

KANSAS REGISTER

State of Kansas

BILL GRAVES
Secretary of State

Vol. 7, No. 1

January 7, 1988

Pages 1-22

IN THIS ISSUE

	Page
State Grain Inspection Department	
Notice of Meeting	2
Kansas Water Authority	
Notice of Meeting	2
State Conservation Commission	
Notice of Meeting	2
Secretary of State	
Usury Rate for January	2
State Fair Board	
Notice of Meeting	3
State Board of Education	
Notice of Hearing on State Plan for Fiscal Year 1988 Summer Food Service Program	3
State Economic Opportunity Office	
Notice of Hearing Concerning Low Income Weatherization Assistance Program	3
Executive Appointments	3
State Employees Health Care Commission	
Notice of Meeting	4
University of Kansas	
Notice to Bidders	4
Kansas Public Disclosure Commission	
Advisory Opinion No. 87-25	4
State Planning Council on Developmental Disabilities Services	
Notice of Meeting	5
Notice to Bidders for State Purchases	5
Department of Transportation	
Notice to Contractors	6
Department of Health and Environment	
Notice Concerning Underground Injection Control Permit	7
Notice Concerning Kansas Water Pollution Control Permit	7
State Banking Board	
Notice of Meeting	8
Notice of Bond Sale	
City of Wichita	8
Department of Wildlife and Parks	
Public Notice	12
State Corporation Commission	
Notice of Motor Carrier Hearings	12
Temporary Administrative Regulations	
State Board of Healing Arts	15
Department of Commerce	17
State Board of Nursing	18
Secretary of State	21
Attorney General	
Opinions No. 87-185 through 87-188	21

State of Kansas

GRAIN INSPECTION DEPARTMENT**NOTICE OF MEETING**

The Kansas State Grain Inspection Department will conduct a quarterly Grain Advisory Board meeting at 9 a.m. Friday, January 15, in the conference room of the Grain Inspection Department, Suite 800, Jayhawk Tower, 700 Jackson, Topeka. The meeting is open to the public.

T. D. WILSON
Director

Doc. No. 006084

State of Kansas

STATE CONSERVATION COMMISSION**NOTICE OF MEETING**

The State Conservation Commission will meet at 8:30 a.m. Tuesday, January 12, in Conference Room 300A, 109 S.W. 9th, Topeka.

Persons not on the commission's mailing list may request a copy of the agenda by contacting Yolanda Pardee, Room 300, 109 S.W. 9th, Topeka 66612, (913) 296-3600.

KENNETH F. KERN
Executive Director

Doc. No. 006093

State of Kansas

KANSAS WATER AUTHORITY**NOTICE OF MEETING**

The Kansas Water Authority will meet at 1 p.m. Wednesday, January 20, in Room 108, Landon State Office Building, 900 S.W. Jackson, Topeka.

Committee meetings will be held as follows:

Tuesday, January 19—Landon State Office Building
6 p.m. (Room 108) Basin Planning Committee
Wednesday, January 20—Landon State Office Building
8:30-10:00 a.m. (Room 108) Management Committee
8:30-10:00 a.m. (Room 503) Research Committee
10:00-11:00 a.m. (Room 503) Federal and State Affairs Committee
10:00-11:00 a.m. (Room 108) Quality Committee
11:00-noon (Room 503) Fish, Wildlife and Recreation Committee

Further information and a copy of the meeting agenda may be obtained by contacting Dotty Kester, Kansas Water Office, 109 S.W. 9th, Suite 200, Topeka 66612-1215, (913) 296-3185.

JOHN L. BALDWIN
Chairman

Doc. No. 006096

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. 1987 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 January 1, 1988 through January 31, 1988 shall be 12.00 percent.

In testimony whereof: I have hereto set my hand and cause to be affixed my seal. Done at the City of Topeka, this 31st day of December, A.D. 1987.

BILL GRAVES
Secretary of State

Doc. No. 006094

The *Kansas Register* is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The *Kansas Register* is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One-year subscriptions are \$55. Single copies may be purchased, if available, for \$2 each. Second class postage paid at Topeka, KS.

ISSN No. 0744-2254.

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

© Kansas Secretary of State 1988. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

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



Phone: (913) 296-3489

State of Kansas

STATE FAIR BOARD**NOTICE OF MEETING**

The Kansas State Fair Board will be meeting in Topeka at noon Thursday, January 14, in the Ramada Inn Downtown.

DEANA K. NOVAK
Administrative Officer

Doc. No. 006106

State of Kansas

BOARD OF EDUCATION**NOTICE OF HEARING****ON STATE PLAN FOR FISCAL YEAR 1988
SUMMER FOOD SERVICE PROGRAM**

The Kansas State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, February 9, in Room 121 of the Kansas State Education Building, 120 E. 10th, Topeka, to consider the proposed Summer Food Service Program Plan for fiscal year 1988.

The proposed plan sets forth management and administrative policies and procedures to meet U.S. Department of Agriculture requirements for administration of the program. Chapter I of the plan presents 1987 program participation data and projections for 1988 participation, and Chapter II describes outreach activities and nondiscrimination policies and procedures. Chapter III describes the training and monitoring activities to be conducted by the State Department of Education, and Chapter IV identifies activities to be followed to maximize the use of on-site meal preparation and school food service facilities. Chapter V outlines the procedures for sponsor approval and disbursing funds to participation sponsors. Charts projecting the total number of meals to be served and the receipt of federal funds for sponsor reimbursement in 1988 are also included. Chapter VI describes audit and appeal procedures, and Chapter VII presents the State Department of Education's staffing plan and the administrative budget necessary for program administration.

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 State Board of Education, 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.

DR. LEE DROEGEMUELLER
Commissioner of Education

Doc. No. 006105

State of Kansas

**SOCIAL AND REHABILITATION SERVICES
STATE ECONOMIC OPPORTUNITY OFFICE****NOTICE OF HEARING
CONCERNING LOW INCOME
WEATHERIZATION ASSISTANCE PROGRAM**

In accordance with the Department of Energy regulations, dated January 27, 1984, Part VI, Sections 440.14 and 440.15, the State Economic Opportunity Office, a section of Adult Services within the Department of Social and Rehabilitation Services, will conduct a public hearing at 10 a.m. Friday, January 22, in Room C of the Staff Development Training Center, Topeka State Hospital grounds, 2700 W. 6th, Topeka. The purpose of the hearing is to receive comments on the 1988 Department of Energy state plan and proposed program operators.

A draft copy of the 1988 plan will be available prior to the hearing by written request to the address given below.

All comments are to be in writing and submitted to the hearing officer. Comments will be incorporated into the minutes of the hearing. Written comments may be mailed to Jim Spano, Weatherization Program Coordinator, State Economic Opportunity Office, Biddle Building, 100-NE, 2700 W. 6th, Topeka 66606.

JAN ALLEN
Commissioner of Adult Services

Doc. No. 006103

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 December 29 through January 4:

**Judge of Court of Appeals,
Position 9**

Gary Wayne Rulon, 1218 W. 18th Ave., Emporia 66801. Effective December 18, 1987. Term expires January 14, 1991. New position.

State Board of Technical Professions

William I. Shafer, 8633 W. 90th Terrace, Overland Park 66212. Effective January 1, 1988. Term expires December 31, 1991. Succeeds Leu Lowrey.

Charles A. Stryker, 109 Redbud Lane, Topeka 66606. Effective January 1, 1988. Term expires December 31, 1991. Succeeds Craig Roberts.

BILL GRAVES
Secretary of State

State of Kansas
DEPARTMENT OF ADMINISTRATION
STATE EMPLOYEES
HEALTH CARE COMMISSION

NOTICE OF MEETING

The Kansas State Employees Health Care Commission will meet at 3 p.m. Thursday, January 21, in the third floor conference room of the Kansas Insurance Department, 420 S.W. 9th, Topeka.

H. EDWARD FLENTJE
 Chairman

Doc. No. 006098

State of Kansas
UNIVERSITY OF KANSAS

NOTICE TO BIDDERS

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

Thursday, January 21, 1988

#88 0418

X-Ray diffractometer system, complete with DEC VAXstation II/GPX based control computer, plotter, laser printer, and software packages.

#88 0474

32-bit microprocessor based computer system for integration into existing VAXcluster configuration, running the VMS operating system.

GENE PUCKETT, C.P.M.
 Director of Purchasing

Doc. No. 006085

State of Kansas
PUBLIC DISCLOSURE
COMMISSION

Advisory Opinion No. 87-25

Written December 28, 1987 to all interested persons:

This opinion is issued by the Kansas Public Disclosure Commission pursuant to K.S.A. 46-254, which provides, in part, that the commission may issue an opinion upon its own initiative.

It has come to our attention that a major lobbyist has again taken the position that those persons employed by his lobbying enterprise to lobby on behalf of his clients should wear lobbying badges listing the lobbying firm, instead of the client's name. In addition, on the lobbyist registration statement, the person compensating the lobbyist for lobbying has been reported as the lobbying firm rather than the firm's clients.

The commission disagrees with this position.

