHNICAL SERVICES FOR TARGET STUDIES  
FOR KANSAS DEPARTMENT OF COMMERCE

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 005613

**State of Kansas**

**REAL ESTATE COMMISSION**

**NOTICE OF HEARING  
ON PROPOSED  
ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted at 10 a.m. Tuesday, August 18, in Room 202, Federal Building, 444 S.E. Quincy, Topeka, to consider the adoption of proposed temporary and permanent regulations of the Kansas Real Estate Commission. The following is a brief summary of the regulations:

86-3-22, Transaction identification (new)—To provide for assignment of transaction numbers to sales contracts, option agreements and lease agreements.

86-3-18, Trust account records (amended)—To provide for inclusion of the transaction number on trust account supporting documentation.

There is no estimated monetary impact of the proposed regulations on governmental agencies or units, private businesses or the general public.

All interested parties may submit written comments prior to the hearing to the director of the Kansas Real Estate Commission, Room 501-N, Landon State Office Building, 900 Jackson, Topeka 66612. All interested parties will be given a reasonable opportunity at the hearing to orally present their views in regard to adoption of the proposed regulations.

Following the hearing, all written and oral comments will be considered by the Kansas Real Estate Commission.

Copies of the regulations and complete fiscal impact statement may be obtained by writing the commission.

E. W. YOCKERS  
Director

Doc. No. 005611

**State of Kansas**

**LEGISLATIVE DIVISION OF POST AUDIT**

**SCHEDULE OF FISCAL YEAR 1989  
CONTRACTED AUDIT WORK**

Contract	Audit Type
<b>Group A:</b>	
Department of Health and Environment	L-S
Department of Transportation	L-S
Department of Education	L-S
Adjutant General's Department	M-S
Department on Aging	M-S
Board of Agriculture	M-S
Attorney General's Office	M-S
Department of Wildlife and Parks	M-S
Department of Commerce	M-S
<b>Group B:</b>	
Topeka State Hospital	H
Winfield State Hospital	H
Larned State Hospital	H
Parsons State Hospital	H
Osawatomie State Hospital	H
Norton State Hospital	H
Kansas Neurological Institute	H
Rainbow Mental Health Facility	H
<b>Group C:</b>	
Centralized Internal Accounting Controls	L
Corrections Agencies (8 agencies)	L
Pooled Money Investment Board	M
State Treasurer's Office (Cash and Investments Work)	M
Kansas Lottery	SL
Kansas Public Employees Retirement System	RS

Audit Types	
L-S	— Large Single Audit
M-S	— Medium Single Audit
L	— Large Regular State Audit
M	— Medium Regular State Audit
H	— Hospital
RS	— Retirement System
SL	— State Lottery

**Schedule of Approximate Dates**

	Issue Invitations	Bid Proposals Due	Contractor Selection
Group A	07-10-87	08-14-87	09-11-87
Group B	08-28-87	10-02-87	10-30-87
Group C	10-16-87	11-20-87	12-18-87

MEREDITH WILLIAMS  
Legislative Post Auditor

Doc. No. 005604

## State of Kansas

## UNIVERSITY OF KANSAS

## NOTICE TO BIDDERS

Sealed bids for items listed below will be received by the University of Kansas, Purchasing Office, Lawrence, until 2 p.m. C.D.T. on the date indicated and will then be publicly opened. Interested bidders may call (913) 864-3416 for additional information.

WEDNESDAY, JULY 29, 1987

#88 0062

Seismic Geophones, pairs, configured for vertical operation, 100 Hz frequency.

GENE PUCKETT, CPM  
Director of Purchasing

Doc. No. 005614

## State of Kansas

## OFFICE OF SECURITIES COMMISSIONER

NOTICE OF HEARING  
ON PROPOSED  
ADMINISTRATIVE REGULATIONS

A public hearing will be conducted from 9:30-10 a.m. Monday, August 10, at the office of the Securities Commissioner of Kansas, Suite 552, 900 S.W. Jackson, Topeka, to consider the adoption and amendment of permanent and temporary regulations of the commissioner.

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

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

**K.A.R. 81-2-1. Filing, fees and forms.** The proposed amendment deletes references to certain obsolete forms and identifies a new form developed in conjunction with reports of registered sales and the new registration renewal applications contemplated by K.S.A. 17-1259 as amended by 1987 Senate Bill 66. This amendment will have no fiscal impact on the agency, any other governmental agency, or the general public.

**K.A.R. 81-4-1. Registration of securities.** The proposed amendment updates general registration requirements to be consistent with changes provided by K.S.A. 17-1259 as amended by 1987 Senate Bill 66. The amendments and additions relate to securities registration effective periods, limits for amounts that may be registered by mutual funds, applications for

amendments, or applications to extend effectiveness for registrations.

The maximum amount that may be registered by mutual funds per application is changed from \$2,500,000 to \$10,000,000. The increase of this limitation is estimated to result in increased revenues collected by the agency of \$95,000 for original registrations, and \$40,000 for amendments to registrations. In relation to the substantial amount of mutual funds being offered and sold in Kansas, the financial impact of increased fees on issuers is judged to be insignificant. The net effect of the new procedures is to lower the fee charged for initial registrations, while raising the maximum amount that may be registered. It is anticipated issuers will take advantage of the lower rate and register the maximum amount. This will increase agency revenues, while lowering the cost per aggregate amount of securities registered. The impact on the general public will be negligible.

**K.A.R. 81-5-8.** This regulation implements the new authority granted the Securities Commissioner under 1987 Senate Bill 66, and imposes filing fees in connection with requests for various exemptions and interpretive opinions. The \$100 fee specified for six types of exemption filings defined by the regulation is expected to result in an estimated revenue increase for the agency of approximately \$90,000 during fiscal year 1988. The impact on private business and the general public is negligible.

**K.A.R. 81-8-1. Effectiveness and post-effective requirements.** The proposed amendment deletes obsolete and superfluous language, makes minor changes in syntax, and clarifies the current practice that an application for registration by coordination will be denied automatic effectiveness if the registrant is given a notice of deficiency. This amendment will have no fiscal impact on the agency, any other governmental agency, or the general public.

**K.A.R. 81-9-1. Final reports.** The amendment, consistent with the new requirements of K.S.A. 17-1259 as amended by 1987 Senate Bill 66, deletes requirements pertaining to the filing of semiannual and annual reports on registered offerings. It restates and continues the current requirement of filing a final report of sales upon completion or termination of a registered offering.

The changes implemented would eliminate the payment of filing fees formerly paid in connection with semiannual and annual reports. This would result in a \$10,000 decrease in revenues collected by the agency. The impact on private business would be a slight reduction in associated fees paid by registrants (\$5-\$15 per year). The impact on the general public is negligible.

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

M. DOUGLAS MAYS  
Securities Commissioner

Doc. No. 005620

## State of Kansas

**LEGISLATIVE COORDINATING COUNCIL****REQUEST FOR PROPOSALS FOR  
RETIRANTS HEALTH CARE STUDY**

The 1987 Legislature appropriated funds to the Legislative Coordinating Council (LCC) for a study to be conducted during the 1987 interim on options for providing health care for retirees of the Kansas Public Employees Retirement System (KPERS). KPERS is composed of four major retirement systems: KPERS-Nonschool, consisting of all state and county employees, plus any city or other local special district employee whose governing board has affiliated with the retirement system; KPERS-School, consisting of all local public school employees; Kansas Police and Fire Retirement System (KP&F), consisting of state troopers, state bureau of investigation agents and employees of any local public safety agency affiliated with KP&F; and the Kansas Retirement System for Judges, consisting of all state judges and justices (except district magistrate judges). At the end of fiscal year 1986, the retirement system had 33,598 retirees, 102,693 active members, and 1,100 participating employers.

The LCC has authorized the Special Committee on Ways and Means to formulate the request for proposal (RFP) for the retirees health care study. In addition, the LCC approved that negotiations for the study will be conducted by Senator August "Gus" Bogina, Jr., Chairman of the Special Committee on Ways and Means; Representative J. Santford "Sandy" Duncan, Vice-Chairman of the Special Committee on Ways and Means; and Representative Jack Shriver, Ranking Minority Member of the Special Committee on Ways and Means. The contract will be subject to LCC approval.

The consultant should address the following questions regarding health care for retirees of KPERS:

1. Whether it is feasible to establish a retirees health insurance group for all KPERS retirees that elect to participate in such a program;
2. whether the retirees health insurance group could be structured in such a manner as to accommodate retirees as young as 50 and older than 65;
3. whether the proposed retirees health insurance group could function as a part of the state employees health insurance contract, and if feasible what would be the financial impact on the state contract for permitting the retirees into the group; what would be the expected claims experience of such a group and the impact on claims experience of the entire state contract; in addition, what would be the expected claims experience of the retiree group younger than age 65 and older than age 65; and finally, what are options as to who should administer and finance such a plan;
4. anticipated growth in the number of retirees older than age 65 and any impact this growth may have on a retirees health insurance program;

5. experience of other states in providing health insurance benefits to public employee retirees, including how such plans are structured, administered, and financed;
6. experience of any innovative private sector retiree health insurance program, including how such plans are structured, administered, and financed;
7. types of benefits provided to members of a retirees health insurance program, remembering some members of the group will be considerably younger than age 65;
8. whether a separate health insurance group just for retirees apart from the state employees health insurance group is feasible and what are the options as to how such a plan could be structured, administered, and financed;
9. assuming a proposed retirees health insurance program is established, what would be the appropriate level of benefits to be provided to the retiree and the retiree's spouse; and
10. what the projected individual retiree's monthly health insurance premium would be under any of the previously discussed programs.

The consultant will agree to complete and file the study with the Kansas Legislative Research Department in no more than 60 calendar days after the contract is signed. The consultant will provide no less than 40 copies of the study to the Special Committee on Ways and Means. The consultant will make an oral presentation to the special committee discussing the findings of the study. The consultant will also be available to make an oral presentation during the 1988 Legislature to at least three standing committees.

The Kansas Public Employees Retirement System will provide information concerning actuarial characteristics of retirees of KPERS. The Kansas Health Care Commission will provide information concerning the state employees health insurance contract.

Proposals should be submitted no later than 5 p.m. Monday, August 10, to Alan D. Conroy, Principal Fiscal Analyst, Kansas Legislative Research Department, Room 545-N, State Capitol, Topeka 66612-1586.

Additional information may be obtained by calling Alan Conroy or J. Russell Mills at (913) 296-3181.

**WILLIAM R. BACHMAN**  
Director of Legislative  
Administrative Services

Doc. No. 005619

## State of Kansas

**STATE HISTORICAL SOCIETY  
HISTORIC SITES BOARD OF REVIEW**

**NOTICE OF MEETING**

The Kansas Historic Sites Board of Review will meet at 10 a.m. Saturday, August 22, in a classroom at the Kansas Museum of History, 6425 S.W. 6th, Topeka. The agenda items include election of officers and evaluation of the following properties for nomination to the National Register of Historic Places and the Register of Historic Kansas Places:

- Trading Post School House, Trading Post, Linn County (state register only)
- Bethel School, 5 miles east of Lincolnvillle, Marion County
- Santa Fe Railroad Passenger Depot, 111 N. Lincoln, Chanute, Neosho County (state register only)

JOSEPH W. SNELL  
Executive Director

Doc. No. 005600

## State of Kansas

**BOARD OF EDUCATION**

**NOTICE OF HEARING**

The Kansas State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, August 11, in Room 121 of the Kansas State Education Building, 120 E. 10th, Topeka, to consider the proposed Kansas state plan for school food service state administration expense (SAE) funds for fiscal year 1988.

The SAE funds are federal funds made available to states for meeting expenses incurred when administering, supervising, and providing technical assistance for child nutrition programs. The annual state plan is part of a SAE management system which monitors each state's accountability of the funds and the U.S. Department of Agriculture's control over the funds.

