

KANSAS REGISTER

State of Kansas

BILL GRAVES
Secretary of State



Vol. 6, No. 49

December 3, 1987

Pages 1711-1732

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State of Kansas
STATE BANK COMMISSIONER
STATE BANKING BOARD
NOTICE OF MEETING

The State Banking Board will meet at 9:30 a.m. Monday, December 21, in the conference room of the State Banking Department, Suite 300, 700 Jackson, Topeka. The board reviews matters relating to its supervisory authority set forth in K.S.A. 9-1801 *et seq.*

W. NEWTON MALE
 State Bank Commissioner

Doc. No. 006009

State of Kansas
DEPARTMENT OF HUMAN RESOURCES
ADVISORY COMMITTEE ON EMPLOYMENT
OF THE HANDICAPPED
NOTICE OF MEETING

The Kansas Advisory Committee on Employment of the Handicapped will meet at 2 p.m. Friday, December 4, in the second floor conference room, 1430 S. Topeka Blvd., Topeka.

DENNIS R. TAYLOR
 Secretary of Human Resources

Doc. No. 006019

State of Kansas
LEGISLATIVE DIVISION OF POST AUDIT
INVITATION FOR BIDS

Sealed bid proposals on a Legislative Division of Post Audit invitation for bids for financial-compliance audit work will be received until 9 a.m. Friday, December 4.

This invitation covers the following audit work for Corrections agencies, Pooled Money Investment Board, State Treasurer's office (cash and investments work), Kansas Public Employees Retirement System, and Department of Revenue.

Copies of the invitations for bids may be obtained from the Legislative Division of Post Audit, 109 W. 9th, Suite 301, Topeka 66612, (913) 296-3792.

MEREDITH WILLIAMS
 Legislative Post Auditor

Doc. No. 006014

State of Kansas
SECRETARY OF STATE
NOTICE

TO ALL TO WHOM THESE PRESENTS SHALL
 COME, GREETINGS:

I, Bill Graves, Secretary of State of the State of Kansas, do hereby certify that pursuant to the provisions of K.S.A. 1986 Supp. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of December 1, 1987 through December 31, 1987 shall be 12.22 per cent.

In testimony whereof: I hereto set my hand and cause to be affixed my seal. Done at the City of Topeka, this 30th day of November, A.D. 1987.

BILL GRAVES
 Secretary of State

Doc. No. 006013

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



Phone: (913) 296-3489

State of Kansas

LEGISLATURE

INTERIM COMMITTEE SCHEDULE

The following committee meetings have been scheduled during the period of December 7 through December 20:

Date	Room	Time	Committee	Agenda
Dec. 7	123-S	10:00 a.m.	Legislative Post Audit	Legislative matters.
Dec. 8	531-N	9:00 a.m.	Legislative Budget Committee	Conference on medical scholarships and other scholarship programs; staff reports re Proposal 19; and committee review of final reports on Proposals No. 19 and 20.
Dec. 9	519-S	9:00 a.m.	Special Committee on Agriculture and Livestock	Report on corporate farming study and committee discussion on Proposal No. 5—Corporate Farming Law Examination.
Dec. 9	527-S	9:30 a.m.	Legislative Educational Planning Committee	Agenda unavailable.
Dec. 10 Dec. 11	123-S 123-S	10:00 a.m. 9:00 a.m.	Joint Committee on State Building Construction	Agenda unavailable.
Dec. 10 Dec. 11	529-S 529-S	10:00 a.m. 9:00 a.m.	Joint Committee on Special Claims Against the State	Hearings on claims filed to date.
Dec. 11	527-S	9:30 a.m.	Legislative Coordinating Council	Legislative matters.
Dec. 14 Dec. 15	Room and time to be determined		Joint Meeting of Standing Committees on Ways and Means and Appropriations	Equipment acquisition by state agencies.
Dec. 16 Dec. 17 Dec. 18	514-S 514-S 514-S	10:00 a.m. 8:00 a.m. 8:00 a.m.	Joint Committee on Rules and Regulations	Agenda unavailable.

WILLIAM R. BACHMAN
 Director of Legislative
 Administrative Services

Doc. No. 006017

State of Kansas

SECRETARY OF STATE**EXECUTIVE APPOINTMENTS**

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

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

The following appointments were filed November 12 through November 25:

Behavioral Sciences Regulatory Board

C. Robert Borresen, 2215 Hathway Circle, Wichita 67226. Effective November 17, 1987. Term expires November 16, 1991. Succeeds Nancy Garfield.

Harriett Griffith, 7633 Dublin, Wichita 67206. Effective November 17, 1987. Term expires June 30, 1988. Succeeds Robert Smith, resigned.

John Preble, 108 S. Kansas, Norton 67654. Effective November 17, 1987. Term expires November 16, 1991. Succeeds Barbara Lundin Kovarovic.

Kansas Coal Commission

Lawrence Brady, 913 W. 28th, Lawrence 66046. Effective November 20, 1987. Serves at the pleasure of the Governor.

Ron Fox, Director, Mined-Land Division, State Corporation Commission, 107 W. 11th, P.O. Box 1418, Pittsburg 66762. Effective November 16, 1987. Appointed by State Corporation Commission Chairman Keith Henley as his designee.

William Giles, P.O. Box 1233, Pittsburg 66762. Effective November 20, 1987. Serves at the pleasure of the Governor.

Dennis Meier, 1706 S. Olive, Pittsburg 66762. Effective November 20, 1987. Serves at the pleasure of the Governor.

Richard Senecaut, Route 1, Girard 66763. Effective November 20, 1987. Serves at the pleasure of the Governor.

David Utermoehlen, 1501 Bitner Place, Pittsburg 66762. Effective November 20, 1987. Serves at the pleasure of the Governor.

John Woodman, Route 1, Paola 66071. Effective November 20, 1987. Serves at the pleasure of the Governor.

Dennis Woolman, P.O. Box 15, Ottawa 66067. Effective November 20, 1987. Serves at the pleasure of the Governor.

Crime Victims Reparations Board

Charles M. Hart, Chairman, 125 E. Clark, Augusta 67010. Effective November 19, 1987. Subject to Senate confirmation. Term expires June 30, 1988. Succeeds Michael A. Barbara, resigned.

Eisenhower Centennial Commission

Margie Braden, Chairman, Box 58, Clay Center 67432. Effective November 18, 1987. Serves at the pleasure of the Governor.

Cal James, 315 Pearl, Jewell 66949. Effective November 18, 1987. Serves at the pleasure of the Governor.

Dale Kerr, 841 Rockledge, Lawrence 66044. Effective November 18, 1987. Serves at the pleasure of the Governor.

Mary Maley, 141 S. 10th, Salina 67401. Effective November 18, 1987. Serves at the pleasure of the Governor.

Marynell Reece, Scandia 66966. Effective November 18, 1987. Serves at the pleasure of the Governor.

**Governor's Celebration of the
Martin Luther King, Jr. Anniversary**

Blanche Parks, 1988 Chairman, 3744 Fremont, Topeka 66609. Effective November 24, 1987.

**Kansas Council on Employment
and Training**

Charles Hostetler, Chairman, P.O. Box 610, Manhattan 66502. Effective November 16, 1987. Term expires November 15, 1989. Succeeds Howard M. Chase.

Evelyn Whitcomb, 2717 S. Hydraulic, Wichita 67216. Effective November 16, 1987. Serves at the pleasure of the Governor. Succeeds Rep. Anthony Hensley.

Skeets Winkler, 2924 Clover Lane, Wichita 67216. Effective November 16, 1987. Serves at the pleasure of the Governor. Succeeds Gary Bell.

Kansas Inc.

Eric Thor Jager, 3201 W. 69th, Mission Hills 66208. Effective November 12, 1987. Subject to Senate confirmation. Term expires June 30, 1990. Succeeds Michael K. Russell, resigned.

