

KANSAS REGISTER



State of Kansas

BILL GRAVES
Secretary of State

Vol. 7, No. 10

March 10, 1988

Pages 337-380

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State of Kansas

ATTORNEY GENERAL

Opinion No. 88-26

Banks and Banking—Banking Code; Dissolution; Insolvency—Definition of Insolvency. Representative J. C. Long, 100th District, Harper, February 25, 1988.

Title VIII of the Competitive Equality Banking Act of 1987 applies to certain federal banks, certain state banks which are members of the federal reserve system, and certain state non-member banks insured by the Federal Deposit Insurance Corporation, allowing those banks to amortize qualified agricultural loans over a seven-year period and to reappraise property acquired by the bank incidental to such agricultural loans. Regarding those state banks covered by the act, only the relationship between the bank and the appropriate federal agency is affected. The state statute defining insolvency, and the authority of the State Bank Commission to take over an insolvent bank, are not altered by the federal act. Title VIII was not intended to make an otherwise insolvent bank solvent. Cited herein: K.S.A. 1987 Supp. 9-1303; K.S.A. 9-1902, 9-1903; Pub. L. 100-86, Title VIII [codified at 12 U.S.C. § 1823(j)]; 12 C.F.R. Parts 35, 208.15, 324 (November 2-3, 1987). MWS

Opinion No. 88-27

State Departments; Public Officers and Employees—Public Officers and Employees—Open Public Meetings; Bodies Subject Thereto; Handicapped Education and Living Programs, Inc. Representative Martha Jenkins, 42nd District, Leavenworth, February 26, 1988.

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 Handicapped Education and Living Programs, Inc. meets both requirements, it is our opinion that the board of directors of this organization is

subject to the act. Cited herein: K.S.A. 75-4317; 75-4317a; K.S.A. 1987 Supp. 75-4318. RLN

Opinion No. 88-28

Counties and County Officers—County Attorney—Duties.

Public Health—Alcoholism and Intoxication Treatment—Change of Venue; Hearing Procedure. Gene Porter, Barton County Attorney, Great Bend, March 1, 1988.

K.S.A. 65-4041(A) does not require the county attorney who represented the applicant in the initial filing to continue that representation after a change of venue has been granted. However, K.S.A. 65-4041 and 65-4053 allow the district court to which venue has been changed to tax the costs of the proceeding to the county of residence. Cited herein: K.S.A. 1987 Supp. 19-702; 19-703; K.S.A. 22-2616; K.S.A. 1987 Supp. 59-2912; K.S.A. 60-609; 61-1907; 65-4031; 65-4032; 65-4034; 65-4036; 65-4041; 65-4053. TMN

Opinion No. 88-29

Public Health—Controlled Substances—Forfeiture of Conveyance. Daniel L. Love, Ford County Attorney, Dodge City, March 1, 1988.

The definition of the term "dealer," as found in K.S.A. 1987 Supp. 79-5201 (taxation of marijuana and controlled substances), does not create a presumption that one in possession of more than 28 grams of marijuana in a conveyance is "using or intends to use" that conveyance "to transport or facilitate the transportation for the purpose of sale or receipt" of that marijuana as it applies to forfeiture of conveyances pursuant to the Uniform Controlled Substances Act. Cited herein: K.S.A. 1987 Supp. 65-4135; 79-5201. BLB

ROBERT T. STEPHAN
Attorney General

Doc. No. 006299

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.

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



Phone: (913) 296-3489

State of Kansas

BOARD OF MORTUARY ARTS**NOTICE OF MEETING**

The Kansas State Board of Mortuary Arts will meet April 14-15 in Topeka. Thursday's meeting will begin at 8:45 a.m. at the board's office, Suite 856, Landon State Office Building, 900 S.W. Jackson.

Friday's meeting will be held at the Downtown Ramada Inn, beginning with the administering of examinations at 9 a.m.

DOUGLAS "MACK" SMITH
Executive Secretary

Doc. No. 006281

State of Kansas

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

The State Banking Board will meet at 9:30 a.m. Monday, March 28, 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. 006284

State of Kansas

COMMISSION ON WILDLIFE AND PARKS**NOTICE OF MEETING**

The Kansas Commission on Wildlife and Parks will meet Friday, March 18 and Saturday, March 19 in the Community Room of the Newton Activity Center, 415 N. Poplar, Newton. The meeting will begin at 7 p.m. March 18 at the above location.

The agenda includes a review of a law enforcement operation involving waterfowl, recommendations for the Community Lake Assistance Program grant priority system, an overview of the Wildlife Habitat Improvement Program, and a legislative update. In addition, the commission will discuss preliminary proposals for big game, fall turkey and furbearer seasons, plus future furdealer and license vendor bonding regulatory needs. A public hearing on seasons and regulatory items is scheduled for the April commission meeting.

The commission will reconvene at 8 a.m. March 19 in the Community Room of the Newton Activity Center to conclude any unfinished business.

GERALD W. TOMANEK
Commission Chairman

Doc. No. 006304

State of Kansas

KANSAS INSURANCE DEPARTMENT**NOTICE OF HEARING**

A formal hearing will be conducted at 2 p.m. Tuesday, March 29, in the offices of the Kansas Commissioner of Insurance, 420 S.W. 9th, Topeka, to determine whether the application for the proposed merger of Manhattan Mutual Life Insurance Company, Manhattan, with and into State Mutual Insurance Company, Rome, Georgia, should be approved by the Commissioner of Insurance.

Manhattan Mutual Life Insurance Company and State Mutual Insurance Company have requested that the Commissioner of Insurance approve the merger of the two companies pursuant to K.S.A. 40-510.

All interested parties may attend and will be given the opportunity to hear the details of the proposed merger, to present either oral or written testimony in favor of or in opposition to the proposed merger, and to ask any questions relative to the merger.

FLETCHER BELL
Commissioner of Insurance

Doc. No. 006298

State of Kansas

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

Notice is hereby given of the commencement of negotiations for "on-call" engineering services for the University of Kansas Medical Center, Emporia State University, Fort Hays State University, Kansas State University, Kansas Technical Institute (Salina), and Pittsburg State University. A similar notice was recently published for the University of Kansas and Wichita State University. Interested firms should be capable of assisting University personnel on small mechanical or electrical projects that may arise during the year 1988. Firms may indicate interest in one or more institutions.

Any questions or expressions of interest should be directed to Norman Moody, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, prior to March 25.

EDWARD A. DE VILBISS, AIA
Director, Division of
Architectural Services

Doc. No. 006295

State of Kansas
SOCIAL AND REHABILITATION SERVICES

REQUEST FOR PROPOSALS

The Department of Social and Rehabilitation Services is accepting applications for the provision of social services to refugees by mutual assistance associations. Interested entities must meet the definition of a mutual assistance association as indicated in the request for proposal (RFP).

Instructions for completing an application are described in the RFP, which is available from the area SRS office or from Philip P. Gutierrez, Department of Social and Rehabilitation Services, Room 624-S, Docking State Office Building, Topeka 66612, (913) 296-3349.

WINSTON BARTON
 Secretary of Social and
 Rehabilitation Services

Doc. No. 006301

State of Kansas
SOCIAL AND REHABILITATION SERVICES

REQUEST FOR PROPOSALS

Mental Health and Retardation Services is accepting applications from public and private nonprofit entities for grant funding made available through the Community Mental Health Services for the Homeless (MHS) Block Grant Program, Title VI, Subtitle B, Section 611 of the Stewart B. McKinney Homeless Assistance Act.

The request for proposals encourages the development of programs and services that assist homeless individuals with long term mental illness to control the symptoms of their illness and to develop the skills and acquire the supports and resources needed to succeed where they choose to live, learn and work, and to assume increasing responsibility for setting their own goals, directing their own lives, and acting responsibly as members of the community.

The Wichita, Kansas City and Topeka geographical areas are prioritized for distribution of available MHS funds. The applicant will be required to make directly or through donations from public or private entities non-federal contributions equal to not less than \$1 (in cash or in kind) for each \$3 of funds provided by the MHS grant.

Application packets may be obtained by contacting Michael Horan, Social and Rehabilitation Services, Mental Health and Retardation Services, 5th Floor, Docking State Office Building, Topeka 66612, (913) 296-3774.

AL NEMEC
 Commissioner

Doc. No. 006302

State of Kansas
**DEPARTMENT OF HEALTH
 AND ENVIRONMENT**

**NOTICE OF INTENT TO DENY HAZARDOUS
 WASTE STORAGE FACILITY PERMIT**

The Kansas Department of Health and Environment, Forbes Field, Topeka, is proposing to deny a hazardous waste storage facility permit for Beech Aircraft Corporation, 631 Airport Road, Liberal.

Beech Aircraft Corporation has requested that the interim status for its hazardous waste storage facility be terminated. Kansas Administrative Regulation 28-31-9 requires that KDHE either issue or deny a permit in order to terminate a facility's interim status.

Beech Aircraft Corporation, EPA I.D. Number KSD007237225, produced aircraft subassemblies during which the following hazardous wastes were generated: Waste paint solvents (F001 and F005) and waste paint sludges (D001 and D007). In a letter dated March 23, 1982, Beech Aircraft Corporation notified KDHE that it had filed a request to the United States Environmental Protection Agency to withdraw its status as a hazardous waste storage facility. KDHE informed Beech Aircraft Corporation on October 4, 1985 that the facility would be required to undergo closure in accordance with the 40 CFR 265, Subpart G closure standards in order to have its status as a TSD terminated. On May 6, 1986, KDHE placed an approved closure plan on public review for comments. No adverse comments were received. The closure of the facility was certified on April 29, 1987.

A "Notice of Intent to Deny" a permit is a type of draft permit subject to procedures applicable to draft permits as set forth in K.A.R. 28-31-9, incorporating by reference 40 CFR Part 124, and is based upon the administrative record. The administrative record consists of the notice of intent to deny hazardous waste permit, the statement of basis which describes the reasons supporting the decision, the closure procedures, and data submitted by the facility.

The administrative record is available for public review from March 11 to April 25 from 8 a.m. to 4:30 p.m. Monday through Friday at the KDHE Topeka offices, Building 730, Forbes Field, Topeka; at the KDHE Dodge City district office, 302 W. McArtor Road, Dodge City; at the U.S. Environmental Protection Agency—Region VII offices, 726 Minnesota Ave., Kansas City, Kansas; and at the Liberal Memorial Library, 519 N. Kansas, Liberal.

Comments or requests for additional information should be directed to John Paul Goetz, Bureau of Waste Management, at the KDHE Topeka office. Additional information may also be requested by phone at (913) 296-1607. All comments must be submitted in writing by April 25.

If comments are received which indicate a significant degree of public interest, a public hearing will be scheduled. Requests for a public hearing must be in writing and must state the nature of the issues to be raised at the hearing. Such requests must be submitted by April 25. The public notice and public hearing procedures may be found in K.A.R. 28-31-9, incorporating by reference 40 CFR Sections 124.11 and 124.12.

After considering all comments received, KDHE will

make a final permit decision. If the determination is substantially unchanged from that announced by this notice, KDHE will notify all persons submitting written comments or requesting the notice of final permit determination. If the determination is substantially changed from that announced by this notice, a new public notice will be issued and the public participation process will be reopened.

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

Doc. No. 006293

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENT

NOTICE CONCERNING KANSAS WATER
POLLUTION CONTROL PERMIT

In accordance with state regulations 28-16-57 through 28-16-63 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Name and Address of Applicant	Waterway	Type of Discharge
Kuhlman Diecasting Company P.O. Box 23218 164th and Mission Road Stanley, KS 66223 Johnson County, Kansas	Missouri River via Big Blue River	Process wastewater
Kansas Permit No. I-MO26-P001 Federal Permit No. KS-0001881		
Description of Facility: This facility is a diecasting job shop engaged in the production of zinc alloy diecasting, including captive electroplating operation. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).		

Name and Address of Applicant	Waterway	Type of Discharge
Milford Lake—Outlet Public Use Area c/o Kansas City Corps of Engineers 601 E. 12th, Room 725 Kansas City, MO 64106 Geary County, Kansas	Republican River	Secondary Wastewater Treatment Facility
Kansas Permit No. F-LR17-0001 Federal Permit No. KS-0085359		
Description of Facility: This facility is designed for the treatment of domestic sewage. This is a new facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.		

Name and Address of Applicant	Waterway	Type of Discharge
Perry Lake—Public Use Area South c/o Kansas City Corps of Engineers 601 E. 12th, Room 725 Kansas City, MO 64106 Jefferson County, Kansas	Perry Lake	Secondary Wastewater Treatment Facility
Kansas Permit No. F-KS58-0002 Federal Permit No. KS-0085375		
Description of Facility: This facility is designed for the treatment of domestic sewage. This is a new facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.		

Name and Address of Applicant	Waterway	Type of Discharge
Pomona Lake—Michigan Valley Public Use Area c/o Kansas City Corps of Engineers 601 E. 12th, Room 725 Kansas City, MO 64106 Osage County, Kansas	Pomona Lake	Secondary Wastewater Treatment Facility
Kansas Permit No. F-MC36-0002 Federal Permit No. KS-0085383		
Description of Facility: This facility is designed for the treatment of domestic sewage. This is a new facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.		

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 April 8 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-88-9/12) and name of applicant as listed in preparing comments.

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

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Division of Environment offices 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. 006294

State of Kansas

SECRETARY OF STATE

NOTICE OF FORFEITURE

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of the state of Kansas and the authority of the following foreign corporations to do business in the state of Kansas were forfeited February 15, 1988 for failure to file an annual report and pay the annual franchise tax, as required by the Kansas general corporation code.

Domestic Corporations

Agra-Financial Consultants, Inc., Goddard, KS.
 Alfab, Inc., Fort Scott, KS.
 All Seasons Fireplace & Barbeque Equipment, Inc.,
 Prairie Village, KS.
 American Keystone Limited, Lawrence, KS.
 Auto Parts of Wichita #4, Inc., Topeka, KS.
 Baird Enterprises, Inc., Mission Hills, KS.
 Becker Enterprises, Inc., Kansas City, KS.
 Beef Feeders, Inc., Leoti, KS.
 Belmar Industries, Incorporated, Fairway, KS.
 Blue Key National Honor Fraternity, Inc.,
 Emporia, KS.
 Blue Streak Drilling of Kansas, Inc., Winfield, KS.
 Bob Cooper Electric, Inc., McDonald, KS.
 Bon Appetit Catering, Inc., Topeka, KS.
 Brown Bear Energy, Inc., Ottawa, KS.
 C & P Electric, Inc., Hill City, KS.
 C. M. Striebinger, M.D., P.A., Overland Park, KS.
 C/J Supplies, Inc., Salina, KS.
 Chasnoff-Wichita, Inc., Wichita, KS.
 Clair & Parish Electrical Supply, Inc., Hill City, KS.
 The Clothes Horse, Inc., Bonner Springs, KS.
 Co-Nect-It Frame Corporation, Topeka, KS.
 Cox Enterprises, Inc., Wichita, KS.
 Crest Hardware, Inc., Topeka, KS.
 Crossland Construction Company, Inc., Columbus, KS.
 Crowl Construction, Inc., Wichita, KS.
 Crystal Ball, Inc., Manhattan, KS.
 CTL Corporation, Council Grove, KS.
 Custom Computers Inc., Wichita, KS.
 D & M Video Enterprises, L.P., Prairie Village, KS.
 Denton Fence Corporation, Merriam, KS.
 Diversified Administrators, Inc., Prairie Village, KS.
 Donald I. Pfuetze, D.D.S., P.A., Topeka, KS.
 Donn Masons' Auto Service Center, Inc., Wichita, KS.
 Dr. Joseph Ventura, Jr., P.A., Shawnee, KS.
 Duvall Investment, Inc., Hutchinson, KS.
 Emerald City and Yellow Road Productions, Inc.,
 Overland Park, KS.
 Farrar Pump and Supply Co., Medicine Lodge, KS.
 Feil's, Inc., Salina, KS.
 Five Star Printing, Inc., Kansas City, KS.
 Flint Hills Land & Cattle Co., Olsburg, KS.
 Frank Bangs Audio-Video, Inc., Wichita, KS.
 G. W. Watson & Associates, Inc., Lenexa, KS.
 Goldstone Investment Corp., Topeka, KS.
 Grainland Chemicals & Services, Inc.,
 Valley Center, KS.
 Gregory Plumbing, Inc., Goddard, KS.

H.C.C.C., Inc., Prairie Village, KS.
 Hardy/Renzenberger Property Management Company,
 Inc., Prairie Village, KS.
 Health Alliance Corporation, Andover, KS.
 Heartland Cardiac Systems, Inc., Lake Quivira, KS.
 Home Care Services, Inc., Prairie Village, KS.
 Homestead Company, Prairie Village, KS.
 Impact Incorporated, Parsons, KS.
 Install, Inc., Hutchinson, KS.
 International Development & Licensing Corp.,
 Spring Hill, KS.
 Investment Centers, Inc., Wichita, KS.
 Jim's Welding & Electrical, Inc., Ulysses, KS.
 K & W Enterprises, Inc., Topeka, KS.
 Kansas Hearing Aid Center, Inc., Wichita, KS.
 The Kent E. Crippin Consulting Corporation,
 Leawood, KS.
 La Forge's, Inc., El Dorado, KS.
 The Lasey Company, Inc., Wichita, KS.
 Lee Brooks Oil, Inc., Wichita, KS.
 M.E.D. Co., Inc., Wichita, KS.
 M.A.V., Incorporated, Garden City, KS.
 Majestic Homes, Inc., Shawnee, KS.
 Marba Enterprises, Inc., Merriam, KS.
 Medical Arts Pharmacy, Inc., Topeka, KS.
 Mid-America Sports, Inc., Wichita, KS.
 Ming of America, Inc., Kansas City, KS.
 Mobilcom Pittsburg, Incorporated (A Close
 Corporation), Pittsburg, KS.
 Montrose Grain Company, Inc., Mankato, KS.
 Neosho Valley Marketing, Inc., Leroy, KS.
 Norton Westloop Drug, Inc., Manhattan, KS.
 Odette Abstract & Title Services, Inc.,
 Junction City, KS.
 Omnivest, Ltd., Industrial Airport, KS.
 P G S Commodities, Inc., Hugoton, KS.
 P.J.'s New Release Video, Inc., Wichita, KS.
 Paul Hughes Construction Company, Inc., Eureka, KS.
 Pizza Hut of Ozark, Missouri, Inc., Wichita, KS.
 Plaza West Shopping Center, Inc., Topeka, KS.
 Port Star Boats, Inc., Chetopa, KS.
 Potts Implement Co., Incorporated, Nortonville, KS.
 Professional Rehabilitation Management, Inc.,
 Prairie Village, KS.
 The Property Manager, Inc., Lawrence, KS.
 Quality Auto Sales & Parts, Inc., Kansas City, KS.
 Quid, Inc., Kansas City, KS.
 R and J Enterprises, Inc., Shawnee, KS.
 R. S. Distributors, Inc., Overland Park, KS.
 Real Cabinets Ltd., Overland Park, KS.
 Rent-A-Center of Lexington L.P., Wichita, KS.
 Retail Recruiters of Kansas City, Inc.,
 Overland Park, KS.
 Robert D. Crist, M.D., Professional Association,
 Kansas City, KS.
 S & L Improvements, Inc., Hutchinson, KS.
 S & S Interiors, Inc., Leawood, KS.
 Sandpiper Bay Health & Retirement Center, Inc.,
 Wichita, KS.
 Sandpiper, Inc., Wichita, KS.
 Sandra Shop, Pittsburg, Inc., Pittsburg, KS.
 Schlickau Herefords, Inc., Argonia, KS.

Sekaino Shiawase Kansas, Inc., Overland Park, KS.
 Sentinel Corporation, Hutchinson, KS.
 Sierra Investors, Inc., Beloit, KS.
 Star Installation, Inc., Kansas City, KS.
 T. J. Terminals Corporation, Topeka, KS.
 Tower Apartments, Inc., Tulsa, OK.
 Tri-Energy, Inc., Shawnee Mission, KS.
 Turn-Key Building Systems, Inc., Salina, KS.
 Turner Law Offices, Inc., Wichita, KS.
 United American Door Corporation, Hutchinson, KS.
 Waddles, Inc., Shawnee Mission, KS.
 Whiteley's, Inc., Topeka, KS.
 William G. Young Construction Company, Inc.,
 Overland Park, KS.
 Wren Investment Company, McPherson, KS.