K.S.A. 46-265 states: "Every lobbyist shall register with the secretary of state by completing a registration form prescribed and provided by the commission and by sign-

ing and verifying the same. Such registration shall show the name and address of the lobbyist, the name and address of the person compensating the lobbyist for lobbying, the purpose of the employment and the method of determining and computing the compensation of the lobbyist. If the lobbyist is compensated or to be compensated for lobbying by more than one employer or is to be engaged in more than one employment, the relevant facts listed above shall be separately stated for each employer and each employment. Whenever any new lobbying employment or lobbying position is accepted by a lobbyist already registered hereunder, such lobbyist shall report the same on forms prescribed and provided by the commission before engaging in any lobbying activity related to such new employment or position, and such report shall be filed, when made, with the secretary of state. Whenever the lobbying of a lobbyist concerns a legislative matter, the secretary of state shall promptly transmit copies of each registration and each report filed under this act to the secretary of the senate and the chief clerk of the house of representatives."

K.S.A. 46-270 states: "The secretary of state shall obtain suitable name tags in two colors, of a size not smaller than two inches by three inches, to be fastened on the outside of the wearer's garment with lettering adequate in size and clarity to be readable at a distance of three feet by individuals of normal vision, bearing the name of the lobbyist, the names of the persons compensating or appointing, the lobbyist and the year. The secretary of state shall present to each individual registering under K.S.A. 1974 Supp. 46-264 and K.S.A. 46-265 one such tag, and such tag shall be worn by the lobbyist when lobbying in the state capitol building."

It is clear that the purpose of the badge is to identify, for the person being lobbied and other interested persons, whose interest the lobbyist is representing. This purpose can only be accomplished by the badge stating the client of the lobbying firm, not the name of the firm.

In addition, it is clear that the purpose of the registration statement is to disclose the interests being represented. Merely reporting the name of the lobbying firm evades this disclosure.

We are satisfied that the phrase used in both K.S.A. 46-265 and 46-270, "the person compensating the lobbyist," means the client who is paying the firm for lobbying. Any other interpretation violates the clear intent of the act.

LOWELL ABELDT
 Chairman

Doc. No. 006092

State of Kansas

**SOCIAL AND REHABILITATION SERVICES
STATE PLANNING COUNCIL ON
DEVELOPMENTAL DISABILITIES SERVICES**

NOTICE OF MEETING

The State Planning Council on Developmental Disabilities Services will meet at 9 a.m. Thursday, January 21, at the Holidome, 6th and Fairlawn, Topeka.

JOHN KELLY
Executive Director

Doc. No. 006099

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.

Tuesday, January 19, 1988

#27387

University of Kansas Medical Center—SYRINGES, NEEDLES, VACUTAINERS, AND RELATED ARTICLES (CLASS 11)

#27502

Statewide—THERMAL AND SPIRIT MASTERS AND SPIRIT FLUID

#27534

Kansas Correctional Industries at Lansing—TERRYCLOTH FOR TOWEL MANUFACTURING

#72367

Department of Social and Rehabilitation Services—CONTINUOUS FORMS, various locations

#72375

Adjutant General's Department—FURNISH ALL LABOR AND MATERIALS TO REPAIR BRICK VENEER, Cherryvale

#72376

Kansas Lottery—CARGO VAN TRUCK

Wednesday, January 20, 1988

#25391-Rebid

Department of Social and Rehabilitation Services—JANITORIAL SERVICE, Atchison

#25899

University of Kansas and Kansas State University—BINDING SERVICES

#27464

Department of Human Resources—JANITORIAL SERVICES, Overland Park

#27514

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

#27756

University of Kansas, Continuing Education—DUPLICATING SERVICE, Kansas City

#27758

Department of Social and Rehabilitation Services—JANITORIAL SERVICES, Burlington

#27759

Statewide—FROZEN EGGS

#72391

Department of Wildlife and Parks—9MM PISTOLS, Pratt

#72392

Pittsburg State University—MICROCOMPUTER, DISK DRIVE, MONITOR SOFTWARE

#72398

Kansas Correctional Industries—CHEMICALS

#72403

University of Kansas Medical Center—WOOD OFFICE FURNITURE

#72407

Department of Revenue—PLAIN PAPER COPIER

#72408

Pittsburg State University—MICROFILM READER/PRINTER

#72409

Department of Social and Rehabilitation Services—MICROCOMPUTER SYSTEM

Thursday, January 21, 1988

#27761

Kansas Lottery—AUTOMOBILES

#72426

Kansas State Grain Inspection Department and Kansas State University—VEHICLES

#72427

Fort Hays State University—PLAIN PAPER COPIER

#72428

Department of Transportation—TRAFFIC RECORDER AND TIMERS

#72429

Wichita State University—ELECTRIC MOTOR AND STARTER

Wednesday, January 27, 1988

#27625

Statewide—DESKTOP COMPUTER PRINTERS

Monday, February 29, 1988

#27483

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

Thursday, January 14, 1988

#27757

NEGOTIATED PROCUREMENT
HABILITATIVE THERAPY SERVICES for Winfield State Hospital and Training Center

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 006102

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.S.T. February 4, 1988, and then publicly opened:

DISTRICT ONE—Northeast

Atchison—116-3 K-3114-01—K-116, 7 miles east of the Jackson-Atchison county line east to U.S. 59, 9.0 miles, overlay. (State Funds)

Brown—73-7 K-3113-01—U.S. 73, from 1.5 miles north of FAS 66 north to the Kansas-Nebraska state line, 5.4 miles, recycling. (State Funds)

Doniphan—7-22 K-2920-01—K-7, from the west junction of U.S. 36 north to the Nebraska state line, 13.1 miles, overlay. (State Funds)

Douglas/Shawnee—40-106 K-3421-01—U.S. 40, from the east city limits of Topeka, east to the west city limits of Lawrence, 20.8 miles, slurry seal. (State Funds)

Johnson—69-46 K-2933-01—U.S. 69, from K-150 north to the junction of U.S. 69 and U.S. 169, 1.0 mile, overlay. (State Funds)

Johnson—169-46 K-2933-02—U.S. 169, from the junction of U.S. 69 and U.S. 169 north to I-435, 2.4 miles, overlay. (State Funds)

Nemaha—9-66 K-2921-01—K-9, from the south junction of K-63 east to the east city limits of Wetmore, 13.1 miles, overlay. (State Funds)

Nemaha—9-66 K-2922-01—K-9, from K-187 east to the north junction of K-63, 5.0 miles, overlay. (State Funds)

DISTRICT THREE—Northwest

Gove/Sheridan—23-106 K-3399-01—K-23, from the junction of K-23 Spur north to the south city limits of Hoxie, 16.5 miles, recycling. (State Funds)

Gove/Logan—40-106 K-3400-01—U.S. 40 through Gove and Logan counties, 38.0 miles, recycling. (State Funds)

Graham—283-33 K-2992-01—U.S. 283, from 0.1 mile south of the north city limits of Hill City north to the Graham-Norton county line, 13.4 miles, overlay. (State Funds)

Graham/Rooks—106 K-3401-01—K-18 and U.S. 24 in Graham County and U.S. 24 and K-258 in Rooks County, 25.2 miles, overlay. (State Funds)

Osborne—24-71 K-3424-01—U.S. 24, from the north junction of U.S. 281 east to the Osborne-Mitchell county line, 11.0 miles, overlay. (State Funds)

Rawlins—36-77 K-2986-01—U.S. 36, from the Rawlins-Decatur county line west, 8.1 miles, overlay. (State Funds)

DISTRICT FOUR—Southeast

Anderson—59-2 K-2996-01—U.S. 59, from the Allen-Anderson county line north to the south junction of U.S. 169, 15.2 miles, recycling. (State Funds)

Bourbon—69-6 K-3117-01—U.S. 69, from the Crawford-Bourbon county line north to the south city limits of Fort Scott, 9.6 miles, recycling. (State Funds)

Cherokee/Labette—160-106 K-3415-01—U.S. 160,

from 0.6 mile west of the Labette-Cherokee county line east to the junction of U.S. 69, 19.5 miles, recycling. (State Funds)

Labette—59-50 K-2998-01—U.S. 59, from the Oklahoma-Kansas state line north to the east junction of K-96, 12.2 miles, recycling. (State Funds)

DISTRICT SIX—Southwest

Finney—23-28 K-3014-01—K-23, from the west junction of K-23 and K-156 north to the Lane-Finney county line, 14.1 miles, overlay. (State Funds)

Finney—83-28 K-3019-01—U.S. 83, from the southeast end of the Arkansas River bridge south, 7.9 miles, recycling. (State Funds)

Grant—160-34 K-3126-01—U.S. 160, from the east city limits of Ulysses east to the Grant-Haskell county line, 14.2 miles, overlay. (State Funds)

Hamilton—50-38 K-3119-01—U.S. 50, from the west junction of K-27 in Syracuse east to the Hamilton-Kearny county line, 12.4 miles, overlay. (State Funds)

Kearny—25-47 K-3015-01—K-25, from the Grant-Kearny county line north to the south city limits of Lakin, 16.1 miles, overlay. (State Funds)

Scott—83-86 K-3123-01—U.S. 83, from the Finney-Scott county line north to the south city limits of Scott City, 14.3 miles, recycling. (State Funds)

Seward—83-88 K-3124-01—U.S. 83, from the four lane divided and two lane north of Liberal north to FAS 933, 8.0 miles, overlay. (State Funds)

Stevens—56-95 K-3122-01—U.S. 56, from the Morton-Stevens county line north and east to the west city limits of Hugoton, 11.4 miles, overlay. (State Funds)

Wichita—102 K-3397-01—K-96 and K-25 in Wichita County, 26.4 miles, overlay. (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 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. 006086

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENTNOTICE CONCERNING UNDERGROUND
INJECTION CONTROL PERMIT

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for continued use of five salt solution mining wells, within the state of Kansas, for the Carey Salt Co., a Division of Processed Minerals, Inc., 1800 Carey Blvd., P.O. Box 1728, Hutchinson 67504-1728.