Part I of the plan describes the anticipated costs and budget needs. Part II describes the activities for the utilization of state and federal funds. Justification is provided for the following major responsibilities of administering the child nutrition programs: technical assistance; program monitoring; claims processing/federal reporting; policy development/implementation; professional development (training); program administration, planning, and supervision; and program audits. The plan does not include program objectives.

A copy of the plan may be obtained by contacting the secretary of the State Board of Education, Kansas State Education Building, 120 E. 10th, Topeka 66612, prior to the date of the hearing.

All interested persons will be given a reasonable opportunity at the hearing to present their views or arguments, either orally or in writing, on the plan. Individuals or organizations that cannot appear at the hearing may submit to the secretary of the board at

least five days before the hearing their views regarding the proposed plan. All comments received will be considered by the board. The hearing shall be conducted in compliance with public hearing procedures of the board.

KANSAS STATE BOARD OF EDUCATION  
W. W. Musick  
Chairman

Doc. No. 005606

## State of Kansas

**BOARD OF EDUCATION**

**NOTICE OF HEARING  
ON PROPOSED  
ADMINISTRATIVE REGULATIONS**

The Kansas State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, August 11, in Room 121 of the Kansas State Education Building, 120 E. 10th, Topeka, to consider proposed changes in Kansas Administrative Regulations 91-25-1a and 91-25-1c. It is proposed that the amended regulations be adopted as both temporary and permanent regulations.

The proposed amendments are being made to reflect amendments to the state law which authorizes certain nonresidents to attend community college at the rate of student tuition that is paid by Kansas residents. Under both the new statute and proposed regulation, additional persons will be allowed to attend community college at the lower rate of tuition. Also, the type of evidence needed to support a claim for in-state tuition eligibility is designated.

Since the proposed regulations will allow certain nonresident individuals to attend community college at the rate of tuition charged resident students, the community colleges will receive less in student tuition than if the nonresident tuition rate was charged; however, revenue to the community colleges may be increased due to increased enrollments.

A copy of the proposed regulations and fiscal impact statements may be obtained by contacting the secretary of the State Board of Education, Kansas State Education Building, 120 E. 10th, Topeka 66612, prior to the date of the hearing.

All interested persons will be given a reasonable opportunity at the hearing to present their views or arguments, either orally or in writing, in regard to the proposed regulations. Individuals or organizations that cannot appear at the hearing may submit written comments to the secretary of the board at the address above. All comments received will be considered by the board. The hearing shall be conducted in compliance with public hearing procedures of the board.

KANSAS STATE BOARD OF EDUCATION  
W. W. Musick  
Chairman

Doc. No. 005609



## State of Kansas

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

The Kansas State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, August 11, in Room 121 of the Kansas State Education Building, 120 E. 10th, Topeka, to consider proposed changes in Kansas Administrative Regulations 91-12-22, 91-12-23, 91-12-24, 91-12-28, 91-12-31, 91-12-32, 91-12-40, 91-12-50, 91-12-51, 91-12-55, 91-12-62 and 91-12-72. It is proposed that K.A.R. 91-12-23, 24, 28, 40, 50, 51, and 72 be adopted on both a temporary and permanent basis. K.A.R. 91-12-31, 32, 55, and 62 are to be adopted on a permanent basis only.

A summary of the substance of the proposed regulations is set forth below:

1. K.A.R. 91-12-22 is being amended to change the definition of the term "developmentally delayed" to provide that children age birth to five years are covered by such term. This change is being made to conform to a change in federal law.

2. K.A.R. 91-12-23 is being changed to delete a phrase inadvertently included in the regulation.

3. K.A.R. 91-12-24 is being amended to conform to an amendment made by the Kansas Legislature. The change provides for categorical aid for homebound and hospital instruction only for identified exceptional students.

4. K.A.R. 91-12-28 is being amended to clarify the procedures used by the department upon receiving complaints of noncompliance with state special education requirements. This change is being made as a result of a compliance review of KSDE by the federal office of special education programs.

5. K.A.R. 91-12-31 is amended to delete provisions relating to prior approval of certain supervisory personnel. This change results from an amendment in certification requirements.

6. K.A.R. 91-12-32 is amended to provide that any alternative graduation requirements for a child be specified in the child's educational records but not necessarily in the child's individualized education program.

7. K.A.R. 91-12-40 is amended to change terminology in regard to early childhood education and to allow the designation of a representative on behalf of a parent to serve on the evaluation team of a child. Finally, a period of 40 school days is prescribed for completion of each comprehensive evaluation.

8. K.A.R. 91-12-50 is being amended to reflect changes made to state statutes governing termination of cooperative and interlocal agreements.

9. K.A.R. 91-12-51 is being amended to provide different terminology relating to early childhood education for the handicapped. These changes bring state regulations into conformity with changes made in federal provisions.

10. K.A.R. 91-12-55 is being amended to authorize provisionally endorsed consulting and itinerant teachers to serve in the area of behavior disorders.

11. K.A.R. 91-12-62 is being amended to clarify the services which can be rendered by school psychology practicum students and interns.

12. K.A.R. 91-12-72 is being amended to reflect changes made in the state statute governing the appointment of educational advocates for exceptional children.

It is anticipated that K.A.R. 91-12-22, 23, 28, 31, 32, 40, 51, 55, and 62 will have no fiscal impact upon governmental agencies or units, private businesses, or the general public. K.A.R. 91-12-24 will cause a decrease of about \$462,000 in state categorical reimbursement. There will be no impact upon private businesses or the general public. K.A.R. 91-12-50 will cause special education reimbursement costs to remain constant because cooperatives and interlocals may not easily terminate agreements. There will be no impact upon private businesses or the general public. K.A.R. 91-12-72 may necessitate the hiring of a half-time secretary for the State Department of Education. There will be no fiscal impact upon private businesses or the general public.

A copy of the proposed regulations is being mailed to chief school administrators in the state and may be reviewed in their offices by interested persons. Also, a copy of the proposed regulations and fiscal impact statements may be obtained by contacting the secretary of the State Board of Education, Kansas State Education Building, 120 E. 10th, Topeka 66612, prior to the date of the hearing.

All interested persons will be given a reasonable opportunity at the hearing to present their views or arguments, either orally or in writing, in regard to the proposed regulations. Individuals or organizations that cannot appear at the hearing may submit written comments to the secretary of the board at the address above. All comments received will be considered by the board. The hearing shall be conducted in compliance with public hearing procedures of the board.

**KANSAS STATE BOARD OF EDUCATION**  
W. W. Musick  
Chairman

Doc. No. 005608

## State of Kansas

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PUBLIC AUCTION

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

A tract of land in the Northeast Quarter of Section 12, Township 19 South, Range 21 East of the 6th P.M., described as follows: BEGINNING at a point 20 feet South and 20 feet East of the Northwest corner of said Quarter Section, the West line having an assumed bearing of North 00 degrees 57 minutes East; thence South 128.6 feet parallel to said West line; thence Southerly to a point 335.2 feet South and 35.9 feet East of said Northwest Corner; thence North 54 degrees 34 minutes East, 530.3 feet to a point 20 feet South of the North line of said Quarter Section as measured at right angles to said North line; thence West parallel to said North line to the place of beginning. The above contains 1.58 acres, more or less. The party of the first part hereby retains any and all abutters' rights of access to said highway, appurtenant to the remaining property of the party of the second part.

The tract of land is located left of U.S. 169 approximately 1.5 miles northeast of the Miami-Franklin county line.

The auction will be held at 10:30 a.m. Tuesday, August 25. The seller reserves the right to reject any and all bids. The terms of sale are cash or certified check and the buyer will receive a quitclaim deed only. The seller is not responsible for accidents.

HORACE B. EDWARDS  
Secretary of Transportation

Doc. No. 005610

## State of Kansas

## DEPARTMENT OF TRANSPORTATION

## NOTICE TO CONTRACTORS

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.D.T. August 20, 1987, and then publicly opened:

## DISTRICT ONE—Northeast

**Douglas**—23 C-2129-01—County road, 1.5 miles west and 2.3 miles north of the junction of U.S. 40 and K-10, then north, 0.1 mile, bridge replacement. (Federal Funds)

**Jefferson**—4-44 K-3025-02—K-4, Delaware River Bridge 20 at Valley Falls, bridge repair. (Federal Funds)

**Jefferson**—4-44 X-1299-02—K-4, Atchison, Topeka and Santa Fe Railway crossing southwest of Valley Falls, grading and surfacing. (Federal Funds)

**Jefferson**—44 C-2515-01—County road, 2.8 miles west and 2.3 miles south of Quenemo, then south, 0.1 mile, bridge replacement. (Federal Funds)

**Johnson**—35-46 K-2434-03—I-35, bridges 2 and 3 Local Road and bridges 4 and 5 Bull Creek, bridge widening. (Federal Funds)

**Johnson**—435-46 K-0456-09—I-435, ramps north-west and I-35 widening, grading and surfacing. (Federal Funds)

**Johnson**—46 U-0917-01—Nall Avenue at Rock Creek in Mission, bridge replacement. (Federal Funds)

**Leavenworth**—52 U-0980-01—3rd Street over Threemile Creek in Leavenworth, 0.1 mile, bridge replacement. (Federal Funds)

**Nemaha**—36-66 M-1496-01—U.S. 36, Marshall-Nemaha county line east to old west city limits of Seneca, 8.9 miles, patching. (State Funds)

**Osage**—70 C-2485-01—County road, 2.8 miles west and 2.3 miles south of Quenemo, then south, 0.1 mile, bridge replacement. (Federal Funds)

**Osage**—75-70 M-1497-01—U.S. 75, 675 feet north of the junction of K-31 and K-268 then north to four-lane, 9.5 miles, patching. (State Funds)

## DISTRICT TWO—Northcentral

**Geary**—31 C-0701-1—County road, 2.0 miles west of K-177 and 1.5 miles south of I-70, then south, 0.3 miles, grading and culvert. (Federal Funds)

**Jewell**—28-45 K-2893-01—K-28, Columbus to Custer/Lincoln to east city limits of Jewell, 0.4 mile, curb and gutter repair. (State Funds)

**Marion**—77-57 K-2959-01—U.S. 77, Cottonwood River Bridge 27, 2.1 miles north of U.S. 50, bridge repair. (State Funds)

**Washington**—15E-101 M-1459-01—K-15E, 3.4 miles north of the junction of K-15E and K-243, 0.1 mile, culvert. (State Funds)

## DISTRICT THREE—Northwest

**Graham**—283-33 X-1307-02—U.S. 283, Union Pacific crossing of U.S. 283 south of Hill City, grading and surfacing. (Federal Funds)

**Norton**—69 C-2486-01—County road, 8.0 miles east and 1.5 miles north of Edmond, then north, 0.2 mile, bridge replacement. (Federal Funds)

**Trego**—70-98 M-1488-01—I-70, Trego-Gove county line east to U.S. 283, 14.0 miles, recycling. (State Funds)

## DISTRICT FOUR—Southeast

**Bourbon**—6 C-2490-01—County road, 1.0 mile west of Fort Scott and old U.S. 54, then south and east, 0.7 mile, surfacing. (Federal Funds)

**Labette**—50 C-2488-01—County road, 0.5 mile west and 3.5 miles south of Parsons, then south, 0.1 mile, bridge replacement. (Federal Funds)

**Montgomery**—169-63 K-1797-01—U.S. 169, state line to south city limits of Coffeyville, 0.6 mile, grading, surfacing and bridge. (Federal Funds)

## DISTRICT FIVE—Southcentral

**Barton**—5 C-2455-01—County road, 5.0 miles south and 0.1 mile west of Albert, then west, bridge replacement. (Federal Funds)

**Comanche**—17 C-1127-01—County road, 3.2 miles

east and 1.5 miles north of Wilmore, then east, 0.1 mile, bridge replacement. (Federal Funds)

**Cowley**—18 C-2487-01—County road, 1.5 miles south and 4.0 miles east of Udall, then east, 0.3 miles, bridge replacement. (Federal Funds)

**Kingman**—54-48 K-1877-01—U.S. 54, Pratt County line east to Kingman and 0.4 mile east of Kingman, 19.0 miles, grading, surfacing and bridge. (State Funds)

**Kiowa**—49 C-2364-01—County road, 5.9 miles north of Greensburg, then west, 0.2 miles, bridge replacement. (Federal Funds)

**Reno**—78 C-2173-01—County road, 2.7 miles north and 5.3 miles east of Pretty Prairie, then east, 0.1 mile, bridge replacement. (Federal Funds)

**Sedgwick**—135-87 M-1500-01—I-135, spot overlay from 85th Street north, 4.0 miles, overlay. (State Funds)

**Sedgwick**—87 U-1045-01—Oliver Street at East Fork Chisholm Creek, 0.2 mile, bridge replacement. (Federal Funds)

#### **DISTRICT SIX—Southwest**

**Seward**—88 C-2477-01—County road, 12.0 miles north of Liberal, then north, 0.4 miles, bridge replacement. (Federal Funds)

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

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid-approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the projects may be examined at the office of the respective county clerk or at the K.D.O.T. district office responsible for the work.