Foreign Corporations

Aerosonic Corporation, Clearwater, FL.
 Am International, Inc., Los Angeles, CA.
 Bennett Development Corp., Osage Beach, MO.
 Bernard M. Buxbaum, Inc., St. Joseph, MO.
 Butterworth, Inc., Wilmington, DE.
 Capitol Equipment Co., Ladue, MO.
 Cherokee Advertising Co., Kansas City, MO.
 Cooper-Scott, Inc., Lubbock, TX.
 D. F. Cahill Construction Co., Kansas City, MO.
 Darrel Kizer Design Group, Inc., Kansas City, MO.
 Flasher Company of Oklahoma, Inc.,
 Oklahoma City, OK.
 Forest City Rental Properties Corporation,
 Cleveland, OH.
 Frank Cahill Construction, Inc., Kansas City, MO.
 Frederic R. Harris, Inc., McLean, VA.
 Glen O'Brien Movable Partition Company,
 Kansas City, MO.
 Great Tan, Inc., Sioux Falls, SD.
 H. D. Hudson Manufacturing Company, Chicago, IL.
 Hardberger & Smylie, Inc., Beaver, OK.
 Huxtable-Hammond Engineering Co.,
 Overland Park, KS.
 Imprimis Inc., Overland Park, KS.
 In-Touch Health Products, Inc., New York, NY.
 Jim-Dar Enterprise, Inc., Kansas City, KS.
 K & O Oil Corporation, Fairview, OK.
 Martha and Frank Cahill, Inc., Kansas City, MO.
 McKenzie Production Company, Houston, TX.
 Midwest P M S, Inc., Gering, NE.
 Millard & Southgate Glass, Inc., Omaha, NE.
 Mister Guy, Inc., Kansas City, MO.
 Nevada Web Graphics, Inc., Sparks, NV.
 Oil Capital Corporation, Denver, CO.
 Olympia Village, Inc., Grand Island, NE.
 Perma-Glaze, Inc., Tuscon, AZ.
 Physicians' Financial Analysis Corporation, Holt, MO.
 Property Capital Trust, Boston, MA.
 Quik-To-Fix Food Products, Inc., Wilmington, DE.
 Revco D.S., Incorporated (DC), Twinsburg, OH.
 SCOA Industries, Inc., Wilmington, DE.
 Security First Agency, Inc., Kansas City, MO.
 Southern Milk Sales, Inc., San Antonio, TX.
 Swift Independent Packing Company, Chicago, IL.
 Transamerican Natural Gas Corporation, Houston, TX.
 United Steel Placement, Inc., Fort Worth, TX.

Utility Management Consultants, Inc., Springfield, MO.
 Varlen Corporation, Rolling Meadow, IL.
 Warner Livestock, Inc., Albia, IA.
 Wellhead, Inc., Bakersfield, CA.
 Wilbanks Operating, Inc., Denver, CO.

BILL GRAVES
 Secretary of State

Doc. No. 006277

State of Kansas

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NO. 88-105

AUTHORIZING EXECUTIVE BRANCH EMPLOYEES TO PARTICIPATE IN HEALTHCHECK '88

WHEREAS, the Kansas State Employees Health Care Commission in developing and providing for the implementation of a health benefits program has established a health-risk appraisal program without cost for all state employees to be known as HealthCheck '88; and

WHEREAS, state employees are a valuable asset for the State of Kansas and the state has an interest in aiding in employee health and fitness; and

WHEREAS, health-risk appraisals can provide state employees a means to understand their health status and take positive action in improving their health and fitness; and

WHEREAS, HealthCheck '88 provides the opportunity to save state employees and state taxpayers money by reducing future health care costs;

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby authorize paid leave under K.A.R. 1-9-9 for executive branch state employees who desire to take advantage of HealthCheck '88.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby authorize paid leave under K.A.R. 1-9-9 for executive branch state employees who desire to take advantage of HealthCheck '88, provided that employees obtain approval from their supervisor concerning when the appointment time can be scheduled. I further hereby direct executive branch agencies to reimburse private car mileage pursuant to regulations for employees who travel to obtain authorized HealthCheck '88 services, as follows: mileage reimbursement of 50 miles to 200 miles round trip maximum or 25 to 100 miles one way. Mileage under 50 miles round trip will not be reimbursable for this purpose.

This document shall be filed with the Secretary of State as Executive Order No. 88-105 and shall become effective immediately.

Dated February 29, 1988.

MIKE HAYDEN
 Governor
 Attest: BILL GRAVES
 Secretary of State

Doc. No. 006285

State of Kansas

KANSAS WATER AUTHORITY**NOTICE OF MEETING**

The Kansas Water Authority will meet in Topeka March 22-23 in the Landon State Office Building, 900 S.W. Jackson. Tuesday's meeting will begin at 7 p.m. in Room 106 with the Basin Planning Committee. Committee meetings will continue at 8 a.m. on Wednesday in rooms 106 and 108 with the full Authority convening at 10 a.m. in Room 106.

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. 006303

State of Kansas

KANSAS STATE UNIVERSITY**NOTICE TO BIDDERS**

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

Monday, March 21, 1988
#80058

Passenger club wagon van

Thursday, March 24, 1988
#80061

Dye laser with optics

WILLIAM H. SESLER
Director of Purchasing

Doc. No. 006288

State of Kansas

**KANSAS PUBLIC DISCLOSURE
COMMISSION****Advisory Opinion No. 88-4**

Written February 24, 1988 to Jan Madsen, Topeka.

This opinion is in response to your letter of January 27, 1988, in which you request an opinion from the Kansas Public Disclosure Commission concerning the state conflict of interest law (K.S.A. 46-215 *et seq.*).

We note at the outset that our jurisdiction is limited to the application of the above law. Thus, whether some other statutory system, rule and regulation, common law theory or agency policy applies to and might contradict our opinion is not covered by this opinion.

We understand you request this opinion in your capacity as an employee of the Kansas Department of Health and Environment as a Complaint Coordinator. In that capacity, you investigate complaints made against nursing

homes. You advise us that you are engaged to marry the director of a trade association which represents nursing homes. You state you have no financial or private interests in adult care homes nor any affiliation with the trade association represented by your fiance.

You ask whether a conflict of interest will exist when you marry.

We have reviewed K.S.A. 46-215 *et seq.* in its entirety and that law does not prohibit a state employee from continuing employment with the state when the employee's spouse holds a substantial interest in a trade association which represents entities inspected by the state employee.

We would advise you that the substantial interests of your spouse will be attributable to you when it is time to file your next annual substantial interest disclosure statement and that you must refrain from participating in the making of contracts with any entity in which your spouse holds a substantial interest and not disclose any confidential information to him.

Advisory Opinion No. 88-5

Written February 24, 1988 to Greg Ferris, City Council Member, Wichita.

This opinion is in response to your letter of December 22, 1987, in which you request an opinion from the Kansas Public Disclosure Commission concerning the local conflicts law (K.S.A. 75-4301 *et seq.*).

You request this opinion in your capacity as a member of the City Council of the city of Wichita. You advise us that you have disclosed on your disclosure statement the business which you own, but are concerned with whether you must also disclose all customers of such business from which you receive in excess of \$1,000 annually.

As a general rule, under K.S.A. 75-4301, the owner of a business does not have to also disclose the customers of the business. An exception to this rule is the situation where the business is one which has clients who pay fees to the business. This exception does not apply to retail businesses, banks, and lending institutions, but does apply to lawyers, accountants, real estate agents and others who traditionally receive fees as opposed to making sales. Even when the first portion of the exception applies, the recipient must receive the fee. Thus, in the corporate setting where the owner or employee of a business receives a salary, the exception does not apply.

We hope this information will be of some assistance to you and if you wish any clarification as applied to a specific factual situation, don't hesitate to contact us for further guidance.

You also correctly note that there is some confusion in the statute as to where the disclosure statements should be filed. It is our opinion that all elected local public officials should file all original and amended or supplemental statements with the officer where the declaration of candidacy or similar statement of intent to seek office should be filed.

All non-elected local public officials should file disclosure statements when required to do so by K.S.A. 75-4305 with the county clerk of the county in which all or the largest geographical part of the official's office is located.

Advisory Opinion No. 88-6

Written February 24, 1988 to Gregory A. Lee, Attorney, Kansas Department of Wildlife and Parks, Topeka.

This opinion is in response to your letter of February 2, 1988, in which you request an opinion from the Kansas Public Disclosure Commission concerning the state conflict of interest law (K.S.A. 46-215 *et seq.*).

You request this opinion in your capacity as the attorney for the Department of Wildlife and Parks.

You state the Wildlife and Parks' commissioners attending meetings of the commission are paid compensation, subsistence allowances, mileage and other expenses as provided by K.S.A. 75-3223.

You ask whether commissioners are "state officers or employees" as that phrase is used in K.S.A. 46-237.

We have reviewed K.S.A. 46-221 which defines "state officer or employee" and we are satisfied that since the commissioners receive compensation under K.S.A. 75-3223, they do not qualify for the exception to the definition of "state officer or employee" and otherwise meet that definition. Thus, the requirements of K.S.A. 46-237 do apply to the commissioners.

Advisory Opinion No. 88-7

Written February 24, 1988 to Lee C. Gerhard, Director, Kansas Geological Survey, Lawrence.

This opinion is in response to your letter of January 11, 1988, in which you request an opinion from the Kansas Public Disclosure Commission.

We note at the outset that the commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.* Thus, whether some other statutory system, common law, rule and regulation or agency policy applies to or contradicts our opinion is not covered.

We understand you request this opinion in your capacity as Director of the Kansas Geological Survey. You state it is necessary for the Geological Survey to cause its computer software products to be marketed; up to the present a vendor in Colorado has been the marketer with a royalty returned to the Survey.

You are considering a venture in which third parties, perhaps including the University, would initiate a corporation to be the vendor with whom you would execute licenses similar to those executed with the vendor in Colorado. The corporation would be a tax-paying entity, but profits and taxes would remain in Kansas rather than accrue to another state.

Your products are a natural consequence of your research work. In the normal university setting, profits from the sale of such inventions accrue to the individual faculty member who markets the invention, subject to university policy; however, although you are part of the university and have faculty equivalent ranks, you are employed on a full-time basis. You have found that no direct financial benefit to a member of the Geological Survey is permissible because, unlike faculty, your staff is paid to do research on a full-time basis, rather than teach on an eight-month basis.

It is also clear to you that individuals with supervisory responsibility can direct project work so as to create products with commercial value.

You have found that it would be a conflict of interest

for any of your staff to have any equity position in a corporation which would market your products, a reversal of preceding policy. Your ruling has created problems and questions. Venture capital people wish to have individuals take an equity position because they feel it is necessary for personnel to share risk. Other questions arise as to how far separate the Survey must be from taking equity position through public stock purchase, or of serving on the board of directors of the vendor company.

Based on this factual situation, you ask the following questions:

1. Is it a conflict of interest for members of the Kansas Geological Survey to purchase an equity position through (a) private stock ownership in a company which would be marketing, among other things, Kansas Geological Survey products, under license from the KGS? (b) Public stock ownership?
2. Would it be a conflict of interest for a member of the KGS to serve as a director of such a vendor company (a) with compensation? (b) Without compensation?

We first note that the threshold question is what constitutes a "substantial interest" as that term is defined in K.S.A. 46-229. Any individual who serves as a director of a company whether with or without compensation is deemed by definition to hold a substantial interest in the company. Additionally, it makes no difference whether the ownership interest is public or private, the test is whether the interest exceeds \$5,000 or 5% of the business.

With these issues covered, the question becomes simply, may a state officer or employee hold a "substantial interest" in a business with which his or her agency contracts? As a general rule, the answer to this question is yes. However, under K.S.A. 46-233, except in limited circumstances not applicable here, the state officer or employee may not participate in any manner in the making of the contract with the business in which he or she holds a substantial interest. Given the integral relationship the developers of the product may have with the decision-making process, it may be impossible for them to refrain from participating in the making of the contract. In such circumstance, the actions of the state officers or employees would be illegal. On the other hand, there may be circumstances where the developer of the project is so divorced from the decision-making process that he or she could lawfully hold a "substantial interest" in the vendor. Obviously, which analysis applies depends on the facts of each case. If you have a specific factual situation to review, don't hesitate to contact us.

In closing, we note that nothing in this opinion should be interpreted to abrogate the policy which you have adopted which prevents even the appearance of impropriety from arising.

LOWELL K. ABELDT
Chairman

Doc. No. 006283

State of Kansas

DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES

NOTICE TO BIDDERS

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

Monday, March 21, 1988

#27051

University of Kansas—CHEMISTRY ANALYZER
REAGENTS AND SUPPLIES

#27113

University of Kansas Medical Center—
DIAGNOSTICS AND THERAPEUTIC DRUG
SCREENING ITEMS

#73080

Adjutant General's Department—FURNISH AND
INSTALL UNDERGROUND FUEL OIL STORAGE
TANKS, Dodge City

#73081

Department of Transportation—STEEL POSTS,
Hutchinson

#73082

Department of Transportation—CORRUGATED
METAL CULVERT ARCH, Barton County

#73083

Kansas State University—FURNISH LABOR AND
MATERIALS TO RENOVATE HEATING AND
COOLING SYSTEM, Hays

#73084

Department of Transportation—NUCLEAR TESTING
EQUIPMENT

#73149

University of Kansas—TRANSFORMER RETROFILL

Tuesday, March 22, 1988

#A-5900

Kansas Historical Society—DOMESTIC WATER
SERVICE LINE, Pawnee Indian Village Museum
Facility, Republic County

#27716

University of Kansas Medical Center—HIGH
EFFICIENCY AIR FILTERS

#73093

Kansas State University—SURVEYING
ACCESSORIES

#73138

Kansas State University—NITROGEN DELIVERY
TANKS

#73139

Kansas State University—GRAIN, Garden City

#73160

Kansas Department of Wildlife and Parks—UTILITY
LINE INSTALLATION AND RELOCATION, Clinton
State Park

#73173

Kansas Correctional Industries—PLASTIC PAILS

#73200

Kansas State University—GRAIN

Wednesday, March 23, 1988

#A-5784

Youth Center at Topeka—SCHOOL PARKING LOT

#27050

University of Kansas and other state agencies—
BIOCHEMICALS AND DIAGNOSTICS

#27787

Kansas State University—DISHWASHING
SUPPLIES

#73112

Department of Transportation—HERBICIDES AND
INSECTICIDES, Salina

#73113

Department of Administration, Division of Printing—
25% RAG BOND—STATE SEAL

Thursday, March 24, 1988

#A-5793

Topeka State Hospital—REPAIR AND UPGRADE
EXTERIOR CENTER BUILDING

#73140

Kansas State University—TRACTOR, Parsons

#73150

Winfield State Hospital and Training Center and
Kansas State University—VEHICLES, various locations

#73151

University of Kansas—PAPER, PRINTING AND
BINDING

#73152

Kansas State University—TRENCHING MACHINE

#73171

Various state agencies—USED VEHICLES

Friday, March 25, 1988

#73108

Department of Administration, Division of
Purchases—AUTOMATED PROCUREMENT
MANAGEMENT SYSTEM

#73161

University of Kansas—CARPET INSTALLATION

#73162

University of Kansas Medical Center—
FLUOROSCOPIC/RADIOGRAPHIC EQUIPMENT

#73163

University of Kansas Medical Center—
IMPLANTABLE SPINAL CORD STIMULANTS

#73164

University of Kansas Medical Center—PHYSICAL
THERAPY EQUIPMENT

#73165

University of Kansas Medical Center—AIRCRAFT
ENGINE REPLACEMENT

#73166

Department of Corrections—LAWN AND GARDEN
TOOLS, El Dorado

#73174

Osawatomie State Hospital—VENDING MACHINES

#73175

Winfield State Hospital and Training Center—
HANDICAP VAN

Wednesday, March 30, 1988

#27064

Statewide—AUTOMOTIVE SUPPLIES

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 006300

(Published in the *Kansas Register*, March 10, 1988.)

NOTICE OF BOND SALE

\$225,000

**General Obligation Public Building Bonds
Series A, 1988
of Coffey County, Kansas**

Date, Time and Place of Receiving Bids

The undersigned, county clerk of Coffey County, Kansas, will receive sealed bids on behalf of the Board of County Commissioners at his office in the Coffey County Courthouse, Burlington, until 11 a.m. C.S.T. on Monday, March 21, 1988, for the purchase of \$225,000 principal amount of general obligation public building bonds, Series A, 1988, of the county as hereinafter described. All bids will be publicly opened and read at said time in the county commission meeting room at the Coffey County Courthouse, and will be immediately thereafter acted upon by the Board of County Commissioners. No oral or auction bids for the bonds will be considered.

Description of Bonds

The bonds shall consist of fully registered certificated bonds in denominations of \$5,000, or any integral multiple thereof not exceeding the principal amount of bonds maturing in each year; will bear a dated date of April 1, 1988; and shall mature serially on April 1 in each of the years and in the amounts as follows:

Principal Amount	Maturity Date
\$75,000	April 1, 1989
75,000	April 1, 1990
75,000	April 1, 1991

The bonds will bear interest from the dated date at rates which shall be determined upon the public sale thereof as heretofore provided, and said interest will be payable semiannually on April 1 and October 1 of each year, commencing April 1, 1989.

Payment of Principal and Interest; Registration

The principal of the bonds shall be payable in lawful money of the United States of America, at the principal office of the Kansas State Treasurer (the paying agent and bond registrar) in Topeka, Kansas, to the registered owners thereof upon presentation of bonds for payment and cancellation. Interest on the bonds shall be payable in lawful money of the United States of America by mailing of check or draft of paying agent to registered owners as their names appear on the registration books maintained by bond registrar as of the 15th day of the month next preceding the interest payment dates.

The fees of bond registrar for registration and transfer of the bonds shall be paid by the county, and it shall also pay for printing of a reasonable supply of blank registered bond certificates for that purpose. Any additional costs or fees that might be incurred in the secondary market,

except the bond registrar's fees, shall be the responsibility of the owners of the bonds.

Initial Registration

The number and denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the initial registered owners of the bonds shall be submitted in writing to the bond registrar by the successful bidder not later than Friday, April 8, 1988. In the event such information is not furnished by such date, the bonds will be delivered one bond per maturity registered in the name of the successful bidder.

An original purchaser's certificate, which sets forth the initial reoffering price to the public on the bonds, will be furnished to the successful bidder by bond counsel, and such certificate must be completed and returned no later than the date of delivery of the bonds.

Redemption of Bonds

The bonds are not subject to redemption prior to their respective maturities.

Conditions of Bidding

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidder, subject to the conditions of this paragraph. The same rate of interest shall apply to all bonds of the same maturity. Each interest rate specified shall be in an even multiple of 1/8 or 1/20 of 1 percent. No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being equal to the index of treasury bonds published by *Credit Markets* in New York, New York, on the Monday next preceding the date on which the bonds are sold, plus 2 percent. No bid of less than the entire par value of the bonds and accrued interest thereon from the dated date to the date of delivery will be considered, and no supplemental interest payments will be authorized. Each bid must state the total interest cost to the county during the life of the bonds on the basis of the bid; the premium, if any, offered by the bidder for the bonds; the net interest cost to the county on the basis of the bid; and the average annual interest rate on the bonds on the basis of the bid. Each bid shall be certified by the bidder to be correct, and the county will be entitled to rely on such certificate of correctness.

Bid Form; Good Faith Deposit

Bids shall be submitted on an official bid form, which may be obtained from the county, and shall be submitted in sealed envelopes, plainly marked "Bond Bid," addressed to the Board of County Commissioners, Coffey County Courthouse, Burlington, KS 66839, Attention: Jack E. Scott, County Clerk. Bids may be submitted by mail or delivered in person, and must be received by the county clerk no later than the date and time hereinbefore specified.

Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check payable to the order of the county for an amount equal to 2 percent of the total amount of the bonds. If a bid is accepted, said deposit will be held by the county until the bidder shall have complied with all of the terms and conditions of this notice and of the bid. In the event a bidder whose bid is accepted shall default in the performance of any of

(continued)

the terms and conditions of this notice or of the bid, said deposit shall be retained by the county as and for liquidated damages. If a bid is accepted, but the county shall fail to deliver the bonds to the bidder in accordance with the terms and conditions hereof, said deposit shall be returned to the bidder. No interest will be paid upon the successful bidder's deposit. The good faith deposit checks of the unsuccessful bidders will be promptly returned.

Award of Bonds

The bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the county, which will be determined by deducting the amount of the premium bid, if any, from the total interest cost to the county. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more identical bids for the lowest net interest cost are received, the Board of County Commissioners shall determine which bid, if any, shall be accepted, and such determination shall be final. The county reserves the right to reject any and all bids, and to waive any irregularities in a submitted bid.

Delivery of Bonds

The bonds, duly printed, executed and registered, will be furnished and paid for by the county, and will be delivered to the successful bidder on or about Thursday, April 21, 1988, at any bank in the state of Kansas or in the City of Kansas City, Missouri, at the expense of the county. Delivery elsewhere will be made at the expense of the successful bidder. The successful bidder will also be furnished with a transcript of proceedings evidencing authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in Federal Reserve funds, immediately available for use by the county.

CUSIP Identification Numbers

CUSIP identification numbers will be printed on the bonds. All expenses in relation to printing of the CUSIP numbers and the expenses of the CUSIP Service Bureau for assignment thereof shall be the responsibility of and shall be paid for by the county.

Official Statement

The county will prepare an official statement relating to the bonds, copies of which may be obtained from the county clerk or from the county's financial adviser. Upon the sale of the bonds, the county will furnish the successful bidder with a reasonable number of copies of the official statement, without cost, upon request. Copies in excess of a reasonable number may be ordered at the successful bidder's expense.

Authority, Purpose and Security for Bonds

The bonds are being issued under the authority of K.S.A. 19-15,114 *et seq.*, as amended and supplemented, including specifically K.S.A. 1986 Supp. 19-15,116, and will be authorized by a bond resolution which will be adopted by the Board of County Commissioners immediately after awarding of the bonds on March 21, 1988.

The proceeds of the bonds will be used with other available funds of the county to pay the cost of constructing an addition to the existing County Historical Museum, which is a county-owned public building located in the city of Burlington, Kansas, in the county.

The bonds and the interest thereon will constitute general obligations of the county, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the county.

Legal Opinion and Tax Exemption

All matters incidental to authorization and issuance of the bonds are subject to the approving opinion of Hinkle, Eberhart & Elkouri, bond counsel, Wichita, Kansas. Bond counsel's opinion will be printed on the reverse side of each bond, and a manually signed original will be furnished without expense to the successful bidder concurrently with delivery of the bonds. All fees and expenses of bond counsel will be paid by the county.

In the opinion of bond counsel, assuming continued compliance by the county with the terms of the bond resolution, 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 exclusion mentioned in the preceding clause (a) is subject to compliance by the county with all requirements of the Internal Revenue Code of 1986, as amended, which must be satisfied subsequent to issuance of the bonds in order for the interest on the bonds to qualify for such exclusion. 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 county will covenant 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 and townships.

Related Federal Tax Matters

Prospective bidders for purchase of the bonds should be aware that: (1) 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 bondholder'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) of the code 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 prior to 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 more 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 railroad retirement benefits to take into account in determining gross income, receipts or accruals of interest on the bonds. The foregoing categories of prospective bondowners should consult their own tax advisers as to the applicability of any of these consequences.

Qualified Tax-Exempt Obligations

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

Assessed Valuation and Bonded Indebtedness

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

Assessed valuation of taxable tangible property ..	\$511,748,372
Taxable value of motor vehicles and dealers' inventory	6,117,627
Equalized assessed tangible valuation for computation of bonded debt limitations	\$517,865,999

The total outstanding general obligation bonded indebtedness of the county, upon issuance of and including this proposed issue, will be \$1,280,000.

Additional Information

Additional information regarding the bonds may be obtained from the county clerk, or from the county's financial adviser, United Securities, Inc., 444 Board of Trade Center, 120 S. Market, Wichita, KS 67202, Attention: Dudley Brickell, Representative, (316) 265-9421.

Dated February 29, 1988.

COFFEY COUNTY, KANSAS
 By: Jack E. Scott
 County Clerk
 Coffey County Courthouse
 Burlington, KS 66839
 (316) 364-2191

Doc. No. 006282

(Published in the Kansas Register, March 10, 1988.)

NOTICE OF BOND SALE

\$5,000,000

**Shawnee Mission Unified School District 512
 Johnson County, Kansas
 General Obligation Bonds
 Series 1988**

Sealed Bids

Sealed bids for the purchase of \$5,000,000 principal amount of general obligation bonds, Series 1988, of Shawnee Mission Unified School District 512, Johnson County, Kansas, hereinafter described, will be received by the undersigned, Associate Superintendent for Business of Shawnee Mission Unified School District No. 512, Johnson County, Kansas, on behalf of the Board of Education of the district at its administrative offices, 7235 Antioch Road, Shawnee Mission, until 3 p.m. C.S.T. on Monday, March 14, 1988. All bids will be publicly opened and read at said time and place and will be acted upon by the Board of Education at its meeting to be held at 7:30 p.m. C.S.T. at the administrative offices. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated March 1, 1988, and will become due serially on October 1 in the years as follows:

Year	Principal Amount
1989	\$115,000
1990	125,000
1991	135,000
1992	145,000
1993	155,000
1994	170,000
1995	180,000
1996	190,000
1997	205,000
1998	220,000
1999	235,000
2000	255,000
2001	275,000
2002	295,000
2003	315,000
2004	340,000
2005	365,000
2006	395,000
2007	425,000
2008	460,000

The bonds will bear interest at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning on April 1, 1989.

Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar). The principal of the bonds will be payable at maturity or upon earlier redemption to the registered owners upon presentation and surrender of the bonds at the office of the paying agent. Interest on the bonds will be paid by check or draft mailed by the paying agent to the persons in

(continued)

whose names the bonds are registered on the registration books maintained by the bond registrar at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date.

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

Redemption of Bonds Prior to Maturity

At the option of the district, bonds maturing on October 1, 1998 and thereafter will be subject to redemption and payment prior to maturity on October 1, 1997, and thereafter in whole or in part on any interest payment date (bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the paying agent and bond registrar in such equitable amount by the paying agent and bond registrar in such equitable manner as it shall designate), at the principal amount thereof, plus accrued interest to the redemption date, without premium.

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

If the district shall elect to call any bond for redemption and payment prior to the maturity thereof, the district shall give written notice of its intention to redeem and pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the registered owners of said bonds, to the paying agent and bond registrar, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed at least 30 days prior to the redemption date. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of $\frac{1}{8}$ or $\frac{1}{20}$ of 1 percent. No interest rate shall exceed the index of treasury bonds published by the weekly *Credit Markets* in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 1.5 percent. No supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued interest will be considered. Each bid shall specify the total interest cost to the district during the life of the bond issue on

the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the district on the basis of such bid. Each bid shall also specify the average annual net interest rate to the district on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering price).

Basis of Award

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

Authorization, Purpose and Security for the Bonds

The bonds are being authorized and issued pursuant to K.S.A. 72-6761 to permanently finance part of the cost of constructing, furnishing and equipping certain buildings to be used for school purposes and to finance other various improvements to certain buildings used for school purposes. The bonds will be general obligations of the district payable as to both principal and interest from ad valorem taxes which may be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the district.

Internal Revenue Code of 1986

The Internal Revenue Code of 1986 imposes requirements on the district which must be met subsequent to the issuance of the bonds by the district and, as a result, the district will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The district's failure to comply with such requirements could adversely affect the tax-exempt status of the bonds. Purchasers of the bonds should be aware that should the bonds lose their status as tax-exempt obligations as a result of the district's failure to comply with such requirements, the bonds are neither callable nor will the rate of interest on the bonds be adjusted to reflect such circumstances.

The code includes interest on tax-exempt obligations, such as the bonds, in the adjusted net book income of certain corporations for taxable years beginning after December 31, 1986, and includes, through 1989, in the calculation of alternative minimum taxable income one-half of the excess of a corporation's adjusted net book income over its alternative minimum taxable income (determined without regard to this adjustment and prior to reduction for certain net operating losses). After 1989, the use of "book income" will be replaced by "adjusted current earnings," with certain other adjustments. Furthermore, Section 59A of the code, as added by the Superfund Amendments and Reauthorization Act of 1986, provides for a new environmental tax generally based on corporate

alternative minimum taxable income. The amount of the tax is equal to 0.12 percent of the excess of alternative minimum taxable income, without regard to net operating losses and the deduction for this tax, over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax. The environmental tax, which is effective for taxable years beginning after December 31, 1986, may subject certain bondowners to additional taxation for interest earned on the bonds.

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

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

Legal Opinion

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, a partner in Bennett, Lytle, Wetzler, Winn, Martin & Wolfe, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the district, printed on the bonds and delivered to the successful bidder when the bonds are delivered. Said opinion will also state that in the opinion of bond counsel, assuming continued compliance by the district with the provisions of the ordinance authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is exempt from federal income taxation.

Delivery and Payment

The district will pay for printing the bonds and will deliver the bonds, without cost to the successful bidder, properly prepared, executed and registered, on or prior to April 4, 1988, at such bank or trust company in the state of Kansas; Kansas City, Missouri; Chicago, Illinois; or New York, New York, as may be specified by the successful bidder. Delivery elsewhere shall be at the expense of said bidder. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the district. The denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the district and bond registrar not later than 3 p.m. C.S.T. on March 23, 1988. In the absence of such information, the district will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the district by 3 p.m. C.S.T. on March 23, 1988, a certificate acceptable to the district's bond counsel to the effect that (i) the successful bidder has made a bona fide offering of the bonds at the initial reoffering prices, and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that (1) it is made on the best knowledge, information and belief of the successful bidder and (2) 10 percent or more in par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$100,000, payable to the order of the district to secure the district from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if the bid is not accepted. If a bid is accepted, said check shall be held by the district until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall be returned to the successful bidder or deducted from the purchase price at the option of the district. If a bid is accepted but the district shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check shall be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check shall be retained by the district as and for liquidated damages.

CUSIP Numbers

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

Bid Forms

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

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned Associate Superintendent for Business and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at the administrative offices and must be received by the undersigned prior to 3 p.m. C.S.T. on Monday, March 14, 1988.

Official Statement

Upon the sale of the bonds, the district will adopt an

(continued)

official statement in substantially the form as the preliminary official statement, subject to minor amendments and supplementation. Copies of the district's preliminary official statement relating to the bonds may be obtained from the Associate Superintendent for Business or the district's financial adviser, Stern Brothers & Co., 1100 Main, City Center Square, Suite 1100, Kansas City, MO 64199, (816) 471-6460. Upon request, a reasonable number of copies of the official statement will be made available to the successful bidder without charge. Additional copies may be obtained at the bidder's expense.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the district for the year 1987 is \$1,046,717,334. The total general obligation bonded indebtedness of the district as of the date of the bonds, including the bonds, is \$5,000,000.

Dated February 25, 1988.

UNIFIED SCHOOL DISTRICT 512 JOHNSON COUNTY, KANSAS

Dr. Lyle Stenfors
Associate Superintendent
for Business
Administrative Offices
7235 Antioch Road
Shawnee Mission, KS 66204
(913) 831-1900

Doc. No. 006287

(Published in the *Kansas Register*, March 10, 1988.)

NOTICE OF BOND SALE

\$1,241,521.90

City of Pittsburg, Kansas
General Obligation Bonds
Series 1988

Sealed Bids

Sealed bids for the purchase of \$1,241,521.90 principal amount of general obligation bonds, Series 1988, of the city hereinafter described, will be received by the undersigned, city clerk of the city of Pittsburg, Kansas, on behalf of the governing body of the city at City Hall, 4th and Pine Streets, Pittsburg, until 5 p.m. C.S.T. on Tuesday, March 15, 1988. All bids will be publicly opened and read at 7 p.m. C.S.T. in the Memorial Auditorium, lower level, 503 N. Pine, Pittsburg, and will be acted upon by the city immediately thereafter. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof (except one bond in the principal amount of \$6,521.90). The bonds will be dated April 1, 1988, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
1989	\$ 61,521.90
1990	100,000.00
1991	105,000.00
1992	115,000.00
1993	125,000.00
1994	130,000.00

1995	140,000.00
1996	145,000.00
1997	155,000.00
1998	165,000.00

The bonds will bear interest at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1989.

Place of Payment and Bond Registration

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

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

Redemption of Bonds Prior to Maturity

At the option of the city, bonds maturing on September 1, 1996, and thereafter will be subject to redemption and payment prior to maturity on September 1, 1995, and thereafter in whole or in part on any interest payment date (bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the paying agent and bond registrar in such equitable manner as it shall designate), at the principal amount thereof, plus accrued interest to the redemption date, without premium.

Whenever the city is to select the bonds for the 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 bond for redemption and payment prior to the maturity thereof, the city shall give written notice of its intention to redeem and pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the registered owners of said bonds, to the paying agent and bond registrar, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed at least 30 days prior to the redemption date. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of $\frac{1}{8}$ or $\frac{1}{20}$ of 1 percent. No interest rate shall exceed the index of treasury bonds published by the weekly *Credit Markets* in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 1.5 percent. No supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued interest will be considered. Each bid shall specify the total interest cost to the city during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering prices).

Basis of Award

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

Authorization, Purpose and Security for the Bonds

The bonds are being authorized and issued to permanently finance various internal improvements to the city. The bonds will be general obligations of the city payable as to both principal and interest in part from special assessments levied upon specially benefited property and, if not so paid, from ad valorem taxes which may be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the city. The balance of the principal of and interest on the bonds is payable from ad valorem taxes which may be levied, without limitation as to rate or amount on all the taxable tangible property, real and personal, within the territorial limits of the city.

Internal Revenue Code of 1986

The Internal Revenue Code of 1986 imposes requirements on the city which must be met subsequent to the issuance of the bonds by the city and, as a result, the city will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The city's failure to comply with such requirements could adversely affect the tax-exempt status of the bonds. Purchasers of the bonds should be aware that should the bonds lose their status

as tax-exempt obligations as a result of the city's failure to comply with such requirements, the bonds are neither callable nor will the rate of interest on the bonds be adjusted to reflect such circumstances.

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

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

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

Legal Opinion

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder when the bonds are delivered. Said opinion will also state that in the opinion of bond counsel, assuming continued compliance by the city with the provisions of the ordinance authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is exempt from federal income taxation.

Delivery and Payment

The city will pay for printing the bonds and will deliver the bonds, without cost to the successful bidder, properly prepared, executed and registered, on or prior to April 15, 1988, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder. Said bidder will also be furnished with

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a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the bonds shall be made in federal reserve funds, immediately subject to use by the city. The denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar not later than 10 a.m. C.S.T. on April 4, 1988. In the absence of such information, the city will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the city by 10 a.m. C.S.T. on April 4, 1988, a certificate acceptable to the city's bond counsel to the effect that (i) the successful bidder has made a bona fide offering of the bonds at the initial reoffering prices, and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that (1) it is made on the best knowledge, information and belief of the successful bidder and (2) 10 percent or more in par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$24,830.44, 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. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if the bid is not accepted. If a bid is accepted, said check shall be held by the city until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall be returned to the successful bidder or deducted from the purchase price at the option of the city. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check shall be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check shall be retained by the city as and for liquidated damages.

CUSIP Numbers

CUSIP identification numbers will be printed on the bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of this notice. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the city.

Bid Forms

All bids must be made on forms which may be procured from the city clerk. No additions or alterations in such

forms shall be made and any erasures may cause rejection of any bid. The city reserves the right to waive irregularities and to reject any or all bids.

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at City Hall and must be received by the undersigned prior to 5 p.m. on Tuesday, March 15, 1988.

Official Statement

Upon the sale of the bonds, the city will adopt an official statement in substantially the form as the preliminary official statement, subject to minor amendments and supplementation. Copies of the city's preliminary official statement relating to the bonds may be obtained from the city clerk or the city's financial adviser, George K. Baum & Company, 1004 Baltimore Ave., Kansas City, MO 64105, (1-800-821-7195). Upon request, a reasonable number of copies of the official statement will be made available to the successful bidder without charge. Additional copies may be obtained at the bidder's expense.

Bond Rating and Optional Bond Insurance

The city has not applied for a rating on the bonds herein offered for sale. AMBAC Indemnity Corporation has issued a commitment for municipal bond insurance covering the bonds. Said insurance may be purchased at the option and expense of the successful bidder. The details of the cost of the insurance may be obtained from AMBAC Indemnity. All bids may be conditioned upon the issuance, effective as of the date on which the bonds are issued, of a policy of insurance by AMBAC Indemnity, insuring the payment when due of principal of and interest on the bonds. Each bond will bear a legend referring to the insurance. The purchaser, holder, or owner is not authorized to make any statement beyond those set out here and in the bond legend without the approval of the AMBAC Indemnity. If the successful bidder elects to purchase said insurance the city must be so notified in writing on or before March 23, 1988, if information that such insurance has been purchased is desired by the bidder to be included in the legal opinion which will be printed on the bonds.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city for the year 1987 is \$45,701,525. The total general obligation bonded indebtedness of the city as of the date of the bonds, including the bonds, is \$5,071,166, including, as of the date of the bonds, temporary notes outstanding in the principal amount of \$1,019,000, of which \$1,019,000 will be retired out of the proceeds of the bonds herein offered for sale.

Dated February 22, 1988.

CITY OF PITTSBURG, KANSAS

Karen K. Garman

City Clerk

City Hall

Pittsburg, KS 66762

(316) 231-4100

Doc. No. 006296

(Published in the *Kansas Register*, March 10, 1988.)

NOTICE OF BOND SALE

\$300,000

General Obligation Bridge Bonds
Series A, 1988

of

Lyon County, State of Kansas
(general obligation bonds payable
from unlimited ad valorem taxes)

Sealed Bids

Sealed bids will be received by the undersigned, county clerk of Lyon County, Kansas, on behalf of the Board of County Commissioners at the County Courthouse, 402 Commercial St., Emporia, KS 66801, until 10:30 a.m. C.S.T. on Thursday, March 31, for the purchase of \$300,000 principal amount of general obligation bridge bonds, Series A, 1988, of the county hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the Board of County Commissioners immediately thereafter. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 each or any integral multiple thereof. The bonds will be dated April 1, 1988, and will become due serially on October 1, in the years as follows:

Year	Principal Amount
1989	\$300,000

The bonds will bear interest from the date thereof, said rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning on April 1, 1989.

Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar), to the registered owners thereof whose names are on the registration books of the bond registrar as of the 15th day (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 county and the Kansas Attorney General.

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

Redemption of Bonds Prior to Maturity

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

Authority, Purpose and Security

The bonds are being issued pursuant to K.S.A. 1987 Supp. 68-1103 for the purpose of paying the cost of certain bridge improvements. The bonds and the interest thereon will constitute general obligations of the county, payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible

property, real and personal, within the territorial limits of the county.

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 $\frac{1}{8}$ or $\frac{1}{20}$ of 1 percent. No interest rate may exceed a rate equal to the index of treasury bonds published by the weekly *Credit Markets* in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2 percent. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be considered. Each bid must specify the total interest cost to the county during the term of the bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the county on the basis of such bid, all certified by the bidder to be correct, and the county 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 county on the basis of such 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 \$6,000 (2 percent of the principal amount of the bonds) payable to the order of the county to secure the county from any loss resulting from the failure of the bidder to comply with the terms of 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 county until the bidder has complied with all of the terms and conditions of this notice. If a bid is accepted but the county 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 county as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

Basis of Award

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

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received after 10:30 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 county clerk or bond counsel. 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 the undersigned county clerk and marked "Proposal for General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at the County Courthouse and must be received by the undersigned prior to 10:30 a.m. C.S.T. on Thursday, March 31, 1988.