Board of Examiners in Optometry

Dr. Phillip Ernzen, 8330 Overbrook, Wichita 67206. Effective November 17, 1987. Term expires November 16, 1990. Succeeds Dr. Douglas Ball.

Kansas Public Broadcasting Commission

Gerald Friedeman, 2603 Forest, Great Bend 67530. Effective December 1, 1987. Term expires November 30, 1989. Succeeds Robin Nichols, term expired.

**Wichita State University
Board of Trustees**

George Parsons, 7634 Dublin, Wichita 67206. Effective November 17, 1987. Term expires November 16, 1990. Succeeds Terence J. Scanlon.

BILL GRAVES
Secretary of State

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENTNOTICE CONCERNING KANSAS WATER
POLLUTION CONTROL PERMIT

In accordance with state regulations 28-16-57 through 28-16-63 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below.

The tentative determinations for permit content are based on preliminary staff review applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the EPA, and will, when issued, result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Name and Address of Applicant	Waterway	Type of Discharge
Texaco Pipe Line, Inc. 1670 Broadway Denver, CO 80202-4826 Franklin County, KS	Marais des Cygnes River via Pottawatomie Creek via Iantha Creek, Marais des Cygnes River Basin	Hydrostatic Test Water
Kansas Permit No. I-MC50-P002	Fed. Permit No. KS-0085952	

Description of facility: Water is discharged after it is used for a hydrostatic test on an existing natural gas pipeline. This is a one-time discharge. This is a new facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, Kansas Department of Health and Environment, Division of Environment, Bureau of Water Protection, Forbes Field, Topeka 66620. All comments received prior to January 1, 1988 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-87-122) and name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determination. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Division of Environment offices, which are open from 8 a.m. to 4:30 p.m. Monday through Friday.

The documents are available upon request at the copying cost assessed by the department. Additional copies of this public notice may also be obtained at the Division of Environment.

STANLEY C. GRANT, Ph.D.
Secretary of Health
and Environment

Doc. No. 006021

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO CONTRACTORS

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.S.T. December 17, 1987, and then publicly opened:

DISTRICT FIVE—Southcentral

Kiowa—54-49 M-1507-01—U.S. 54, beginning at the east city limits of Greensburg, then east, 14.7 miles, cold milling. (State 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. 006016

State of Kansas

KANSAS STATE UNIVERSITY**NOTICE TO BIDDERS**

Sealed bids for items listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. C.S.T. on the date indicated and will then be publicly opened. Interested bidders may call (913) 532-6214 for additional information.

TUESDAY, DECEMBER 15, 1987

#80026

Flour Color Grader

WILLIAM H. SESLER
Director of Purchasing

Doc. No. 006020

(Published in the KANSAS REGISTER, December 3, 1987.)

NOTICE OF BOND SALE

\$2,300,000

**General Obligation School Building Bonds
Series 1987**

of

Unified School District 418

McPherson County, Kansas (McPherson)
(general obligation bonds payable
from unlimited ad valorem taxes)

Sealed Bids

Sealed bids will be received by the undersigned, clerk of the Board of Education of Unified School District 418, McPherson County, Kansas (McPherson), on behalf of the Board of Education at 514 N. Main, McPherson, until 7 p.m. C.S.T. on Monday, December 14, 1987, for the purchase of \$2,300,000 principal amount of general obligation school building bonds, Series 1987, of the district hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the Board of Education immediately thereafter. No oral or auction bids will be considered.

Bond Details

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

Year	Principal Amount
1990	\$ 75,000
1991	\$ 85,000
1992	\$ 90,000
1993	\$ 95,000
1994	\$105,000
1995	\$110,000
1996	\$120,000
1997	\$180,000
1998	\$200,000
1999	\$215,000
2000	\$230,000
2001	\$245,000
2002	\$265,000
2003	\$285,000

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 March 1 and September 1 in each year, beginning on September 1, 1989.

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 number, denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the 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 reoffering price to the public shall be furnished to the district at closing.

Redemption of Bonds Prior to Maturity

Bonds maturing in the years 1990 to 1993, inclusive, shall become due without option of prior payment. At the option of the district, bonds maturing in the years 1994 and thereafter may be called for redemption and payment prior to maturity in whole or in part in inverse order of maturity (selection of bonds within the same maturity to be by lot by the district in such equitable manner as it may determine) on March 1, 1993, or on any interest payment date thereafter at the redemption price of 101 percent (expressed as a percentage of the principal amount), plus accrued interest to the redemption date.

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

If the district shall elect to call any bonds for redemption and payment prior to the maturity thereof, the district shall give written notice of its intention to call and pay said bonds on a specified date, 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, 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.

Authority, Purpose and Security

The bonds are being issued pursuant to K.S.A. 72-6761, *et seq.*, as amended, with \$1,000,000 accruing in the capital outlay fund and other funds available, for the purpose of paying the cost of constructing, furnishing, equipping, remodeling and making additions and improvements to the existing McPherson Middle School Building, including new academic classrooms, library, activity center, fixtures, equipment, and all necessary appurtenances thereto. 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.

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned clerk and marked "Bond Bid." Bids may be submitted by mail or delivered in person to the undersigned at the office of the Board of Education and must be received by the undersigned prior to 7 p.m. C.S.T. on December 14, 1987.

Bid Forms

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

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 in a multiple of $\frac{1}{8}$ or $\frac{1}{20}$ of 1 percent. No interest rate may 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 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 to 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. Any bids received after 7 p.m. C.S.T. on the date the bids are due will be returned to the bidder unopened.

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.

Official Statement

The district has prepared an official statement dated January 15, 1988, 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 at the successful bidder's expense.

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 January 29, 1988, 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

(continued)

bonds shall be made in federal reserve funds, immediately subject to use by the district.

CUSIP Numbers

It is anticipated that CUSIP identification numbers will be printed on the certificated or assigned to uncertificated bonds, but neither the failure to print such number on or assign such number to any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of the purchase contract. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the district.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the district, for the year 1987, is as follows:

Equalized assessed valuation of taxable tangible property	\$77,005,974
Tangible valuation of motor vehicles	\$ 5,016,482
Equalized assessed tangible valuation for computation of bonded debt limitations	\$82,022,456

The total general obligation indebtedness of the district as of the date of the bonds, including the bonds being sold, is \$3,860,000.

Legal Opinion and Tax Exemption

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

All matters incidental to the authorization and issuance of the bonds are subject to the approval of the bond counsel.

In the opinion of bond counsel, 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 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 (or continue to 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 includable in gross income retroactive to the date of issuance of the bonds. The district has covenanted to comply with all such requirements.

Prospective purchasers of the bonds should be aware that (i) Section 265 of the code denies a deduction for interest on indebtedness incurred or contin-

ued 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 benefits to take into account, in determining gross income, receipts or accruals of interest on the bonds.

The bonds are "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.

Bond counsel expresses no opinion regarding other federal tax consequences with respect to the bonds.

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

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

Bond Rating

The school district has applied to Moody's Investors Services, Inc. for a rating on the bonds.

Additional Information

Additional information regarding the bonds may be obtained from the clerk or from the financial adviser, United Securities, Inc., 444 Board of Trade Center, 120 S. Market, Wichita, KS 67202-3891, Attention: Stephen M. Shogren, President, (316) 265-9421.

Dated November 23, 1987.

UNIFIED SCHOOL DISTRICT 418
McPherson County, Kansas (McPherson)
By: Ron E. Ballard, Clerk
Office of the Board of Education
514 N. Main
McPherson, KS 67460
(316) 241-1643

Doc. No. 006022

State of Kansas

OFFICE OF JUDICIAL ADMINISTRATION

COURT OF APPEALS DOCKET

(Note: Dates and times of arguments are subject to change.)