**HORACE B. EDWARDS**  
Secretary of Transportation

Doc. No. 005616

#### **State of Kansas**

### **DEPARTMENT OF TRANSPORTATION**

#### **NOTICE TO CONTRACTORS**

It is the intent that sealed proposals for the construction of road and bridge work in the following Kansas county will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.D.T. August 20, 1987, and then publicly opened:

#### **DISTRICT ONE—Northeast**

**Wyandotte**—670-105 K-1655-01—Central Avenue ramps for I-670, 0.5 mile, bridge. (Federal Funds)

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

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid-approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the project may be examined at the office of the respective county clerk or at the K.D.O.T. district office responsible for the work.

**HORACE B. EDWARDS**  
Secretary of Transportation

Doc. No. 005615

(Published in the KANSAS REGISTER, July 23, 1987.)

**NOTICE OF BOND SALE**  
**\$1,325,000**  
**Internal Improvement Bonds**  
**Series 1987-B**  
**of the**  
**City of Hutchinson, 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 Hutchinson, Kansas, on behalf of the commission at City Hall, 125 E. Avenue B, P.O. Box 1567, Hutchinson, KS 67504-1567, until 10 a.m. C.D.T. on Tuesday, July 28, 1987, for the purchase of \$1,325,000 principal amount of internal improvement bonds, Series 1987-B, 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.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, dated August 1, 1987, and becoming due serially on October 1 in the years as follows:

Year	Principal Amount
1988	30,000
1989	30,000
1990	35,000
1991	35,000
1992	40,000
1993	45,000
1994	50,000
1995	55,000
1996	55,000
1997	60,000
1998	65,000
1999	70,000
2000	75,000
2001	80,000
2002	85,000
2003	90,000
2004	100,000
2005	105,000
2006	105,000
2007	115,000

The bonds will bear interest at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning on April 1, 1988.

**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 Kansas State Treasurer, 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 Kansas Attorney General. The bonds may be registered as fully registered certificated bonds or uncertificated (book entry) bonds at the option of each registered owner.

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

The type and denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar at least two weeks prior to the closing date.

The initial reoffering price to the public by the original purchaser shall be furnished to the city at least one week prior to the closing date. 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 1998, inclusive, shall become due without option of prior payment. At the option of the city, bonds maturing in the years 1999 to 2007, inclusive, 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 October 1, 1998, or on any interest payment date thereafter at the redemption prices (expressed as percentages of the principal amount) plus accrued interest to the date of redemption:

Redemption Dates	Redemption Price
October 1, 1998, and April 1, 1999	103%
October 1, 1999, and April 1, 2000	102%
October 1, 2000, and April 1, 2001	101%
October 1, 2001, and thereafter	100%

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, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the registered owners of said bonds, to the Kansas State Treasurer, 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 index of treasury 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 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 bond issue 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. 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.

#### Authority, Purpose and Security

The bonds are being issued pursuant to K.S.A. 12-5a01 *et seq.*, and amendments thereto, for the purpose of paying the cost of certain street improvements, water and sewer improvements, and, pursuant to Charter Ordinance No. 24 of the city of Hutchinson, Kansas, which exempts the city from K.S.A. 12-1024(a) for the purpose of paying for bridge, lands for public parks and developing the same, and for repair or extension of the Municipal Airport. The bonds and the interest thereon will constitute general obligations of the city, payable as to both principal and interest in part from special assessments levied upon the property benefited by the improvements and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property located within the city, the balance payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city.

#### Legal Opinion and Tax-Exemption

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

The Internal Revenue Code of 1986 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 code and to take all action as may be necessary to comply with the code and all applicable future laws 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 Gilmore & Bell, Overland Park, 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 interest on the bonds will be 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 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 environmen-

(continued)

tal 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.

#### Qualified Tax-Exempt Obligations

Under Section 265(b) of the code, for taxable years ending after December 31, 1986, financial institutions will not be allowed to deduct the portion of their interest expense which is "allocable" to tax-exempt interest on bonds acquired after August 7, 1986, unless such bonds qualify for the exception described herein. The portion of interest expense allocable to tax-exempt interest is equal to the total interest expense of the taxpayer multiplied by the fraction:

$$\frac{\text{Average adjusted bases} \\ \text{(within the meaning of} \\ \text{Section 1016 of the code)} \\ \text{of the taxpayer's tax-exempt} \\ \text{obligations acquired} \\ \text{after August 7, 1986}}{\text{Average adjusted bases} \\ \text{for all of the} \\ \text{taxpayer's assets}}$$

A bond which constitutes a "qualified tax-exempt obligation" is exempt from the operation of Section 265(b), and a financial institution may generally deduct 80 percent of its interest expense allocable to such a bond, as under prior law. A qualified tax-exempt obligation is a governmental purpose or qualified 501(c)(3) bond which is "designated" by the issuer for this purpose. No more than \$10,000,000 of bonds may be designated by the issuer for this purpose during any calendar year, and the reasonable anticipated amount of qualified tax-exempt obligations (other than private activity bonds) which will be issued by the issuer during the calendar year may not exceed \$10 million.

The city intends to designate the bonds as qualified tax-exempt obligations for purposes of Section 265 of the code.

#### Delivery and Payment

The city will pay for printing and registering the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder by August 28, 1987 at such bank or trust company in the contiguous United States, as may be specified by the successful bidder without cost to the successful bidder. Delivery elsewhere will be made at the expense of the purchaser. Said 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 in the amount of \$26,500, payable to the order of the city to secure the city from any loss resulting from the failure of the bidder to comply with the terms of his bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if his bid is not accepted. If a bid is accepted, said check shall be held by the city until the bidder shall have complied with all of the terms and conditions of this notice, at which time the check will be returned to the successful bidder or paid to his order at the option of the city. 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 will be returned to the bidder. If a bid is accepted but the bidder shall default 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.

#### 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.

#### Bond Rating

The outstanding general obligation bonds of the city are rated "A1" by Moody's Investors Service, Inc., and the city has applied for rating on the bonds herein offered for sale.

#### 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 or all bids.

#### Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Proposal for the Purchase of Internal Improvement Bonds." Bids may be submitted by mail or delivered in person to the undersigned at City Hall and must be received by the undersigned prior to 10 a.m. C.D.T. on July 28, 1987.

#### Official Statement

The city has prepared a preliminary official statement dated July 1, 1987, copies of which may be obtained from the city clerk. Upon the sale of the bonds, the city will adopt the final official statement dated August 1, 1987, and, at the request of the successful bidder, will furnish the successful bidder with a reasonable number of copies thereof without addi-



tional cost. 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 \$142,185,079. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$24,885,000.

**Additional Information**

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

Dated July 5, 1987.

CITY OF HUTCHINSON, KANSAS  
Vernon Stallman, CMC  
Director of Finance/City Clerk  
City Hall  
125 East Avenue B  
P.O. Box 1567  
Hutchinson, KS 67504-1567  
(316) 665-2614

Doc. No. 005602

(Published in the KANSAS REGISTER, July 23, 1987.)

**NOTICE OF BOND SALE**

**\$2,350,000**

**General Obligation Bonds**

**Series 1987-2**

**of**

**Unified School District 264**

**Sedgwick County, Kansas (Clearwater)**

**(general obligation bonds payable  
from unlimited ad valorem taxes)**

**Sealed Bids**

Sealed bids will be received by the undersigned, clerk of Unified School District 264, Sedgwick County, Kansas (Clearwater), on behalf of the Board of Education at 150 S. Prospect, P.O. Box 248, Clearwater, Kansas, until 7 p.m. C.D.T. on Tuesday, August 11, 1987, for the purchase of \$2,350,000 principal amount of general obligation bonds, Series 1987-2, 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 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 September 1, 1987, and becoming due serially on November 1 in the years as follows:

Year	Principal Amount
1988	\$ 40,000
1989	40,000
1990	225,000
1991	225,000
1992	225,000
1993	225,000
1994	225,000
1995	225,000
1996	230,000
1997	230,000

1998	230,000
1999	230,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning on May 1, 1988.

**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 Kansas State Treasurer, 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 district and the Kansas Attorney General.

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 numbers, 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 1988 to 1995, inclusive, shall become due without option of prior payment. At the option of the district, bonds maturing in the years 1996 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 November 1, 1995, or on any interest payment date thereafter at the redemption price of 100 percent (expressed as a percentage of the principal amount), plus accrued interest to the redemption date.

Whenever the 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,

*(continued)*

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 Kansas State Treasurer, 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 index of treasury bonds published by Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 3 percent. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the 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.

#### Authorization, Purpose and Security

The bonds are being issued pursuant to K.S.A. 25-431 *et seq.* and K.S.A. 72-6761, as amended, for the purpose of paying the cost of certain school building improvements. 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

All matters incidental to the authorization and issuance of the bonds are subject to the approval of Gilmore & Bell, Wichita, Kansas, bond counsel.

In the opinion of bond counsel, assuming continued compliance by the district with the terms of the bond ordinance, under existing law, the interest on the bonds (a) is excludable from gross income for federal income tax purposes and (b) is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; however, it should be noted that with respect to corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted net book income (adjusted current earnings for taxable years ending after December 31, 1989) for the purpose of computing the alternative minimum tax imposed on such corporations. The opinion set forth in clause (a) above is subject to the condition that the district comply with all requirements of the Internal Revenue Code of 1986, as amended, that must be satisfied subsequent to the issuance of the bonds in order that interest thereon be excluded from gross income for federal income tax purposes. Failure to comply with certain of such requirements could cause the interest on the bonds to be so included in federal gross income retroactive to the date of issuance of the bonds. The district has covenanted to comply with all such requirements. Bond counsel expresses no opinion regarding other federal tax consequences arising with respect to the bonds.

Prospective purchasers of the bonds should be aware that (i) Section 265 of the code denies a deduction for interest on indebtedness incurred or continued to purchase or carry the bonds, except with respect to certain financial institutions (within the meaning of Section 265(b)(5) of the code); (ii) with respect to insurance companies subject to the tax imposed by Section 831 of the code, for taxable years beginning after December 31, 1986, Section 832(b)(5)(B)(i) reduces the deduction for loss reserves by 15 percent of the sum of certain items, including interest on the bonds; (iii) for taxable years beginning after December 31, 1986 and before January 1, 1992, interest on the bonds earned by some corporations could be subject to the environmental tax imposed by Section 59A of the code; (iv) for taxable years beginning after December 31, 1986, interest on the bonds earned by certain foreign corporations doing business in the United States could be subject to a branch profits tax imposed by Section 884 of the code; (v) passive investment income, including interest on the bonds, may be subject to federal income taxation under Section 1375 of the code for Subchapter S corporations that have Subchapter C earnings and profits at the close of the taxable year if greater than 25 percent of the gross receipts of such Subchapter S corporation is passive investment income; and (vi) Section 86 of the code requires recipients of certain Social Security and certain railroad retirement ben-



efits to take into account in determining gross income, receipts or accruals of interest on the bonds. These categories of bondowners should consult their own tax advisers as to the applicability of these consequences.