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 county.

Delivery and Payment

The county 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 May 20, 1988, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere will be made at the expense of 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. Payment for the bonds must be made in Federal Reserve funds, immediately subject to use by the county.

The number and denominations 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 county and bond registrar at least two weeks prior to the closing date. In the absence of such information, the county will deliver one bond per maturity registered in the name of the successful bidder.

The reoffering prices to the public by the original purchaser must be furnished to the county 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 county by the original purchaser at closing.

Official Statement

The county has prepared an informational statement dated March 1, 1988, copies of which may be obtained from the county clerk or from bond counsel. Upon the

sale of the bonds, the county will furnish the successful bidder with a reasonable number of copies thereof without additional cost upon request. Additional copies may be ordered at the successful bidder's expense.

Assessed Valuation and Indebtedness

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

Equalized assessed valuation of taxable tangible property	\$115,922,145
Tangible valuation of motor vehicles	\$ 2,562,507
Equalized assessed tangible valuation for computation of bonded debt limitation	\$118,484,652

The total general obligation indebtedness of the county as of the date of the bonds, including the bonds being sold, is \$2,250,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Fred W. Rausch, Jr., Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the county, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

Opinion of Bond Counsel

In the opinion of bond counsel, assuming continued compliance by the county with the terms of the bond ordinance, under existing law, the interest on the bonds (a) is excludable from gross income for federal income tax purposes and (b) is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; however, it should be noted that with respect to corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted net book income (adjusted current earnings for taxable years ending after December 31, 1989) for the purpose of computing the alternative minimum tax imposed on such corporations. The opinion set forth in clause (a) above is subject to the condition that the county 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 county has covenanted to comply with all such requirements.

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

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

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

Other Federal Tax Matters

Prospective purchasers of the bonds should be aware that (i) Section 265 of the code denies a deduction for

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

Additional Information

Additional information regarding the bonds may be obtained from the county clerk, any county employee, bond counsel or any other source available to a prospective bidder.

Dated March 1, 1988.

LYON COUNTY, KANSAS
By Juanita M. Werner, County Clerk
Lyon County Courthouse
402 Commercial St.
Emporia, KS 66801
(316) 342-4950

Doc. No. 006297

(Published in the KANSAS REGISTER, March 10, 1988.)

SENATE BILL No. 245

AN ACT concerning publications; relating to official newspapers; amending K.S.A. 1987 Supp. 64-101 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1987 Supp. 64-101 is hereby amended to read as follows: 64-101. (a) Except as provided by K.S.A. 12-1651, and amendments thereto, the governing body of each city shall designate by resolution a newspaper to be the official city newspaper. Once designated, the newspaper shall be the official city newspaper until such time as the governing body designates a different newspaper.

(b) The board of county commissioners of each county shall designate by resolution a newspaper to be the official county newspaper. Once designated, the newspaper shall be the official county newspaper until such time as the board designates a different newspaper.

(c) Except as provided by K.S.A. 12-1651, and amendments thereto, no legal notice, advertisement or publication of any kind required or provided by any of the laws of the state of Kansas, to

be published in a newspaper shall have any force or effect as such unless the same be published in a newspaper having the following qualifications:

(1) It must be published at least weekly 50 times a year and have been so published for at least five years prior to the publication of any official publication;

(2) it must be entered at the post office of publication as second class mail matter;

(3) it shall have general paid circulation on a daily, weekly, monthly or yearly basis in the county and shall not be a trade, religious or fraternal publication; and

(4) it must be printed in the state of Kansas and published in the county publishing the official publication, or if there is no newspaper published in the county, then in a newspaper printed in Kansas and having general paid circulation in the county. The provisions of this section requiring publication for at least five years prior to the publication of any official publication shall not apply to any newspaper which is qualified to publish official publications under the provisions of this section. Nothing contained in this section shall invalidate the publication in a newspaper which has resumed publication after having suspended publication all or part of the time that the United States has been engaged in war with any foreign nation and six months next following the cessation of hostilities if such newspaper resumes publication in good faith under the same ownership as it had when it suspended publication. Nothing in this section shall invalidate the publication in a newspaper which has simply changed its name or moved its place of publication from one part of the county to another part, or suspended publication on account of fire, flood, strikes, shortages of materials or other unavoidable accidents for not to exceed 10 weeks within the year last preceding the first publication of the legal notice, advertisement or publication. Nothing in this section shall apply to counties wherein no newspaper has been published the requisite length of time. All legal publications heretofore made which would be otherwise valid, that have been made in a newspaper which, on account of flood, fire, strikes, shortages of materials or other unavoidable accident, has suspended publication for a period of not exceeding 10 weeks, are hereby legalized.

Sec. 2. K.S.A. 1987 Supp. 64-101 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body February 24, 1988.

SENATE concurred in HOUSE amendments February 23, 1988.
ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE as amended February 23, 1988.

JAMES D. BRADEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED March 2, 1988.

MIKE HAYDEN
Governor.

STATE OF KANSAS
Office of Secretary of State

I, BILL GRAVES, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 2nd day of March, 1988.

BILL GRAVES
Secretary of State.

(SEAL)

State of Kansas

**BOARD OF VETERINARY
MEDICAL EXAMINERS****PERMANENT ADMINISTRATIVE
REGULATIONS**

(Effective May 1, 1988)

Article 1.—DEFINITIONS

70-1-3. (Authorized by K.S.A. 47-830(n); effective Jan. 1, 1974; revoked, T-85-4, Feb. 2, 1984; revoked, T-88-31, Sept. 17, 1987; revoked May 1, 1988.)

EARL E. GATZ, D.V.M.
Secretary

Doc. No. 006258

State of Kansas

BOARD OF EXAMINERS IN OPTOMETRY**PERMANENT ADMINISTRATIVE
REGULATIONS**

(Effective May 1, 1988)

Article 6.—GENERAL PROVISIONS

65-6-6. (Authorized by K.S.A. 1978 Supp. 65-1501, 65-1502, 65-1506; effective Jan. 1, 1966; amended Jan. 1, 1971; amended, E-76-40, Aug. 1, 1975; amended May 1, 1976; amended, E-80-1, Jan. 18, 1979; amended May 1, 1979; revoked May 1, 1988.)

65-6-8. Issuance of licenses. Each license issued by the board shall be signed by the president or vice-president and the secretary-treasurer of the board. (Authorized by K.S.A. 74-1504; implementing K.S.A. 65-1505, as amended by L. 1987, ch. 235, sec. 3; effective Jan. 1, 1966; amended, E-76-40, Aug. 1, 1975; amended May 1, 1976; amended May 1, 1988.)

65-6-11. Accredited schools or colleges of optometry. An accredited school of optometry shall be a school or college that requires the study of optometry determined by the board to be at a standard not below that of the university of Missouri-St. Louis, school of optometry. (Authorized by K.S.A. 74-1504; implementing K.S.A. 65-1505, as amended by L. 1987, ch. 235, sec. 3; effective Jan. 1, 1966; amended, E-76-40, Aug. 1, 1975; modified, L. 1976, ch. 270, May 1, 1976; amended May 1, 1988.)

65-6-12. Grounds for refusing to admit a candidate to an examination. Any candidate for admittance to the optometry examination may be refused by the board for the following reasons: (a) The candidate has been found by the board in violation of rules governing the revocation or suspension of an optometry license;

(b) The candidate's license to practice optometry in another state has been suspended or revoked for unprofessional or unethical conduct;

(c) The candidate has failed to properly prepare and submit the application provided for in these regulations or has failed to provide satisfactory evidence of good moral character; or

(d) The candidate has failed to adequately establish the candidate's graduation from an accredited school or college of optometry. (Authorized by K.S.A. 74-1504; implementing K.S.A. 65-1505, as amended by L. 1987, ch. 235, sec. 3; effective Jan. 1, 1966; amended, E-76-40, Aug. 1, 1975; amended May 1, 1976; amended May 1, 1988.)

65-6-17. (Authorized by K.S.A. 74-1504, K.S.A. 1978 Supp. 65-1501, 65-1505; effective Jan. 1, 1966; amended, E-76-40, Aug. 1, 1975; amended May 1, 1976; amended May 1, 1979; revoked, May 1, 1988.)

65-6-24. (Authorized by K.S.A. 74-1504, K.S.A. 1975 Supp. 65-1509; effective Jan. 1, 1966; amended, E-76-40, Aug. 1, 1975; modified, L. 1976, ch. 270, May 1, 1976; revoked, May 1, 1988.)

65-6-25. Continuing education. (a) Each licensed optometrist shall earn 20 hours of documented and approved continuing education during each renewal period.

(b) Each academic credit hour shall be equivalent to 15 hours for the purpose of continuing education. Credit for auditing an academic course shall be for actual hours attended during which instruction was given and shall not exceed the academic credit allowed.

(c) Educational programs which shall be approved as meeting the annual educational requirement include the following:

(1) Educational meetings of the American optometric association;

(2) educational meetings of the Kansas optometric association;

(3) scientific sections of the American academy of optometry;

(4) post-graduate courses offered at any accredited school of optometry; and

(5) other educational programs approved by the board as meeting the criteria as set forth in subsection (e).

(d) Any program, schedule, and outline may be submitted to the secretary-treasurer of the board not less than 60 days before the date of the program. Nothing in this sub-section shall permit the board to approve of an educational program which has not complied with the criteria as set forth below in subsection (e).

(e) The following criteria shall be used by the board in approving continuing education programs.

(1) The potential of the program to contribute to the advancement and extension of professional skill and knowledge in the practice of optometry;

(2) the qualifications of speakers, lecturers and others participating in any program; and

(3) whether the proposed course, if it is to be conducted within the state of Kansas, is open to all optometrists licensed in this state.

(f) All optometrists may be required by the board to attend educational programs on specified subjects for credit toward the annual education program. Notice of the requirement shall be given by the board at least one year before license renewal.

(g) Certificates of attendance of annual education courses shall be submitted by the licensee to the secretary-treasurer of the board at or prior to the licensee's application for renewal and shall contain:

- (1) The name of the sponsoring organization;
- (2) the name, signature, and address of the licensee;
- (3) number of hours in attendance;
- (4) the subject of the educational program;
- (5) the date of the educational program; and
- (6) any such other evidence of attendance the board may require.

(h) The certificate of attendance shall be a form approved by the board and signed by the secretary or chairperson of the sponsor of the educational program, the dean of optometry school, or in the case of special educational programs approved by the board, a designee of the board. (Authorized by and implementing K.S.A. 74-1504, K.S.A. 65-1509a, as amended by L. 1987, ch. 235, sec. 4; effective Jan. 1, 1966; amended Jan. 1, 1971; amended, E-76-40, Aug. 1, 1975; amended May 1, 1976; amended May 1, 1979; amended May 1, 1988.)

65-6-30. Definitions. (a) "Adapt" means the determination, selection, fitting, or use of lenses, and the modification, reproduction or duplication of such lenses, to correct defects or abnormal conditions of the human eye, or to improve vision, after determining by examination, testing and analysis the patient's precise requirements for visual aids.

(b) "Ophthalmic lenses" means any type of spectacles or contact lenses prescribed or used in the aid of any defects or abnormal conditions of the eyes.

(c) "Prescription" means the specifications, directions, and instructions necessary for the fabrication of spectacle lenses. The prescription shall include the sphere power, the cylinder power, the axis location, the prism power and base direction, the type, size and power of multifocal and the interpupillary distance, far and near. Prescription specifications, directions, and instructions necessary for the fabricating or use of contact lenses shall include the lens material, the base curve, the back vertex power, the prism power, the overall diameter, the optic zone diameter, peripheral curve radii and widths, the center thickness, the tint, and the edge shape.

(d) "Unauthorized drugs" means prescription drugs only, and shall not include lenses classified as drugs by the federal food and drug administration or by any law of the United States or of this state; nor shall it include topical pharmaceutical drugs as defined in K.S.A. 65-1501a(h).

(e) "Professional incompetence" means the willful and repeated failure or refusal of a licensee to comply with the minimum standards set forth in K.A.R. 65-6-36, and which shall be considered evidence presumed sufficient that the licensee is professionally incompetent within the meaning of K.S.A. 65-1506.

(f) "Minimum standards" means those minimum standards as set forth in K.A.R. 65-6-36.

(g) "Reproduction or duplication of a lens or lenses" includes making, manufacturing or fabricating or causing to be made, manufactured or fabricated,

ophthalmic lenses from existing lenses without a valid prescription.

(h) "External examination" means objective evaluation of the globe (cornea, aqueous, iris, pupil, conjunctiva), the lids, cilia and lacrimation by use of magnification instruments as required by the examiner.

(i) "Refraction" means the determination of the spherical and cylindrical lens powers required for each eye to achieve the state of emmetropia at a specified distance by use of the appropriate combination of any or all of the following instruments: retinoscope, electro-diagnostic instruments, trial frames and lenses, phoropter, or optometer.

(j) "Coordination testing" means subjective and objective far and nearpoint balance tests for the investigation of the binocular functions of accommodation and convergence.

(k) "Ophthalmoscopy" means evaluating the interior anatomy of the eye with a self-illuminated magnifying instrument such as an ophthalmoscope.

(l) "Keratometry" means measuring the anterior curvatures of the cornea by use of an ophthalmometer or keratometer.

(m) "Biomicroscopy" means evaluation of the exterior and interior segments of the eye under highly magnified conditions by use of a biomicroscope.

(n) "Tonometry" means instrument measurement of the intraocular pressure by use of an indentation, applanation, or non-contact type of tonometer, capable of producing reliable findings.

(o) "Multiple pattern fields or visual field screening" means appraisal of peripheral vision by instruments designed for testing the integrity of retinal response to a momentary exposed target or by confrontation method to determine extent of peripheral vision for each eye by using a tachistoscopic type field screener for multiple pattern.

(p) "Plotted fields" means a determination of that portion of the retina containing functioning visual sense cells by eliciting and plotting the subjective response to an exposed target by use of a perimeter, tangent screen, or campimeter.

(q) "Orthoptic or visual training evaluation" means measuring the sensory, motor, and intersensory functions related to visual perception and coordination of the two eyes for efficient binocular vision by using instrumentation for measuring deviations of visual axes alignment, retinal correspondence, foveal integrity, perception, form and visual memory testing.

(r) "Contact lens evaluation" means measurement of the anatomical and physiological characteristics of the eyes and lids for designing or determining the fit and effect on the eyes and lids of a therapeutic or cosmetic contact lens.

(s) "Office or place of practice" means that address, building, or location where optometric services or the practice acts are performed and in which a duly licensed optometrist has, maintains or derives, either directly or indirectly, a financial interest. (Authorized by K.S.A. 74-1504, implementing K.S.A. 65-1501, 65-1501a, as amended by L. 1987, ch. 235, sec. 1 and 2,

(continued)

65-1502, 65-1504b, K.S.A. 1986 Supp. 65-1506; effective Jan. 1, 1966; amended Jan. 1, 1971; amended, E-76-40, Aug. 1, 1975; modified, L. 1976, ch. 270, May 1, 1976; amended, E-80-1, Jan. 18, 1979; amended May 1, 1979; amended May 1, 1988.)

65-6-31. (Authorized by K.S.A. 65-1504a, K.S.A. 1975 Supp. 65-1504, 65-1509; effective Jan. 1, 1966; amended Jan. 1, 1970; amended Jan. 1, 1971; amended, E-76-40, Aug. 1, 1975; modified, L. 1976, ch. 270, May 1, 1976; revoked May 1, 1988.)

65-6-32. (Authorized by K.S.A. 1975 Supp. 65-1506; effective Jan. 1, 1966; amended, E-76-40, Aug. 1, 1975; amended May 1, 1976; revoked May 1, 1988.)

65-6-33. Hearings before the Board. (a) Hearings and procedures of the Kansas board of examiners in optometry shall be in accordance with the hearings and procedures established by the Kansas administrative procedures act.

(b) Summary adjudicative proceedings pursuant to K.S.A. 77-537 through 77-541 may be used for:

- (1) denials of initial licensure;
- (2) cease and desist orders;
- (3) informal admonishments;
- (4) warnings;
- (5) reprimands;
- (6) restrictions;
- (7) limitations.

(c) Any party who disagrees with and is subject to a summary adjudicative action may request that the proceedings be converted to a conference adjudicative proceeding or a formal adjudicative proceeding. Upon the request, the summary proceeding shall be converted to the appropriate proceeding available under the Kansas administrative procedures act.

(d) Each order issued as listed in subsection (b) of this regulation shall contain a notice informing any persons subject to the order that a request for review or conversion may be made within 15 days.

(e) The presiding officer for summary adjudicative proceedings may be the secretary-treasurer or the secretary-treasurer's designee.

(f) Conference adjudicative proceedings pursuant to K.S.A. 77-533 through 77-535 may be used for actions in which: (1) there is no disputed issue of material fact; or

(2) the parties agree to a conference adjudicative proceeding.

(g) All other proceedings, except those which are emergency adjudicative proceedings, or which have been initiated as or converted to conference or summary adjudicative proceedings, shall be formal adjudicative proceedings.

(h) The board may set aside the revocation or suspension of a licensee. The licensee may apply at any time within six months from the date of revocation, or suspension, upon proof made to the satisfaction of the board that the licensee shall adhere to the standards set forth in K.S.A. 65-1506. Before setting aside the revocation or suspension of any license, the board may, at its discretion, require the applicant to pass the regular examinations given for applicants for licensure

or some portion thereof. (Authorized by K.S.A. 74-1504; implementing K.S.A. 74-1504 and K.S.A. 1986 Supp. 65-1506; effective Jan. 1, 1966; amended, E-76-40, Aug. 1, 1975; amended May 1, 1976; amended May 1, 1988.)

65-6-37. Application for licensure. (a) Each request for license application forms shall be forwarded to the board's secretary-treasurer and shall indicate the category of licensure desired. Each application shall be returned to the board and shall include: (1) The applicant's academic transcript and proof of receipt of degree and completion of an optometric program; and

(2) full and timely payment of the appropriate fee.

(b) Each applicant shall provide three written references. Two references shall be from optometrists licensed at or above the applicant's category of licensure or eligible for licensure at that category. The references shall be familiar with the applicant's work. One reference shall be from the academic supervisor if the applicant is a student or a recent graduate. For all others, one reference shall be from the current or most recent work supervisor. References from individuals other than optometrists may be accepted under extenuating circumstances.

(c) An applicant shall not be given a tentative judgment on eligibility for licensure until all credentials are received and procedures are completed, unless it is apparent that the applicant does not qualify for licensure on the basis of education as required in K.S.A. 65-1505.

(d) Applications shall be held through two examinations. If an applicant has not been licensed after the second examination through failure to pass the examination or to be seated for the examination, the application shall expire. The application may be renewed through submission of a new application, fee and all supporting documents.

(e) Any application may, for lack of qualifications, be held in abeyance for a period not to exceed one year. If the applicant has not met the qualifications by the end of that year, the application shall expire. Upon expiration, an application may be renewed through submission of a new application, fee and all supporting documents. (Authorized by and implementing K.S.A. 65-1505, as amended by L. 1987, ch. 235, sec. 3 and 74-1504; effective May 1, 1988.)

Article 7.—CODE OF ETHICS

65-7-3. (Authorized by K.S.A. 75-1504; effective Jan. 1, 1966; amended May 1, 1979; revoked May 1, 1988.)

65-7-10. (Authorized by K.S.A. 75-1504; effective Jan. 1, 1966; amended Jan. 1, 1971; amended May 1, 1979; revoked May 1, 1988.)

BOARD OF EXAMINERS IN OPTOMETRY

Doc. No. 006257

State of Kansas

BOARD OF NURSING

PERMANENT ADMINISTRATIVE
REGULATIONS

(Effective May 1, 1988)

Article 13.—FEES; REGISTERED NURSE
ANESTHETIST

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, 1987; effective May 1, 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.

(e) Program review.

(1) A program review shall be conducted by the board at least once every five years, or in conjunction with the council 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 information 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; effective May 1, 1988.)