Kansas Court of Appeals
 Court of Appeals Courtroom, 2nd Floor, Judicial Center
 301 W. 10th, Topeka, Kansas
 Before Abbott, C.J.; Terry L. Bullock, District Judge, assigned;
 and Dean J. Smith, District Judge, assigned.

Monday, December 7, 1987

1:30 p.m.

Case No.	Case Name	Attorneys	County
60,007	Ginger Wallace, Appellant, v. Rural Water District No. 12, Jefferson County, Kansas, Robert Holland, Jeff Logan, Leroy Loy, Jim Bolinger, Mike Gates, and Cecil Phillips, Appellees.	Kenneth F. Crockett John F. Thompson Michael F. Willcott	Jefferson
60,140	Oleta Jordan, aka Oleta Walker Appellee, v. Russell Drugs, Inc., Appellant.	Ed Schneeberger John C. Tillotson	Leavenworth
59,998	Loretta Lagal Newman, <i>et al.</i> , Appellees, v. Jim George, <i>et al.</i> , Appellants.	Stanley R. Ausemus Roy U. Jordan Thomas A. Krueger Keith A. Greiner	Lyon

December 7-8, 1987

Summary Calendar—No Oral Arguments

Case No.	Case Name	Attorneys	County
60,618	John Robert Butts, Appellant, v. State of Kansas, Appellee.	Benjamin C. Wood Keith Hoffman, Assistant County Attorney John McNish, County Attorney Attorney General	Dickinson
60,385	In the Interest of T.J.L.	Frank E. Kohl, County Attorney Attorney General Patrick Cahill, Assistant County Attorney William Pray, Gdn. A/L Kevin E. Reardon Michael J. Waite	Leavenworth
60,500	Kenneth N. Claphan, Appellant, v. Cessna Aircraft Co. and Hartford Accident & Indemnity Co., Appellees, and Workers' Compensation Fund.	Tom E. Hammond David Shriver	Reno
60,483	State of Kansas, Appellee, v. Randall R. Gilbert, Appellant.	Herman A. Loepp, County Attorney Attorney General Frederick M. Jantz	Anderson
59,871	State of Kansas, Appellee, v. Gregory E. Smith, Appellant.	Linda Trigg, County Attorney Attorney General Benjamin C. Wood	Seward

(continued)

60,413	State of Kansas, Appellee,	Debra Barnett and Geary Gorup, Assistant District Attorneys Attorney General	Sedgwick
	v. Robert L. Norris.	Clay Cox	
60,581	State of Kansas, Appellee,	John McNish, County Attorney Attorney General	Dickinson
	v. James C. Hoffman, Appellant.	Benjamin C. Wood	
(60,353) (60,354)	State of Kansas, Appellee,	Geary Gorup, Assistant District Attorney Attorney General	Sedgwick
	v. Van P. Hines, Appellant.	Benjamin C. Wood Steven R. Zinn	
60,498	State of Kansas, Appellee,	Geary Gorup, Assistant District Attorney Attorney General	Sedgwick
	v. Ray L. Brown, Appellant.	Benjamin C. Wood	

**Kansas Court of Appeals
Court of Appeals Courtroom, 2nd Floor, Judicial Center
301 W. 10th, Topeka, Kansas
Before Rees, P.J., Six and Larson, JJ.**

Tuesday, December 8, 1987

9:00 a.m.

Case No.	Case Name	Attorneys	County
60,506	Dean A. Grienke, Appellee,	Hugh R. McCullough	Shawnee
	v. Homer D. Fickel, Homestead Land Title Co., Board of County Commissioners, John Bukovatz, and Roger Bukovatz, Appellants.	Homer D. Fickel, <i>pro se</i> Clinton C. Marker Charles Briscoe	
60,445	NEA-Topeka, Appellant,	David M. Schauner	Shawnee
	v. Department of Human Resources and U.S.D. 501, Shawnee County.	Karl Cozad William G. Haynes	
60,074	Gary Sage, Appellant,	Courtland E. Berry	Lyon
	v. Linda K. Glaze, Appellee.	Thomas E. Wright	

December 7-8, 1987

Summary Docket—No Oral Arguments

Case No.	Case Name	Attorneys	County
60,469	State of Kansas, Appellee,	Ken Smith, Assistant District Attorney Gene Olander, District Attorney Attorney General	Shawnee
	v. Marvina Lee Love, Appellant.	Benjamin C. Wood Rosanne Piatt	
60,382	State of Kansas, Appellee,	Barry Clark, Assistant County Attorney Steven L. Opat, County Attorney Attorney General	Geary
	v. Joseph Smith, Appellant.	Benjamin C. Wood Steven R. Zinn	

60,323	State of Kansas, Appellee, v. Pauline Mondock, Appellant.	Steven L. Opat, County Attorney Attorney General	Geary
(60,711) (60,712)	State of Kansas, Appellee, v. Kevin L. Goodwin, Appellant.	Lucille Marino Benjamin C. Wood	Sedgwick
60,279	State of Kansas, Appellee, v. Raymond Feldhut, Appellant.	Clarence D. Holeman and Geary Gorup, Assistant District Attorneys Attorney General	Coffey
60,970	John Davis, Appellant, v. Steve and Sue Cline, Appellees.	Benjamin C. Wood Steve Boyce, County Attorney Attorney General	Reno
60,541	Dexter Clardy, Appellant, v. State of Kansas, Appellee.	Mel Howell Thomas D. Arnhold	Geary
60,526	In the Matter of J.D.N.	Benjamin C. Wood Lucille Marino	Sedgwick
60,368	William Earnest, Appellant, v. Witco Chemical Co. and INA Insurance Co. and Workers' Compensation Fund, Appellees.	Steven Opat, County Attorney Attorney General Geary Gorup, Assistant District Attorney Debra Barnett, Assistant District Attorney Attorney General Roger C. Skinner	Sedgwick
		Patrick L. Dougherty	Sedgwick
		Larry Shoaf John Nodgaard	

Kansas Court of Appeals
Court of Appeals Courtroom, 2nd Floor, Judicial Center
301 W. 10th, Topeka, Kansas
Before Davis, P.J.; Brazil and Elliott, JJ.

Tuesday, December 8, 1987
1:30 p.m.

Case No.	Case Name	Attorneys	County
59,996	Falgers, Inc., Appellee, v. Patricia J. Carpenter, dba Camelot Interiors, Appellant.	Michael L. Clutter Paul D. Post	Shawnee
60,682	Pauline Burch, Appellant, v. University of Kansas; Kansas Board of Regents and State of Kansas, Appellees.	Kevin L. Diehl Mary Prewitt	Shawnee
60,733	David A. Hiltgen, Appellant, v. Bishopgate Insurance Co., Ltd., Appellee.	Robert E. Keeshan Franklin Hummer	Shawnee

(continued)

December 7-8, 1987

Summary Docket—No Oral Arguments

Case No.	Case Name	Attorneys	County
60,103	Timmy Cleveland, Appellant, v. Robert D. Hannigan, Appellee.	Thomas A. Dower Robert A. Fox, County Attorney Attorney General	Reno
60,539	State of Kansas, Appellee, v. Steven C. Thompson, Appellant.	James J. Welch, Assistant District Attorney Gene Olander, District Attorney Attorney General Benjamin C. Wood Carol R. Gilham	Shawnee
60,293	State of Kansas, Appellee, v. James D. Buening, Appellant.	Daniel Love, County Attorney Attorney General Benjamin C. Wood	Ford
60,331	State of Kansas, Appellee, v. Jerry O. Bell, Appellant.	Paul Morrison, Assistant District Attorney Attorney General Benjamin C. Wood Steven R. Zinn	Johnson
60,283	State of Kansas, Appellee, v. Brian Keith Williams, Appellant.	Tim Chambers, County Attorney Benjamin C. Wood Steven R. Zinn	Reno
60,188	City of Wichita, Appellee, v. Glenn L. Green, Appellant.	Dana J. Winkler Dennis L. Phelps	Sedgwick
60,548	State of Kansas, Appellee, v. Booker T. Robinson, Appellant.	Steven Opat, County Attorney Attorney General Benjamin C. Wood Jessica R. Kunen	Geary
60,564	Don B. Noble, Appellant, v. State of Kansas, Appellee.	Rosanne Piatt Benjamin C. Wood Ann Smith, Assistant County Attorney Attorney General	Montgomery
60,867	Weldon White, Claimant, v. Essex Group, Inc., and Liberty Mutual Insurance Co., Appellees, and Workers' Compensation Fund, Appellant.	Jerry Ward Brock R. McPherson	Barton