The bonds are exempt from intangible personal property taxes levied by Kansas counties, cities or townships.

**Qualified Tax-Exempt Obligations**

The district will covenant to take such actions as are necessary to designate the bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the code, and, in the case of certain financial institutions (within the meaning of Section 265(b)(5) of the code), a deduction is allowed for 80 percent of that portion of such financial institution's interest expense allocable to interest on the bonds.

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

**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 September 25, 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 must 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 the 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 for 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 may 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 mailed or delivered in person to the undersigned at the office of the Board of Education and must be received by the undersigned prior to 7 p.m. C.D.T. on August 11, 1987.

**Official Statement**

The district has prepared an official statement dated August 1, 1987, copies of which may be obtained from the clerk or from the financial adviser. Upon the sale of the bonds, the district 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 district, for the year 1986, is as follows:

Equalized assessed valuation of taxable tangible property .....	\$27,377,318
Tangible valuation of motor vehicles .....	\$ 2,712,099
Equalized assessed tangible valuation for computation of bonded debt limitations ...	\$30,089,417

The total general obligation indebtedness of the district as of the date of the bonds, including the bonds being sold, is \$2,680,000.

**Additional Information**

Additional information regarding the bonds may be obtained from the clerk or from the financial adviser, Stern Brothers & Co., Suite 810, One Main Place, Wichita, KS 67202, Attention: Charles M. Bouilly, Vice President, (316) 265-8622.

Dated July 7, 1987.

UNIFIED SCHOOL DISTRICT 264  
Sedgwick County, Kansas (Clearwater)  
By Nancy Richardson, Clerk  
Office of the Board of Education  
150 S. Prospect  
P.O. Box 248  
Clearwater, KS 67026  
(316) 584-2091

Doc. No. 005603

(Published in the KANSAS REGISTER, July 23, 1987.)

**NOTICE OF BOND SALE**  
**\$1,220,000**  
**Meade County, Kansas**  
**General Obligation Bonds**  
**Series 1987**  
**(Jail Facility)**

**Sealed Bids**

Sealed bids for the purchase of \$1,220,000 principal amount of general obligation bonds, Series 1987 (Jail Facility), of the county hereinafter described, will be received by the undersigned, county clerk of Meade County, Kansas, on behalf of the governing body of the county at the County Courthouse, 200 N. Fowler, Meade, until 2 p.m. C.D.T. on Monday, August 3, 1987. All bids will be publicly opened and read at said time and place and will be acted upon by the county immediately thereafter. No oral or auction bids will be considered.

**Bond Details**

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated August 1, 1987, and will become due serially on August 1 in the years as follows:

Year	Principal Amount
1988	\$120,000
1989	120,000
1990	120,000
1991	120,000
1992	120,000
1993	120,000
1994	125,000
1995	125,000
1996	125,000
1997	125,000

The bonds will bear interest at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on August 1 and February 1 in each year, beginning on February 1, 1988.

**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 Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar). The principal of the bonds will be payable at maturity to the registered owners upon presentation and surrender of the bonds at the office of the paying agent. Interest on the bonds will be paid by check or draft mailed by the paying agent to the persons in whose names the bonds are registered on the registration books maintained by the bond registrar at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date.

The county 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 bondholders.

**Redemption of Bonds Prior to Maturity**

The bonds will be sold without the option of redemption prior to their maturity.

**Conditions of Bids**

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1 percent. No interest rate shall exceed the index of treasury bonds published by the weekly 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 supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued interest will be considered. Each bid shall specify the total interest cost to the county during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the county on the basis of such bid. Each bid shall also specify the average annual net interest rate to the county on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering prices).

**Basis of Award**

The award of the bonds will be made on the basis of the lowest net interest cost to the county, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the county. 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 county shall determine which bid, if any, shall be accepted, and its determination shall be final.

**Authorization, Purpose and Security for the Bonds**

The bonds are being authorized and issued to permanently finance a jail facility in the county. The bonds will be general obligations of the county payable as to both principal and interest from ad valorem taxes which may be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the county.

**Internal Revenue Code of 1986**

The Internal Revenue Code of 1986 was signed into law by the President of the United States on October 22, 1986. The provisions of the code regarding obligations of state and local units of government are generally effective for obligations such as the bonds issued after August 31, 1986. Certain of these provisions impose requirements on the county which must be

met subsequent to the issuance of the bonds by the county and, as a result, the county will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The county's failure to comply with such requirements could adversely affect the tax-exempt status of the bonds. Purchasers of the bonds should be aware that should the bonds lose their status as tax-exempt obligations as a result of the county's failure to comply with such requirements, the bonds are neither callable nor will the rate of interest on the bonds be adjusted to reflect such circumstances.

The code includes interest on tax-exempt obligations, such as the bonds, in the adjusted net book income of certain corporations for taxable years beginning after December 31, 1986, and includes, through 1989, in the calculation of alternative minimum taxable income one-half of the excess of a corporation's adjusted net book income over its alternative minimum taxable income (determined without regard to this adjustment and prior to reduction for certain net operating losses). After 1989, the use of "book income" will be replaced by "adjusted current earnings," with certain other adjustments. Furthermore, Section 59A of the code, as added by the Superfund Amendments and Reauthorization Act of 1986, provides for a new environmental tax generally based on corporate alternative minimum taxable income. The amount of the tax is equal to 0.12 percent of the excess of alternative minimum taxable income, without regard to net operating losses and the deduction for this tax, over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax. The environmental tax, which is effective for taxable years beginning after December 31, 1986, may subject certain bondowners to additional taxation for interest earned on the bonds.

The code also requires property and casualty insurance companies, for taxable years beginning on or after January 1, 1987, to reduce the amount of their deductible underwriting losses by a percentage of the amount of tax-exempt interest received or accrued on obligations acquired after August 7, 1986.

With the exception of certain "qualified tax-exempt obligations," the code provides that banks and thrift institutions may not deduct any portion of the interest cost of purchasing or carrying tax-exempt obligations such as the bonds if such interest cost is incurred in taxable years ending after December 31, 1986, with respect to obligations acquired after August 7, 1986. The county does intend to designate the bonds as "qualified tax-exempt obligations" under Section 265 of the code.

#### Legal Opinion

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the county, printed on the bonds and delivered to the successful bidder when the bonds are delivered. Said opinion will also state that in the opinion of bond counsel, assuming continued compliance by the

county with the provisions of the resolution authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is exempt from federal income taxation.

#### Delivery and Payment

The county will pay for printing the bonds and will deliver the bonds, without cost to the successful bidder, properly prepared, executed and registered, on or prior to September 18, 1987, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere will be at the expense of the bidder. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the bonds shall be made in federal reserve funds, immediately subject to use by the county. The 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 county and bond registrar not later than 4 p.m. C.D.T. on August 25, 1987. In the absence of such information, the county will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the county by 4 p.m. C.D.T. on August 25, 1987 a certificate acceptable to the county's bond counsel to the effect that (i) the successful bidder has made a bona fide public offering of the bonds at the initial reoffering prices, and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that (1) it is made on the best knowledge, information and belief of the successful bidder and (2) 10 percent or more in par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

#### 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 in the amount of \$24,400 (2 percent of the bonds) payable to the order of the county to secure the county from any loss resulting from the failure of the bidder to comply with the terms of his bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if his bid is not accepted. If a bid is accepted, said check shall be held by the county until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall be returned to the successful bidder or deducted from the purchase price at the option of the county. If a bid is accepted but the county shall fail to deliver the

(continued)

bonds to the bidder in accordance with the terms and conditions of this notice, said check shall be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check shall be retained by the county as and for liquidated damages.

#### CUSIP Numbers

CUSIP identification numbers will be printed on the bonds, but neither the failure to print such number on 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 this notice. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the county.

#### Bid Forms

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

#### Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned county clerk and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at the Meade County Courthouse and must be received by the undersigned prior to 2 p.m. C.D.T. on Monday, August 3, 1987.

#### Official Statement

Upon the sale of the bonds, the county will adopt an official statement in substantially the form as the preliminary official statement, subject to minor amendments and supplementation. Copies of the county's preliminary official statement relating to the bonds may be obtained from the County Clerk, 200 N. Fowler, Meade, KS 67864, (316) 873-2581, or Stern Brothers & Co., One Main Place, Suite 810, Wichita, KS 67201, (316) 265-8622. Upon request, a reasonable number of copies of the official statement will be made available to the successful bidder without charge. Additional copies may be obtained at the expense of such bidder.

#### Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the county for the year 1986 is \$89,682,920. The total general obligation bonded indebtedness of the county as of the date of the bonds, including the bonds, is \$1,220,000.

Dated July 6, 1987.

MEADE COUNTY, KANSAS  
County Clerk  
Meade County Courthouse  
200 N. Fowler  
Meade, KS 67864

Doc. No. 005601

#### State of Kansas

### BOARD OF HEALING ARTS TEMPORARY ADMINISTRATIVE REGULATIONS

#### Article 54.—OCCUPATIONAL THERAPY

**100-54-1. Registration.** Each applicant for registration as an occupational therapist or an occupational therapy assistant shall submit to the board the following:

(a) An application on a form provided by the board which has been fully and legibly completed in accordance with the instructions listed on the application;

(b) the full amount of the fee for registration;

(c) proof, satisfactory to the board, of successful completion of the academic requirements of an educational program recognized by the board;

(d) proof, satisfactory to the board, of successful completion of a period of supervised fieldwork experience determined by the board to be sufficient in a program where the necessary educational requirements were met; and

(e) proof, satisfactory to the board, of passing a written examination approved by the board. (Authorized by K.S.A. 1986 Supp. 65-5405; implementing K.S.A. 1986 Supp. 65-5406; effective, T-88-17, July 1, 1987.)

**100-54-2. Education requirements.** (a) A recognized educational program in occupational therapy shall be a program determined by the board to be substantially in conformity with educational and training programs for occupational therapists and occupational therapy assistants approved by the State Board of Regents.

(b) The criteria to be utilized by the board in determining whether a program satisfies the standard for recognition established under subsection (a) shall include the following:

(1) Accreditation. Each program shall:

(A) Be accredited by the Committee on Allied Health Education and Accreditation in collaboration with the American Occupational Therapy Association, Inc.; or

(B) meet standards established by a recognized voluntary accrediting agency provided these standards meet or exceed the standards of the Committee on Allied Health Education and Accreditation.

(2) Sponsorship. Each educational program shall be established in a public or private postsecondary institution. If a program is developed in which education is provided by two or more institutions, one institution shall be accredited, as defined above, and shall be the sponsoring institution. In such a program, the responsibilities of each institution shall be clearly delineated in written agreements. Upon successful completion of the program, each student shall be awarded a diploma, certificate of completion or degree from the sponsoring institution.

(3) Outcome orientation. The sponsoring institution shall develop a written statement of program goals and

standards which includes a provision assuring that graduates will be capable of demonstrating generally accepted entry-level competencies in occupational therapy.

(4) Resources.

(A) Personnel. Each program shall have a full-time program director. Each program shall provide the number of faculty and support staff necessary to fulfill the needs of the program and to achieve its stated goals and standards. Personnel shall be qualified by education and experience to fulfill their assigned responsibilities.

(B) Physical resources. Adequate and appropriate classrooms, laboratories, administrative and ancillary student facilities, instructional materials, equipment and supplies shall be provided as required to fulfill the needs, goals and standards of the program. Collections of current books, periodicals and pertinent reference materials shall be readily accessible to students and shall be sufficient in scope to support the curriculum.

(C) Clinical resources. The clinical resources of the program shall provide each student with learning opportunities commensurate with generally accepted standards to insure competencies in occupational therapy.