Well Number	Well Location
100	NE SW SE 17-23-5W, Reno County, Kansas 900' fsl and 1650' fel of SE/4
101	NE SW SE 17-23-5W, Reno County, Kansas 900' fsl and 1365' fel of SE/4
102	NW SE SE 17-23-5W, Reno County, Kansas 900' fsl and 1050' fel of SE/4
106	SW SW SE 17-23-5W, Reno County, Kansas 300' fsl and 2040' fel of SE/4
108	SE SW SE 17-23-5W, Reno County, Kansas 300' fsl and 1470' fel of SE/4

Description of facilities: These facilities are designed for the production of salt by solution mining activities.

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 February 5 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate number (KS-EG-63/67) and name of applicant as listed when preparing comments. If no objections are received, the Secretary of Health and Environment will issue the final determinations.

The application, proposed permit, 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. 006100

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENTNOTICE CONCERNING KANSAS WATER
POLLUTION CONTROL PERMIT

In accordance with state regulations 28-16-57 through 63 and 28-18-1 through 4, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for water pollution abatement facilities for the feedlot described below.

The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards and regulations of the state of Kansas and the EPA. The permit requires control of any existing or potential discharges to achieve the goal of "no discharge" whenever possible. The permit upon issuance will constitute a state water pollution control and national pollutant discharge elimination system permit.

Name and Address of Applicant	Legal Description	Receiving Water
Pattijohn Farms Inc. P. O. Box 55A, Route 1 Sawyer, KS 67134	Section 9, Township 29S, Range 13W of Pratt County, Kansas	Lower Arkansas River Basin

Kansas Permit No. A-ARPR-H002 Fed. Permit No. KS-0118311
The facility has capacity for approximately 17,000 swine.

Wastewater Control Facilities: Wastewater is impounded for subsequent disposal upon agricultural land.

Compliance Schedule: An engineering study is to be concluded to assure that adequate capacity is provided, and that all confined livestock areas are adequately controlled.

Written comments on the proposed NPDES permit may be submitted to Bethel Spotts, Permit Clerk, Permit Program, Kansas Department of Health and Environment, Division of Environment, Bureau of Water Protection, Forbes Field, Topeka 66620.

All comments received prior to February 5 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-AG-87-34) 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 within 60 days of this notice. 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, special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 740, Forbes Field, Topeka, 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. 006101

State of Kansas

**STATE BANK COMMISSIONER
STATE BANKING BOARD**

NOTICE OF MEETING

The State Banking Board will meet at 9:30 a.m. Monday, January 25, 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. 006095

(Published in the Kansas Register, January 7, 1988.)

NOTICE OF BOND SALE

\$8,035,000

City of Wichita, Kansas
General Obligation Bonds
(Series 714 and Series 715)
(general obligation bonds payable
from unlimited ad valorem taxes)

Sealed bids will be received in the office of the Mayor, First Floor, City Hall, 455 N. Main, Wichita, KS 67202-1679, until 10 a.m. C.S.T. on Tuesday, January 19, 1988, and will be considered by the governing body of the city of Wichita at its regular place of meeting in the City Council Room in the City Hall, at which time and place all proposals will be publicly opened, read aloud, and considered for the purchase of all, but not less than all of each series of two series of general obligation bonds aggregating the principal sum of \$8,035,000—Series 714 in the principal amount of \$5,010,000 (the Series 714 bonds); and Series 715 in the principal amount of \$3,025,000 (the Series 715 bonds). The Series 714 bonds and Series 715 bonds will be jointly referred to as the bonds. Each series of bonds will be sold separately. Bidders may bid on either or both series of bonds, but must bid on the entire amount of a series. No oral or auction bids will be considered.

Details of the Bonds—Series 714

The Series 714 bonds will consist of fully registered bonds, in denominations of \$5,000 or in integral multiples thereof, not exceeding the principal amount of bonds maturing in each year. Interest on the Series 714 bonds will be payable semiannually, commencing March 1, 1989 and each September 1 and March 1 thereafter. The Series 714 bonds shall be dated February 1, 1988 and shall become due serially on September 1, in each of the years and in the principal amounts, as follows:

Date of Maturity	Amount
September 1, 1989	\$ 20,000
September 1, 1990	210,000
September 1, 1991	220,000
September 1, 1992	240,000
September 1, 1993	260,000
September 1, 1994	280,000
September 1, 1995	300,000
September 1, 1996	330,000
September 1, 1997	350,000
September 1, 1998	380,000
September 1, 1999	410,000

September 1, 2000	450,000
September 1, 2001	480,000
September 1, 2002	520,000
September 1, 2003	560,000

Details of the Bonds—Series 715

The Series 715 bonds will consist of fully registered bonds, in denominations of \$5,000 or in integral multiples thereof, not exceeding the principal amount of bonds maturing in each year. Interest on the Series 715 bonds will be payable semiannually commencing December 1, 1988 and each June 1 and December 1 thereafter. The Series 715 bonds shall be dated February 1, 1988 and shall become due serially on December 1 in each of the years and in the principal amounts, as follows:

Date of Maturity	Amount
December 1, 1988	\$325,000
December 1, 1989	300,000
December 1, 1990	300,000
December 1, 1991	300,000
December 1, 1992	300,000
December 1, 1993	300,000
December 1, 1994	300,000
December 1, 1995	300,000
December 1, 1996	300,000
December 1, 1997	300,000

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 Chase Manhattan Bank, N.A., in the city and state of New York (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 (whether or not a business day) of the calendar month next 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 city will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondowners.

Redemption of Bonds Prior to Maturity

Bonds maturing in the years 1989 to 1993, inclusive, shall become due without option of prior payment. At the option of the city, bonds maturing in the years 1994 and thereafter may be called for redemption and payment prior to maturity in whole or in part (selection of bonds to be designated by the city in such equitable manner as it may determine) on the principal payment date in 1993, or on any interest payment date thereafter at the redemption prices set forth below (expressed as percentages of the principal amount), plus accrued interest to the redemption date:

Redemption Dates	Redemption Price
1993-1994	101.00%
1995-1996	100.50%
1997 and thereafter	100.00%

Whenever the city is to select the bonds for the purpose of redemption, it shall, in the case of bonds in denominations greater than \$5,000, if less than all of the bonds then outstanding are to be called for redemption, treat

each \$5,000 of face value of each such fully registered bond as though it were a separate bond of the denomination of \$5,000.

If the city shall elect to call any bonds for redemption and payment prior to the maturity thereof, the city shall give written notice of its intention to call and pay said bonds on a specified date, said notice to be mailed by United States registered or certified mail addressed to the registered owners of said bonds, to the 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 the constitution and the laws of the state of Kansas for the purpose of constructing certain internal improvements in the city of Wichita, Kansas, as follows:

Series 714

Street Improvements	\$2,742,689
Sewer Improvements	1,444,150
Water Main Extensions	823,161
	<u>\$5,010,000</u>

Series 715

Street Improvements	\$1,114,024
Sewer Improvements	658,762
Bridge Improvements	260,000
Water Main Extensions	7,429
Misc. Public Improvements	984,785
	<u>\$3,025,000</u>

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

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 one percent. No interest rate may exceed a rate equal to 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 cannot exceed 3 percent. No bid of less than the entire par value of each series of bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be considered. Each bid must specify the total interest cost to the city during the term of the bonds on the basis of the bid, the premium, if any, offered by the

bidder, and the net interest cost to the city on the basis of the such bid, all certified by the bidder to be correct, and the city will be entitled to rely on the certificate of correctness of the bidder. Each bid must also specify the average annual net interest rate to the city on the basis of the bid.

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 2 percent of the principal amount of each series of bonds 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 the bid. Good faith checks submitted by unsuccessful bidders will be returned. If a bid is accepted, said check or the proceeds thereof will be held by the city until the bidder has complied with all of the terms and conditions of this notice. If a bid is accepted but the city fails to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the city as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

Basis of Award

Each series of bonds will be sold separately. The award of each series of 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 rate 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 will determine which bid, if any, will be accepted, and its determination is final. The city reserves the right to reject any and all bids and to waive any irregularities in a submitted bid. Any bid received after 10 a.m. on the date of sale will be returned to the bidder unopened.

Bid Forms

All bids must be made on forms which may be procured from the Director of Finance. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid.

Submission of Bids

Bids must be submitted in sealed envelopes addressed to Mayor Robert G. Knight and should be marked "Proposal for General Obligation Bonds, Series 714 or Series 715." Bids may be submitted by mail or delivered in person as set forth above.

Bond Rating

Standard & Poor's Corporation has rated this issue "AA." The city has applied to Moody's Investors Service, Inc. for a rating on the bonds. The outstanding general obligation bonds of the city issued since 1975 are rated

(continued)

"Aa" by Moody's Investors Service, Inc. and "AA" by Standard & Poor's Corporation.

CUSIP Numbers

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

Delivery and Payment

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before February 18, 1988, at such bank or trust company in the state of Kansas or the following Federal Reserve cities: Boston, New York City, Cleveland, Richmond, Atlanta, Chicago, St. Louis, Minneapolis, Kansas City, Dallas, or San Francisco, as may be specified by the successful bidder. Delivery elsewhere will be made at the expense of the successful bidder. The successful bidder will 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 must be made in Federal Reserve funds, immediately subject to use by the city.