LEWIS C. CARTER
Clerk of the Appellate Courts

Doc. No. 006008

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES**

NOTICE TO BIDDERS

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

MONDAY, DECEMBER 14, 1987

#27043-Supplement

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

#27399

University of Kansas Medical Center—ANTIBIOTIC ANALYZER SUPPLIES

#27450

Kansas State University—DRY CLEANING SERVICES

#27736

Department of Human Resources—JANITORIAL SERVICES

#71969

Wichita State University—FILTER FOR COOLING TOWER

#71982

Fort Hays State University—AT&T SYSTEM AND PERIPHERALS

#72010

Department of Administration, Division of Information Systems and Communications—UNISYS FIELD EQUIPMENT AND SYSTEM UPGRADE

TUESDAY, DECEMBER 15, 1987

#A-4880(b)

Department of Administration, Division of Printing—PROVIDE ITEMS OF MECH'L SYSTEMS MODIFICATION, State Printing Plant Facility

#27500

Statewide—COFFEE AND TEA

#27737

Statewide—MICROFILM SUPPLIES

#71988

Department of Social and Rehabilitation Services—VENDING MACHINES, Kansas City

#71989

State Reception and Diagnostic Center and Kansas State Penitentiary—TOBACCO, Topeka and Lansing

WEDNESDAY, DECEMBER 16, 1987

#72005

Department of Wildlife and Parks and Kansas State Grain Inspection Department—TRUCKS, various locations

#72011

Department of Wildlife and Parks—TRACTOR, Lecompton

#72012

Department of Transportation—COLD ASPHALTIC CONCRETE MIX, various locations

FRIDAY, DECEMBER 18, 1987

#A-4821(d)

Kansas State University—CHEMICAL STORAGE BUILDING, CHEMISTRY/BIO-CHEMISTRY BUILDING

#A-4821(e)

Kansas State University—HEAT RECOVERY SYSTEM FOR CHEMISTRY/BIO-CHEMISTRY BUILDING

#A-4821(f)

Kansas State University—FIX EQUIPMENT AND RELATED WORK FOR PORTIONS OF CHEMISTRY/BIO-CHEMISTRY BUILDING

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 006015

State of Kansas

DEPARTMENT OF HUMAN RESOURCES

TEMPORARY ADMINISTRATIVE REGULATIONS

Article 49.—FEE SCHEDULE FOR BOILER INSPECTIONS

49-49-1. (a) Inspection fees:

(1) Power boilers and high pressure, high temperature water boilers:

Mini-boilers	\$22.00
Boilers of 50 sq. ft. of heating surface or less	\$40.00
Boilers over 50 sq. ft. of heating surface and less than 4,000 sq. ft. of heating surface	\$45.00
Boilers of 4,000 sq. ft. of heating surface or more and less than 10,000 sq. ft. of heating surface	\$50.00
Boilers of 10,000 sq. ft. of heating surface or more ..	\$60.00

(2) Heating Boilers:

Heating boilers without a manhole	\$19.00
Heating boilers with a manhole	\$22.00
Hot water supply boilers	\$17.00

(3) External inspections: (Power Boilers)

Boilers of 50 sq. ft. of heating surface or less	\$17.00
Boilers over 50 sq. ft. of heating surface	\$20.00

(4) Hydrostatic tests. When it is necessary to make a special trip to witness the application of a hydrostatic test, an additional fee based on the scale of fees applicable to a certificate inspection of the boiler shall be charged.

(5) All other inspections, including shop inspections, shop reviews, special inspections and inspections of secondhand or used boilers, when made by the chief or deputy inspector shall be charged a fee of \$250.00 per day, plus all expenses, including travel and hotel expenses. Any inspection that requires less than ½ day to complete shall be charged not less than \$125.00, plus expenses.

(b) Certificate fee. The certificate fee shall be \$17.00. (Authorized by K.S.A. 1986 Supp. 44-916; implementing K.S.A. 1986 Supp. 44-926; effective, T-83-41, Nov. 23, 1982; effective May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended, T-88-41, Oct. 27, 1987.)

DENNIS R. TAYLOR
Secretary of Human Resources

Doc. No. 006010

State of Kansas

KANSAS INSURANCE DEPARTMENT

TEMPORARY ADMINISTRATIVE
REGULATIONS

Article 2.—LIFE INSURANCE

40-2-22. Life insurance companies; deposits; requirements. (a) For purposes of this regulation, these terms shall have the following meanings:

(1) "Custodial account" means an account established by written agreement between a company and a custodian pursuant to K.S.A. 40-404(e).

(2) "Custodial agreement" means a written agreement entered into between a company and a custodian pursuant to K.S.A. 40-404(e).

(3) "Custodian" means an institution meeting the requirements of subsection (f) of this regulation that has entered into a custodial agreement with a company.

(4) "Securities" means all assets that may be used to satisfy the deposit requirements of K.S.A. 40-404, including mortgages, certificates of purchase, cash, securities of the kind or character in which the company is allowed to invest its funds, and investment income due and accrued on custodied securities that are not in default; provided that "securities" shall not include real estate, other than the company's interest as a mortgage or secured party.

(5) "Custodied securities" means securities held by the custodian or held for the account of the custodian in an authorized clearing corporation, in the federal reserve bank book-entry system, or in a United States bank authorized by section (b) of this regulation.

(b) Pursuant to the provisions of K.S.A. 40-404(e)(2) the custodian bank may, if otherwise authorized by the laws of this state, utilize the services of another United States bank to physically hold custodied securities, and to prepare any reports required by the custodial agreement, on behalf of the custodian. The custodian bank shall remain responsible for the safekeeping of all custodied securities, the submission of any reports required by this regulation and compliance with all other requirements imposed by K.S.A. 40-404 as amended and this regulation.

(c) The custodial agreement shall be in writing and shall provide that:

(1) The custodial account shall be titled so as to indicate that the custodied securities are held in trust for the use and benefit of the company;

(2) securities held in a fungible bulk by the custodian for more than one owner and securities held for the account of the custodian in an authorized clearing corporation, in the federal reserve bank book-entry system or in a United States bank authorized by section (b) of this regulation shall be separately identified on the custodian's official records as being owned by the company;

(3) the custodian's records shall identify which custodied securities are in an authorized clearing corporation, the federal reserve bank book-entry system, or a United States bank authorized by section (b) of this regulation;

(4) if the securities are held in an authorized clearing corporation or in a United States bank authorized by section (b) of this regulation the custodian's records shall also identify the name of the clearing corporation or United States bank, the location of the securities, and, if held through an agent, the name of the agent;

(5) all custodied securities that are registered must be registered in the name of the company, in the name of a nominee of the company, in the name of the custodian or its nominee, or, if held in an authorized clearing corporation, in the name of the clearing corporation or its nominee as provided in K.S.A. 40-2b20;