(D) Financial resources. The financial resources of the program shall be sufficient to insure the achievement of each program goal and standard.

(5) Students.

(A) Disclosure. Accurate information regarding program requirements, tuition and fees, institutional and programmatic policies and procedures and supportive services shall be available to all prospective and enrolled students.

(B) Admission. Each applicant shall be considered for admission in accordance with clearly defined and published practices of the institution and program. Admission practices shall be nondiscriminatory with respect to race, color, creed, sex, age, handicap, or national origin. Specific academic, health-related or technical requirements for admission shall also be clearly defined and published.

(C) Services. Each student enrolled in the program shall have access to the full range of services provided by the sponsoring institution.

(D) Number. The number of students enrolled shall be commensurate with both the goals and standards of the program and the methods and requirements of its instructional plan. The number of students enrolled shall not exceed the resources of the program.

(E) Clinical experience. All clinical experiences shall be educational in nature. The sponsor shall assure that the clinical assignment of each student is based upon the instructional plan of the program.

(6) Instructional plan.

(A) Curriculum. Instruction shall be based on a structured curriculum which clearly delineates the competencies to be developed and the methods whereby they are to be achieved.

(B) Curriculum, credit and awards. The curriculum, credits earned, and academic recognition awarded

shall be consistent with the identified goals and standards of the program and its sponsoring institution.

(C) Implementation. Instructional methods shall be consistent with the goals and standards of the program, the educational needs of the students, and the competencies and objectives stated in the program curriculum. Each program shall be designated to insure that the instruction in the clinical setting is properly integrated and coordinated with the other components of the curriculum, and that each student receives adequate technical instruction and experience consistent with the goals and standards of the program. Physician input shall be provided in the administration of the program and in the instruction of the students to ensure achievement of the program's stated goals and standards.

(D) Student evaluation. Each student shall be evaluated on a regular basis and with sufficient frequency to provide both the students and program faculty with valid and timely indications of the student's progress toward and achievement of the competencies and objectives stated in the curriculum. Records of student evaluations shall be maintained in sufficient detail to document learning progress and achievements.

(7) Program evaluation. Each program shall be assessed periodically to determine effectiveness in achieving its stated goals and standards. The results of this evaluation shall provide the basis for timely revision of the program to correct identified shortcomings. (Authorized by K.S.A. 1986 Supp. 65-5405; implementing K.S.A. 1986 Supp. 65-5405; effective, T-88-17, July 1, 1987.)

**100-54-3. Fieldwork experience.** (a) Each applicant for registration as an occupational therapist shall have completed a minimum of six months of therapist level fieldwork.

(b) Each applicant for registration as an occupational therapy assistant shall have completed a minimum of three months of assistant level fieldwork. (Authorized by K.S.A. 1986 Supp. 65-5405; implementing K.S.A. 1986 Supp. 65-5406; effective T-88-17, July 1, 1987.)

**100-54-4. Examinations.** (a) Each applicant for registration as an occupational therapist shall pass an examination determined by the board to be substantially equivalent to the Certification Examination for Occupational Therapist, Registered, or any equivalent successors to such examinations, prepared and administered by the American Occupational Therapy Certification Board, or any successor organization.

(b) Each applicant for registration as an occupational therapy assistant shall pass an examination determined by the board to be substantially equivalent to the Certification Examination for Certified Occupational Therapy Assistant, or an equivalent successor to such examination prepared and administered by the American Occupational Therapy Certification Board.

(c) Each applicant who receives a passing grade on the examination as determined by the organization that prepared and administered it shall be deemed by the board to have passed the examination.

(continued)

(d) Each applicant who has passed an examination not prepared and administered by the American Occupational Therapy Certification Board, or any successor organization, shall submit a copy of the examination taken to enable the board to determine its substantial equivalency. (Authorized by K.S.A. 1986 Supp. 65-5405; implementing K.S.A. 1986 Supp. 65-5407; effective T-88-17, July 1, 1987.)

**100-54-5. Fees.** The following fees shall be charged and collected in advance by the board:

- (a) Application fee . . . . . \$ 40.00
- (b) Examination fee (if administered by board) . . . . . \$190.00
- (c) (1) Registration renewal fee . . . . . \$ 20.00
- (2) Registration late renewal fee. . . . . \$ 30.00
- (3) Registration reinstatement fee. . . . . \$ 40.00
- (d) Fee for certified copy of registration \$ 15.00

(Authorized by K.S.A. 1986 Supp. 65-5405; implementing K.S.A. 1986 Supp. 65-5409; effective, T-88-17, July 1, 1987.)

**100-54-6. Unprofessional conduct; defined.** "Unprofessional conduct" means:

- (a) The solicitation of professional patronage through the use of fraudulent or false advertisements;
- (b) representing to a patient that a manifestly incurable disease, condition or injury can be cured by the actions of the therapist;
- (c) assisting in the care or treatment of a patient without the consent of the patient, the physician, or the patient's legal representatives;
- (d) the use of any letters, words, terms or affix on stationery, in advertisements, or otherwise indicating that such person is entitled to practice a branch of the healing arts for which said person is not licensed;
- (e) the willful betrayal of confidential information;
- (f) conduct likely to deceive, defraud or harm the public;
- (g) prescribing, ordering, dispensing, administering, selling, supplying or giving any medications to a patient except as authorized by the patient's physician or standing hospital policy;
- (h) making a false or misleading statement regarding the therapist's skill;
- (i) aiding or abetting the practice of the healing arts by an unlicensed or incompetent person;
- (j) allowing another person or organization to use the registrant's registration to practice occupational therapy;
- (k) the commission of any act of sexual abuse, misconduct, or exploitation related to the registrant's practice of occupational therapy;
- (l) the use of any false, fraudulent or deceptive statement in any document connected with the practice of occupational therapy;
- (m) directly or indirectly giving or receiving any fee, commission, rebate or other compensation for professional services performed, from the patient, while said patient is under the assigned care of the practitioner, other than through the legal functioning of lawful professional partnerships, corporations or associations;

(n) the failure to practice occupational therapy at the level of care, skill and treatment which is recognized by a reasonably prudent practitioner as being acceptable under similar conditions and circumstances;

(o) delegating professional responsibilities to a person when the registrant knows or has reason to know that said person is not qualified by training or experience to perform them; and

(p) using experimental forms of therapy without proper informed physician and patient consent, without conforming to generally accepted criteria or protocols, or without a prior detailed analysis of the therapy reviewed by a committee of peers. (Authorized by and implementing K.S.A. 1986 Supp. 65-5410; effective T-88-17, July 1, 1987.)

**100-54-7. Registration; renewal; late renewal and reinstatement.** (a) Registrations issued by the board shall expire on December 31 each year.

(b) A registration may be renewed annually upon request of the registrant. A request for renewal shall be on a form provided by the board and shall be accompanied by:

- (1) the prescribed registration renewal fee; and
- (2) proof of satisfactory completion of a program of continuing education as may be required by the board.

(c) Registrations not renewed by December 31 shall expire but may be renewed for a period of 30 days thereafter upon request of the registrant. The request for late renewal shall be on a form provided by the board and shall be accompanied by:

- (1) the prescribed registration late renewal fee; and
- (2) proof of satisfactory completion of a program of continuing education as may be required by the board.

(d) Registrations which are revoked, suspended or have expired for a period of more than 30 days may be reinstated in the discretion of the board and upon request of the applicant. The request for reinstatement shall be on a form provided by the board and shall be accompanied by:

- (1) the prescribed registration reinstatement fee; and

(2) proof of satisfactory completion of a program of continuing education as may be required by the board. (Authorized by K.S.A. 1986 Supp. 65-5405; implementing K.S.A. 1986 Supp. 65-5412; effective, T-88-17, July 1, 1987.)

**100-54-8. Continuing education; registration renewal.** (a) Each registrant shall submit evidence of completing a minimum of four continuing education units (CEUs) during the preceding two years. Evidence of such attainment shall be submitted with the application for renewal for each odd-numbered year. Only two CEUs shall be required for renewal in 1989.

(b) An extension that does not exceed six months may be granted by the board to any registrant who, during the 12-month period prior to the renewal registration date, suffered an illness or accident which made it impossible or extremely difficult to reasonably obtain the required CEUs.

(c) Occupational therapists and occupational therapy assistants initially registered within two years of a



renewal registration date, when evidence of continuing education must be submitted, shall complete a minimum of one CEU for every full or partial six-month period from the date of registration to the renewal registration date. If less than three CEUs are required by this subsection, all shall be acquired from Class I, Class IV, or Class V.

(d) A CEU shall be equivalent to 10 contact hours approved by the state board of healing arts. A contact hour shall be 50 minutes of instruction or its equivalent. Meals and exhibit breaks shall not be included in the contact hours calculation.

(e) The content of the continuing education classes or literature shall be related to the field of occupational therapy or similar areas.

(f) Continuing education shall be acquired from the classes of education experiences defined in subsection (g). A minimum of three CEUs shall be acquired from Class I, Class IV or Class V. A maximum of .8 CEUs may be acquired from Class II. A maximum of .2 CEUs may be acquired from Class III. A maximum of three CEUs may be acquired from Class V.

(g) The five classes of continuing education experiences shall be:

(1) Class I—Attendance at an education presentation. Class I continuing education experiences shall include:

(A) Lectures. A lecture means a discourse given before an audience for instruction or through teleconference means.

(B) Panels. A panel means the presentation of a number of views by several professional individuals on a given subject with none of the views considered a final solution.

(C) Workshops. A workshop means a series of meetings designed for intensive study, work or discussion in a specific field of interest.

(D) Seminars. A seminar means directed advanced study, or discussion in a specific field of interest.

(E) Symposiums. A symposium means a conference of more than a single session organized for the purpose of discussing a specific subject from various viewpoints and by various speakers.

(F) College or University Courses. One CEU shall be given for each college credit with a grade of at least C or a "pass" in a pass/fail course.

(2) Class II—In-service training. A maximum of .4 CEUs may be given for attending one in-service training session which relates to the enhancement of occupational therapy practice, values, skills and knowledge for each two-year period. A maximum of .4 CEUs may be given for instructing the in-service training, but no additional CEUs can be acquired for attending that particular in-service training.

(3) Class III—Professional reading. A maximum of .2 CEUs may be given for reading professional literature, whether printed or provided by audio or videotapes.

(4) Class IV—Professional publication. The maximum CEUs that may be given for professional publication shall be as follows:

	Type of Publication	Maximum Number of Credits
(A) Original Papers—	co-author	2.5 CEUs
	senior author	1.5 CEUs
	single author	.8 CEUs
(B) Review Papers—	co-author	1.5 CEUs
	single author	.8 CEUs
(C) Case Reports—	co-author	1.5 CEUs
	single author	.8 CEUs
(D) Abstracts—	single author	.8 CEUs
(E) Book Reviews—	single author	.8 CEUs
(F) Publication of a Book—	single author	6.0 CEUs
	senior author	5.0 CEUs
	co-author	4.0 CEUs
	contributing author	2.5 CEUs

(5) Class V—Instructor preparation of Class I programs. Any registrant who presents a Class I continuing education program or its equivalent shall receive three Class I contact hours for each hour of presentation. No credit shall be granted for any subsequent presentations or the same subject matter.

(h) Documented evidence of attendance at Class I and Class II continuing education activities shall be submitted. Personal verification shall be submitted for Class III activities. Copies of publications shall be submitted for verification of Class IV activities.

(i) Instructional staff shall be competent in the subject matter and in the methodology of instruction and learning processes as evidenced by experience, education or publication. (Authorized by K.S.A. 1986 Supp. 65-5405; implementing K.S.A. 1986 Supp. 65-5412; effective, T-88-17, July 1, 1987.)