The number and denomination of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners must be submitted in writing by the successful bidder to the city and bond registrar at least two weeks prior to the closing date. In the absence of such information, the city will deliver one bond per maturity registered in the name of the manager of the successful bidder.

The reoffering prices to the public by the original purchaser must be furnished to the city at least one week prior to the closing date. A certificate stating that at least 10 percent of the bonds of each maturity has been sold to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at such reoffering prices must be furnished to the city by the original purchaser at closing.

Official Statement

The city has prepared this notice of bond sale and an official statement dated December 22, 1987, copies of which may be obtained from the Director of Finance. Upon the sale of the bonds, the city will furnish the successful bidder with a reasonable number of copies thereof without additional cost upon request. Additional copies may be ordered by the successful bidders at their expense. Authorization is given to redistribute this notice of bond sale and the official statement, but the entire notice of bond sale and official statement, and not portions thereof, must be redistributed.

Figures used in this notice of bond sale and in the

official statement, through December 31, 1986, were obtained from the city of Wichita, Kansas' Annual Financial Report for 1986, which report has been audited by an independent firm of certified public accountants appointed by the governing body of the city of Wichita, Kansas.

Assessed Valuation and Indebtedness

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

Equalized assessed valuation of taxable tangible property	\$1,029,634,266
Tangible valuation of motor vehicles	206,245,506
Equalized assessed tangible valuation for computation of bonded debt limitations	\$1,235,879,772

The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$269,280,000. Temporary notes in the principal amount of \$4,915,000 will be retired out of proceeds of the bonds and other available funds.

Other Pending Bond and Temporary Note Issues

Neither the city of Wichita, nor Sedgwick County, nor Unified School District 259 (Wichita Public Schools System) presently contemplates the issuance of any additional general obligation bonds within the next 30 days. The city anticipates the issuance of \$26,200,000 water and sewer utility revenue bonds, to be dated February 1, 1988, and sold on the same date as the bonds.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered. Certain legal matters will be passed upon by Thomas R. Powell, City Attorney and Director of Law.

Opinion of Bond Counsel

In the opinion of bond counsel, assuming continued compliance by the city with the terms of the bond ordinances, 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 city 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 city has covenanted to comply with all such requirements.

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

Collateral Consequences

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 or, in the case of a financial institution (within the meaning of Section 265(b)(5) of the code) that portion of a bondowner's interest expense allocable to interest on the bonds; (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. These categories of bondowners should consult their own tax advisers as to the applicability of these consequences.

Pending Federal Legislation

On June 10, 1987, identical versions of the Technical Corrections Act of 1987 (the "Original Technical Corrections Bill") were introduced in the United States House of Representatives (H.R. 2636) and the United States Senate (S.1350). The original technical corrections bill contains amendments which clarify existing law with respect to the treatment of tax-exempt bonds, such as the bonds. Additionally, on June 26, 1987, the United States Treasury Department issued a press release stating that it supported the amendments relating to tax-exempt financing made by the original technical corrections bill and that, while the original technical corrections bill was pending, it would not administer any provision of the code relating to the issuance of tax-exempt obligations in a manner that conflicted with those provisions.

On October 29, 1987, the United States House of Representatives passed H.R. 3545, entitled the "Omnibus Budget Reconciliation Act of 1987" (referred to in this discussion as the "House Bill"), which incorporates the original technical corrections bill, with certain amendments, and also includes certain new revenue-raising pro-

visions which, if enacted, would affect tax-exempt obligations, such as the bonds, including the following:

1. *Current Accrual of Market Discount.* The bill would require that a bondowner which purchased bonds at a "market discount" include such discount in its federal gross income annually as the discount accrues, even though such bondowner would not receive any ongoing cash payments of such market discount. Market discount is, in general, the amount by which the stated redemption price of a bond at maturity exceeds the purchaser's "basis" in the bond (normally the purchase price), other than original issue discount. The market discount would accrue and be includable in gross income ratably on a straight-line basis. This provision would be effective for bonds purchased after October 13, 1987.

2. *Increase in Book Income Adjustment for Corporate Alternative Minimum Tax.* Under current law, alternative minimum taxable income of corporations (the starting point for computing the alternative minimum tax) is increased by a "book income adjustment" equal to 50 percent of the excess of the adjusted net book income of a corporation over its alternative minimum taxable income. For taxable years beginning after 1989, this percentage is scheduled to increase to 75 percent, and "adjusted net book income" will be replaced with "adjusted current earnings." Under the bill, the applicable percentage would be raised to 100 percent for taxable years beginning after 1987. The change from book income to current earnings would be implemented as scheduled. If enacted, the bill could increase the alternative minimum tax liability of a corporation owning the bonds. This provision would not affect individual bondowners.

On October 16, 1987, the United States Senate Committee on Finance incorporated its version of the original technical corrections bill, containing provisions substantially identical to the House version, in a report to the Senate Committee on Budget for inclusion in the Senate version of the Budget Reconciliation Act (the "Finance Committee bill"). Any differences between the Finance Committee bill and the House bill must be resolved by conference.

No assurance can be given that the House bill or the Senate Finance bill will be enacted in their present forms, that such provisions will be applicable to the bonds, or that other federal tax legislation will not be introduced which could adversely affect the bonds.

Additional Information

Additional information regarding the bonds may be obtained from John Moir, Director of Finance, 13th Floor, City Hall, 455 N. Main, Wichita, KS 67202, (316) 268-4434.

By Order of the Governing Body of the
City of Wichita, Kansas,
this 22nd Day of December, 1987.

Robert G. Knight
Mayor

Attest: John Moir
City Clerk

Doc. No. 006087

State of Kansas
DEPARTMENT OF WILDLIFE AND PARKS

PUBLIC NOTICE

A draft "Wetland Addendum" to the 1985 Kansas Comprehensive Outdoor Recreation Plan (SCORP) has been prepared by the Kansas Department of Wildlife and Parks. This addendum fulfills requirements of the Emergency Wetlands Resources Act of 1986.

The addendum is being made available for a 30-day public review and comment period through February 8. Interested persons may contact the department's Wildlife Operations office at the Kansas Department of Wildlife and Parks, Route 2, Box 54A, Pratt 67124, for a copy of the addendum.

W. ALAN WENTZ
 Assistant Secretary

Doc. No. 006097

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 January 19, 1988

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

Zenith Cooperative Grain Co.) Docket No. 132,309 M
 Route 2)
 Stafford, KS 67578) MC ID No. 102792

Applicant's Attorney: None

**Application for Abandonment of
 Contract Carrier Permit:**

Van Tassel, Inc.) Docket No. 53,325 M
 P.O. Box 1477)
 Pittsburg, KS 66762) MC ID No. 100488

Applicant's Attorney: None

Application for Amendment of Contract Carrier Permit:

Ryder Distribution Resources,) Docket No. 115,137 M
 Inc.)
 3600 N.W. 82nd Ave.)
 Miami, FL 33166) MC ID No. 108354

Applicant's Attorney: John Richeson, 2nd and Main, P.O.
 Box 7, Ottawa, KS 66067

Automotive batteries,

Between the facilities used by General Motors Corporation, located in Sedgwick County, Kansas, on the one hand, and on the other, all points in Kansas. Under contract with General Motors Corporation, Detroit, Michigan.

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

Chris Hunt Water Hauling) Docket No. 56,615 M
 Contractor, Inc.)
 Hwy. 46)
 Keyes, OK 73947) MC ID No. 100564

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

Salt water for disposal purposes,

Between points and places in Wichita, Seward and Haskell counties.

Also,

Between points and places in Wichita, Seward and Haskell counties, on the one hand, and points and places in Ellis, Rooks, Phillips, Russell, Ellsworth, Saline, McPherson, Marion, Butler, Sedgwick, Cowley, Sumner, Harper, Kiowa, Edwards, Stafford, Rice, Barton, Morton, Stanton, Greeley, Cheyenne, Pawnee, Rush, Norton, Graham, Trego, Ness, Hodgeman, Ford, Meade, Gray, Finney, Lane, Gove, Sheridan, Decatur, Rawlins, Thomas, Kearny, Grant, Stevens, Hamilton and Sherman counties, on the other hand.

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

Robert E. Zelfer) Docket No. 152,490 M
 2019 Ruskin Road)
 Salina, KS 67401) MC ID No. 124126
 TO:
 Zelfer, Inc.
 2001 W. Grand St.
 Salina, KS 67401

Applicant's Attorney: None

*Grain, dry feed, dry feed ingredients,
 dry fertilizer and seeds,*

Between points and places in Jewell, Republic, Washington, Mitchell, Cloud, Clay, Riley, Shawnee, Wyandotte, Lincoln, Ottawa, Ellsworth, Saline, Dickinson, Geary, Morris, Barton, Rice, McPherson, Marion, Chase, Reno, Harvey, Sedgwick and Butler counties.

Also,

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

Application for Transfer of Certificate of Convenience and Necessity:

Ted Kelley, dba) Docket No. 155,902 M
 Kelli Truck Line)
 1106 Janice)
 Emporia, KS 66801) MC ID No. 128902

TO:
 Kelli Truck Lines, Inc.
 1106 Janice
 Emporia, KS 66801

Applicant's Attorney: None

Grain, dry feed, dry feed ingredients, salt, dry fertilizer, seeds, scrap metal, coke, coal, fly ash, building and construction materials, cement, fencing materials, packaged oil and grease,

Between all points and places in Kansas on and east of K-14.