(6) during the course of the custodian's regular business hours, the commissioner or the commissioner's representative and authorized employees and representatives of the company shall be entitled to examine on the premises of the custodian the custodian's records relating to custodied securities of the company;

(7) the custodian and its agents shall annually submit to the commissioner the opinion of an independent auditor specifically addressing the respective systems of internal account control and recordkeeping of the custodian and its agents;

(8) the custodian is obligated to indemnify the company for any loss of custodied securities unless such loss is caused by war or insurrection;

(9) in the event there is a loss of securities as to which the custodian is obligated to indemnify the company, the custodian shall promptly replace the same, or the value thereof, and the value of any loss of rights or privileges resulting from the loss of securities; and the custodian shall make available to the company for inspection any and all securities so replaced;

(10) the custodial agreement and all amendments to it shall be submitted by the company to the commissioner for the commissioner's review and approval prior to execution. The custodial agreement and all amendments thereto shall be deemed approved unless disapproved by the commissioner within 30 days of the date the agreement and any amendments are received by the commissioner. The custodial agreement may be terminated only with the prior approval of the commissioner;

(11) in no event shall the custodian allow the company to withdraw or exchange securities that would at any time reduce the aggregate value of the securities held by the custodian in the company's custodial account to a value less than the minimum aggregate value of securities currently in effect, as determined under subsection (e) of this regulation. The aggregate value of securities on deposit with the custodian shall be determined by utilizing the same procedure for valuing securities as that used by the commissioner for valuing other deposits made pursuant to K.S.A. 40-404. The custodian may effect transfer of securities that would reduce the aggregate value of the securities held by the custodian in the company's custodial account to a value less than the minimum aggregate value of securities currently in effect if such securities or their proceeds are immediately transferred directly by the custodian to the commissioner for deposit pur-

suant to K.S.A. 40-404(a) and the commissioner authorizes the transfer in writing;

(12) the custodian shall, within 30 days after the last day of each month, provide evidence to the commissioner in a form acceptable to the commissioner that the aggregate value of securities held by the custodian for the company as of the last day of the prior month was at least equal to the minimum aggregate value of securities effective as of such date, as determined under subsection (e) of this regulation. This evidence shall include the following information to the extent relevant to each type of security;

- (A) The balance in any cash account;
- (B) name of issuer;
- (C) description of security;
- (D) number of shares;
- (E) face value;
- (F) form of ownership registration;
- (G) location of the security;
- (H) original cost;
- (I) current market; and
- (J) unpaid balance.

If the custodian fails to provide this evidence or the commissioner has reason to believe that the custodian may be insolvent or that the custodian's financial condition endangers the custodied securities, the commissioner may acquire custody or otherwise assume control of the custodied securities, and may order registration, delivery, or other disposition as the commissioner deems appropriate under the circumstances; and

(13) the commissioner or his duly authorized assistant commissioner or representatives may at any time inspect the securities held under a custodial agreement.

(d) The custodial agreement may contain additional provisions which are not in conflict with this regulation.

(e) The minimum aggregate value of securities shall be stated in the original custodial agreement referred to in section (c) of this regulation but may be changed from time to time with the written consent of the commissioner. The company may from time to time deposit securities in, withdraw securities from, or exchange securities in the custodial account, subject to the provisions of paragraph (c)(11) of this regulation.

(f) (1) To qualify as a custodian pursuant to L. 1987, Ch. 162, Sec. 1 and this regulation, an institution shall meet all of the following conditions:

- (A) It shall be a bank domiciled and having its principal place of business in Kansas;
 - (B) it shall possess a combined capital and surplus which at all times equals or exceeds \$500,000;
 - (C) it shall maintain blanket bond coverage relating to the custodied securities with limits satisfactory to the commissioner; and
 - (D) it shall be audited at least annually by a certified public accountant and shall agree to provide a copy of the audit report together with related financial statements, opinions on internal controls and any criticisms or suggestions made by the auditor relating to the custodied securities to the commissioner.
- (2) Upon notice and hearing, the commissioner may

terminate the acceptance of deposits made with any custodian not in compliance with the requirements of this regulation. (Authorized by K.S.A. 40-103, 40-404(e)(4) as amended by L. 1987, Ch. 162, Sec. 1; implementing K.S.A. 40-404(e) as amended by L. 1987, Ch. 162, Sec. 1; effective, T-88-44, Oct. 27, 1987.)

FLETCHER BELL
Commissioner of Insurance

Doc. No. 006011

State of Kansas

SOCIAL AND REHABILITATION SERVICES

TEMPORARY ADMINISTRATIVE REGULATIONS

Article 22.—LICENSING OF PSYCHIATRIC HOSPITALS AND COMMUNITY MENTAL HEALTH CENTERS; FUNDING OF COMMUNITY MENTAL HEALTH CENTERS AND FACILITIES FOR THE MENTALLY RETARDED AND FACILITIES FOR HANDICAPPED PERSONS

30-22-30. Application for state financing of community mental health centers. (a) Community mental health centers may apply for state financing under L. 1987, Ch. 249, Sections 1 through 12 by submitting an annual budget request to the secretary of social and rehabilitation services.

(b) Budget requests shall be submitted to the secretary by July 1 of each year unless a delay is granted in writing.

(c) Budgets shall be submitted on forms and according to instructions prescribed by the secretary.

(d) When an existing program is adequately serving a geographic area, a duplicate program shall not be requested in the budget of a center. Reasonable efforts shall be made to make the existing service available to all citizens in the area through contractual agreement with the provider of the existing service, if necessary.

(e) When a new program is to be implemented by a center, the center must notify the secretary 45 days in advance of program initiation in order to receive approval as a non-duplicate program in the center catchment area. In determining whether a new program duplicates an existing program, the secretary will consider pre-existing programs in the center catchment area and the availability of the pre-existing programs to all groups of catchment area citizens.

(f) As soon as state appropriation bills are signed into law, the amount available for each center that has submitted a budget shall be determined by the secretary. The amount shall be equal to the amount that the center's average grant would have been under the Kansas community mental health assistance act for the fiscal years ending on June 30, 1986, June 30, 1987, and June 30, 1988, if such act had not been repealed and if appropriations for the fiscal year ending June

(continued)

30, 1988 to finance grants under such act had remained constant from the previous fiscal year plus each mental health center's pro rata share of any increase in moneys, including any inflation adjustments, appropriated for such purpose. The amounts so determined shall be paid to the centers in four payments on July 1, October 1, January 1 and April 1.

(g) Each center shall submit a quarterly report within 30 working days after the end of each calendar quarter. The report shall be on forms and in such detail as prescribed by the secretary.

(h) Each center shall file a copy of its annual audit report that has been certified by an independent auditor.

(i) Underpayments, overpayments or payments exceeding the maximum allowed by statute shall be subtracted from or added to the payment made on April 1.

(j) The secretary may withdraw funds from any center for one or more of the following reasons:

(1) not being substantially administered according to the annual budget;

(2) loss of license granted in accordance with the provisions of K.S.A. 75-3307b and amendments thereto; or

(3) net loss in a new program which did not receive approval by the secretary and which is found to be a duplicate program within the center catchment area. The secretary shall verify the amount of income and disbursements related to such programs in determining any net loss with audits conducted by auditors of the department of social and rehabilitation services. The amount withdrawn will be equal to the net loss of the program determined after each 12 months of operation.

(k) The secretary may withhold payments from a center or facility for one or more of the following reasons:

(1) Failure to submit required reports;

(2) unreasonable delay in the submission of required reports; or

(3) other good cause.

(l) Quarterly payments described in subsection (e) will be made to a new or realigned community mental health center catchment area only after each new or realigned catchment area has been approved in accordance with K.A.R. 30-22-13 and 30-22-14. The financial plan required in K.A.R. 30-22-13(c)(6) shall include a new or revised budget as required in subsection (c).