**100-54-9. Continuing education; late renewal and reinstatement of registration.** (a) Each person desiring to renew a registration following its expiration or to reinstate a registration which has been expired for more than 30 days shall submit proof of continuing education as follows:

(1) If the time since the registration expired has been less than one year, no continuing education in addition to that which would have been necessary had the registration been renewed prior to expiration shall be required;

(2) if the time since the registration expired has been more than one year but less than three years, the applicant must complete a minimum of two CEUs for each year or portion of a year since the date the registration lapsed; and

(3) if the time since the registration expired has been more than three years, the applicant must complete a program recommended by the board. The program may require college course instruction, clinical study and successful completion of such written or oral examination as may be determined by the board.

(b) An applicant seeking reinstatement of a revoked or suspended registration must successfully complete a program approved by the board. The program may require college course instruction, clinical study, apprenticeship and successful completion of such written or oral examination as may be determined by the board. (Authorized by K.S.A. 1986 Supp. 65-5405; implementing K.S.A. 1986 Supp. 65-5412; effective, T-88-17, July 1, 1987.)

(continued)

**100-54-10. Supervision; generally.** Prior to initiating any occupational therapy treatment, a licensee of the board in medicine and surgery shall acknowledge the appropriateness of the program for the client. The mode and extent of the communication between the licensee and the registrant shall be determined as part of the program for the client dependent upon the treatment setting and the client. This section shall not apply to occupational therapy practitioners working with the educationally handicapped in a school system. (Authorized by K.S.A. 1986 Supp. 65-5405; implementing K.S.A. Supp. 65-5402; effective, T-88-17, July 1, 1987.)

**100-54-11. Supervision of assistants.** The occupational therapist shall be responsible for the supervision of the occupational therapy assistant. The supervising and consulting therapist must establish the initial occupational therapy program and any subsequent change in the program. The supervising and consulting therapist need not be physically present or on the premises at all times when the occupational therapy assistant is performing the service. The mode and extent of the communication between the supervising/consulting occupational therapist and the occupational therapy assistant shall be determined by the competency of the assistant, the treatment setting, and the diagnostic category of the client. The occupational therapy assistant shall perform only those functions authorized by the supervising and consulting therapist using a written protocol containing the essential terms of such authorization. (Authorized by K.S.A. 1986 Supp. 65-5405; implementing K.S.A. 1986 Supp. 65-5402; effective, T-88-17, July 1, 1987.)

**100-54-12. Occupational therapy assistants; information to board.** (a) Before an occupational therapist allows an occupational therapy assistant to work under his or her direction, the occupational therapist shall inform the board of:

(1) The name of each occupational therapy assistant who intends to work under the direction of that occupational therapist;

(2) the occupational therapy assistant's place of employment; and

(3) the address of that employer.

(b) Before an occupational therapy assistant works under the direction of an occupational therapist, the occupational therapy assistant shall inform the board of:

(1) The name of the supervising occupational therapist;

(2) the supervising occupational therapist's place of employment; and

(3) the address of the employer. (Authorized by K.S.A. 1986 Supp. 65-5405; implementing K.S.A. 1986 Supp. 65-5402; effective, T-88-17, July 1, 1987.)

## Article 55.—RESPIRATORY THERAPY

**100-55-1. Registration.** New applicant for registration shall submit to the board the following:

(a) An application on a form provided by the board which has been fully and legibly completed in ac-

cordance with the instructions listed on the application;

(b) the full amount of the fee for registration;

(c) proof, satisfactory to the board, of successful completion of the academic requirements of an educational program recognized by the board;

(d) proof, satisfactory to the board, of successful completion of a period of supervised fieldwork experience determined by the board to be sufficient in a program where the necessary educational requirements were met; and

(e) proof, satisfactory to the board, of passing a written examination approved by the board. (Authorized by K.S.A. 1986 Supp. 65-5505; implementing K.S.A. 1986 Supp. 65-5506; effective, T-88-17, July 1, 1987.)

**100-55-2. Education requirements.** (a) A recognized educational program in respiratory therapy shall be a program determined by the board to be substantially in conformity with educational and training programs for respiratory therapists and approved by the State Board of Regents.

(b) The criteria to be utilized by the board in determining whether a program satisfies the standard for recognition established under subsection (a) shall include the following:

(1) Accreditation. Each program shall:

(A) Be accredited by the Joint Review Committee for Respiratory Therapy Education which is organized under the auspices of the Committee on Allied Health Education and Accreditation; or

(B) meet standards established by a recognized voluntary accrediting agency, provided these standards meet or exceed the standards of the Joint Review Committee for Respiratory Therapy Education.

(2) Sponsorship. Each educational program shall be established in a public or private postsecondary institution. If a program is developed in which education is provided by two or more institutions, one institution shall be accredited, as defined above, and shall be the sponsoring institution. In such a program, the responsibilities of each institution shall be clearly delineated in written agreements. Upon successful completion of the program, each student shall be awarded a diploma, certificate of completion or degree from the sponsoring institution.

(3) Outcome orientation. The sponsoring institution shall develop a written statement of program goals and standards which includes a provision assuring that graduates will be capable of demonstrating generally accepted entry-level competencies in respiratory therapy.

(4) Resources.

(A) Personnel. Each program shall have a full-time program director, a full-time director of clinical education and a medical director, each of whom has at least four years experience in respiratory care. Each program shall provide the number of faculty and support staff necessary to fulfill the needs of the program and to achieve its stated goals and standards. Personnel shall be qualified by education and experience to fulfill their assigned responsibilities.



(B) Physical resources. Adequate and appropriate classrooms, laboratories, administrative and ancillary student facilities, instructional materials, equipment and supplies shall be provided as required to fulfill the needs, goals and standards of the program. Collections of current books, periodicals and pertinent reference materials shall be readily accessible to students and shall be sufficient in scope to support the curriculum.

(C) Clinical resources. The clinical resources of the program shall provide each student with learning opportunities commensurate with generally accepted standards to insure competencies in respiratory therapy.

(D) Financial resources. The financial resources of the program shall be sufficient to insure the achievement of each program goal and standard.

(5) Students.

(A) Disclosure. Accurate information regarding program requirements, tuition and fees, institutional and programmatic policies and procedures and supportive services shall be available to all prospective and enrolled students.

(B) Admission. Each applicant shall be considered for admission in accordance with clearly defined and published practices of the institution and program. Admission practices shall be nondiscriminatory with respect to race, color, creed, sex, age, handicap, or national origin. Specific academic, health-related or technical requirements for admission shall also be clearly defined and published.

(C) Services. Each student enrolled in the program shall have access to the full range of services provided by the sponsoring institution.

(D) Number. The number of students enrolled shall be commensurate with both the goals and standards of the program and the methods and requirements of its instructional plan. The number of students enrolled shall not exceed the resources of the program.

(E) Clinical experience. All clinical experiences shall be educational in nature. The sponsor shall assure that the clinical assignment of each student is based upon the instructional plan of the program.

(6) Instructional plan.

(A) Curriculum. Instruction shall be based on a structured curriculum which clearly delineates the competencies to be developed and the methods whereby they are to be achieved.

(B) Curriculum, credit and awards. The curriculum, credits earned, and academic recognition awarded shall be consistent with the identified goals and standards of the program and its sponsoring institution.

(C) Implementation. Instructional methods shall be consistent with the goals and standards of the program, the educational needs of the students, and the competencies and objectives stated in the program curriculum. Each program shall be designated to insure that the instruction in the clinical setting is properly integrated and coordinated with the other components of the curriculum, and that each student receives adequate technical instruction and experience consistent with the goals and standards of the program. Physician input shall be provided in the

administration of the program and in the instruction of the students to ensure achievement of the program's stated goals and standards.

(D) Student evaluation. Each student shall be evaluated on a regular basis and with sufficient frequency to provide both the students and program faculty with valid and timely indications of the student's progress toward and achievement of the competencies and objectives stated in the curriculum. Records of student evaluations shall be maintained in sufficient detail to document learning progress and achievements.

(7) Program evaluation. Each program shall be assessed periodically to determine effectiveness in achieving its stated goals and standards. The results of this evaluation shall provide the basis for timely revision of the program to correct identified shortcomings. (Authorized by K.S.A. 1986 Supp. 65-5505; implementing K.S.A. 1986 Supp. 65-5505; effective, T-88-17, July 1, 1987.)

**100-55-3. Fieldwork experience.** Each applicant for registration as a respiratory therapist shall have completed a minimum of 400 hours of respiratory therapy fieldwork over a period of at least ten weeks. (Authorized by K.S.A. 1986 Supp. 65-5505; implementing K.S.A. 1986 Supp. 65-5506; effective, T-88-17, July 1, 1987.)

**100-55-4. Examinations.** (a) Each applicant for registration shall pass an examination determined by the board to be substantially equivalent to the Registered Respiratory Therapist Examination or the Technician Certification Examination, or any equivalent successors to such examinations, prepared and administered by the National Board for Respiratory, Inc., or any successor organization.

(b) Each applicant who receives a passing grade on the examination as determined by the organization that prepared and administered it shall be deemed by the board to have passed the examination.

(c) Each applicant who has passed an examination not prepared and administered by the National Board for Respiratory Care, Inc., or any successor organization, shall submit a copy of the examination taken to enable the board to determine its substantial equivalency. (Authorized by K.S.A. 1986 Supp. 65-5505; implementing K.S.A. 1986 Supp. 65-5507; effective, T-88-17, July 1, 1987.)

**100-55-5. Fees.** The following fees shall be charged and collected in advance by the board:

- (a) Application fee . . . . . \$ 40.00
- (b) Examination fee (if administered by board) . . . . . \$100.00
- (c) (1) Registration renewal fee . . . . . \$ 20.00
- (2) Registration late renewal fee . . . . . \$ 30.00
- (3) Registration reinstatement fee . . . . . \$ 40.00
- (d) Fee for certified copy of registration . . . . . \$ 15.00

(Authorized by K.S.A. 1986 Supp. 65-5505; implementing K.S.A. 1986 Supp. 65-5509; effective, T-88-17, July 1, 1987.)

**100-55-6. Unprofessional conduct; defined.** "Unprofessional conduct" means:

(a) The solicitation of professional patronage through the use of fraudulent or false advertisements; (continued)

(b) representing to a patient that a manifestly incurable disease, condition or injury can be cured by the actions of the therapist;

(c) assisting in the care or treatment of a patient without the consent of the patient, the physician, or the patient's legal representatives;

(d) the use of any letters, words, terms or affix on stationery, in advertisements, or otherwise indicating that such person is entitled to practice a branch of the healing arts for which said person is not licensed;

(e) the willful betrayal of confidential information;

(f) conduct likely to deceive, defraud or harm the public;

(g) prescribing, ordering, dispensing, administering, selling, supplying or giving any medications to a patient except as authorized by the patient's physician or standing hospital policy;

(h) making a false or misleading statement regarding the therapist's skill;

(i) aiding or abetting the practice of the healing arts by an unlicensed, incompetent, or impaired person;

(j) allowing another person or organization to use the registrant's registration to practice respiratory care;

(k) the commission of any act of sexual abuse, misconduct, or exploitation related to the registrant's practice of respiratory care;

(l) the use of any false, fraudulent or deceptive statement in any document connected with the practice of respiratory care;

(m) directly or indirectly giving or receiving any fee, commission, rebate or other compensation for professional services performed, from the patient, while said patient is under the assigned care of the practitioner, other than through the legal functioning of lawful professional partnerships, corporations or associations;

(n) the failure to practice respiratory care at the level of care, skill and treatment which is recognized by a reasonably prudent practitioner as being acceptable under similar conditions and circumstances;

(o) delegating professional responsibilities to a person when the registrant knows or has reason to know that said person is not qualified by training or experience to perform them; and

(p) using experimental forms of therapy without proper informed physician and patient consent, without conforming to generally accepted criteria or protocols, or without a prior detailed analysis of the therapy reviewed by a committee of peers. (Authorized by and implementing K.S.A. 1986 Supp. 65-5510; effective, T-88-17, July 1, 1987.)