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; effective May 1, 1988.)

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 ap-

(continued)

proved, 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; effective May 1, 1988.)

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; effective May 1, 1988.)

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; effective May 1, 1988.)

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; effective May 1, 1988.)

DR. LOIS RICH SCIBETTA
Executive Administrator

Doc. No. 006267

State of Kansas

BOARD OF MORTUARY ARTS

PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1988)

Article 1.—EMBALMING; CONTINUING EDUCATION OF EMBALMERS AND FUNERAL DIRECTORS

63-1-1. Definitions. (a) "Board" means the state board of mortuary arts of Kansas.

(b) "Casket" means a rigid container which is designed for the encasement and burial of dead human bodies.

(c) "Disposition" means burial, cremation or permanent delivery to a medical institution of a dead human body.

(d) "Embalmer" means any person engaged in embalming.

(e) "Embalming" means chemical preparation of a dead human body for disposition.

(f) "Funeral service or funeral" means religious services or other rites or ceremonies with a dead human body present.

(g) "Suitable combustible container" means any receptacle or enclosure other than a casket which is of sufficient strength to be used to hold and transport human remains including, but not limited to, cardboard, pressed-wood, or composition containers, and canvas or opaque polyethylene pouches. (Authorized by K.S.A. 74-1704, 74-1707; implementing K.S.A. 65-1703, K.S.A. 65-1711a, K.S.A. 65-1712, 65-1713, 65-1713b, 65-1723, 74-1707; effective Jan. 1, 1966; amended Jan. 1, 1974; modified by L. 1978, ch. 465, May 1, 1978; amended May 1, 1979; amended May 1, 1982; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988.)

63-1-3. Registration and apprenticeship. (a) Each person desiring to enter the practice of embalming dead human bodies within the state of Kansas shall apply to the board for a "certificate of registration," no later than 30 days before the examination date. Application forms provided by the board shall be used. This application shall be accompanied by:

(1) official transcripts of accredited institutions of higher learning showing the applicant has met the educational requirements or the equivalent of K.S.A. 65-1701a; and

(2) statements that the school, institute, community college, or university where the applicant completed education meets the following qualifications:

(A) The school, institute, community college, college, or university is accredited by the north central association of the secondary schools, colleges, and universities or another such regional association; and

(B) the school, institute, community college, college, or university is accredited by the American board of funeral service education or by any agency recognized by the United States commissioner of education as the proper agency for the accrediting of these schools.

(b) When an applicant has successfully completed the educational requirements stated in K.S.A. 65-1701a, the applicant shall file the college or the university transcript and the prescribed fee with the board. Upon receiving a "certificate of completion" or the degree offered by the school, the applicant shall be eligible to apply to take the embalmer's examination given by this board.

(c) When the student enrolls in an approved school of mortuary science offering only mortuary science courses, the student shall complete 60 hours in an accredited college or university. The student shall obtain a minimum of 30 hours of mortuary science courses before being eligible to apply to take the embalmer's examination given by this board.

(d) Upon passing the examination, the applicant shall be registered under a Kansas licensed embalmer for an embalmer apprenticeship. The licensee under whom the apprentice is registered shall file quarterly reports of progress with the board. Upon successful completion of the apprenticeship, an embalmer's license shall be issued by the board upon payment of the pro-rated biennial fee.

(e) All transcripts and other records filed with the board shall become part of the board's permanent files and records.

(f) If the applicant does not take the examination within two years from the date of first registration, that registration shall automatically be canceled. Time served in the armed forces shall not be counted in computing this period. If the applicant desires to re-register, the applicant shall make a new application for registration and shall comply with the requirements of the board.

(g) If an apprentice embalmer fails to complete the apprenticeship within two years following the successful completion of the examination, the apprenticeship shall be canceled. Time served in the armed forces shall not be counted in computing this period.

If the applicant later desires to complete the apprenticeship, the applicant shall first retake and pass the embalmer's examination.

(h) Each applicant who passes the examination shall receive credit toward the apprenticeship for time spent in the armed forces if the applicant's primary duties were preparation of, and caring for, dead human bodies under the supervision of a person holding a valid embalmer's license in any state. The supervising licensee shall certify as to the duties of the applicant. (Authorized by K.S.A. 44-534, K.S.A. 44-573; implementing K.S.A. 65-1702, K.S.A. 65-1701a, 65-1727; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1969; amended Jan. 1, 1974; amended, E-76-14, Feb. 28, 1975; amended May 1, 1976; amended May 1, 1978; amended May 1, 1982; amended May 1, 1983; amended May 1, 1986; amended May 1, 1987; amended, T-88-43, Oct. 27, 1987; amended May 1, 1988.)

63-1-5. Requirements for reciprocal embalmer's license. Each applicant licensed in another state and desiring reciprocal licensure in Kansas shall secure all necessary documents required for licensure under K.S.A. 65-1701b. The documents shall be delivered with an application and fee to the board at least 30 days prior to the meeting of the board in which the application will be considered. (Authorized by K.S.A. 74-1704; implementing K.S.A. 65-1701b; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1982; modified, L. 1983, ch. 351, May 1, 1983; amended May 1, 1987; amended May 1, 1988.)

63-1-6. General rules relating to the practice of embalming and funeral directing. When any embalmer, funeral director or establishment license is lost or destroyed, a duplicate shall be issued by the board upon verified proof of the loss or destruction of the license.

(b) Each licensee shall promptly notify the board of all changes in the licensee's address.

(c) Each licensee shall promptly and fully cooperate at all times with the state department of health and environment and with the board in all matters pertaining to the general practice of embalming.

(d) A licensee's name may be used in the form of an endorsement of a funeral plan if the recommendation is genuine and representative of the current opinion of the licensee. The endorsement shall apply to the plan advertised. If the licensee making the recommendation has a financial interest in the plan or a related entity, or if the licensee will, as a direct or indirect stockholder, officer or employee, receive any benefit directly or indirectly, this fact shall be disclosed in the endorsement.

(e) A licensee shall not be connected in any way with an insurance company if:

(1) Policies are payable in merchandise, or require the service of a designated funeral director or a member of a designated group of funeral directors; or

(2) the certificate or policy of that company provides for a reduction on the value of merchandise or services furnished or the price to be paid for them.

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(Authorized by K.S.A. 74-1704, 74-1707; implementing K.S.A. 65-1701, 74-1707, 65-1711a; effective Jan. 1, 1966; modified, L. 1979, ch. 345, May 1, 1979; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended May 1, 1988.)

63-1-7. (Authorized by and implementing K.S.A. 65-1711a; effective Jan. 1, 1966; amended Jan. 1, 1974; modified, L. 1978, ch. 465, May 1, 1978; amended May 1, 1987; revoked, T-88-43, Oct. 27, 1987; revoked May 1, 1988.)

63-1-8. (Authorized by and implementing K.S.A. 65-1711a, 74-1704; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1982; amended May 1, 1984; amended May 1, 1986; amended May 1, 1987; revoked May 1, 1988.)

63-1-12. Embalmers biennial renewals. (a) All embalmer licenses will be paid on a biennial basis. All renewal fees shall be pro-rated to the nearest whole month on a one time basis, in order to establish the biennial renewal process.

(b) Expiration dates will be assigned alphabetically according to the first letter of the licensees surname, as follows:

- (1) A and M shall expire on January 31;
- (2) B and N shall expire on February 28;
- (3) C and O shall expire on March 31;
- (4) D and P shall expire on April 30;
- (5) E and Q shall expire on May 31;
- (6) F and R shall expire on June 30;
- (7) G and S shall expire on July 31;
- (8) H and T shall expire on August 31;
- (9) I and U shall expire on September 30;
- (10) J and V shall expire on October 31;
- (11) K and W shall expire on November 30;
- (12) L and X, Y and Z shall expire on December 31;

Renewal surname letters A through L will renew on even-numbered years; M through Z will renew on odd-numbered years.

(c) A lapsed license may be reinstated upon payment of the renewal fee in arrears and a reinstatement fee in the amount equal to the renewal fee, except that the lapse shall not be over six months in duration.

(d) When a license has lapsed for more than six months, the applicant shall reapply for licensure under current requirements and pay all renewal fees in arrears and a reinstatement fee in the amount equal to the pro-rated renewal fee.

(e) The provisions of subsection (a) shall not apply to apprentice licensees or period of apprenticeship under K.S.A. 1986 Supp. 65-1701a. The initial licensure fee for new embalmers shall be charged on a pro rata basis in order to place new licensees within the alphabetical order of subsection (b).

(f) Licensees changing their surnames shall notify the board of the change and the expiration date shall be adjusted to the month so designated in subsection (b). (Authorized by K.S.A. 74-1704; effective, E-80-17, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1986; amended May 1, 1988.)

63-1-14. (Authorized by K.S.A. 65-1712, 65-1723;

implementing K.S.A. 65-1702, 65-1716; effective, E-81-41, Dec. 17, 1980; modified, L. 1981, ch. 410, May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1987; revoked May 1, 1988.)

63-1-15. (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective, E-81-41, Dec. 17, 1980; modified, L. 1981, ch. 410, May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1987; revoked May 1, 1988.)

63-1-16. (Authorized by and implementing implementing K.S.A. 65-1702, 65-1716; effective, E-81-41, Dec. 17, 1980; modified, L. 1981, ch. 410, May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1987; revoked May 1, 1988.)

63-1-17. (Authorized by K.S.A. 65-1712, 65-1723; implementing K.S.A. 65-1702, 65-1716; effective, E-81-41, Dec. 17, 1980; modified, L. 1981, ch. 410, May 1, 1981; amended May 1, 1982; revoked May 1, 1988.)

63-1-18. (Authorized by K.S.A. 65-1723; implementing K.S.A. 65-1702, 65-1716; effective, E-81-41, Dec. 17, 1980; modified, L. 1981, ch. 410, May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1987; revoked May 1, 1988.)

63-1-20. (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective, E-81-41, Dec. 17, 1980; modified, L. 1981, ch. 410, May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1987; revoked May 1, 1988.)

63-1-21. (Authorized by K.S.A. 65-1712, 65-1723; implementing K.S.A. 65-1702, 65-1716; effective, E-81-41, Dec. 17, 1980; modified, L. 1981, ch. 410, May 1, 1981; amended May 1, 1982; revoked May 1, 1988.)

63-1-22. (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective, E-81-41, Dec. 17, 1980; modified, L. 1981, ch. 410, May 1, 1981; amended May 1, 1982; amended May 1, 1987; revoked May 1, 1988.)

Article 2.—FUNERAL DIRECTING

63-2-8. (Authorized by K.S.A. 74-1704; implementing K.S.A. 65-1722; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1987; revoked, T-88-43, Oct. 27, 1987; revoked May 1, 1988.)

63-2-13. Funeral director's license examination. The funeral director's license examination shall consist of the following subjects: (a) mortuary law and business law;

- (b) sociology of funeral service;
- (c) psychology;
- (d) mortuary administration;
- (e) accounting;
- (f) Kansas and federal law.

A minimum grade of seventy-five shall be attained before the issuance of a funeral director's license.

If the applicant fails the examination, the applicant shall be allowed to again appear before the board at the next funeral director's examination and be re-examined. Should the applicant fail the second examination or fail to appear for same, then the applicant

may make a new application within six months and pay another examination fee, and write a new examination. (Authorized by K.S.A. 74-1704; effective May 1, 1976; amended May 1, 1978; amended May 1, 1980; amended May 1, 1988.)

Article 3.—PREPARATION AND TRANSPORTATION OF BODIES; BURIAL IN MAUSOLEUMS; FUNERAL ESTABLISHMENTS

63-3-10. Death from communicable diseases. Appropriate precautionary measures to prevent the spread of communicable diseases from deceased human bodies to employees of mortuary establishments, persons contracted to provide services involved in the preparation and handling of dead human bodies, and to the general public, shall be undertaken at all times and shall be the responsibility of the funeral director.

When death has occurred from any unusual and highly communicable disease, the body shall be handled and prepared under strict quarantine regulations. If any such communicable disease occurred or was reasonably suspected to be present, the body shall be prepared only by a licensed embalmer and immediately placed in a casket or coffin which shall be permanently closed. (Authorized by K.S.A. 74-1704; effective Jan. 1, 1969; amended May 1, 1978; modified, L. 1979, ch. 353, May 1, 1979; amended May 1, 1988.)

63-3-13. Disinterred. The transportation of disinterred remains by common carrier or by private conveyance is subject to the same rules as for any dead human body. (Authorized by K.S.A. 74-1704; effective Jan. 1, 1969; amended May 1, 1978; amended, T-88-43, Oct. 27, 1987; amended May 1, 1988.)

Article 4.—FEES

63-4-1. Payment of fees. (a) The following fees shall be charged by the Kansas state board of mortuary arts:

Embalmer's examination fee	\$125.00
Embalmer's reciprocity application fee	\$200.00
Embalmer's biennial license & renewal fee	\$ 72.00
Apprentice embalmer's registration fee	\$ 50.00
Funeral director's examination fee	\$100.00
Funeral director's reciprocity application fee	\$200.00
Funeral director's biennial license & renewal fee ..	\$144.00
Assistant funeral director's application fee	\$ 50.00
Assistant funeral director's biennial license & renewal fee	\$ 96.00
Funeral establishment and branch establishment biennial license & renewal fee	\$300.00

(Authorized by and implementing K.S.A. 65-1727; effective May 1, 1983; amended May 1, 1986; amended May 1, 1987; amended, T-88-43, Jan. 1, 1988; amended May 1, 1988.)

Article 5.—ADMINISTRATIVE HEARINGS AND DISCIPLINARY ACTIONS

63-5-1. Adverse license action; definitions. "Unprofessional or dishonorable" as used in section 1,

subsection (2) of H.B. 2135 of the 1987 legislative session, is hereby defined to include the following:

(a) Misrepresentation or fraud in the conduct of the licensee's business;

(b) refusal or neglect to promptly obtain, complete and file death certificates or out of state transportation permits;

(c) refusal or neglect to file monthly reports of bodies prepared for burial;

(d) abuse or disrespect in the handling of a dead human body;

(e) interference with or obstructing the performance of the contractual duties or services between the licensee and the next of kin or a legal representative of any deceased person;

(f) requiring the purchase of a casket as a condition to providing funeral services when the dead body is cremated, unless otherwise required by law; and

(g) disclosure of the confidences and secrets of the domestic life of any family served.

The provisions above set forth shall be in addition to those contained in the laws and other rules and regulations of this board. (Authorized by K.S.A. 74-1704 and implementing 1987 HB 2135; effective, T-88-43, Oct. 27, 1987; effective May 1, 1988.)

63-5-2. Administrative procedure. All administrative procedures taken by the board shall be conducted in accordance with the provisions of the Kansas administrative procedure Act. (Authorized by and implementing K.S.A. 65-1711a, 74-1704; effective May 1, 1988.)

Article 6.—CONTINUING EDUCATION

63-6-1. Continuing education requirements. (a) Except as provided in subsection (e), each licensee in this state shall submit with the license renewal application, satisfactory proof of completion of a minimum of six clock-hours per year of continuing education course-work approved by the board. A licensee filing proof of completion of continuing education course-work with the board shall file each topic separately. Compliance with the required continuing education shall be a prerequisite for a license renewal.

(b) Continuing education credit may be obtained by attending and participating in continuing education courses or workshops previously accredited by the board or otherwise meeting the requirements stated in K.A.R. 63-1-15 and approved by the board.

(c) During the time an organization, educational institution, or person is an accredited sponsor, all continuing education programs of the organization, educational institution, or person may be approved by the board.

(d) Any licensure desiring to obtain credit for completing more than 12 hours of approved continuing education credits during any two licensure years, shall report this carry-over credit to the board on or before the expiration of the licensee's current licensure year. This carry-over credit shall be limited to no more than six clock-hours.

(e) Continuing education requirements for individ-

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uals newly licensed by examination shall be waived for the first time renewal of a license.

(f) No more than six hours shall be granted for any one approved continuing education topic.

(Authorized by K.S.A. 65-1712, 65-1723; implementing K.S.A. 65-1702, 65-1716; effective May 1, 1988.)

63-6-2. Standards for approval. (a) A continuing education course or workshop shall be qualified for approval if the board determines that it:

(1) Constitutes an organized program of learning, including a symposium, which contributes directly to the professional competency of the licensee;

(2) is related to the practice of mortuary science;

(3) is conducted by individuals considered experts in the subject matter of the program by reason of education, training or experience; and

(4) is accompanied by a paper, manual or written outline which substantially describes the subject matter of the program.

(b) Except as may be allowed by the board, a licensee shall not receive credit exceeding three credit-hours of the annual total required hours for:

(1) correspondence work;

(2) video, sound-recorded, or television programs;

or

(3) by information transmitted by other similar means as authorized by the board.

(c) Service as a lecturer or discussion leader shall be included to the extent that it contributes to the professional competence of the applicant. Repetitious presentations shall not be counted. Not more than 50 percent of the total required hours may be satisfied in this manner.

(d) The maximum number of credit hours which shall be granted for any single continuing education course or workshop single topic is six.

(e) The board shall periodically furnish lists of approved continuing education programs to licensed funeral establishments and to licensees not employed by a licensed Kansas funeral establishment. (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective May 1, 1988.)

63-6-3. Post approval and review. (a) Post approval of activities. A licensee seeking credit for attendance and participation in an educational program which is not conducted by an accredited sponsor and which is not otherwise approved shall submit to the board, within 30 days after completion of the activity, the activity's dates, subjects, instructors and their qualifications and number of credit hours requested. Within 90 days after receipt of the application, the licensee shall be advised by the board, in writing and by mail, as to whether the activity is approved and the number of credit hours allowed. A licensee may be denied credit if the licensee fails to comply with the requirements of this subsection.

(b) Review of programs. Any continuing education course or workshop already approved by the board may be monitored or reviewed by the board, and upon evidence of significant variation in the program pre-

sented from the program approved, all or any part of the approved hours granted the program may be disapproved. (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective May 1, 1988.)

63-6-4. Hearings. In the event of a denial, in whole or in part, of any application for accreditation or approval of a continuing education course or workshop, the applicant or licensee shall have the right of hearing pursuant to K.A.R. 63-5-2. (Authorized by K.S.A. 65-1716; effective May 1, 1988.)

63-6-5. Report of licensee. Each licensee shall file with the board, a signed report of continuing education credit hours completed and of any months when the licensee was exempted by K.S.A. 65-1702(e) and 65-1716(e) during the continuing education compliance period. The report shall be filed with the application for renewal of license. (Authorized by K.S.A. 65-1712, 65-1723; implementing K.S.A. 65-1702; 65-1716; effective May 1, 1988.)

63-6-6. Disability or illness. Disability or illness shall be a sufficient cause for exemption under K.S.A. 65-1702(e) and 65-1716(e). (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective May 1, 1988.)

63-6-7. Exemptions for inactive practitioners. A licensee who is not engaged in practice in the state of Kansas may be granted a waiver of compliance and obtain a certificate of exemption upon written application to the board. The application shall contain a statement that the applicant will not engage in the practice of embalming in Kansas without first complying with all regulations governing reinstatement after exemption. The application for a certificate of exemption shall be submitted on the form provided by the board. (Authorized by K.S.A. 65-1712, 65-1723; implementing K.S.A. 65-1702, 65-1716; effective May 1, 1988.)

63-6-8. Reinstatement of inactive practitioners. Inactive practitioners who have been granted a waiver of compliance with these regulations, and who obtain a certificate of exemption, shall give notice to the board of the termination of their inactive status. (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective May 1, 1988.)

DOUGLAS "MACK" SMITH
Executive Secretary

Doc. No. 006256

State of Kansas

DEPARTMENT OF WILDLIFE
AND PARKSPERMANENT ADMINISTRATIVE
REGULATIONS

(Effective May 1, 1988)

Article 1.—GAME BIRDS

23-1-10. Turkey, season restrictions. (a) Legal hunting equipment.

(1) Archery equipment permitted for archery and firearm seasons shall be long bows, recurve bows or compound bows of at least 45 pounds pull up to or at full draw. All arrows shall be equipped with broad-head points. A crossbow shall not be considered to be a long bow, a recurve bow or a compound bow.