Also,

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

Application for Transfer of Certificate of Convenience and Necessity:

Bill Hodges Truck Co., Inc.) Docket No. 17,890 M
 4050 W. Interstate 40)
 Route 5)
 Oklahoma City, OK 73108) MC ID No. 106944

TO:
 Hodges Trucking Company
 4050 W. Interstate 40
 Route 5
 Oklahoma City, OK 73108

Applicant's Attorney: W. Robert Alderson, 1610 S.W. Topeka Blvd., P.O. Box 237, Topeka, KS 66612

Oilfield equipment, oil field machinery and materials, heavy machinery and buildings,

Within and between oil fields, and between supply points and oil fields,

Machinery, pipe, and other materials used in the construction, operation and maintenance of pipelines or refineries,

Anywhere in Kansas.

Applications set for January 21, 1988

Application for Transfer of Certificate of Convenience and Necessity:

Kelly L. Maclaskey) Docket No. 58,509 M
 Box 222)
 El Dorado, KS 67042) MC ID No. 100581

TO:
 Kelly Maclaskey Oil Field Service, Inc.
 Box 222
 El Dorado, KS 67042

Applicant's Attorney: Erle Francis, 714 Capitol Federal Building, 700 Kansas Ave., Topeka, KS 66603

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

Between all points and places in Barber, Butler, Chase, Chautauqua, Coffey, Cowley, Edwards, Elk, Greenwood, Harper, Harvey, Hodgeman, Kingman, Lyon, McPherson, Marion, Ness, Pawnee, Pratt, Reno, Rice, Sedgwick, Sumner, Trego, Wilson and Woodson counties, Kansas.

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

Between all points and places in the counties of Greeley, Wichita, Scott, Lane, Hamilton, Kearny, Finney, Stanton, Grant, Haskell, Gray, Ford, Morton, Stevens, Seward, Meade and Clark.

Crude oil,

From all tanks and pipeline outlets in Kansas to all receiving points in Kansas.

Asphalt, road oil and fuel oil,

From all refineries and supply points in Kansas to all points and places in Kansas.

Application for Transfer of Certificate of Convenience and Necessity:

K. G. Lines, Inc.) Docket No. 7,189 M
 1206 Currie Ave.)
 Minneapolis, MN 55403) MC ID No. 100001

TO:
 Jefferson Lines, Inc.
 1206 Currie Ave.
 Minneapolis, MN 55403

Applicant's Attorney: Linda Sherman, P.O. Box 280, Harrisonville, MO 64701

Passengers, baggage, mail, newspapers and light express,

From the Kansas-Missouri state line at or near Kansas City, thence via U.S. 69 to Fort Scott and return over the same route.

Also,

From the Kansas-Missouri state line at or near Kansas City, thence via U.S. 40 to Lawrence, thence via U.S. 59 to the junction of U.S. 169 at or near Garnett, thence via U.S. 169 to Coffeyville and return over the same route.

Also,

From Chanute, Kansas, via K-39 to its junction with U.S. 75, thence south via U.S. 75 to the Kansas-Oklahoma state line at or near Caney and return over the same route.

Also,

From Caney, Kansas, via U.S. 166 to Coffeyville and return over the same route.

Also,

From Independence, Kansas, south via an unnumbered county road known as 10th Street Road to the junction of U.S. 166 and return over the same route.

(continued)

Service is authorized between all intermediate points located along said above-described routes, subject however, to the following restrictions:

Restricted to perform no local service at or between any intermediate points located along U.S. 40 between the Kansas-Missouri state line, on the one hand, and Lawrence, Kansas, on the other.

Restricted to perform no local service between the Independence, Kansas, proper, on the one hand, and Coffeyville, Kansas, proper, on the other.

Alternate routes, serving no intermediate points, Between Kansas City, Kansas, and Lawrence, Kansas, via the Kansas Turnpike.

Also,

From Kansas City, Kansas, over I-35 to junction with 68, thence over 68 to Ottawa, Kansas, and return over the same route.

Application for Certificate of Convenience and Necessity:

The Cowboys of Dodge City,) Docket No. 158,366 M
Inc.)
Route 2)
Dodge City, KS 67801)

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

Grain, feed, feed ingredients, salt, seeds, fertilizer (except anhydrous ammonia), hay, food and related articles, building and construction materials, fencing materials, iron and steel articles and machinery,

Between all points and places in the state of Kansas.

Livestock,

Between all points and places on and west of U.S. 77.

Also,

Between all points and places on and west of U.S. 77, on the one hand, and points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Dab Oil, Inc.) Docket No. 158,367 M
Box 66)
Macksville, KS 67557)

Applicant's Attorney: None

Gasoline, diesel fuel, kerosene, anti-freeze, packaged petroleum products, grain, feed, feed ingredients, fertilizer (except anhydrous ammonia), salt, seeds, hay, construction and building materials, fencing materials and machinery,

Between all points and places in Kansas on and west of U.S. 81.

Also,

Between all points and places in Kansas on and west of U.S. 81, on the one hand, and points and places in the state of Kansas, on the other hand.

Application for Extension of Certificate of Convenience and Necessity:

Murphy Trucking Co., Inc.) Docket No. 29,857 M
Route 5, Box 214)
Emporia, KS 66801) MC ID No. 100249

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

Hay, grain, dry feed, dry feed ingredients, fertilizer (except anhydrous ammonia), seeds, fencing materials, building and construction materials, iron and steel articles, junk and machinery,

Between points and places in the state of Kansas.

Application for Contract Carrier Permit:

Fuel Express, Inc.) Docket No. 158,368 M
117 E. 13th)
Hays, KS 67601)

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

Gasoline, diesel fuel, kerosene, gasohol, aviation fuel, packaged petroleum products and anti-freeze,

Between points and places in Kansas. Under contract with Coastal Mart, Inc., of Wichita, Kansas.

Application for Certificate of Convenience and Necessity:

Sadler Trucking, Inc.) Docket No. 158,369 M
Route 30)
Kansas City, MO 64149)

Applicant's Attorney: Donald J. Quinn II, Commerce Bank Bldg., 8901 State Line, Suite 232, Kansas City, MO 64114

General commodities (except household goods, commodities in bulk and hazardous materials as defined in 49 C.F.R. §172.101),

Between all points in the state of Kansas.

Application for Abandonment of Certificate of Convenience and Necessity:

Milton C. Dunlap, dba) Docket No. 135,428 M
Ace Taxi Service)
503 S. 5th)
Leavenworth, KS 66048) MC ID No. 106016

Applicant's Attorney: None

Applications set for February 2, 1988

Application for Extension of Certificate of Convenience and Necessity:

William J. Luecke) Docket No. 153,743 M
HC 39, Box 346)
Hays, KS 67601) MC ID No. 117981

Applicant's Attorney: None

Dry fertilizer and livestock feeds,

Between all points and places within the state of Kansas.

Application for Certificate of Convenience and Necessity:

Unruh-Foster, Inc.) Docket No. 158,370 M
 East U.S. 56)
 Montezuma, KS 67867)

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

Heavy machinery, equipment, implements and parts; and heavy or cumbersome commodities and parts,

Between all points and places in Kansas.

Application for Certificate of Convenience and Necessity:

Charles E. Mattke, dba) Docket No. 158,371 M
 Chux Trux)
 537 N. Main)
 WaKeeney, KS 67672)

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

Livestock, grain, feed, feed ingredients, salt, seeds, hay, dry fertilizer, construction and building materials, fencing materials and machinery,

Between points and places in Kansas on and west and north of U.S. 81 and U.S. 54.

Also,

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

Application for Certificate of Convenience and Necessity:

Lee F. Cairns) Docket No. 158,372 M
 508 W. 6th)
 Solomon, KS 67480)

Applicant's Attorney: None

Grain,

Between all points and places in Ottawa, Saline, Dickinson, Clay, Marion and Ellsworth counties, Kansas.

ALFONZO A. MAXWELL
 Administrator
 Transportation Division

Doc. No. 006104

State of Kansas

BOARD OF HEALING ARTS

TEMPORARY ADMINISTRATIVE REGULATIONS

Article 10a.—EXEMPT LICENSE

100-10a-1. Applications. (a) All applications for exempt license shall be submitted upon forms furnished by the board. These forms shall contain the following in plain, legible writing:

- (1) Name in full;
- (2) post office address;
- (3) residence address;
- (4) Kansas license number;

(5) a statement that applicant does not hold oneself out to the public as being professionally engaged in the practice of the healing arts for which the applicant holds a license;

(6) a statement that applicant is no longer regularly engaged in the State of Kansas in the branch of the healing arts for which the applicant holds a license;

(7) a statement describing the professional activities relating to the healing arts in which the applicant intends to engage if issued an exempt license;

(8) a statement acknowledging that if applicant is issued an exempt license, applicant shall be subject to all provisions of the healing arts act except for complying with requirements of continuing education; and

(9) a statement acknowledging that if applicant is issued an exempt license applicant will not be a health care provider, as defined by K.S.A. 40-3401 and amendments thereto, that the applicant will not be required to maintain professional liability insurance in accordance with K.S.A. 40-3401 et seq. and that any services rendered by applicant, while the holder of an exempt license, will not be insured nor covered by the health care stabilization fund.

(b) All applications for exempt license shall be signed, under oath, by the applicant.

(c) All applications for exempt license shall be accompanied by any fee required by K.A.R. 100-11-5.

(Authorized by K.S.A. 65-2865, implementing K.S.A. 1986 Supp. 65-2809, as amended by L. 1987, Ch. 242, Sec. 2; effective, T-88-52, Dec. 16, 1987.)