**100-55-7. Registration; renewal; late renewal and reinstatement.** (a) Registrations issued by the board shall expire on December 31 each year.

(b) A registration may be renewed annually upon request of the registrant. A request for renewal shall be on a form provided by the board and shall be accompanied by:

(1) the prescribed registration renewal fee; and

(2) proof of satisfactory completion of a program of continuing education as may be required by the board.

(c) Registrations not renewed by December 31 shall expire but may be renewed for a period of 30 days thereafter upon request of the registrant. The request for late renewal shall be on a form provided by the board and shall be accompanied by:

(1) the prescribed registration late renewal fee; and

(2) proof of satisfactory completion of a program of continuing education as may be required by the board.

(d) Registrations which are revoked, suspended or have expired for a period of more than 30 days may be reinstated in the discretion of the board and upon request of the applicant. The request for reinstatement shall be on a form provided by the board and shall be accompanied by:

(1) the prescribed registration reinstatement fee; and

(2) proof of satisfactory completion of a program of continuing education as may be required by the board.

(Authorized by K.S.A. 1986 Supp. 65-5505; implementing K.S.A. 1986 Supp. 65-5512; effective, T-88-17, July 1, 1987.)

**100-55-8. Continuing education; registration renewal.** (a) Each registrant shall submit evidence of completing a minimum of three continuing education units (CEUs) during the preceding two years, except only 1.5 CEUs shall be required for renewal in 1989. Evidence of such attainment shall be submitted with the application for renewal for each odd-numbered year.

(b) An extension that does not exceed six months may be granted by the board to any registrant who, during the 12-month period prior to the renewal registration date, suffered an illness or accident which made it impossible or extremely difficult to reasonably obtain the required CEUs.

(c) Respiratory therapists initially registered within two years of a renewal registration date, when evidence of continuing education must be submitted, shall complete a minimum of one CEU for every full or partial six-month period from the date of registration to the renewal registration date. If less than three CEUs are required by this subsection, at least one CEU must be acquired from Class I and no more than one CEU shall be acquired from Class II.

(d) A CEU shall be equivalent to 10 contact hours approved by the state board of healing arts. A contact hour shall be 50 minutes of instruction or its equivalent. Meals and exhibit breaks shall not be included in the contact hours calculation.

(e) The content of the continuing education classes or literature shall be related to the field of respiratory therapy or similar areas.

(f) Continuing education shall be acquired from the classes of education experiences defined in subsection (g). A minimum of one CEU shall be acquired from Class I. A maximum of one CEU may be acquired from Class II.

(g) The four classes of continuing education shall be:

(1) Class I—Attendance at an education presentation. Class I continuing education experiences shall include:

(A) Lectures. A lecture means a discourse given before an audience for instruction.

(B) Panels. A panel means the presentation of a number of views by several professional individuals on a given subject with none of the views considered a final solution.

(C) Workshops. A workshop means a series of meetings designed for intensive study, work or discussion in a specific field of interest.

(D) Seminars. A seminar means directed advanced study, or discussion in a specific field of interest.

(E) Symposiums. A symposium means a conference of more than a single session organized for the purpose of discussing a specific subject from various viewpoints and by various speakers.

(2) Class II—In-service training and professional reading.

(A) In-Service training. A maximum of one CEU shall be given for attending in-service training sessions which relate to the enhancement of respiratory therapy practice, values, skills and knowledge for each two-year period. A maximum of two CEUs shall be given for instructing in-service training, but no additional CEUs can be acquired for attending that particular in-service training.

(B) Professional Reading. A maximum of 0.2 CEUs shall be given for reading professional literature.

(3) Class III—College or university courses. One CEU shall be given for each college credit with a grade of at least C or a "pass" in a pass/fail course.

(4) Class IV—Professional publication and program presentation.

(A) Professional Publication. The maximum CEUs that shall be given for professional publication shall be as follows:

Type of Publication		Maximum Number of Credits
(i) Original Papers—	single author	2.0 CEUs
	co-author	.5 CEUs
	senior author	1.0 CEU
(ii) Review Papers—	single author	1.0 CEU
	co-author	.5 CEUs
(iii) Case Reports—	single author	1.0 CEU
	co-author	.5 CEUs
(iv) Abstracts—	single author	.5 CEUs
	co-author	.5 CEUs
(v) Book Reviews—	single author	.5 CEUs
	co-author	.5 CEUs
(vi) Publication of a Book—	single author	4.0 CEUs
	senior author	3.0 CEUs
	co-author	2.0 CEUs
	contributing author	2.0 CEUs

(B) Instructor Preparation of Class I Programs. Any registrant who presents a Class I continuing education program or its equivalent shall receive two Class I contact hours for each hour of presentation. No credit shall be granted for any subsequent presentations on the same subject matter.

(h) Documented evidence of attendance at Class I continuing education activities shall be submitted. Personal verification shall be submitted for Class II and III activities. Copies of publications shall be submitted for verification of Class IV activities.

(i) Instructional staff shall be competent in the subject matter and in the methodology of instruction and learning processes as evidenced by experience, education or publication. (Authorized by K.S.A. 1986

Supp. 65-5505; implementing K.S.A. 1986 Supp. 65-5512; effective, T-88-17, July 1, 1987.)

**100-55-9. Continuing education; late renewal and reinstatement of registration.** (a) Each person desiring to renew a registration following its expiration or to reinstate a registration which has been expired for more than 30 days shall submit proof of continuing education as follows:

(1) If the time since the registration expired has been less than one year, no continuing education in addition to that which would have been necessary had the registration been renewed prior to expiration shall be required;

(2) if the time since the registration expired has been more than one year but less than three years, the applicant must complete a minimum of 1.5 CEUs for each year or portion of a year since the date the registration lapsed; and

(3) if the time since the registration expired has been more than three years, the applicant must complete a program recommended by the board. The program may require college course instruction, clinical study and successful completion of the examination required for registration as may be determined by the board.

(b) An applicant seeking reinstatement of a revoked or suspended registration must successfully complete a program approved by the board. The program may require college course instruction, clinical study, apprenticeship and successful completion of the examination required for registration as may be determined by the board. (Authorized by K.S.A. 1986 Supp. 65-5505; implementing K.S.A. 1986 Supp. 65-5512; effective, T-88-17, July 1, 1987.)

CHARLENE K. ABBOTT  
Executive Secretary

Doc. No. 005597

## State of Kansas

DEPARTMENT OF HUMAN RESOURCES  
DIVISION OF WORKERS' COMPENSATIONTEMPORARY ADMINISTRATIVE  
REGULATIONS

## Article 2.—FEES

**51-2-5. Special local administrative law judge fees and expenses.** (a) (1) A fee of \$30.00 shall be assessed for each settlement hearing which is heard as part of a regular settlement docket.

(2) A fee of \$35.00 shall be assessed for each settlement hearing heard as an individual setting.

(3) A fee of \$50.00 shall be assessed for each preliminary hearing including a preliminary award or for a full hearing.

(4) A fee of \$50.00 per hour shall be assessed for preparing and rendering a final award. The total fee shall not exceed \$150.00.

(b) If a special local administrative law judge incurs expenses conducting hearings outside the judge's home community, the expenses shall be assessed as costs proportionately among the cases generating the expenses. (Authorized by K.S.A. 44-551; 44-573; implementing K.S.A. 44-551; effective, T-84-16, July 26, 1983; amended, T-88-20, July 1, 1987.)

## Article 7.—MEASUREMENT OF DISABILITY

**51-7-8. Computation of compensation.** (a) (1) If a worker suffers a loss to a member, and in addition suffers other injuries contributing to the temporary total disability, compensation for the temporary total disability shall not be deductible from the scheduled amount for those weeks of temporary total disability attributable to the other injuries.

(2) The weekly compensation rate for temporary total compensation shall be computed by multiplying .6667 times the worker's gross average weekly wage. This figure shall be subject to the statutory maximum set in K.S.A. 44-510c.

(b) If a healing period of 10% of the schedule or partial schedule is granted, not exceeding 15 weeks, it shall be added to the weeks on the schedule or partial schedule prior to the following computations being made.

(1) If a loss of use occurs to a scheduled member of the body, compensation shall be computed as follows:

(A) deduct the number of weeks of temporary total compensation from the schedule;

(B) multiply the difference by the percent of loss or use to the member; and

(C) multiply the result by the applicable weekly temporary total compensation rate.

(2) If a loss of use occurs in opposite upper extremities as a result of a repetitive use condition, whether occurring simultaneously or otherwise, compensation shall be computed as follows:

(A) for each scheduled member, deduct the number of weeks of temporary total compensation attributable to that extremity from the schedule;

(B) multiply the difference by the percent of loss of use to the member;

(C) multiply the result by the weekly temporary total compensation rate;

(D) increase the determined compensation for each extremity by 20%; and

(E) add the total for the right extremity to the total for the left extremity to obtain the total compensation for the injury.

(3) If part of a finger, thumb or toe is amputated, compensation shall be calculated as follows:

(A) multiply the percent of loss, as governed by K.S.A. 44-510d, by the weeks on the full schedule for that member;

(B) deduct the temporary total compensation; and

(C) multiply the remainder by the weekly temporary total compensation rate.

(4) If a scheduled member other than a part of a finger, thumb or toe is amputated, compensation shall be computed by multiplying the number of weeks on the schedule by the worker's weekly temporary total compensation rate. The temporary total compensation previously paid shall be deducted from the total amount allowed for the member.

(C) The weekly compensation rate for a permanent disability to the body as a whole shall be computed by;

(1) multiplying the worker's gross average weekly wage, computed pursuant to K.S.A. 44-511, by the worker's percent of disability; and

(2) multiplying this figure by .6667.

(d) (1) An injury involving the metacarpals shall be considered an injury to the hand. An injury involving the metatarsals shall be considered an injury to the foot.

(2) If the injury results in the loss of use of one or more fingers and also a loss of use of the hand, the compensation payable for the injury shall be on the schedule for the hand. Any percentage of permanent partial loss of use of the hand shall be at least sufficient to equal the compensation payable for the injuries to the finger or fingers alone.

(3) An injury involving the hip joint and an injury involving the shoulder joint shall be computed on the basis of a disability to the body as a whole.

(4) An injury at the joint on a scheduled member shall be considered a loss to the next higher schedule.

(5) If the tip of a finger, thumb or toe is amputated, the amputation does not go through the bone and it is determined that a disability exists, the disability rating shall be based on a computation of a partial loss of use of the entire finger. (Authorized by K.S.A. 44-510d, 44-573; implementing K.S.A. 44-510d, as amended by 1987 HB 2186, Sec. 6; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1973; amended, E-74-31, July 1, 1974; amended May 1, 1975; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1983; amended, T-88-20, July 1, 1987.)

## Article 9.—MEDICAL AND HOSPITAL

**51-9-7. Fees for medical and hospital services.** (a) Costs for medical services rendered pursuant to the workers compensation act shall be in conformity with

reasonable and customary charges in the particular community in which the services are rendered.

(b) Hospital charges shall be reimbursed on the basis of reasonable and customary charges in the particular community in which the services are rendered.

(c) Charges for medical records and testimony provided under the workers compensation act shall be reimbursed on the basis of reasonable and customary charges in the particular community in which they are provided.

(d) Any dispute that arises which cannot otherwise be resolved shall, on request be heard and determined by the director. (Authorized by K.S.A. 44-510, 44-573; implementing K.S.A. 44-510, as amended by HB 2186, Sec. 3; effective Jan. 1, 1966; amended Jan. 1, 1969; amended Jan. 1, 1973; amended May 1, 1976; amended May 1, 1978; amended, T-88-20, July 1, 1987.)

#### Article 15.—SECOND INJURY FUND

**51-15-2. Workers' compensation fund.** (a) Insurance carriers and self-insureds shall not withhold compensation to an injured employee during negotiations with the workers' compensation fund but shall pay compensation due under the act and then seek reimbursement for any compensation paid.