(2) Firearm equipment permitted for firearm seasons shall be shotguns and muzzleloading shotguns. Shotguns shall be 20 gauge or larger. Only size 2 shot through size 9 shot shall be used.

(3) Decoys other than live decoys, non-electronic calls and lures shall be legal for taking turkeys during the established open seasons.

(b) Carcass tag. Each permittee shall have in possession a carcass tag while hunting turkey. Removal of the carcass tag from the permit shall invalidate the permit for hunting. The permittee shall sign and date the tag and attach it to the carcass immediately following the kill and before moving the carcass from the site of the kill. Legally acquired turkey meat may be given to and possessed by another, if a written notice which includes the donor's name, address and permit number accompanies the meat.

(c) Informational cards. Each permittee receiving an informational card shall report the results of the hunt within 48 hours after the close of the season.

(d) Turkeys shall be shot only while on the ground or in flight.

(e) An archery turkey hunter shall not have a firearm in possession while hunting turkey.

(f) A permit, once issued, shall not be transferable and a refund shall not be granted. However, a refund may be granted if the permittee dies prior to the opening date of the season.

(g) In addition to other penalties prescribed by law, a permit application may be rejected by the Kansas department of wildlife and parks when the application contains a false representation or misrepresentation. Any permit obtained through false representation or misrepresentation shall be invalid from date of issuance.

(h) (1) A person shall not submit more than one application for a spring turkey permit in a calendar year. A person shall not submit more than one application for a fall turkey permit in a calendar year.

(2) In addition to other penalties prescribed by law, a person applying for more than one application for a spring turkey hunt or more than one application for a fall turkey hunt shall be ineligible to receive any permit for the hunt in which multiple applications were made. Any permit issued to a person who made

multiple applications for a hunt shall be invalid from the date of issuance.

(3) Any applicant unsuccessful in obtaining a permit in a drawing for limited permits shall be eligible to apply for any permits remaining after the drawing or any permits available on an unlimited basis. An applicant shall not obtain more than one spring turkey permit in a calendar year or more than one fall turkey permit in a calendar year.

(i) The priorities for receiving turkey permits shall be: (1) Those persons who have not obtained a permit in the prior year; and

(2) All other applicants.

(Authorized by K.S.A. 32-215; implementing K.S.A. 32-177 and 32-178; effective, T-81-32, Oct. 8, 1980; effective May 1, 1981; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988.)

23-1-12. Turkey; spring open season; bag limit, and permits. (a) The open season for hunting, killing, and taking turkey in Kansas shall be April 13, 1988, through May 1, 1988, in all units.

(b) The legal limit for permit holders shall be one bearded turkey per permit.

(c) The areas to be open and the number of permits to be authorized are as follows:

(1) Unit 1. The following described area shall be open for the taking of turkey during the established season: that area bounded by Colorado on the west, Nebraska on the north, and a line from the Colorado-Kansas boundary east on state highway K-96 to its junction with federal highway US-183; then North on federal highway US-183 to its junction with the Nebraska-Kansas boundary, except federal and state sanctuaries. Fifteen hundred permits are authorized for the unit.

(2) Unit 2. The following described area shall be open for the taking of turkey during the established season: that area bounded by Nebraska on the north and a line from the Nebraska-Kansas boundary south on federal highway US-183 to its junction with state highway K-96; then east on state highway K-96 to its junction with state highway K-156; then northeast on state highway K-156 to its junction with state highway K-4; then east on state highway K-4 to its junction with interstate highway 135; then north on interstate 135 to its junction with state highway K-4; then east on state highway K-4 to its junction with federal highway US-77; then north on federal highway US-77 to its junction with the Nebraska-Kansas boundary, except federal and state sanctuaries. Eleven hundred permits are authorized for the unit.

(3) Unit 3. The following described area shall be open for the taking of turkey during the established open season: that area bounded by Nebraska on the north, Missouri on the east and a line from the Nebraska-Kansas boundary south on federal highway US-77 to its junction with federal highway US-56; then east on federal highway US-56 to its junction with KTA; then northeast on KTA to its junction with the Osage-Wabaunsee County line; then north on the

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Osage-Wabaunsee County line to its junction with the Shawnee-Wabaunsee county line; then north on the Shawnee-Wabaunsee county line to its junction with the Shawnee-Pottawatomie county line; then north on the Shawnee-Pottawatomie county line to its junction with federal highway US-24; then east on federal highway US-24 to its junction with the Kansas-Missouri state line, except federal and state sanctuaries. Seventeen hundred fifty permits are authorized for the unit.

(4) Unit 4. The following described area shall be open for the taking of turkey during the established open season: that area bounded by Missouri on the east and a line from the Missouri-Kansas boundary west on federal highway US-24 to its junction with the Shawnee-Pottawatomie county line; then south on the Shawnee-Pottawatomie county line to its junction with the Shawnee-Wabaunsee county line; then south on the Shawnee-Wabaunsee county line to its junction with the Osage-Wabaunsee county line; then south on the Osage-Wabaunsee county line to its junction with state highway K-31; then east on state highway K-31 to its junction with federal highway US-56; then east on US-56 to its junction with Interstate 35; then northeast on Interstate 35 to its junction with state highway K-150; then east on K-150 to its junction with the Missouri-Kansas boundary, except federal and state sanctuaries. Two hundred permits are authorized for the unit.

(5) Unit 5. The following described area shall be open for the taking of turkey during the established open season: that area bounded by Oklahoma on the south and a line from the Oklahoma-Kansas boundary northeast on federal highway US-54 to its junction with federal highway US-183; then north on federal highway US-183 to its junction with federal highway US-50; then east on federal highway US-50 to its junction with federal highway US-281; then north on federal highway US-281 to its junction with federal highway US-56; then east on federal highway US-56 to its junction with state highway K-156; then northeast on state highway K-156 to its junction with state highway K-4; then east on state highway K-4 to its junction with interstate 135; then north on interstate 135 to its junction with state highway K-4; then east on state highway K-4 to its junction with federal highway US-77; then south on federal highway US-77 to its junction with federal highway US-56; then east on federal highway US-56 to its junction with KTA; then southwest on KTA to its junction with Interstate 35; then east on interstate 35 to its junction with federal highway US-75; then south on federal highway US-75 to its junction with the Oklahoma-Kansas boundary except federal and state sanctuaries. Unlimited permits are authorized for the unit.

(6) Unit 6. The following described area shall be open for the taking of turkey during the established season: that area bounded by Oklahoma on the south and Missouri on the east and a line from the Oklahoma-Kansas boundary north on federal highway US-75 to its junction with interstate highway I-35; then west on interstate highway I-35 to its junction with KTA; then northeast on KTA to its junction with

state highway K-31; then east on state highway K-31 to its junction with federal highway US-56; then east on federal highway US-56 to its junction with state highway K-150; then east on state highway K-150 to its junction with the Kansas-Missouri boundary, except federal and state sanctuaries. Six hundred permits are authorized for the unit.

(7) Unit 7. The following described area shall be open for the taking of turkey during the established season: that area bounded by Oklahoma on the south and Colorado on the west and a line from the Oklahoma-Kansas boundary northeast on federal highway US-54 to its junction with federal highway US-183; then north on federal highway US-183 to its junction with federal highway US-50; then east on federal highway US-50 to its junction with federal highway US-281; then north on federal highway US-281 to its junction with federal highway US-56; then west on federal highway US-56 to its junction with state highway K-96; then west on state highway K-96 to its junction with the Colorado-Kansas boundary, except federal and state sanctuaries. One hundred fifty permits are authorized for the unit.

(d) Applications will be accepted in the Pratt office from January 11, 1988, until 5:00 p.m. January 29, 1988. If there are any unfilled permits after all timely applications have been considered, the Department may extend the application period.

(e) This regulation shall be effective as of November 18, 1987, but shall have no force and effect on and after October 30, 1988. (Authorized by K.S.A. 32-164 and 32-178; implementing K.S.A. 32-178; effective November 18, 1987.)

Article 2.—GAME ANIMALS

23-2-7. Deer; firearms management units. (a) High Plains deer management unit; unit 1. The following described area shall be open for the taking of deer during the firearms deer season: that part of Kansas bounded by a line from the Nebraska-Kansas boundary south on federal highway US-283 to its junction with interstate highway I-70, then west on interstate highway I-70 to the Colorado-Kansas boundary, then north along the Colorado-Kansas boundary to its junction with the Nebraska-Kansas boundary, except federal and state sanctuaries.

(b) Smoky Hill deer management unit; unit 2. The following described area shall be open for the taking of deer during the firearms deer season: that part of Kansas bounded by a line from the Colorado-Kansas boundary east on interstate highway I-70 to its junction with state highway K-147, then south on state highway K-147 to its junction with state highway K-4, then west on state highway K-4 to its junction with federal highway US-83, then south on federal highway US-83 to its junction with state highway K-96, then west on state highway K-96 to its junction with the Colorado-Kansas boundary, then north along the Colorado-Kansas boundary to its junction with interstate highway I-70, except federal and state sanctuaries.

(c) Kirwin-Webster deer management unit; unit 3. The following described area shall be open for the

taking of deer during the firearms deer season: that part of Kansas bounded by a line from the Nebraska-Kansas boundary south on state highway K-8 to its junction with federal highway US-36, then east on federal highway US-36 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with the Nebraska-Kansas boundary, then east along the Nebraska-Kansas boundary to its junction with state highway K-8, except federal and state sanctuaries.

(d) Kanopolis deer management unit; unit 4. The following described area shall be open for the taking of deer during the firearms deer season: that part of Kansas bounded by a line from the interstate highway I-70, state highway K-147 junction, then east on interstate highway I-70 to its junction with federal highway US-81, then south on federal highway US-81 to its junction with state highway K-4, then west on state highway K-4 to its junction with state highway K-147, then north on state highway K-147 to its junction with interstate highway I-70, except federal and state sanctuaries.

(e) Pawnee deer management unit; unit 5. The following described area shall be open for the taking of deer during the firearms deer season: that part of Kansas bounded by a line from the state highway K-4 and state highway K-14 junction, then south on state highway K-14 to its junction with federal highway US-50, then west on federal highway US-50 to its junction with federal highway US-183, then northeast and north on federal highway US-183 to its junction with federal highway US-156, then west on federal highway US-156 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with state highway K-4, then east on state highway K-4 to its junction with state highway K-14, except federal and state sanctuaries.

(f) Middle Arkansas deer management unit; unit 6. The following described area shall be open for the taking of deer during the firearms deer season: that part of Kansas bounded by a line from the state highway K-4 and federal highway US-77 junction, then south on federal highway US-77 to its junction with federal highway US-50, then west on federal highway US-50 to its junction with state highway K-14, then north on state highway K-14 to its junction with state highway K-4, then east on state highway K-4 to its junction with federal highway US-77, except federal and state sanctuaries.

(g) Solomon deer management unit; unit 7. The following described area shall be open for the taking of deer during the firearms deer season: that part of Kansas bounded by a line from the Nebraska-Kansas boundary south on federal highway US-81 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with federal highway US-36, then west on federal highway US-36 to its junction with state high-

way K-8, then north on state highway K-8 to its junction with the Nebraska-Kansas boundary, then east along the Nebraska-Kansas boundary to its junction with federal highway US-81, except federal and state sanctuaries.

(h) Republican deer management unit; unit 8. The following described area shall be open for the taking of deer during the firearms deer season: that part of Kansas bounded by a line from the Nebraska-Kansas boundary south on federal highway US-77 to its junction with state highway K-4, then west on state highway K-4 to its junction with federal highway US-81, then north on federal highway US-81 to its junction with the Nebraska-Kansas boundary, then east along the Nebraska-Kansas boundary to its junction with federal highway US-77, except federal and state sanctuaries.

(i) Tuttle Creek deer management unit; unit 9. The following described area shall be open for the taking of deer during the firearms deer season: that part of Kansas bounded by a line from the Nebraska-Kansas boundary, south on federal highway US-75 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with federal highway US-77, then north on federal highway US-77 to its junction with the Nebraska-Kansas boundary, then east along the Nebraska-Kansas boundary to its junction with federal highway US-75, except federal and state sanctuaries.

(j) Kaw deer management unit; unit 10. The following described area shall be open for the taking of deer during the firearms deer season: that part of Kansas bounded by a line from the Nebraska-Kansas boundary south on federal highway US-75 to its junction with interstate highway I-35, then northeasterly on interstate highway I-35 to its junction with state highway K-150, then east on state highway K-150 to the Missouri-Kansas boundary, then north along the Missouri-Kansas boundary to its junction with the Nebraska-Kansas boundary, except federal and state sanctuaries.

(k) Osage Prairie deer management unit; unit 11. The following described area shall be open for the taking of deer during the firearms deer season: that part of Kansas bounded by a line from the Oklahoma-Kansas boundary north on federal highway US-169 to its junction with state highway K-37, then northwesterly on state highway K-37 to its junction with federal highway US-75, then north on federal highway US-75 to its junction with interstate highway K-35, then northeasterly on interstate highway K-35 to its junction with state highway K-150, then east on state highway K-150 to its junction with the Missouri-Kansas boundary, then south along the Missouri-Kansas boundary to its junction with the Oklahoma-Kansas boundary, except federal and state sanctuaries.

(l) Chautauqua Hills deer management unit; unit 12. The following described area shall be open for the taking of deer during the firearms deer season: that part of Kansas bounded by a line from the Oklahoma-Kansas boundary north on federal highway US-169 to its junction with state highway K-37, then northwesterly

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terly on state highway K-37 to its junction with federal highway US-75, then north on federal highway US-75 to its junction with federal highway US-54, then west on federal highway US-54 to its junction with state highway K-99, then south on state highway K-99 to its junction with federal highway US-160, then west on federal highway US-160 to its junction with state highway K-15, then east and south on state highway K-15 to its junction with the Oklahoma-Kansas boundary, then east along the Oklahoma-Kansas boundary to its junction with federal highway US-169, except federal and state sanctuaries.

(m) Lower Arkansas deer management unit; unit 13. The following described area shall be open for the taking of deer during the firearms deer season: that part of Kansas bounded by a line from the Oklahoma-Kansas boundary north on federal highway US-81 to its junction with state highway K-53, then east on state highway K-53 to its junction with state highway K-15, then southeasterly on state highway K-15 to its junction with the Oklahoma-Kansas boundary, then west along the Oklahoma-Kansas boundary to its junction with federal highway US-81, except federal and state sanctuaries.

(n) Flint Hills deer management unit; unit 14. The following described area shall be open for the taking of deer during the firearms deer season: that part of Kansas bounded by a line from the junction of interstate highway I-70 and federal highway US-75, then south on federal highway US-75 to its junction with federal highway US-54, then west on federal highway US-54 to its junction with state highway K-99, then south on state highway K-99 to its junction with federal highway US-160, then west on federal highway US-160 to its junction with federal highway US-77, then north on federal highway US-77 to its junction with interstate highway I-70, then east on interstate highway I-70 to its junction with federal highway US-75, except federal and state sanctuaries.

(o) Ninnescah deer management unit; unit 15. The following described area shall be open for the taking of deer during the firearms deer season: that part of Kansas bounded by a line from the Oklahoma-Kansas boundary, north on state highway K-179 to its junction with state highway K-14, then continuing north on state highway K-14 to its junction with state highway K-42, then west on state highway K-42 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with federal highway US-54, then west on federal highway US-54 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with federal highway US-77, then south on federal highway US-77 to its junction with state highway K-15, then west and northwest on state highway K-15 to its junction with state highway K-53, then west on state highway K-53 to its junction with federal highway US-81, then south on federal highway US-81 to the Oklahoma-Kansas boundary, then west along the Oklahoma-Kansas boundary to its junction with state highway K-179, except federal and state sanctuaries.

(p) Red Hills deer management unit; unit 16. The following described area shall be open for the taking of deer during the firearms deer season: that part of Kansas bounded by a line from the Oklahoma-Kansas boundary, north on state highway K-1 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with federal highway US-54, then east on federal highway US-54 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with state highway K-42, then east on state highway K-42 to its junction with state highway K-14, then south on state highway K-14 to its junction with state highway K-179, then south on state highway K-179 to the Oklahoma-Kansas boundary, then west along the Oklahoma-Kansas boundary to its junction with state highway K-1, except federal and state sanctuaries.

(q) West Arkansas deer management unit; unit 17. The following described area shall be open for the taking of deer during the firearms deer season: that part of Kansas bounded by a line from the Colorado-Kansas boundary east on state highway K-96 to its junction with federal highway US-83, then north on federal highway US-83 to its junction with state highway K-4, then east on state highway K-4 to its junction with federal highway US-283, then south on federal highway US-283 to its junction with federal highway US-156, then east on federal highway US-156 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, then southwest on federal highway US-54 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with federal highway US-56, then southwest on federal highway US-56 to its junction with state highway K-144, then west on state highway K-144 to its junction with federal highway US-160, then continuing west on federal highway US-160 to the Colorado-Kansas boundary, then north along the Colorado-Kansas boundary to its junction with state highway K-96, except federal and state sanctuaries.

(r) Cimarron deer management unit; unit 18. The following described area shall be open for the taking of deer during the firearms deer season: that part of Kansas bounded by a line from the Colorado-Kansas boundary, east on federal highway US-160 to its junction with state highway K-144, then east on state highway K-144 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with federal highway US-283, then south on federal highway US-283 to its junction with federal highway US-54, then northeast on federal highway US-54 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with state highway K-1, then south on state highway K-1 to its junction with the Oklahoma-Kansas boundary, then west along the Oklahoma-Kansas boundary to its junction with the Colorado-Kansas boundary, except federal and state sanctuaries. (Authorized by K.S.A. 32-164; implementing K.S.A. 32-110a and 32-178; effective May 1, 1981; amended May 1, 1982; amended May 1, 1988.)

23-2-14. Antelope and deer; season restrictions. (a) Legal hunting equipment.

(1) Archery equipment permitted for the archery and firearm seasons shall be long bows, recurve bows or compound bows of at least 45 pounds pull up to or at full draw. All arrows shall be equipped with broad-head points. A crossbow shall not be considered a long bow, recurve bow or compound bow.

(2) Firearm equipment permitted for firearm seasons shall be:

(A) Centerfire rifles that fire a bullet greater than .23 inch in diameter;

(B) Muzzleloading rifles that fire a bullet of .40 inch in diameter or larger and that can only be loaded through the front of the firing chamber with separate components;

(C) Shotguns, 20 gauge or larger, using only rifled slugs; and

(D) Centerfire handguns, using a cartridge case 1.280 inches or greater in length and a bullet greater than .23 inches in diameter.

(3) Fully automatic rifles and handguns are prohibited for taking of deer and antelope. Only soft point, hollow point or other expanding bullets shall be used in handguns or rifles.

(4) Decoys other than live decoys, non-electronic calls and lures shall be legal.

(b) Carcass tag. Each permittee shall have in possession an appropriate carcass tag while hunting antelope or deer. Removal of the carcass tag from the permit shall invalidate the permit for hunting. The permittee shall sign and date the tag and attach it to the carcass immediately following the kill and before moving the carcass from the site of the kill. Legally acquired antelope or deer meat may be given to and possessed by another, if a written notice which includes the donor's name, address and permit number accompanies the meat.

(c) Informational cards. Each permittee receiving an informational card shall report the results of the hunt within 48 hours after the close of the season.

(d) An archery deer permittee shall not have a firearm in possession while hunting deer. An archery antelope permittee shall not have a firearm in possession while hunting antelope.

(e) A muzzleloader deer permittee shall not have a rimfire or centerfire firearm in possession while hunting deer. A muzzleloader antelope permittee shall not have a rimfire or centerfire firearm in possession while hunting antelope.

(f) A permit, once issued, shall not be transferable and a refund shall not be granted. However, a refund may be granted if the permittee dies prior to the opening date of the season.

(g) In addition to other penalties prescribed by law, a permit application may be rejected by the department of wildlife and parks when the application contains a false representation or misrepresentation. Any permits obtained through false representation or misrepresentation shall be invalid from the date of issuance.