(m) Special purpose grants may be awarded by the secretary if appropriated by the legislature for that purpose. The secretary shall consider legislative intent and identified local needs in awarding such grants. (Authorized by L. 1987, Ch. 249, Sec. 12; implementing L. 1987, Ch. 249, Sections 1 through 11; effective May 1, 1987; amended T-88-42, Oct. 27, 1987.)

WINSTON BARTON
Secretary of Social and
Rehabilitation Services

State of Kansas

DEPARTMENT OF REVENUE DIVISION OF ALCOHOLIC BEVERAGE CONTROL

NOTICE OF HEARING ON PROPOSED ADMINISTRATIVE REGULATIONS

A public hearing will be conducted at 9 a.m. Thursday, December 17, at the Alcoholic Beverage Control office, Jayhawk Tower, 700 Jackson, Topeka, to consider the adoption of proposed changes in existing regulations and proposed regulations of the Alcoholic Beverage Control Division of the Department of Revenue.

All interested parties may submit written comments prior to the hearing to Tom Hanna, Director, Alcoholic Beverage Control Division, Kansas Department of Revenue, Topeka 66625-1284. 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.

Following the hearing, all written and oral comments submitted by interested parties will be considered by the director of the Alcoholic Beverage Control Division and the Secretary of Revenue as a basis for making changes to these proposed regulations.

Copies of the proposed regulations and fiscal impact statement may be obtained by contacting the Alcoholic Beverage Control Division, Kansas Department of Revenue, (913) 296-3946.

A summary of the regulations follows:

Article 4.—MANUFACTURERS; DISTRIBUTORS; NONBEVERAGE USERS

14-4-1, 14-4-2, 14-4-3, 14-4-4, 14-4-5, 14-4-6, 14-4-7, 14-4-8, 14-4-9, 14-4-10, 14-4-11, 14-4-11a, 14-4-12, 14-4-13, 14-4-14, 14-4-15, 14-4-16, 14-4-18, 14-4-19, 14-4-20, 14-4-21, 14-4-22, 14-4-23, 14-4-25, 14-4-26, 14-4-27, 14-4-28. Revoked.

Article 10.—TRADE PRACTICES

14-10-1, 14-10-2, 14-10-3, 14-10-4. Revoked.

14-10-5. **Definitions.** Defines the following terms: caterer, club, director, distributor, drinking establishment, industry member, manufacturer, person, retailer, supplier and salesperson.

14-10-6. **General.** Industry members are prohibited from inducing the purchases of a retailer, club, drinking establishment or caterer, subject to exceptions provided in this article.

14-10-7. **Indirect inducement through third party arrangements.** Defines the indirect furnishing of an item of value within the meaning of this article.

14-10-8. **Sale of equipment, supplies or services.** Defines sale of equipment. Permits an industry member to sell glassware, carbon dioxide gas or ice, and coil cleaning services to a retailer, club, drinking establishment or caterer.

14-10-9. **Assistance in acquiring license.** Prohibits an industry member to assist a retailer, club, drinking establishment or caterer in the acquisition of a license.

14-10-10. **Advertising signs, cooperative advertis-**

ing, trade journals. Describes restrictions pertaining to cooperative advertising between industry members and retailers, clubs, drinking establishments or caterers. Permits certain inside signs and specific forms of advertising by retailers, clubs, drinking establishments and caterers in conjunction with industry members.

14-10-11. Item intended for consumers and promotions. Permits the furnishing of coupons by an industry member to consumers which are redeemable to a retail establishment. Permits contest prizes, premium offers, refunds, and like items to be offered by industry members directly to consumers.

14-10-12. Record keeping requirements. Requires industry members to maintain records on the permit premises for a three year period. Provides information which shall be shown on the records.

14-10-13. Cost adjustment factor. Provides for a cost adjustment factor to be used to periodically update dollar limitations.

14-10-14. Product displays. Permits an industry member to provide product displays to retailers, clubs, drinking establishments or caterers under certain conditions and limitations.

14-10-15. Retailer advertising specialties. Permits an industry member to provide certain advertising specialties to retailers, clubs, drinking establishments or caterers subject to limitations.

14-10-16. Participation in retailer association activities. Permits an industry member to participate in retailer, club, drinking establishment or caterer association activities.

14-10-17. Defective liquor containers; repurchase by distributor, when allowed. Provides criteria for buy back of any item of alcoholic liquor or cereal malt beverage.

K.A.R. 14-10-5 through 14-10-9 should have minimal fiscal impact.

K.A.R. 14-10-10 would require the industry member to bear any costs of acquiring, storing, or transporting inside signs, depending on the industry member's desire to pass along costs to the retailer. These costs should be minimal compared with that of the larger product displays. Potential problems could arise in determining whether a sign has value above its advertising potential, but enforcement costs should be minimal. Since no cost limitations are applied to advertising specialties, an industry member would be free to distribute such items in any amount desired. An industry member with a large advertising budget would appear to have an advantage in this case. Costs to the division would be minimal.

K.A.R. 14-10-11 should have minimal fiscal impact.

K.A.R. 14-10-12 would require the industry member to incur some expense in maintaining and storing the required records. Costs to the division would be determined by the level of enforcement (i.e. auditing) applied to the records maintained by the industry member and could be quite high if strictly enforced.

K.A.R. 14-10-13 should have minimal fiscal impact.

K.A.R. 14-10-14 could have a tremendous fiscal impact on an industry member, and depending on the industry member's desire to pass any or all costs along

to the retailer, a proportional impact on the retailer. A supplier or distributor who handles multiple brands and has access to large point of sale budgets would be able to place thousands of dollars worth of product displays in each retail establishment they choose. This represents a potential advantage for such a supplier or distributor in marketing their products over a smaller competitor who does not have equal funds available. Additional expense may be incurred by the industry member in transporting and storing product displays, although these costs are not included in establishing the value of the display. Strict enforcement of the dollar limitations would be extremely costly, if not nearly impossible due to the large numbers of retailers who could make use of the displays offered.

K.A.R. 14-10-15 could have a tremendous fiscal impact on an industry member, and depending on the industry member's desire to pass any or all costs along to the retailer, a proportional impact on the retailer. A supplier or distributor who handles multiple brands and has access to large point of sale budgets would be able to place hundreds of dollars worth of advertising specialty items in each retail establishment they choose. This represents a potential advantage for such a supplier or distributor in marketing their products over a smaller competitor who does not have equal funds available. Additional expense may be incurred by the industry member in transporting and storing advertising specialty items, although these costs are not included in establishing the value of the items. It should be pointed out that the handling of advertising specialties is slightly more restricted than that of product displays by the addition of the "per calendar year" restriction on dollar amounts. Strict enforcement of the dollar limitations would be extremely costly, if not nearly impossible, due to the large numbers of retailers who could make use of the items offered.

K.A.R. 14-10-16 should have minimal fiscal impact.

K.A.R. 14-10-17 should have minimal fiscal impact.

Article 14.—MANUFACTURERS; DISTRIBUTORS; NONBEVERAGE USERS; FARM WINERIES; MICROBREWERIES

14-14-1. Definitions. Defines the following terms: alcoholic liquor, beer, beer distributor, beneficial interest, bulk wine, caterer, cereal malt beverage, church, club, director, distributor, drinking establishment, licensed premises, manufacturer, morals charge, person, retailer, spirits, spirits distributor, supplier, wine and wine distributor.

14-14-2. Application for manufacturer's, distributor's, nonbeverage user's, farm winery's and microbrewery's license, contents, conditions and restrictions on issuance of license. Describes the procedure and appropriate documents deemed necessary by the director to apply for a license and describes restrictions that apply to the licensed premises.

14-14-3. Application for renewal of license, short method. Permits licensee to renew existing license by certified statement that acknowledges accuracy of information contained in the most recent complete application.