100-10a-2. Request for changes. An exempt license holder shall file a written request with the board whenever the nature or extent of the professional activities relating to the healing arts are proposed to be changed from those activities divulged to the board on the application for such license or on any renewal form. The board shall review the request, determine whether the proposed changes affect the eligibility for an exempt license and either grant or deny the request.

(Authorized by K.S.A. 65-2865; implementing K.S.A. 1986 Supp. 65-2809, as amended by L. 1987, Ch. 242, Sec. 2; effective, T-88-52, Dec. 16, 1987.)

100-10a-3. Renewal applications. All applications for renewal of exempt license shall be submitted upon

(continued)

forms furnished by the board and shall be accompanied by the fee required by K.A.R. 100-11-5.

(Authorized by K.S.A. 65-2865; implementing K.S.A. 1986 Supp. 65-2809, as amended by L. 1987, Ch. 242, Sec. 2; effective, T-88-52, Dec. 16, 1987.)

100-10a-4. Criteria. (a) Exempt licenses may be issued to qualified applicants if the professional activities of the applicant will be limited to the following:

(1) Administrative functions, including peer review utilization review and expert opinions, which have no impact on the care and treatment provided to the patients whose records or charts are reviewed; and

(2) providing direct patient care services relating to the healing arts on an irregular or infrequent basis to persons who are not charged or liable for the costs of the services.

(b) Applications describing professional activities not included in subsection (a) shall be reviewed by the board on a case-by-case basis to determine the eligibility for an exempt license.

(c) Exempt licenses may not be issued to applicants if the professional activities of the applicant include any of the following:

(1) Maintaining an office or place to regularly meet patients in this state;

(2) providing direct patient care services relating to the healing arts, to persons who are charged or liable for the costs of the services.

(3) providing direct patient care services of such regularity and frequency as to reasonably constitute the regular practice of the healing arts;

(4) supervising individuals who provide direct patient care services relating to the healing arts or other health care professions; and

(5) prescribing, administering or dispensing any controlled substances as defined in K.S.A. 65-4101(e) and amendments thereto. (Authorized by K.S.A. 65-2865; and implementing K.S.A. 1986 Supp. 65-2809, as amended by L. 1987, Ch. 242, Sec. 2; effective, T-88-52, Dec. 16, 1987.)

100-10a-5. Conversion. (a) A holder of an exempt license desiring to become licensed to regularly practice the healing arts within Kansas shall submit a form provided by the board containing identical information to that required of individuals desiring to reinstate a license.

(b) Each holder of an exempt license desiring to become licensed to regularly practice the healing arts within Kansas shall submit proof of continuing education as follows:

(1) If the individual has held the exempt license for less than one year, no continuing education in addition to that which would have been necessary had the exempt licensee continued to hold an active license shall be required;

(2) if the exempt licensee has held the exempt license more than one year but less than three years, the individual must submit evidence of satisfactory completion of a program of continuing education in accordance with the requirements of K.A.R. 100-15-2; and

(3) if the exempt licensee has held the exempt license for more than three years, the applicant must complete a program recommended by the board. (Authorized by and implementing K.S.A. 1986 Supp. 65-2809, as amended by L. 1987, Ch. 242, Sec. 2; effective, T-88-52, Dec. 16, 1987.)

100-10a-6. Activities not divulged. (a) The holder of an exempt license shall not engage in any professional activities relating to the healing arts not divulged to the board on the application for exempt license, any renewal application or on a request submitted and approved by the board pursuant to K.A.R. 100-10a-2.

(b) Any departure from subsection (a) may constitute evidence of dishonorable conduct pursuant to K.S.A. 1986 Supp. 65-2836(b) as amended by L. 1987, Ch. 176, Sec. 5 as further amended by L. 1987, Ch. 242, Sec. 3 and any amendments thereto.

(Authorized by K.S.A. 65-2865; implementing K.S.A. 1986 Supp. 65-2809, as amended by L. 1987, Ch. 242, Sec. 2; effective, T-88-52, Dec. 16, 1987.)

Article 11.—FEES

100-11-5. Exempt license. No fee shall be collected by the board for an exempt license or conversion of an exempt license to a license to practice the healing arts. The fee collected by the board for renewal of an exempt license shall be \$115.00 if received by the date of the expiration of the license and \$150.00 if received within 30 days following the date of expiration.

(Authorized by K.S.A. 65-2865; implementing K.S.A. 1986 Supp. 65-2809, as amended by L. 1987, Ch. 242, Sec. 2; implementing K.S.A. 65-2852, as amended by L. 1987, Ch. 242, Sec. 4; effective, T-88-52, Dec. 16, 1987.)

Article 22.—DISHONORABLE CONDUCT

100-22-2. Description of professional activities. (a) Any person applying for an exempt license shall divulge on the application for such license a description of all professional activities related to the healing arts such person intends to perform if issued an exempt license.

(b) Any person holding an exempt license shall, at the time of renewal, divulge on the renewal application all professional activities related to the healing arts such person intends to perform during the renewal period.

(c) Any departure from subsection (a) or (b) may constitute evidence of dishonorable conduct pursuant to K.S.A. 1986 Supp. 65-2836(b) as amended by L. 1987, Ch. 176, Sec. 5 as further amended by L. 1987, Ch. 242, Sec. 2 and any amendments thereto.

(Authorized by K.S.A. 65-2865; implementing K.S.A. 1986 Supp. 65-2836 as amended by L. 1987, Ch. 176, Sec. 5 as further amended by L. 1987, Ch. 242, Sec. 2; effective, T-88-52, Dec. 16, 1987.)

CHARLENE K. ABBOTT
Executive Secretary

State of Kansas

DEPARTMENT OF COMMERCE

TEMPORARY ADMINISTRATIVE
REGULATIONSArticle 1.—VENTURE CAPITAL
COMPANY CERTIFICATION

110-1-1. Application process. (a) Application to become a certified Kansas venture capital company shall be made upon the application form furnished by the secretary of the department of commerce.

(b) Each application form shall be signed by an authorized officer or partner, and shall contain, as a minimum, the following information:

(1) the full, legal name of the company;

(2) the address of the applicant's principal office for the state;

(3) the names and addresses of the applicant's directors, officers, general partners and managing partners;

(4) a certified copy of the certificate of incorporation and articles of incorporation, or a certified copy of the certificate of formation of a limited partnership, or trust documents, or other evidence that the company is organized or existing under the laws of Kansas;

(5) adequate proof of a minimum level of equity capitalization of \$1,500,000 as required by K.S.A. 1986 Supp. 74-8306(b), as amended by L. 1987, Chapter 320, Section 3, and the level of capitalization the company expects to qualify for tax credits through cash investment in the venture capital company within the current calendar year. The cash investment shall be in the form of money or the equivalent of money. "Equivalent of money," for the purpose of cash investment in a certified Kansas venture capital company, shall mean instruments which are immediately convertible into U.S. currency of a readily determinable amount and which have equal worth as U.S. currency including checks, cashier's checks, money orders, and certificates of deposit with a term of 90 days or less;

(6) the business history of the applicant; and

(7) a statement of assurances which provides that:

(A) the applicant's purpose is to encourage and assist in the creation, development, and expansion of Kansas businesses and to provide maximum opportunities for the employment of Kansans;

(B) the applicant will disclose to all investors that the state of Kansas can not be held liable for damages to an investor in a certified venture capital company as provided in K.S.A. 1986 Supp. 74-8311;

(C) the applicant will comply with all requirements of the Kansas venture capital company act, including the filing of annual reports.

(c) If an application is incomplete, the applicant, upon notification by the department, shall submit the required information within 10 working days. If the required information is not received within this time period, the application for certification shall be refused. Upon refusal of certification, a subsequent application for certification may be submitted. (Autho-

ized by and implementing K.S.A. 1986 Supp. 74-8305; effective May 1, 1987; amended, T-88-53, Jan. 1, 1988.)

110-1-2. Annual report. (a) To determine program compliance and status for continuing certification, each certified Kansas venture capital company shall report annually to the secretary on forms provided by the department. Information reported shall include as a minimum:

(1) the name, address, and taxpayer identification number of each investor who has invested in that company and amounts invested by each;

(2) the name, address, and taxpayer identification number of each taxpayer who acquires by transfer the income tax credits from investors exempt from income taxation;

(3) the name and location of each business in which the company has invested and the type and amount of investment. The names of the business owners shall be provided if required to determine their qualification for equity or tax credit purposes;

(4) the number of jobs created or preserved in each business; and

(5) a certification that all businesses in which the company has invested are eligible in accordance with K.S.A. 1986 Supp. 74-8307(d), as amended by L. 1987, Chapter 319, Section 3, if required to determine qualification for equity or tax credit purposes.

(b) The cost of the annual review for each Kansas venture capital company shall be \$100. The fee shall be paid by the Kansas venture capital company upon submission of the annual report to the secretary. (Authorized by and implementing K.S.A. 1986 Supp. 74-8305; effective May 1, 1987; amended, T-88-53, Jan. 1, 1988.)

Article 2.—LOCAL SEED CAPITAL
POOL CERTIFICATION

110-2-1. Application process. (a) Application to become a certified Kansas local seed capital pool shall be made upon the application form furnished by the secretary of the department of commerce.