(h) (1) A person shall not submit more than one application for an antelope permit or apply for an

archery antelope and a firearm antelope permit in the same calendar year. In addition to other penalties prescribed by law, a person applying for more than one antelope permit in a calendar year shall be ineligible to receive any antelope permit for that year. Any permit issued to a person who applied for more than one permit shall be invalid from the date of issuance.

(2) Any applicant unsuccessful in obtaining a permit in a drawing for limited permits shall be eligible to apply for any permits remaining after the drawing or any permits available on an unlimited basis.

(i) (1) A person shall not submit more than one application for a deer permit or apply for an archery deer and a firearm deer permit in the same calendar year. In addition to other penalties prescribed by law, a person who applies for more than one deer permit in a calendar year shall be ineligible to receive any deer permit for that year. Any permit issued to an applicant who applied for more than one permit shall be invalid from the date of issuance.

(2) Any applicants unsuccessful in obtaining a permit in a drawing for limited permits shall be eligible to apply for any permits remaining after the drawing or any permits available on an unlimited basis. An applicant shall not obtain more than one regular season deer permit in any calendar year.

(j) Persons who are not landowners, tenants or members of their immediate family who reside with the landowners or tenants as described in K.S.A. 32-179 shall be ineligible to apply for landowner-tenant permits.

(k) Landowner-tenants unsuccessful in a regular season drawing for a firearms deer hunting permit may apply during that year for a special permit to hunt deer on their own property in those units where such permits are authorized.

(l) The priorities for receiving firearms deer permits shall be:

(1) those persons who applied for and were unsuccessful in obtaining a firearms deer permit for each of the four previous years;

(2) those applicants who did not receive a firearms deer permit the previous year. Landowner-tenants receiving a special firearms permit to hunt their own property or permittees receiving a firearms "antlerless only" permit during the previous regular firearms season shall be considered as not having a firearms deer permit during the previous year; and

(3) all other applicants.

(m) The priorities for receiving antelope permits shall be:

(1) those persons who have not obtained an antelope permit in any of the three previous years; and

(2) all other applicants. (Authorized by K.S.A. 32-215; implementing K.S.A. 32-178 and 32-179; effective May 1, 1981; amended May 1, 1983; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988.)

23-2-15. Elk; season restrictions. (a) Legal hunting equipment.

(1) Archery equipment permitted for archery and firearms seasons shall be long bows, recurve bows or

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compound bows of at least 50 pounds pull up to or at full draw. All arrows shall be equipped with broad-head points. A crossbow shall not be considered a long bow, recurve bow or compound bow.

(2) Firearm equipment permitted for firearms seasons shall be:

(A) Centerfire rifles that fire a bullet which is greater than .23 inch in diameter and that use a cartridge (case or bullet) greater than two inches in length; and

(B) Muzzleloading rifles that fire a bullet of .49 inch in diameter or larger and that can only be loaded through the front of the firing chamber with separate components.

(3) Fully automatic rifles are prohibited for taking of elk. Only soft point, hollow point or other expanding bullets shall be used.

(4) Decoys other than live decoys, non-electronic calls and lures shall be legal.

(b) Carcass tag. Each permittee shall have in possession a carcass tag while hunting elk. Removal of the carcass tag from the permit shall invalidate the permit for hunting. The permittee shall sign and date the tag and attach it to the carcass immediately following the kill and before moving the carcass from the site of the kill. Legally acquired elk meat may be given to and possessed by another, if a written notice which includes the donor's name, address and permit number accompanies the meat.

(c) Informational cards. Each permittee receiving an informational card shall report the results of the hunt within 48 hours after the close of the season.

(d) An archery elk permittee shall not have a firearm in possession.

(e) A muzzleloader elk permittee shall not have a rimfire or centerfire firearm in possession while hunting elk.

(f) A permit, once issued, shall not be transferable and a refund shall not be granted. However, a refund may be granted if the permittee dies prior to the opening date of the season.

(g) In addition to other penalties prescribed by law, a permit application may be rejected by the department of wildlife and parks when a false representation or misrepresentation is made upon the application. Any permit obtained through false representation or misrepresentation shall be invalid from date of issuance.

(h) A person shall not submit more than one application for an elk permit or apply for an archery elk and a firearm elk permit in the same calendar year. In addition to other penalties prescribed by law, a person applying for more than one elk permit in a calendar year shall be ineligible to receive any elk permit for that year. Any permit issued to a person who applied for more than one permit shall be invalid from date of issuance.

(i) Persons who are not landowners, tenants, or members of their immediate family who reside with the landowners or tenants as described in K.S.A. 32-179 shall be ineligible to apply for landowner-tenant permits. Non-residents shall be ineligible to apply for elk permits.

(j) All persons who receive an elk hunting permit shall not be eligible to receive an elk hunting permit in subsequent seasons. (Authorized by and implementing K.S.A. 32-164, 32-178, and 32-179; effective May 1, 1985; amended May 1, 1987; amended May 1, 1988.)

23-2-16. Coyotes; season. The hunting, killing, taking, pursuing and trapping of coyotes shall be permitted during the 1988 special firearms deer season.

(a) This regulation shall be effective as of January 1, 1988, but shall have no force and effect on and after January 31, 1988. (Authorized by and implementing K.S.A. 32-158a; effective January 1, 1988.)

Article 8.—WILDLIFE AREAS

23-8-2. Certain acts prohibited in wildlife areas. The following acts or activities shall be prohibited in wildlife areas: (a) Possessing loaded firearms or discharging firearms for any purpose in wildlife areas except:

(1) Hunting in areas that may be designated as hunting areas by the department of wildlife and parks;

(2) During an authorized field trial event;

(3) During a special activity authorized in writing by the department; or

(4) Target practice from sunrise to sunset in areas designated by the department;

(b) Fishing in any wildlife area, except those areas or portions of areas that may be opened to fishing by the department by posted notice;

(c) Throwing trash, waste, or refuse on the ground or in the water, misusing or abusing property, or using area facilities as toilets or for refuse disposal, except those facilities provided for those purposes;

(d) Starting or building a fire in a posted, non-fire area, allowing a fire to cause damage to grounds or facilities, or leaving a fire unattended;

(e) Except as otherwise provided, failing to control dogs with a chain or leash or failing to confine dogs to a motor vehicle, trailer, or cabin. Dogs not so confined or controlled shall be permitted on those portions of the areas which are open for hunting during legal open seasons, authorized field trial events or non-commercial dog training, as prescribed by rules and regulations;

(f) Operating any vehicle within wildlife areas at speeds exceeding 25 miles per hour, except where otherwise posted;

(g) Unless posted or otherwise approved by the department, horseback riding and operating motor vehicles in wildlife areas other than on maintained or established roads, trails, and parking areas;

(h) Camping or remaining in a wildlife area for a period longer than seven consecutive days. Each person, and that person's equipment and vehicles, shall be absent for at least 24 hours between each camping period of seven consecutive days;

(i) Disorderly conduct in wildlife areas, including drunkenness, vile language, fighting, disturbing the public peace, and personal exposure by removal or change of clothing in any place where a person is not properly sheltered;

(j) Destroying or injuring any sign, guidepost, property, vegetation or habitat in a wildlife area;

(k) Bathing, swimming or wading in state fishing lakes except in areas posted for this activity. However, wading shall not be illegal as part of fishing, hunting, bull-frogging and trapping activity;

(l) Discharging or using fireworks in a wildlife area, except with the written consent of the department and under such conditions as may be specified;

(m) Drinking, displaying or selling alcoholic liquors within a wildlife area. The department may post a notice closing certain areas to the use of beer or malt beverages containing not more than 3.2 percent of alcohol by weight for such periods as necessary;

(n) Except as authorized by the uniform controlled substances act, possessing or using any controlled substance within a wildlife area.

(o) Catching or taking minnows in any manner from any wildlife area. However, bait minnows may be taken from Cheyenne Bottoms Wildlife Area under conditions prescribed by the department, and from federal reservoir waters;

(p) Private construction of a building, boat dock, fishing dock, launching ramp, tables, or other equipment or facilities on wildlife areas, except as permitted by commission regulation or by special permit from the department; or

(q) Stocking or releasing of any wildlife unless approved in writing by the department. (Authorized by and implementing K.S.A. 32-224; effective Jan. 1, 1966; amended February 15, 1977; amended May 1, 1980; amended, T-83-3, January 7, 1982; amended May 1, 1983; amended May 1, 1985; amended May 1, 1988.)

Article 18.—FEES

23-18-1. Amount of fees. (a) On and after January 1, 1988, the following fees shall be in effect:

Resident hunting license	\$ 10.00
Nonresident hunting license	50.00
Resident fishing license	10.00
Nonresident fishing license	25.00
24-hour fishing license	2.00
Resident furharvesters license	15.00
Nonresident furharvesters license	250.00
Resident duplicate license or permit (hunting, fishing, furharvester)	3.00
Nonresident duplicate license or permit (hunting, fishing, furharvester)	3.00
Resident fur dealer license	100.00
Combination resident hunting and fishing license ..	20.00
Nonresident fur dealer license	200.00
Controlled shooting area hunting license	10.00
Resident mussel fishing license	25.00
Nonresident mussel fishing license	100.00
Game breeders permit	10.00
Live rabbit trapping permit	10.00
Rabbit shipping permit	200.00
Collecting for scientific and exhibition permit	5.00
Disabled persons vehicle permit (lifetime)	3.00
General deer hunting permit	30.00
Landowner-tenant deer hunting permit	15.00
General antelope hunting permit	40.00
Landowner-tenant antelope hunting permit	20.00
General turkey hunting permit	20.00
Landowner-tenant turkey hunting permit	10.00
General elk hunting permit	75.00

Landowner-tenant elk hunting permit	37.50
Non-resident landowner-tenant deer hunting permit ..	50.00
Non-resident landowner-tenant antelope hunting permit ..	60.00
Non-resident landowner-tenant elk hunting permit	250.00
Non-resident turkey hunting permit	30.00
Field trial permits (game birds and game animals) ..	20.00
Field trial permits (fur-bearing animals)	20.00
Commercial dog training permit	20.00
Water event permit	20.00

(b) On and after January 1, 1989, the following fees shall be in effect:

Resident hunting license	10.00
Nonresident hunting license	50.00
Resident fishing license	10.00
Nonresident fishing license	25.00
24-hour fishing license	2.00
Resident furharvesters license	15.00
Nonresident furharvesters license	250.00
Resident duplicate license or permit (hunting, fishing, furharvester)	3.00
Nonresident duplicate license or permit (hunting, fishing, furharvester)	3.00
Resident fur dealer license	100.00
Combination resident hunting and fishing license ..	20.00
Nonresident fur dealer license	200.00
Controlled shooting area hunting license	10.00
Resident mussel fishing license	25.00
Nonresident mussel fishing license	100.00
Game breeders permit	10.00
Live rabbit trapping permit	10.00
Rabbit shipping permit	200.00
Collecting for scientific and exhibition permit	5.00
Disabled persons vehicle permit (lifetime)	3.00
General deer hunting permit	30.00
Landowner-tenant deer hunting permit	15.00
General antelope hunting permit	40.00
Landowner-tenant antelope hunting permit	20.00
General turkey hunting permit	20.00
Landowner-tenant turkey hunting permit	10.00
General elk hunting permit	75.00
Landowner-tenant elk hunting permit	37.50
Non-resident landowner-tenant deer hunting permit ..	50.00
Non-resident landowner-tenant antelope hunting permit ..	60.00
Non-resident landowner-tenant elk hunting permit ..	250.00
Non-resident turkey hunting permit	30.00
Forty-eight hour waterfowl permit	20.00
Field trial permits (game birds and game animals) ..	20.00
Field trial permits (fur-bearing animals)	20.00
Commercial dog training permit	20.00
Water event permit	20.00

(Authorized by and implementing K.S.A. 32-164b; effective, E-79-32, Nov. 21, 1978; effective May 1, 1979; amended May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988.)

23-18-3. Issuance of duplicate hunting, fishing, or furharvesting licenses; procedures. (a) Any person who has lost or destroyed a current hunting, fishing or furharvesting license issued to that person may secure a duplicate hunting, fishing or furharvesting license upon submitting the proper application and appropriate fee to the department of wildlife and parks.

(b) The application shall be submitted on forms provided by the department and shall include the following information:

- (1) the applicant's name and address;
- (2) the type of duplicate license applied for;

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- (3) the county of purchase;
- (4) the location of purchase;
- (5) the month of purchase;
- (6) the signature of applicant; and
- (7) any applicable additional information.

Authorized by and implementing K.S.A. 32-104b; effective May 1, 1988.)

23-18-4. Purchase of lifetime hunting or combination lifetime hunting and fishing licenses without certificate of competency and safety in the handling of firearms. (a) Any person may purchase a lifetime hunting or combination hunting and fishing license on behalf of a Kansas resident born after July 1, 1957, under procedures specified in K.S.A. 32-104m, prior to issuance to that resident of a certificate of competency and safety in the handling of firearms.

(b) The lifetime license shall be issued with a notice the license is not valid until the recipient of the license has been issued a certificate of competency and safety in the handling of firearms. (Authorized by K.S.A. 32-401; implementing K.S.A. 32-104m; effective May 1, 1988.)

Article 21.—FALCONRY

23-21-1. Falconry. The requirements for the taking, possession and transportation of raptors for falconry purposes shall correspond, unless further restricted by state regulation, to the requirements for taking, possession and transportation of raptors for falconry purposes as established by 50 Code of Federal Regulations, Chapter 1, 21.27 through 21.30 and amendments thereto adopted at 41 FR 2238, January 15, 1976, as amended at 48 FR 31608, July 8, 1983. (Authorized by K.S.A. 32-164 and 32-215; implementing K.S.A. 32-156; effective May 1, 1988.)

23-21-2. Definitions. (a) "Department" means the Kansas department of wildlife and parks.

(b) "Service" means United States fish and wildlife service.

(c) "Raptors" means members of the order falconiformes or strigiformes and specifically falcons, hawks and owls, but excluding all species included on federal or state threatened, endangered or species in need of conservation lists.

(d) Falconry means the taking of small game, game birds and migratory waterfowl with a trained raptor. Hawking is synonymous with falconry.

(e) Falconry permit means a permit required for the taking, possession and transportation of raptors for falconry purposes.

(f) Falconer means the holder of a falconry permit.

(g) Eyass means a young raptor not yet capable of flight.

(h) Passage means an immature raptor on first fall migration, still in immature plumage.

(i) Haggard means an adult raptor in mature plumage.

(j) Imping means the repair of damaged feathers. (Authorized by K.S.A. 32-164 and 32-215; implementing K.S.A. 32-156; effective May 1, 1988.)

23-21-3. Falconry permits. (a) Each person engag-

ing in falconry shall possess a current Kansas falconry permit or a current falconry permit from a state the director of the service has determined meets the minimum federal standards for the taking, possessing and transporting of raptors.

(b) Each resident falconer shall possess a current hunting license unless exempted by state law. Each nonresident falconer shall possess a current non-resident hunting license while hunting, participating in a department-approved field trial or a department-approved special event. (Authorized by K.S.A. 32-164 and 32-215; implementing K.S.A. 32-156; effective May 1, 1988.)

23-21-4. Falconry permit classes. (a) Apprentice class. Each applicant for the apprentice class permit shall be at least 14 years old. Each applicant shall be sponsored by a general or master falconer during the first two years of holding an apprentice falconry permit. Each sponsor shall supervise no more than three apprentices at any one time. Each apprentice falconer shall possess not more than one raptor and shall obtain not more than one replacement raptor during any 12-month period. Each apprentice falconer shall possess only an American kestrel (*Falco sparverius*) or a red-tailed hawk (*Buteo jamaicensis*).

(b) General class. Each applicant for a general permit shall be at least 18 years old and shall have had at least two years experience at the apprentice level or its equivalent. Each general falconer shall possess not more than two raptors and shall obtain not more than two replacement raptors during any 12-month period.

(c) Master class. Each applicant for a master class permit shall have at least five years of experience at the general level or its equivalent. Each master falconer shall possess not more than three raptors and shall obtain not more than two replacement raptors during any 12-month period. (Authorized by K.S.A. 32-164 and 32-215; implementing K.S.A. 32-156; effective May 1, 1988.)

23-21-5. Application. Any person 14 years or more of age may make application for a falconry permit to the department on forms provided by the department. (Authorized by K.S.A. 32-164 and 32-215; implementing K.S.A. 32-156; effective May 1, 1988.)

23-21-6. Examination. Prior to issuance of a falconry permit to any person 14 years or more of age, the applicant shall successfully pass an examination administered at the department office in Pratt, Kansas. A score of 80 percent shall be required as a minimum passing score. The examination shall cover basic biology, diseases, care and handling of raptors, literature, laws, regulations and other appropriate subject matter. Applicants failing the examination may reapply after a period of 90 days. (Authorized by K.S.A. 32-164 and 32-215; implementing K.S.A. 32-156; effective May 1, 1988.)

23-21-7. Inspection. Prior to issuance of a falconry permit, the applicant's facilities shall be inspected and certified by the department as meeting minimum standards. A falconry permit shall not be issued until minimum facility standards are met. (Authorized by

K.S.A. 32-164 and 32-215; implementing K.S.A. 32-156; effective May 1, 1988.)

23-21-8. Expiration and renewal. Each falconry permit shall be nontransferable and shall expire on December 31 of each year. Any falconry permit may be renewed without examination if the applicant has complied with all federal and state laws and regulations. (Authorized by K.S.A. 32-164 and 32-215; implementing K.S.A. 32-156; effective May 1, 1988.)

23-21-9. Reports. Each resident falconer shall submit an annual report to the department within 30 days following permit expiration date. The report shall list all raptors possessed or acquired since the previous annual report and all raptors in possession on the permit expiration date. The list shall include the species, marker number, sex and age of each raptor and the date and where or from whom acquired. For each raptor no longer possessed, the report shall show whether it escaped, died, was given away or released and when the event occurred. The report shall also provide information on hunting activity and results. Noncompliance in reporting shall be justification for permit revocation or non-renewal. (Authorized by K.S.A. 32-164 and 32-215; implementing K.S.A. 32-156; effective May 1, 1988.)

23-21-10. Facilities. Each applicant shall provide both indoor facilities (mews) and outdoor facilities (a weathering area) unless an exemption is granted by the department.

(a) Indoor facilities shall be large enough to allow easy access for caring for raptors housed in the facility. If more than one raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions and the area for each raptor shall be large enough to allow the raptor to fully extend its wings. There shall be at least one window and a secure door that can be easily closed. Each window shall be protected on the inside by vertical bars, spaced narrower than the width of the raptor's body. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.

(b) Outdoor facilities shall be fenced and covered with netting or wire, or roofed to protect raptors from disturbance and attack by predators. However, perches more than 6½ feet high need not be covered or roofed. The enclosed area shall be large enough to insure the raptor cannot strike the fence when flying from the perch. Protection from excessive sun, wind and inclement weather shall be provided for each raptor. At least one weathering area perch of an acceptable design shall be provided for each raptor.

(c) All facilities shall be properly maintained during the term of the permit. (Authorized by K.S.A. 32-164 and 32-215; implementing K.S.A. 32-156; effective May 1, 1988.)

23-21-11. Equipment. The following equipment shall be possessed by each applicant prior to issuance of a permit and shall be maintained during term of permit:

(a) At least one pair of almeri jesses, or jesses of a similar type, constructed of pliable, high quality

leather or a suitable synthetic material. The jesses shall be used when any raptor is flown free. Traditional one-piece jesses may be used on raptors when not being flown;

(b) At least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design;

(c) At least one suitable bath container, at least two to six inches deep and wider than the length of the raptor.

(d) A reliable scale or balance suitable for weighing the reptors held and graduated to increments of not more than ½ ounce (15 grams). (Authorized by K.S.A. 32-164 and 32-215; implementing K.S.A. 32-156; effective May 1, 1988.)

23-21-12. Marking. Each raptor held for use in falconry shall be marked by a permanent device provided by the service or the department.

(a) Markers shall not be altered, counterfeited, or defaced, except that falconers may remove the rear tab on markers and may smooth any imperfect surface if the integrity of the marker and numbering are not affected.