(continued)

14-14-4. Corporate licensees, change of ownership, updating application, certification that new owner qualified. Requires a report to the director when any transfer of the stock of a corporation holding a manufacturer's license results in any person holding 25 percent of the outstanding stock of the corporation.

14-14-5. Franchises. Permits franchise agreement for an indefinite period and prohibits franchise discrimination. Requires a summary of any franchise agreement to be filed with the director. Requires description of franchise territory.

14-14-6. Industry seminars. Permits manufacturers and distributors to hold seminars with authorization from the director.

14-14-7. Sales and transfers of alcoholic liquor by distributors authorized; export permits. Permits a distributor to sell any alcoholic liquor to a distributor, retailer, or military installation; and, to sell bulk wine to a club, drinking establishment or caterer. Provides for the issuing of export permits by the director for shipping of merchandise back to manufacturers.

14-14-8. Distributor's records required, reports required; filing of affidavits. Requires distributors to provide monthly reports of all alcoholic liquor bought and sold during the preceding calendar month and to maintain on the licensed premises records of all alcoholic liquor bought and sold, receipts, expenditures, invoices and sales tickets for a period of three years.

14-14-9. Nonbeverage user licensees records required. Requires nonbeverage users to maintain records of all alcoholic liquor purchased for a period of three years.

14-14-10. Manufacturer's records required, reports required; filing of affidavits. Requires each supplier of alcoholic liquor to keep records of all alcoholic liquor or wine sold by the licensee for a period of three years.

14-14-11. Prohibited conduct of licensees. Describes specific forms of conduct that are prohibited by licensees.

K.A.R. 14-14-1 through 14-14-11 should have minimal fiscal impact.

TOM HANNA
Director, Division of
Alcoholic Beverage Control

Doc. No. 006023

State of Kansas

STATE CORPORATION COMMISSION

NOTICE OF MOTOR CARRIER HEARINGS

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

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

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 4th Floor, Docking State Office Building,

Topeka 66612, (913) 296-3808 or 296-2110.

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

Applications set for December 15, 1987

Application for Extension of Certificate of Convenience and Necessity:

Valley Equipment, Inc.) Docket No. 155,888 M
725 Houston St.)
Manhattan, KS 66502) MC ID No. 114602
Applicant's Attorney: Howard Fick, 302 Union
National Bank Tower, Manhattan, KS 66502

Houses, buildings and manufactured housing units (mobile homes, buildings, trailers and campers), heavy and cumbersome commodities, oilfield equipment, materials and supplies and machinery,

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

Also,

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

Application for Certificate of Convenience and Necessity:

Barry Curry, dba) Docket No. 158,353 M
Curry's Body Shop)
206 N. 6th)
Osborne, KS 67473)

Applicant's Attorney: Robert Bloomer, 202 W. Main,
P.O. Box 386, Osborne, KS 67473

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

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

T. J. Crumby, dba) Docket No. 158,354 M
Crumby's Auto Salvage)
901 Cheyenne)
Kansas City, KS 66105)

Applicant's Attorney: None

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

Between all points and places in Wyandotte, Johnson, Linn, Leavenworth, Bourbon, Miami, Crawford and Franklin counties, Kansas.

Application for Certificate of Convenience and Necessity:

Jerry Dunbar, dba) Docket No. 158,351 M
Kansas Process &)
Investigations)
320 S. Laura)
Wichita, KS 67211)

Applicant's Attorney: William Mitchell, 119 W. Sherman, P.O. Box 604, Hutchinson, KS 67504-0604

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

Between points and places in Sedgwick, Reno, Sumner, Harvey, Cowley, Rice, Saline, McPherson, Butler, Pratt and Stafford counties, Kansas.

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

Renoticed Application for Certificate of Convenience and Necessity:

Robert D. Duran and) Docket No. 157,513 M
Richard Duran, dba)
Golden Eagle Trucking)
Box 525)
Johnson, KS 67855)

Applicant's Attorney: None

Grain and dry feed,

Between all points and places west of U.S. 283 and south of K-96, on the one hand, and all points and places in the state of Kansas, on the other.

Application for Certificate of Convenience and Necessity:

Greg Hughes, dba) Docket No. 158,352 M
Hughes Trucking)
Route 3, Box 78A)
Harper, KS 67058)

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

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

Between points in Reno, Pratt, Kingman, Sedgwick, Barber, Harper, Sumner and Cowley counties, Kansas, on the one hand, and on the other, all points and places in Kansas.

Application for Certificate of Convenience and Necessity:

Jerry L. Mason, dba) Docket No. 158,350 M
Mason Trucking)
4800 N. Hillcrest)
Wichita, KS 67220)

Applicant's Attorney: Brad Murphree, 400 N. Woodlawn, Suite 1, Wichita, KS 67208

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

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

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

Applications set for December 17, 1987

Application for Contract Carrier Permit:

VPSI, Inc.) Docket No. 158,355 M
600 Broadway)
Kansas City, MO 64105)

Applicant's Attorney: None

Passengers,

Between all points and places in the state of Kansas. Under contract with Mid-America Regional Council (MARC), of Kansas City, Missouri.

Application for Certificate of Convenience and Necessity:

Dane E. Stieben, dba) Docket No. 158,357 M
S Xpress)
Route 1, Lot 12)
Cottonwood Village)
Quinter, KS 67752)

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

Grain, dry feed, dry feed ingredients, salt, seeds, dry fertilizer, fencing materials, construction and building materials, machinery, iron and steel articles and junk,

Between points and places in Smith, Phillips, Norton, Decatur, Rawlins, Cheyenne, Sherman, Thomas, Sheridan, Graham, Rooks, Osborne, Russell, Ellis, Trego, Gove, Logan, Wallace, Greeley, Wichita, Scott, Lane, Ness, Rush, Barton, Stafford, Pawnee, Edwards, Hodgeman, Ford, Gray, Finney, Haskell, Grant, Kearny, Hamilton, Stanton, Morton, Stevens, Seward, Meade, Clark, Kiowa, Comanche, Pratt, Barber, Reno, Sedgwick, Cowley, Shawnee, Saline, Wyandotte, Jewell, Mitchell, Lincoln, Ellsworth, Rice, Kingman and Harper counties, Kansas.

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

ALFONZO A. MAXWELL
Administrator
Transportation Division

Doc. No. 006018

State of Kansas

STATE CORPORATION COMMISSION

NOTICE OF HEARING

The State Corporation Commission has issued an order to show cause to the parties listed below with regard to why the requisite care and control has not been exercised with respect to certain leased property as follows:

—Williams Burns and Ann R. Raccuglia—Property in Franklin County described as the South Half (S/2) of Section 22, Township 17 South, Range 17 East.

—Foxfire Petroleum Corporation, Mark Leftwich, the Production Team, and Stephen D. Davies—Property in Montgomery County described as the West Half (W/2) of Section 25, Township 32 South, Range 16 East.

—Britt Lewis, dba Lewis Drilling, and Van Michael, dba Michael Drilling Company—Property in Neosho County described as the East Half (E/2) Northeast Quarter (NE/4) of Section 07, Township 27 South, Range 20 East.

The matters are set for hearing at 9 a.m. Thursday, December 17, in the hearing room of the Conservation Division, State Corporation Commission, 300 Colorado Derby Building, 202 W. 1st, Wichita. Questions may be directed to James E. Browne, Assistant General Counsel, at (316) 263-3238.

JAMES E. BROWNE
Assistant General Counsel

Doc. No. 006024

State of Kansas

ATTORNEY GENERAL

Opinion No. 87-160A

Corporations—Agricultural Corporations—Prohibition Against Certain Corporations Owning Agricultural Land. Christopher Y. Meek, Cherokee County Attorney, Columbus, November 23, 1987.