(b) Each application form shall be signed by an authorized officer or partner, and shall contain, as a minimum, the following information:

(1) the full, legal name of the company;

(2) the address of the applicant's principal office in the state;

(3) the names and addresses of the applicant's directors, officers, general partners or managing partners;

(4) a certified copy of the certificate of incorporation and articles of incorporation, or a certified copy of the certificate of formation of partnership;

(5) adequate proof of a minimum level of \$200,000 capitalization as required by L. 1987, Chapter 365, Section 2(b) and the level of capitalization the company expects to qualify for tax credits;

(6) the source of money necessary to administer and operate the pool;

(continued)

- (7) the business history of the applicant; and
- (8) a statement of assurances which provides that:
 - (A) the applicant's purpose is to encourage and assist in the creation, development, and expansion of Kansas businesses and to provide maximum opportunities for the employment of Kansans by making seed capital available to Kansas businesses;

(B) the funds invested by the local seed capital pool will be invested at 100 percent in Kansas businesses;

(C) the company will operate under the definition of a local seed capital pool in L. 1987, Chapter 365, Section 1(c);

(D) the public funds invested in a local seed capital pool will have a senior position to any private cash investment and that each cash dollar of public investment will be matched by at least two dollars of private cash investment; and

(E) the applicant will disclose to all investors that the state of Kansas can not be held liable for damages to an investor in a local seed capital pool, as provided in L. 1987, Chapter 365, Section 6.

(c) If an application is incomplete, the applicant, upon notification by the department, shall submit the required information within 10 working days. If the required information is not received within this time period, the application for certification shall be refused. Upon refusal of certification, a subsequent complete application for certification may be submitted. (Authorized and implementing L. 1987, Chapter 365, Section 2; effective, T-88-53, Jan. 1, 1988.)

110-2-2. Annual report. (a) To determine program compliance and status for continuing certification, each certified Kansas local seed capital pool shall report annually to the secretary on forms provided by the department. Information reported shall include, as a minimum:

- (1) the name, address, and taxpayer identification number of each taxpayer who has invested in the pool and amounts invested by each;
- (2) the name and location of each business in which the pool has invested and amount and use of the investment; and
- (3) an estimate of the number of jobs created or preserved in each business.

(b) The cost of the annual review for each certified Kansas local seed capital pool shall be \$100. The fee shall be paid by the seed capital pool upon submission of the annual report to the secretary. (Authorized by and implementing L. 1987, Chapter 365, Section 2; effective, T-88-53, Jan. 1, 1988.)

HARLAND E. PRIDDLE
Secretary of Commerce

Doc. No. 006091

State of Kansas

BOARD OF NURSING

TEMPORARY ADMINISTRATIVE
REGULATIONS

Article 4.—FEES

60-4-101. Payment of fees. The following fees shall be charged by the board of nursing: (a) Fees for professional nurses.

(1) Application for license by endorsement to Kansas	\$70.00
(2) Application for license by examination	70.00
(3) Biennial renewal of license	40.00
(4) Application for reinstatement of license	50.00
(5) Certified copy of Kansas license	25.00

(b) Fees for practical nurses.

(1) Application for license by endorsement to Kansas	45.00
(2) Application for license by examination	45.00
(3) Biennial renewal of license	40.00
(4) Application for reinstatement of license	45.00
(5) Certified copy of Kansas license	25.00

This regulation shall take effect on and after January 1, 1988. (Authorized by K.S.A. 65-1129, K.S.A. 1986 Supp. 65-1118; implementing K.S.A. 1986 Supp. 65-1118; effective Jan. 1, 1966; amended Jan. 1, 1972; amended, E-74-29, July 1, 1974; modified, L. 1975, ch. 302, Sec. 5, May 1, 1975; amended E-77-8, March 19, 1976; amended Feb. 15, 1977; amended, E-79-8, March 16, 1978; amended May 1, 1979; amended May 1, 1980; amended May 1, 1983; amended, T-88-48, Jan. 1, 1988.)

Article 7.—REQUIREMENTS FOR LICENSURE
AND STANDARDS OF PRACTICE

60-7-106. Unprofessional conduct. (a) Unprofessional conduct, as provided by K.S.A. 65-4209, as amended by L. 1987, Ch. 247, Sec. 2, shall include the following:

- (1) Performing acts beyond the authorized scope of the level of practice for which the individual is licensed;
- (2) assuming duties and responsibilities within the practice of mental health technology without adequate preparation or when competency has not been maintained;
- (3) failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient;
- (4) inaccurately recording, falsifying, or altering a patient's or agency's record;
- (5) committing any act of verbal or physical abuse of patients;
- (6) assigning or delegating unqualified persons to perform functions of licensed mental health technicians contrary to the mental health technicians licensure act or to the detriment of patient safety;
- (7) violating the confidentiality of information or knowledge concerning the patient;
- (8) willfully or negligently failing to take appropriate action in safeguarding a patient or the public from incompetent practice performed by a licensed mental health technician. "Appropriate action" may include reporting to the board of nursing;

(9) diverting drugs, supplies or property of patients or the agency;

(10) violating a federal law or regulation relating to controlled substances;

(11) failing to furnish the board of nursing, or its investigators or representatives, any information legally requested by the board of nursing;

(12) receiving a denial, revocation, limitation or suspension of a mental health technician license from a licensing authority of another state, agency of the United States government, territory of the United States or country. A certified copy of the record or order of denial, suspension, limitation, revocation or other disciplinary action issued by the licensing authority of another state, agency of the United States government, territory of the United States or country shall constitute prima facie evidence of such a fact;

(13) failing to report to the board of nursing any adverse action taken against the licensee by another state or licensing jurisdiction, a peer review body, a health care facility, a professional association or society, a governmental agency, a law enforcement agency or a court for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section; and

(14) cheating on or attempting to subvert the validity of the examination for a licensee.

(b) A violation of any one or more of the above provisions shall be sufficient cause to suspend, revoke, limit or refuse to renew a license. (Authorized by K.S.A. 65-4203, as amended by L. 1987, ch. 247, Sec. 1, K.S.A. 65-4209, as amended by L. 1987, ch. 247, Sec. 2; implementing K.S.A. 65-4209, as amended by L. 1987, ch. 247, Sec. 2; effective, T-88-48, Dec. 16, 1987.)

Article 13.—FEES; REGISTERED NURSE ANESTHETISTS

60-13-102. Approval procedure. (a) Each institution planning to offer a program in registered nurse anesthesia shall:

(1) notify the board of nursing and supply such information as the board of nursing may request;

(2) employ a qualified nurse anesthetist administrator. The name and qualifications of the administrator of the program shall be submitted to the board of nursing; and

(3) employ a second faculty member.

(b) In addition to the requirements in paragraph (a), each program for registered nurse anesthetists established after July 1, 1988 within the state of Kansas, shall be at the masters level. Upon successful completion of the program requirements, the school shall award the student a masters degree.

(c)(1) Written notification of the board's decision to approve or disapprove the program shall be sent to the institution. The program shall be approved by the board of nursing prior to the admission of students.

(2) Discontinuing a school of nurse anesthesia. Each school terminating its program shall submit a plan to the board for approval. The plan shall provide

for students currently enrolled to complete their program and for the disposition of school records.

(3) Out of state programs. Out of state programs preparing registered nurse anesthetists may be approved after board of nursing review. (Authorized by K.S.A. 1986 Supp. 64-1160(b), L. 1987, ch. 234, § 3; implementing K.S.A. 1986 Supp. 65-1152(b); effective, T-88-48, Dec. 16, 1988.)

60-13-103. School approval requirements. (a) In order for a school of nurse anesthesia to be approved by the board of nursing, consideration shall be given as to whether the school meets the standards contained in the accreditation policies and procedures of the council on accreditation of the American association of nurse anesthetists, April 1983, which is hereby adopted by reference.

(b) If the program does not meet the standards, consideration shall be given as to whether:

(1) the program of study is offered by an institution of higher education which is regionally accredited by an accrediting agency.

(2) the program, wherever administratively housed, is clearly identified and specified in pertinent institutional catalogs as having the intent to educate and prepare nurse anesthetists;

(3) the program stands as a recognized coherent organizational entity within the university;

(4) there is clear authority and primary responsibility within the program for the core and emphasis areas of nurse anesthesia;

(5) the program, wherever administratively housed, is an organized sequence of study which is planned by responsible administrators and faculty, to provide an integrated educational experience;

(6) there is an identifiable full-time faculty and a person responsible for the program and those individuals are licensed and authorized at the masters level to engage in the practice of nurse anesthesia;

(7) the program has an identifiable body of students who are matriculated in the program for a degree with residency requirements substantially equivalent to the requirements at the state universities in Kansas;

(8) the program includes appropriate didactic and practicum experience;

(9) each nurse faculty member is licensed to practice professional nursing in Kansas and is authorized to practice as a registered nurse anesthetist in Kansas and maintains licensure and the authorization to practice.

(10) the director is a licensed professional nurse authorized to practice as a registered nurse anesthetist. The director shall be responsible for the development and implementation of the program; and

(11) the curriculum contains appropriate content to prepare registered nurse anesthetists and the curriculum has been approved by the board or the council on accreditation.

(c) An up-to-date list of approved programs shall be prepared and kept by the board.

(d) A program shall not be approved without the formal action of the board.

(continued)

(e) Program review.

(1) A program review shall be conducted by the board at least once every five years, or in conjunction with the counsel on accreditation review cycles.

(2) The school shall submit to the board of nursing for review a copy of a self-study report documenting compliance with the established standards.

(3) Additional documentation may be requested by the board of nursing to clarify compliance with standards.