(b) The first full hearing provision of K.S.A. 44-567 shall not include a proceeding involving a preliminary hearing pursuant to K.S.A. 44-534a.

(c) The workers' compensation fund shall be entitled to a hearing on the question of its liability imposed by the provisions of K.S.A. 44-532a. The administrative law judge may award compensation pursuant to K.S.A. 44-532a against the workers' compensation fund following a preliminary hearing if the fund was properly impleaded and given the statutory notice of the hearing.

(d) "First full hearing," as used in K.S.A. 44-567(c), means the first hearing before an administrative law judge, other than a preliminary hearing provided by K.S.A. 44-534a, at which pre-trial stipulations are taken and testimony is presented. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-566, 44-566a, 44-569, 44-569a and K.S.A. 44-534a, as amended by 1987 HB 2186, Sec. 12; effective, E-74-31, July 1, 1974; effective May 1, 1975; amended May 1, 1976; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1982; amended, T-88-20, July 1, 1987.)

#### Article 24.—REHABILITATION

**51-24-3. Definitions.** As used in K.A.R. 51-24-1, *et seq.*:

(a) "Vendor" means a vocational rehabilitation facility, institution, agency or employer program provided for by K.S.A. 44-510g, as amended by 1987 HB 2573, Sec. 1.

(b) "Vocational rehabilitation counselor" or "counselor" means a person who has provided the director with the necessary proof of eligibility for qualification under K.A.R. 51-24-5(a) and who has received a certification of qualification from the director.

(c) "Vocational rehabilitation evaluator" or "evaluator" means a person who has provided the director with the necessary proof of eligibility for qualification under K.A.R. 51-24-5(b) and who has received a certification of qualification from the director.

(d) "Job placement specialist" means a person who has provided the director with the necessary proof of eligibility for qualification under K.A.R. 51-24-5(c) and who has received a certification of qualification from the director.

(e) "Training facility" means a private agency, facility or employer rehabilitation service program which has filed with the director the necessary evidence for the director to deem that agency, facility or employer rehabilitation service program qualified to perform rehabilitation education or training.

(f) "Director" means the director of the Kansas division of workers' compensation. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-510g, as amended by 1987 HB 2573, Sec. 1; effective, T-88-20, July 1, 1987.)

**51-24-4. Qualifications and duties of vendor.** Any person, firm, or corporation proposing to qualify as a vendor in vocational rehabilitation cases under the Kansas workers compensation act, shall file an application with the director. The application shall be updated as changes occur which may affect the standing of the applicant to become or remain qualified and shall include:

(a) a statement that the person, firm or corporation will maintain an office in the state of Kansas or in the metropolitan Kansas City area, staffed with personnel capable of responding to written or telephone inquiries relating to cases referred to that vendor;

(b) the addresses and telephone numbers of the offices within and without the state of Kansas from which vocational rehabilitation services will be performed for cases under the Kansas workers compensation act;

(c) a listing of each person employed to perform services as a medical manager, counselor, evaluator or job placement specialist for cases referred to that vendor and an indication of each person's discipline;

(d) a statement that the person, firm or corporation will employ or contract with persons qualified to perform work as medical manager, counselor, evaluator or job placement specialist as necessary to carry out the purpose of the referral;

(e) a statement that the person, firm or corporation will be responsible for the appropriateness and timeliness of the delivery of service by each medical manager, counselor, evaluator and job placement specialist employed or under contract to carry out the purpose of the referral;

(f) a statement indicating whether the person, firm or corporation wants to be included in the list of vendors qualified and requesting to receive referrals from employers or the director;

(g) a statement that the person, firm or corporation will report to the vocational rehabilitation administrator each referral received from an employer or insurance carrier and the date of the referral;

(continued)

(h) a statement that the person, firm or corporation will report the status of each evaluation 30 days after the referral and will report the status of each evaluation and plan on each occasion changes occur which affect the status of the evaluation or plan. The report shall be in a form prescribed by the director. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-510g, as amended by 1987 HB 2573, Sec. 1; effective, T-88-20, July 1, 1987.)

**51-24-5. Qualifications for counselor, evaluator, and job placement specialist.** (a) Each person seeking to qualify as a vocational rehabilitation counselor for cases under the Kansas workers compensation act shall:

- (1) furnish proof to the director that the person has:
  - (A) a masters degree from a nationally accredited program in rehabilitation counselor education; or
  - (B) (i) a masters degree based on a curriculum and coursework designed to fully prepare a person to practice vocational rehabilitation counseling; and
  - (ii) one year of experience as a vocational rehabilitation counselor or completion of a nationally accredited rehabilitation counselor internship program from a college or university; or
  - (C) a masters degree with at least 32 postgraduate hours including all of the following courses:
    - (i) medical aspects of disability
    - (ii) counseling theories
    - (iii) individual and group appraisal
    - (iv) career information service
    - (v) evaluation techniques in rehabilitation
    - (vi) placement process in rehabilitation
    - (vii) psychological aspects of disability
    - (viii) case management in rehabilitation
    - (ix) utilization of community resources
    - (x) survey of rehabilitation
    - (xi) supervised practicum in rehabilitation; or
    - (D) a bachelors degree in rehabilitation services and three years of experience as a vocational rehabilitation counselor; and

(2) furnish the director with the addresses and telephone numbers of that persons offices and the names of the vendors with whom that person is affiliated; and

(3) acknowledge that the person's qualification may be suspended or revoked if the person performs work in a rehabilitation discipline other than a discipline in which that person has been found to be qualified by the director.

(b) Each person seeking to qualify as a vocational rehabilitation evaluator shall:

(1) furnish proof to the director that the person has:
 

- (A) a masters or doctoral degree in vocational evaluation, rehabilitation counseling, work adjustment, counseling and guidance, psychology or counselor education and one year of experience as a vocational evaluator; or
- (B) a bachelors degree in vocational rehabilitation evaluation, psychology, special education or rehabilitation services and three years of experience as a vocational evaluator under the supervision of a masters degree vocational evaluator; and

(2) furnish the director with the addresses and tele-

phone numbers of that person's offices and the names of the vendors with whom that person is affiliated; and

(3) acknowledge that the person's qualification may be suspended or revoked if the person performs work in a rehabilitation discipline other than a discipline in which that person has been found to be qualified by the director.

(c) Each person seeking to qualify as a vocational rehabilitation job placement specialist shall:

(1) furnish proof to the director that the person has:

(A) a bachelors degree in vocational rehabilitation, vocational counseling, sociology, psychology, rehabilitation services or social work, and one year of experience as a job placement specialist of disabled individuals; or

(B) at least two years of college level education and three years of experience as a job placement specialist of disabled individuals; and

(2) furnish the director with the addresses and telephone numbers of the person's offices and the names of the vendors with whom that person is affiliated; and

(3) acknowledge that the person's qualification may be suspended or revoked if the person performs work in a rehabilitation discipline other than a discipline in which that person has been found to be qualified by the director.

(d) Each person employed by or working under contract as a counselor, evaluator or job placement specialist for the Kansas department of rehabilitation services shall be considered qualified in that person's discipline while working for that agency. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-510g, as amended by 1987 HB 2573, Sec. 1; effective, T-88-20, July 1, 1987.)

**51-24-6. Qualification of private training facility.** Before a private training facility begins providing vocational rehabilitation training or education to persons under the Kansas workers compensation act, the vendor formulating the training plan shall file with the vocational rehabilitation administrator a sufficient description of the course work and qualifications of the individuals performing the training or education to satisfy the vocational rehabilitation administrator that the training is adequate and appropriate to fulfill the goal of the plan. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-510g, as amended by 1987 HB 2573, Sec. 1; effective, T-88-20, July 1, 1987.)

**51-24-7. Qualification of medical or physical rehabilitation services.** Each facility, institution, agency or employer program seeking to qualify to provide medical or physical rehabilitation to persons under the Kansas workers compensation act shall be supervised by a physician with a speciality or sub-specialty in the area of medicine which deals with the type of injury or disability it intends to treat. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-510g, as amended by 1987 HB 2573, Sec. 1; effective, T-88-20, July 1, 1987.)

DENNIS R. TAYLOR  
Secretary of Human Resources

Doc. No. 005598



## State of Kansas

## STATE CONSERVATION COMMISSION

TEMPORARY ADMINISTRATIVE  
REGULATIONSArticle 1.—WATER RESOURCES  
COST-SHARE PROGRAM

**11-1-1.** (Authorized by K.S.A. 1982 Supp. 2-1904, 2-1915; implementing K.S.A. 1982 Supp. 2-1915; effective, E-81-26, Sep. 10, 1980; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; revoked T-88-18, —, July 1, 1987.)

**11-1-2 to 11-1-3.** (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; implementing K.S.A. 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; effective, E-81-26, Sep. 10, 1980; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended T-86-43, Dec. 18, 1985; amended May 1, 1986; revoked T-88-18, July 1, 1987.)

**11-1-4 to 11-1-5.** (Authorized by K.S.A. 1982 Supp. 2-1904, 2-1915; implementing K.S.A. 1982 Supp. 2-1915; effective, E-81-26, Sep. 10, 1980; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; revoked T-88-18, July 1, 1987.)

**11-1-6. Definitions.** (a) "Commission" means the state conservation commission.

(b) "Conservation district" means a subdivision of state government with its own governing body created under K.S.A. 2-1901 *et seq.* as a special purpose district to develop and carry out soil and water conservation programs within its boundaries.

(c) "Enduring conservation practice" means a structure, planting or combination of the two which, when installed on land, will reduce the loss of soil, water or nutrients to other land, streams or lakes and will have a useful life for an extended period of years.

(d) "Landowner" means a private or public owner of land within the conservation district. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1986, Ch. 7; implementing K.S.A. 2-1915, as amended by L. 1986, Ch. 7; effective, T-88-18, July 1, 1987.)

**11-1-7. Program.** The water resource cost-share program provides state appropriated financial assistance to landowners for the installation of enduring conservation practices and shall be administered at the local level by the conservation district board of supervisors. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1986, Ch. 7; implementing K.S.A. 2-1915, as amended by L. 1986, Ch. 7; effective, T-88-18, July 1, 1987.)

**11-1-8. Procedures.** The "water resources cost-share program guidelines and procedures," the "guidelines for practices and components" and the "instructions for county average costs worksheet" in section eight of the conservation district handbook and dated January 13, 1987, are adopted by reference. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1986, Ch. 7; implementing K.S.A. 2-1915, as

amended by L. 1986, Ch. 7; effective, T-88-18, July 1, 1987.)

Article 2.—HIGH PRIORITY  
COST-SHARE PROGRAM

**11-2-1 to 11-2-3.** (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; implementing K.S.A. 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; effective T-86-43, Dec. 18, 1985; effective May 1, 1986; revoked, T-88-18, July 1, 1987.)

**11-2-4. Definitions.** (a) The definition of terms contained in K.A.R. 11-1-6 shall apply to the regulations in Article 2.

(b) "High priority area" means a specific area that has been identified in the state water plan as containing priority water quality and quantity problems. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1986, Ch. 7; implementing K.S.A. 2-1915, as amended by L. 1986, Ch. 7; effective, T-88-18, July 1, 1987.)

**11-2-5. Program.** The high priority cost-share program provides state cost-share financial assistance to landowners for the installation of enduring conservation practices in high priority areas and shall be administered at the local level by the conservation district board of supervisors. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1986, Ch. 7; implementing K.S.A. 2-1915, as amended by L. 1986, Ch. 7; effective, T-88-18, July 1, 1987.)

**11-2-6. Procedures.** The "high priority cost-share program guidelines and procedures," the "guidelines for practices and components" and the "instructions for county average cost worksheets" in section eight of the conservation district handbook and dated January 13, 1987, are adopted by reference. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1986, Ch. 7; implementing K.S.A. 2-1915, as amended by L. 1986, Ch. 7; effective, T-88-18, July 1, 1987.)

KENNETH F. KERN  
Executive Director

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