(b) A marker that is causing damage to a raptor may be removed and another marker placed on the other leg of the raptor by a department representative or by the falconer in the presence of a department representative.

(c) Each raptor obtained from the wild shall be marked with a black marker provided by the service or the department.

(d) Each captive-reared raptor, produced from eggs laid in captivity, shall be marked with a yellow marker provided by the service or the department. (Authorized by K.S.A. 32-164 and 32-215; implementing K.S.A. 32-156; effective May 1, 1988.)

23-21-13. Acquisition of raptors. (a) Eyasses may only be taken by a general or master falconer during the period from May 1 through July 1. Passage and haggard raptors may be taken by apprentice, general and master falconers during the period from September 1 through November 25. No more than two eyasses may be taken by the same falconer during the specified period.

(b) The following raptors may be taken from the wild, but only during the specified stages of development:

(1) Red-tailed hawk (*Buteo jamaicensis*)—eyass and passage stages; and

(2) American Kestrel (*Falco Sparverius*)—all stages.

(c) Apprentice falconers shall take only an American kestrel (*Falco sparverius*) or a red-tailed hawk (*Buteo jamaicensis*).

(d) At least two eyasses shall be left in the nest when an eyass is taken.

(e) Each falconer shall notify the department of intent to take raptors from the wild in Kansas. The falconer shall notify the department immediately after the taking of a wild raptor. The proper marker shall be affixed to the raptor by the department unless the falconer is authorized by the department to affix the marker in the presence of the department representative.

(continued)

(f) Marked raptors may be recaptured at any time.

(g) Falconers may trade or transfer raptors with other falconers only with the prior written approval of the department and only if no money or other valuable consideration is involved.

(h) Captive bred raptors of any species may be used by falconers if use of such species has been approved by the service.

(i) Raptors, other than those species listed on federal or state threatened or endangered lists, taken under a depredation or special purpose federal permit may be used by general and master falconers if use of such species by falconers has been approved by the service. (Authorized by K.S.A. 32-164 and 32-215; implementing K.S.A. 32-156; effective May 1, 1988.)

23-21-14. Other provisions. (a) A person lawfully possessing raptors prior to January 1, 1974 in excess of the number permitted or failing to meet falconry requirements, may retain but not replace such raptors. Such raptors shall be identified by permanent markers provided by the service.

(b) No raptors shall be intentionally released to the wild without written authorization from the department. Markers shall be removed from such raptors and surrendered to the department. A standard federal bird band shall be attached to such raptor by authorized service or department personnel whenever possible.

(c) Another person may care for the raptors of a falconer for up to 30 days if a written authorization from the falconer is in that person's possession. If the period of care will exceed 30 days, the department shall be informed in writing within three days of the transfer. This notice shall identify where the raptors are being held, the reason for the transfer, the person who is caring for the raptors, and the approximate length of time the raptors will be under another's care.

(d) Feathers that are molted or those feathers from raptors that die in captivity may be retained and exchanged by falconers only for imping purposes.

(e) Any nonresident falconer wishing to establish residency in Kansas shall notify the department in writing of that intention. The falconer may continue to practice falconry upon approval by the department, but shall apply for and secure a Kansas falconry permit within 90 days of relocation into Kansas.

(f) A falconer shall not carry firearms while hawking.

(g) Nonresident falconers may temporarily import their raptors into Kansas for hunting purposes during established hunting seasons and may temporarily import their raptors into Kansas for field trials or other special falconry events approved by the department. Nonresidents shall meet all marking requirements of the department as specified in K.A.R. 23-21-12.

(h) Any permanent change of address of a resident falconer shall be submitted to the department within 30 days of the change.

(i) Resident falconers may temporarily export their raptors to other states for hunting, field trials or special purposes, if the falconer has met all federal laws and regulations and is in compliance with laws and regu-

lations of the state to which the raptors are to be exported.

(j) A falconer may purchase or acquire by barter any raptor from a person possessing a raptor propagation permit issued by the service only. Any person possessing a raptor propagation permit issued by the service may sell or transfer raptors to another by barter if the arrangement is authorized by the service.

(k) Any raptor held by a falconer may be temporarily transferred to a raptor propagation permit holder for breeding purposes only.

(l) Each falconer shall make the falconer's facilities and raptors available for inspection by department or service personnel during any reasonable hour.

(m) Any resident falconer losing a raptor through death, escape, destruction or other circumstances, shall notify the department in writing within five days of such loss. Dead raptors shall be frozen or necropsied by a qualified pathologist or doctor of veterinary medicine. Frozen raptors may be buried or burned after 30 days if the department has not requested other disposition. A report on necropsied raptors shall be submitted to the department within 10 days of the necropsy date. Feathers may be retained from dead raptors for imping purposes only. Markers from deceased or destroyed raptors shall be submitted to the department within five days.

(n) Mistreatment of any raptor shall be grounds for permit revocation and for confiscation of any raptors in possession if the falconer has not corrected the problem within 48 hours after receiving notice from the department.

(o) In addition to other penalties prescribed by law, a resident falconry permit may be denied or revoked by the department for violation or noncompliance with any provision of this section. (Authorized by K.S.A. 32-164 and 32-215; implementing K.S.A. 32-156; effective May 1, 1988.)

ROBERT L. MEINEN
Secretary of Wildlife
and Parks

Doc. No. 006255

State of Kansas

KANSAS DENTAL BOARD**PERMANENT ADMINISTRATIVE
REGULATIONS**

(Effective May 1, 1988)

Article 1.—GENERAL RULES

71-1-14. (Authorized by and implementing K.S.A. 65-1437; effective May 1, 1984; amended May 1, 1986; revoked May 1, 1988.)

71-1-15. Conduct detrimental to the public health, safety or welfare. (a) Any dentist or dental hygienist licensed by the Kansas dental board and found guilty of conduct detrimental to the public health, safety or welfare, may be subject to one or any combination of the actions provided in K.S.A. 65-1436(b).

(b) The following acts shall be evidence of conduct detrimental to the public health, safety or welfare:

(1) Failure to maintain, for a period of 10 years from the date any professional service was provided, an adequate record for each patient justifying the course of treatment of the patient. Each patient record maintained shall be considered to be adequate and in compliance with this regulation if it conforms to the following minimal requirements:

- (A) It is legible;
- (B) it contains only those terms and abbreviations which are comprehensible to similar licensees;
- (C) it contains adequate identification of the patient;
- (D) it indicates the date any professional service was provided;
- (E) it contains pertinent and significant information concerning the patient's condition;
- (F) it reflects what examinations, vital signs and tests were obtained, performed or ordered and the findings and results of each;
- (G) it indicates the initial diagnosis and the patient's initial reason for seeking the licensee's services;
- (H) it indicates the medications prescribed, dispensed or administered and the quantity and strength of each;
- (I) it reflects the treatment performed or recommended; and
- (J) it documents the patient's progress during the course of treatment provided by the licensee.

(Authorized by K.S.A. 74-1406; implementing K.S.A. 1986 Supp. 65-1436; effective May 1, 1988.)

CYNTHIA G. BARRETT
Secretary

Doc. No. 006259

State of Kansas

BOARD OF ACCOUNTANCY**PERMANENT ADMINISTRATIVE
REGULATIONS**

(Effective May 1, 1988)

Article 5.—CODE OF PROFESSIONAL CONDUCT

74-5-202. Auditing Standards. A certified public accountant or a licensed municipal public accountant shall not permit his or her name to be associated with financial statements in such a way as to imply that the accountant is acting as an independent certified public accountant or licensed municipal public accountant with respect to the financial statements unless the accountant has complied with the applicable, generally accepted auditing standards.

Statements on auditing standards issued by the American institute of certified public accountants in volumes A and B, dated June 1, 1987, and the minimum standard audit program of the Kansas state municipal accounting board, shall be considered to be interpretations of the generally accepted auditing standards. Any accountant who does not conform to those standards shall provide justification for such a departure. (Authorized by and implementing K.S.A. 1-202(c)(1) as amended by L. 1987, Ch. 2, Sec. 2, K.S.A. 75-1119(a); effective Jan. 1, 1966; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1978; amended, E-82-27, Dec. 22, 1981; amended May 1, 1982; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988.)

74-5-203. Accounting principles. A certified public accountant or a licensed municipal public accountant shall not express an opinion that financial statements are presented in conformity with generally accepted accounting principles if the financial statements contain any departure from those accounting principles that has a material effect on the financial statements taken as a whole. However, any certified public accountant or licensed municipal public accountant may express such an opinion if the accountant can demonstrate that, due to unusual circumstances, the financial statements would otherwise have been misleading. In those cases, the accountant's report shall describe the departure, the approximate effects, if practicable, and the reasons why compliance with the principle would result in a misleading statement. For purposes of this rule, "generally accepted accounting principles" are considered to be pronouncements issued by the financial accounting standards board in its general and industry standards publications, dated June 1, 1987. (Authorized by and implementing K.S.A. 1-202(c)(1) as amended by L. 1987, Ch. 2, Sec. 2, K.S.A. 75-1119(a); effective Jan. 1, 1966; amended Jan. 1, 1974; amended May 1, 1978; amended, E-82-27, Dec. 22, 1981; amended May 1, 1982; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988.)

(continued)

Article 7.—REGISTERED PARTNERSHIPS

74-7-2. Partnerships eligible for registration. Only partnerships maintaining an office in Kansas may be registered under the provisions of K.S.A. 1-308 as amended by L. 1987, Ch. 2, Sec. 4. Partnerships with offices in Kansas shall register annually by December 31, on forms provided by the board. (Authorized by K.S.A. 1-202 as amended by L. 1987, Ch. 2, Sec. 2; implementing K.S.A. 1-308 as amended by L. 1987, Ch. 2, Sec. 4; effective Jan. 1, 1966; amended May 1, 1988.)

Article 8.—CORPORATE PRACTICE

74-8-2. Registration. Professional corporations or associations organized for the practice of certified public accounting and maintaining an office in Kansas shall register annually by December 31. Such registration shall be made by a member of the corporation or association on forms provided by the board.

Notification shall be given the board, within one month, after the admission or withdrawal of a member from any professional corporation or association registered with the board. Subsequent changes in address or firm name shall also be reported to the board within one month. (Authorized by K.S.A. 1-202(a) as amended by L. 1987, Ch. 2, Sec. 2; implementing K.S.A. 1-308(b), as amended by L. 1987, Ch. 2, Sec. 4, effective Jan. 1, 1972; amended May 1, 1980; amended May 1, 1982; amended May 1, 1988.)

74-8-5. Registration requirements. Professional associations or corporations meeting the following requirements shall be registered to practice as certified public accounting firms in Kansas: (a) At least one member of the firm must be a certified public accountant of this state holding a valid permit to practice;

(b) each member of the firm personally engaged within this state in the practice of public accounting must be a certified public accountant of this state holding a valid permit to practice;

(c) each member of the firm must be a certified public accountant in some state and in good standing therein; and

(d) each resident manager in charge of an office of the firm in this state must be a certified public accountant of this state holding a valid permit to practice. (Authorized by and implementing K.S.A. 1-308 as amended by L. 1987, Ch. 2, Sec. 4; effective May 1, 1988.)

Article 12.—FEES

74-12-1. Fees. Each applicant shall submit the appropriate application form and fee as shown in the following schedule.

- (a) Kansas certified public accountant certificate, including initial examination when required \$125.00
- (b) Complete re-examination \$100.00
- (c) Partial re-examination for:
- (1) Practice and one other subject \$ 75.00

- (2) Practice only or any other two subjects \$ 60.00
- (3) One subject other than practice . . . \$ 50.00
- (d) Initial permit to practice as certified public accountant:
 - (1) For more than one year of a biennial period \$ 80.00
 - (2) For one year or less of a biennial period \$ 40.00
- (e) Renewal of biennial permit to practice as certified public accountant:
 - (1) If received on or before July 1 of the renewal year in which the permit expires \$ 80.00
 - (2) If received after July 1 of the renewal year in which the permit expires . . \$120.00
- (f) Reinstatement of permit to practice as a certified public accountant which has lapsed for one or more years:
 - (1) For more than one year of a biennial \$120.00
 - (2) For one year or less of a biennial . . \$ 60.00
- (g) Renewal of a biennial permit to practice as a licensed municipal public accountant:
 - (1) If received on or before July 1 of the odd numbered renewal years \$ 50.00
 - (2) If received after July 1, or for reinstatement of a permit to practice which has been lapsed for one or more years \$ 75.00
- (h) Review of a report under the positive enforcement program (per report) . . \$ 80.00

(Authorized by and implementing K.S.A. 1-301, as amended by 1987 S.B. 128, Sec. 3, and 75-1119a, effective, T-88-27, Aug. 19, 1987; effective May 1, 1988.)

GLEND A SHERMAN
Secretary

Doc. No. 006260

State of Kansas
DEPARTMENT ON AGING
NOTICE OF HEARING

The Kansas Department on Aging (KDOA) will be holding a public hearing on proposed amendments to the FY 88-FY 89 Kansas State Plan on Aging at 9:30 a.m. Thursday, March 24, in Room D of the KNEA Building, 715 W. 10th, Topeka.

The proposed amendments add four assurance statements that will enable Kansas to receive \$52,358 in federal funds for in-home services for frail older Kansans. Copies of the proposed amendments are available from KDOA, 610 W. 10th, Topeka 66612, (913) 296-4986 or 1-800-432-3535.

Those wishing to comment on the proposed amendments should contact George A. Dugger at KDOA prior to the hearing. KDOA asks that a written copy of the comments be provided at the hearing. Depending upon the number of persons wishing to be heard, the time

available for oral presentation may be limited. Written comments will be accepted through March 29.

ESTHER VALLADOLID WOLF
Secretary of Aging

Doc. No. 006306

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 February 29-March 4:

Judge of Court of Appeals, Position 10

Robert Lawrence Gernon, Route 5, Hiawatha 66434. Effective March 4, 1988. Term expires January 14, 1991. Fills new position pursuant to K.S.A. 20-3005.

State Corporation Commission

Keith R. Henley, 1315 Garfield, Topeka 66604. Effective March 20, 1988. Subject to Senate confirmation. Term expires March 20, 1992. Reappointment.

Kansas Law Enforcement Training Commission

Larry Bomenkamp, Chief of Police, City Hall, 522 Mechanic, Emporia 66801. Effective March 4, 1988. Term expires July 1, 1988. Succeeds Jimmy D. Grenz, resigned.

Natural and Scientific Areas Advisory Board

Rep. Martha Jenkins, Route 1, Box 47, Leavenworth 66048. Effective March 1, 1988. Term expires January 9, 1989.

66614. Effective February 9, 1988. Term expires January 31, 1991. Succeeds William E. Mangold.

Marion County Sheriff

Edward Davies, 215 N. Lincoln, Marion 66861. Effective February 29, 1988. Term expires when a successor is elected and qualifies according to law. Succeeds Mike Childs, resigned.

BILL GRAVES
Secretary of State

State of Kansas

LEGISLATURE

LEGISLATIVE BILLS INTRODUCED

The following numbers and titles of bills and resolutions have been recently introduced in the 1988 Kansas Legislature.

Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N State Capitol, Topeka 66612, (913) 296-4096.

Bills introduced February 25-March 2:

House Bills

HB 3073, by Committee on Appropriations: An act designating a portion of United States highway 81 as the Frank Carlson memorial highway.

HB 3074, by Committee on Taxation: An act relating to personal property taxation; concerning exemptions therefrom for hand tools used in the construction industry, business aircraft and household goods used for day care purposes; concerning penalties imposed upon escaped personal property; amending K.S.A. 79-201c and 79-201k and K.S.A. 1987 Supp. 79-1427a and repealing the existing sections.

HB 3075, by Committee on Federal and State Affairs: An act concerning homes for children; amending K.S.A. 65-510 and repealing the existing section.

HB 3076, by Committee on Federal and State Affairs: An act prohibiting certain acts relating to trapping of animals; providing penalties for violations.

HB 3077, by Committee on Appropriations: An act relating to public wholesale water supply districts; authorizing a district to issue refunding general obligation bonds; amending K.S.A. 1987 Supp. 19-3557 and repealing the existing section.

HB 3078, by Committee on Federal and State Affairs: An act concerning immunity from liability for volunteers; amending K.S.A. 1987 Supp. 60-3601 and repealing the existing section.

HB 3079, by Committee on Federal and State Affairs: An act concerning criminal procedure; relating to parole; amending K.S.A. 1987 Supp. 22-3717 and repealing the existing section; also repealing K.S.A. 1987 Supp. 22-3724.

Senate Bills

SB 704, by Committee on Federal and State Affairs: An act relating to electrical wiring; concerning the examination and certification of electricians and electrical contractors; amending K.S.A. 1987 Supp. 12-1527 and repealing the existing section, and also repealing K.S.A. 1987 Supp. 12-1525 and 12-1526.

SB 705, by Committee on Federal and State Affairs: An act relating to heating, ventilation and air conditioning; concerning the examination and certification of heating, ventilation and air conditioning mechanics and contractors.

SB 706, by Committee on Ways and Means: An act concerning postsecondary education; relating to conferral of degrees and registration of courses and programs by certain institutions thereof; amending K.S.A. 74-3249, 74-3250, 74-3251 and 74-3252, and repealing the existing sections.

SB 707, by Committee on Ways and Means: An act authorizing the state board of regents to sell certain real estate in Wichita, Kansas; imposing conditions thereon.

SB 708, by Committee on Ways and Means: An act repealing K.S.A. 76-161, creating dormitory operating fund.

SB 709, by Committee on Ways and Means: An act relating to public wholesale water supply districts; authorizing a district to issue refunding general obligation bonds; amending K.S.A. 1987 Supp. 19-3557 and repealing the existing section.

SB 710, by Committee on Ways and Means: An act concerning institutional licenses for veterinarians; amending K.S.A. 47-827 and repealing the existing section.

SB 711, by Committee on Ways and Means: An act concerning the treatment act for mentally ill persons; amending K.S.A. 1987 Supp. 59-2902 and repealing the existing section.

SB 712, by Committee on Federal and State Affairs: An act concerning the state fairgrounds; authorizing agreement for certain capital improvements and the grant or obtaining of certain easements.

SB 713, by Committee on Federal and State Affairs: An act amending the Kansas consumer protection act; prohibiting certain acts with regard to the use of automatic telephone dialing devices and providing remedies for violations; amending K.S.A. 50-624 and 50-627 and repealing the existing sections.

SB 714, by Committee on Ways and Means: An act establishing a center of excellence on swine production at Kansas state university; amending K.S.A. 1987 Supp. 74-8106 and repealing the existing section.

SB 715, by Committee on Ways and Means: An act relating to cities; concerning the annexation of land and prescribing certain limitations thereon; amending K.S.A. 1987 Supp. 12-520 and 12-521 and repealing the existing sections.

SB 716, by Committee on Ways and Means: An act concerning the Kansas public employees retirement system; relating to employer contribution rates; amending K.S.A. 1987 Supp. 74-4920 and repealing the existing section.

House Resolutions

HR 6038, by Representative Smith: A resolution congratulating and commending Laura Miles on her selection as the 1988 Kansas State Honey Queen.

HR 6039, by Representative K. Campbell: A resolution congratulating and commending the Concordia High School girls' volleyball team and its coach, Laureli Kitchener, on winning the 1987 Class 4A State Volleyball Championship.

HR 6040, by Representative Beauchamp: A resolution congratulating and commending David Basel and Ian Reekie on being selected National Merit Scholarship Finalists.

Senate Resolutions

SCR 1616, by Committee on Federal and State Affairs: A proposition to amend article 15 of the constitution of the state of Kansas by adding a new section thereto authorizing the legislature to regulate lotteries operated by bona fide nonprofit organizations.

SR 1826, by Senator Gordon: A resolution congratulating and commending Laura Miles on her selection as the 1988 Kansas State Honey Queen.

SR 1827, by Senator Anderson: A resolution in memory of Leonard Garrett.

SR 1828, by Senator Allen: A resolution congratulating and commending David Basel and Ian Reekie on being selected National Merit Scholarship Finalists.

Doc. No. 006296

KANSAS REGISTER
Secretary of State
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