(4) An on-site visit to the school of registered nurse anesthesia may be conducted by the board of nursing if there is reason to believe the program is in violation of the established standards or if the program is placed on public probation by the council on accreditation. (Authorized by K.S.A. 1986 Supp. 65-1160(c)(1), L. 1987, ch. 234, § 3; implementing K.S.A. 1986 Supp. 65-1152(c)(1); effective, T-88-48, Dec. 16, 1987.)

60-13-104. Exam approval. The standard and content samples of the examination administered by the American association of nurse anesthetists shall be reviewed and approved annually by the board of nursing. (Authorized by K.S.A. 1986 Supp. 65-1152(c), L. 1987, ch. 234, § 3; implementing K.S.A. 1986 Supp. 65-1152(c); effective, T-88-48, Dec. 16, 1987.)

60-13-105. Continuing education requirements; renewal of authorization. (a)(1) Prior to renewal of authorization to practice as a registered nurse anesthetist, each applicant shall acquire 30 hours of approved, practice-related continuing education during the two-year period prior to renewal. A maximum of 20 percent or six hours of the required continuing education hours may be obtained from independent study.

(2) Continuing education credits required for license renewal may be applied to authorization renewal if practice-related and earned during the two-year period prior to authorization renewal.

(3) The continuing education requirement shall be waived for the first renewal of applicants newly authorized to practice by examination.

(b) An application for renewal of authorization to practice shall be provided by the board of nursing to every registered nurse anesthetist at least 90 days prior to the expiration date of that person's authorization to practice. Each applicant for renewal of authorization to practice as a registered nurse anesthetist shall file the renewal application, proof of current licensure and the appropriate fee with the board of nursing prior to the date of expiration of the applicant's current authorization to practice. A renewal of authorization to practice as a registered nurse anesthetist shall be granted to each applicant who meets the requirements of this regulation. (Authorized by K.S.A. 1986 Supp. 65-1159, L. 1987, ch. 234, § 3; implementing K.S.A. 1986 Supp. 65-1159; effective, T-88-48, Dec. 16, 1987.)

60-13-106. Temporary authorization to practice by examination or endorsement. (a) Temporary authorization to practice as a registered nurse anesthetist may be granted by the board of nursing to graduates of a

board of nursing approved school of nurse anesthesia pending results of the initial examination required by K.A.R. 60-13-104. This temporary authorization shall be valid for a period not to exceed one year.

(b) This temporary authorization for new graduates shall expire upon receipt of notice by the board of nursing that the candidate has failed the required examination.

(c) Any candidate who fails the examination shall not practice as a registered nurse anesthetist in Kansas until such time as the applicant receives a passing score.

(d) Temporary authorization to practice as a registered nurse anesthetist may be granted by the board to any nurse anesthetist currently licensed or otherwise credentialed in another state pending completion of the application for an authorization to practice as a registered nurse anesthetist in this state. This temporary authorization shall be valid for a period not to exceed 60 days. (Authorized by L. 1987, ch. 234, § 3; implementing K.S.A. 1986 Supp. 65-1153; effective, T-88-48, Dec. 16, 1987.)

60-13-107. Reinstatement of authorization after revocation, suspension or limitation. (a) Any registered nurse anesthetist whose authorization has been revoked, suspended or limited by the board of nursing may make a written request to the board of nursing for consideration for reinstatement after an interval of one year.

(b) Upon receipt of the written request, the request shall be reviewed by the board of nursing. The registered nurse anesthetist shall provide any information which the board deems necessary for consideration.

(c) Recommendations may be requested from an authorized registered nurse anesthetist professional practice committee appointed by the board.

(d) The provisions of the Kansas administrative procedure act shall apply to procedures under this regulation. (Authorized by L. 1987, ch. 234, § 3; implementing K.S.A. 1986 Supp. 65-1161; effective, T-88-48, Dec. 16, 1987.)

60-13-108. Expiration Date. Registered nurse anesthetists authorizations to practice in Kansas shall be subject to the same biennial expiration dates as the professional nurse license in Kansas, effective January 1, 1989. (Authorized by and implementing K.S.A. 1986 Supp. 65-1155; effective, T-88-48, Dec. 16, 1987.)

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

Doc. No. 006089

State of Kansas

SECRETARY OF STATE

TEMPORARY ADMINISTRATIVE
REGULATIONS

Article 31.—LAND SURVEYS

7-31-4. **Filing Fees.** (a) The fees for filing reference reports in the office of the secretary of state pursuant to K.A.R. 7-30-1 or 7-30-2 shall be \$1 for each corner to which reference is made with a minimum fee of \$5.00.

(b) The fees for information requests, provided for pursuant to K.S.A. 58-2011, and any amendments thereof, shall be as follows:

- | | |
|--|--------|
| (1) For each page copied | \$1.00 |
| (2) For any copy to be certified | \$5.00 |

(Authorized by K.S.A. 58-2009; implementing K.S.A. 1986 Supp. 58-2011; effective May 1, 1984; amended, T-85-25, Sept. 18, 1984; effective May 1, 1985; amended, T-88-49, Dec. 16, 1987.

BILL GRAVES
Secretary of State

Doc. No. 006088

State of Kansas

ATTORNEY GENERAL

Opinion No. 87-185

Bonds and Warrants—Miscellaneous Provisions—Interest Rates; Limitations.

Cities and Municipalities—General Provisions—Countywide and City Retailers' Sales Taxes; Proceeds as Guarantee for Payment of Bonds.

Cities and Municipalities—Miscellaneous Provisions—Transient Guest Tax. Robert J. Watson, Overland Park City Attorney, Overland Park, December 29, 1987.

Sales tax revenue bonds issued by a city or county pursuant to L. 1987, ch. 60, § 7, are subject to the interest rate limitations which apply to bonds as stated in K.S.A. 10-1109, as amended.

A city issuing sales tax revenue bonds may apply revenues derived from a transient guest tax levied in the city to the payment of sales tax revenue bonds if such use is consistent with the laws and ordinances authorizing the transient guest tax and providing for the objects of its expenditures. The existence of such additional security may be conveyed to bondholders in the same manner as other credit enhancements.

Pursuant to the Home Rule Amendment to the Kansas Constitution, a city may issue bonds backed by a pledge of revenue derived from the levy and collection of a transient guest tax. Cited herein: K.S.A. 10-1009, as amended by L. 1987, ch. 60; K.S.A. 1986 Supp. 12-187; 12-195, as amended by L. 1987, ch. 60; K.S.A. 12-1696; K.S.A. 1986 Supp. 12-1698; K.S.A. 12-1699; Kan. Const., Art. 12, § 5. MFC

Opinion No. 87-186

Schools—Community Colleges—Organization, Powers and Finances of Boards of Trustees—Affiliation with Certain Organizations and Associations; Payment of Dues, Membership Fees Authorized; Expending Association Funds for Lobbying. W. Merle Hill, Executive Director, Topeka, Kansas, December 29, 1987.

The Kansas Association of Community Colleges is not prohibited by statute from using its funds which are derived from membership fees for lobbying expenses. Whether paying for lobbying expenses is otherwise a lawful purpose for the association is to be determined by the association's bylaws. Cited herein: K.S.A. 71-210. MWS

Opinion No. 87-187

Bonds and Warrants—Cash-Basis Law—Cash Basis for Municipalities.

Counties and County Officers—Hospitals and Related Facilities—Hospital Board; Powers. Pamela J. Barnett, Kearney County Attorney, Lakin, Kansas, December 29, 1987.

K.S.A. 10-1101 *et seq.*, the cash-basis law, does not apply to county hospital boards when managing and controlling hospital funds. However, should the hospital enter into an agreement creating a potential indebtedness of the county, the cash-basis law would apply. Kearney County Hospital may enter into an agreement with Kearney County Bank whereby the bank purchases the accounts owed to the hospital and the hospital guarantees payment of that account if such an agreement in no way creates a potential liability against the county. Cited herein: K.S.A. 10-1101 *et seq.*; K.S.A. 1986 Supp. 19-4601; 19-4602; 19-4605, 19-4610. TMN

Opinion No. 87-188

State Departments; Public Officers and Employees—Public Officers and Employees—Open Public Meetings; Bodies Subject Thereto; Cowley County Developmental Services; Project Independence. Jim Pringle, Cowley County Attorney, Arkansas City, Kansas, December 29, 1987.

A private, nonprofit corporation is subject to the Kansas Open Meetings Act if it receives public funds in its operations and acts as a governmental agency in providing services to the public. As Cowley County Developmental Services and Project Independence meet both requirements, it is our opinion that the boards of directors of these organizations are subject to the Act. Cited herein: K.S.A. 75-4317; 75-4317a; K.S.A. 1986 Supp. 75-4318. RLN

ROBERT T. STEPHAN
Attorney General

Doc. No. 006107

KANSAS REGISTER
Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594

Second Class
postage paid
at
Topeka, Kansas

**Use this form (or a copy of it) to enter a
SUBSCRIPTION**

_____ One-year subscriptions @ \$55 ea.

Total Enclosed _____
(Make checks payable to Kansas Register)

SEND TO: _____
(Please, no
more than
4 address
lines.) _____

Zip code must be included

This space for Register office use only, please	
Code _____	Rec. No. _____
Expires _____	Entered By _____

Mail order, with payment, to: Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612-1594

**Use this form (or a copy of it) for
CHANGE OF ADDRESS**

Remove your mailing label (above) and affix it here:

Indicate change or correction of name or address
here:

Mail to: Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612-1594