A hog raising operation in which a corporation contracts with a farmer to raise hogs to a slaughter weight and the animals are taken to slaughter comes within K.S.A. 1986 Supp. 17-5904(a) (8), the feedlot exception to the proscription against a corporation directly or indirectly owning, acquiring or otherwise obtaining or leasing any agricultural land. Cited herein: K.S.A. 1986 Supp. 17-5903; 17-5904; K.S.A. 47-1502 *et seq.* GE

Opinion No. 87-163

Taxation—Aggregate Tax Levy Limitations—Reappraisal. Representative Ed C. Rolfs, 65th District, Junction City, November 23, 1987.

Assuming that 1989 is the first year reappraised valuations are used as a basis for the levy of taxes, a taxing subdivision to which K.S.A. 1986 Supp. 79-5021 *et seq.* applies will be limited in 1989 and years thereafter to an aggregate dollar amount not in excess of the actual amount which was levied by such taxing

subdivision in 1988. Taxing subdivisions may alter this limitation pursuant to any one of several provisions. Cited herein: K.S.A. 1986 Supp. 79-5021; 79-5022; 79-5023; 79-5024; 79-5025; 79-5026; 79-5027; 79-5028; 79-5029; 79-5030; 79-5036; Kan. Const., Art. 11, Sec. 1 (1986 Supp.). JLM

Opinion No. 87-164

Counties and County Officers—Powers and Duties—Sale of County Property; Conveying Real Property for Use as Federal Prison Site.

Counties and County Officers—General Provisions—Home Rule Powers.

Cities and Municipalities—General Provisions—Corporate Powers; Home Rule of Local Affairs and Government. Patricia J. Jorns, Pratt City Attorney, and Gordon B. Stull, Pratt County Attorney, Pratt, November 23, 1987.

Pursuant to sovereign power and the Bureau of Prisons Act, 18 U.S.C.S. § 4001 *et seq.*, federal authorities may locate a federal correctional institution wherever the federal statutes authorize, provided constitutional procedures regarding takings are followed. A countywide election is not a required prerequisite to locating a federal correctional institute in the county, but a board of county commissioners may exercise home rule powers granted by K.S.A. 1986 Supp. 19-101a and hold an advisory election to determine public sentiment.

Pursuant to K.S.A. 12-101 *Second*, and K.S.A. 19-101 *Second*, county and city officials may purchase real estate for the beneficial use of the city or county if funds used for the purchase were levied for such purpose. Similarly, K.S.A. 12-101 *Third* and K.S.A. 19-101 *Third* allow the governing body of a city or county to convey real property provided the sale or disposal of the property is deemed conducive to the interests of the inhabitants of the city or county. K.S.A. 1986 Supp. 19-211 as amended limits the board of county commissioners' power to dispose of real property, but the 1985 amendment to this statute makes it non-uniformly applicable and therefore subject to home rule.

Pratt city or county officials may make a cash grant to the federal government provided such a grant serves a public purpose which benefits the inhabitants and the funds used for such a grant are not derived from levies or assessments made for other purposes. Cited herein: K.S.A. 12-101 *Second, Third*, 12-1201, 12-1740; 19-101 *Second, Third*; K.S.A. 1986 Supp. 19-101a; K.S.A. 19-101b, as amended by L. 1987, ch. 100, § 1; K.S.A. 1986 Supp. 19-211, as amended by L. 1987, ch. 96, § 1; 19-4101 *et seq.*, 18 U.S.C. § 4001 *et seq.*

Opinion No. 87-165

Mentally Ill, Incapacitated and Dependent Persons; Social Welfare—Durational Requirements. John Badger, Acting Chief Counsel, Kansas Department of Social and Rehabilitation Services, Topeka, November 23, 1987.

The state must show a compelling state interest to justify a durational residency requirement for participants of the general assistance program. If such an interest exists, it would justify the disparate treatment between those receiving ADC and those receiving GA benefits. Cited herein: K.S.A. 38-720; K.A.R. 30-4-34; 30-4-50; 30-4-70 through 75; 30-4-90; 45 C.F.R. § 223.40. MWS

Opinion No. 87-166

Counties and County Officers—Fire Protection—Fire District Organization; Disorganization or Alteration. David R. Heger, Miami County Attorney, Paola, November 23, 1987.

K.S.A. 1986 Supp. 19-3602 permits the creation of a fire district pursuant to the motion of the board of county commissioners or as provided in K.S.A. 19-3603. K.S.A. 19-3603 requires that a petition be signed by residents who want a new fire district. Unless proceeding solely under K.S.A. 1986 Supp. 19-3602, this procedure is mandatory, not permissive. It is not dependent upon nor extinguished by any previous petition requesting disorganization or alteration of an existing fire district under K.S.A. 1986 Supp. 19-3604. K.S.A. 19-3611 provides the means by which a fire protection benefit district or other special fire district may be included in or made a part of an existing fire district. It should not be used to disorganize or exclude property from an already existing fire district.

The required signatures on a petition requesting creation of a fire district are those of the residents of the county cumulatively owning more than 60 percent of the area of the lands situated within the boundaries of the proposed district, and not total landowners in the affected area. Cited herein: K.S.A. 1986 Supp. 19-3602; K.S.A. 19-3603; K.S.A. 1986 Supp. 19-3604; K.S.A. 19-3611. TMN

Opinion No. 87-167

Taxation—Aggregate Tax Levy Limitations—Public Library Levy. Duane F. Johnson, State Librarian, Topeka, November 23, 1987.

Public library levies are subject to the limitations imposed by K.S.A. 1986 Supp. 79-5022 regardless of whether the tax is levied for the library by a taxing subdivision which is required by law to do so. Cited herein: K.S.A. 1986 Supp. 79-5021; 79-5022; 79-5032. JLM

Opinion No. 87-168

Laws, Journals and Public Information—Records Open to Public—Registration of Attorneys. Lewis C. Carter, Clerk, Kansas Appellate Courts, Topeka, November 23, 1987.

The list of Kansas attorneys compiled by the Clerk of the Appellate Courts is a public record subject to disclosure under the Kansas Open Records Act. It is our opinion that the privacy exception to mandatory disclosure, K.S.A. 45-221(a)(30), gives the clerk discretion in this instance to delete attorneys' social security numbers from the information contained in the

list before releasing the list to the public. Cited herein: K.S.A. 1986 Supp. 21-3914; K.S.A. 45-216; 45-217; 45-220; K.S.A. 45-221, as amended by L. 1987, ch. 176, § 4; 52 U.S.C. § 552a note. RLN

Opinion No. 87-169

State Departments; Public Officers and Employees—Public Officers and Employees; Open Public Meetings—Executive Sessions; Personnel Matters; Independent Contractors. Robert J. Watson, City Attorney, Overland Park, November 23, 1987.

The "personnel matters" exception to the open meetings law, K.S.A. 75-4319(b) (1), pertains to employees of public agencies. Independent contractors hired by public bodies are not employees. Therefore, discussions concerning the qualifications of persons and firms in selecting independent contractors cannot take place in an executive session but must be held in an open meeting. Cited herein: K.S.A. 75-4317; K.S.A. 1986 Supp. 75-4318; K.S.A. 75-4319. RLN

Opinion No. 87-170

State Departments; Public Officers and Employees—Public Officers and Employees; Open Public Meetings—Attendance at Executive Sessions. Gene Porter, Barton County Attorney, Great Bend, November 23, 1987.

K.S.A. 19-304 does not require the county clerk to attend executive sessions of the board of county commissioners. Only the members of a public body have the right to attend executive sessions of that body. Cited herein: K.S.A. 19-304; 75-4317; K.S.A. 1986 Supp. 75-4318; K.S.A. 75-4319. RLN

ROBERT T. STEPHAN
Attorney General

Doc. No. 006025

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