

# KANSAS REGISTER

State of Kansas

**BILL GRAVES**  
Secretary of State

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March 24, 1988

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State of Kansas  
**SOCIAL AND REHABILITATION SERVICES  
 STATE ECONOMIC OPPORTUNITY OFFICE**

**REQUEST FOR PROPOSALS**

In accordance with the Department of Energy regulations dated January 1, 1986, Part VI, Sections 440.14 and 440.15, the State Economic Opportunity Office, a section of Adult Services within the Department of Social and Rehabilitation Services, is accepting applications until 5 p.m. April 15 for the purpose of identifying a program operator for the northern portion of Wyandotte County. Applicants should be either a public or private nonprofit organization. The Weatherization Assistance Program provides weatherization services at no cost to eligible low income, elderly and handicapped persons.

Requests for proposals will be available to interested organizations upon receipt of a written request. Written requests should be made to the State Economic Opportunity Office, Biddle Building, 1st Floor, 2700 S.W. 6th, Topeka 66606, (913) 296-4989, no later than April 7. Questions may be directed to Jim Spano, Program Operations Coordinator.

LOIS A. MARTIN, Administrator  
 State Economic Opportunity Office

Doc. No. 006334

State of Kansas  
**KANSAS ADVOCACY AND PROTECTIVE  
 SERVICES, INC.**

**NOTICE OF MEETING**

The Kansas Advocacy and Protective Services will conduct its governing board meeting at 6:30 p.m. Monday, March 28, at the Jayhawk Tower, 700 Jackson, Topeka. For further information, call (KANS-A-N) 567-8670 or (913) 776-1541.

JOAN STRICKLER  
 Executive Director

Doc. No. 006353

State of Kansas  
**DEPARTMENT OF ADMINISTRATION  
 STATE EMPLOYEES  
 HEALTH CARE COMMISSION**

**NOTICE OF MEETING**

The Kansas State Employees Health Care Commission will meet at 4 p.m. Thursday, April 7, in the third floor conference room of the Kansas Insurance Department, 420 S.W. 9th, Topeka.

H. EDWARD FLENTJE  
 Chairman

Doc. No. 006340

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 Topeka, KS 66612-1594



Phone: (913) 296-3489

## State of Kansas

## ATTORNEY GENERAL

## Opinion No. 88-34

**Public Health—Emergency Medical Services; Regulation of Ambulance Service—Legislative Members of Newly Created Board.**

**Constitution of the State of Kansas—Legislative—Ability to Sit on Executive Boards. Representative Joan Waggon, 55th District, Topeka, March 11, 1988.**

While there is no express provision in the Kansas Constitution that prohibits the legislature from appointing its members to administrative boards or commissions, the separation of powers doctrine prohibits the legislature from usurping the powers of another governmental branch. In view of the case law history of this doctrine and the facts with which we have been presented, we cannot conclusively say that legislative membership on the Emergency Medical Services Board is unconstitutional under the separation of powers doctrine. Cited herein: K.S.A. 65-4316; 74-2127; Kan. Const., Art. 2, § 14; 1988 House Bill No. 2639. GE

## Opinion No. 88-35

**Navigation and Navigable Waters—Protection of Navigable Waters and of Harbor and River Improvements Generally—In General; Obstruction of Navigable Waters. Representative Betty Jo Charlton, 46th District, Lawrence, March 11, 1988.**

The United States Army Corps of Engineers, pursuant to the Rivers and Harbors Act, 33 U.S.C.A. § 403, and other federal enactments, has the authority to prohibit dredge and fill or excavation activities on navigable rivers for the purposes of interstate commerce, navigation and conservation. This authority is superior to any interest the state may have in the lands beneath such navigable waters. Cited herein: 16 U.S.C.A. §§ 661 *et seq.*; 1531 *et seq.*; 33 U.S.C.A. §§ 403; 1151 *et seq.*; 1251 *et seq.*; 42 U.S.C.A. §§ 4331 *et seq.*; 43 U.S.C.A. §§ 1311, 1314; U.S. Const., Art. I, § 8. JLM

## Opinion No. 88-36

**State Boards, Commissions and Authorities—Local Seed Capital Pools—Income Tax Credit for Cash Investment; Limitations; Definitions. Frances A. Squyres, General Counsel, Kansas Department of Revenue, Topeka, March 11, 1988.**

A fund established by a corporation to provide funding for the corporation's own business or subsidiary (exclusively) does not constitute a "local seed capital pool," as that term is defined in subsection (c) of K.S.A. 1987 Supp. 74-8401. Cited herein: K.S.A. 1987 Supp. 74-8401; 74-8402. TRH

## Opinion No. 88-37

**Cities and Municipalities—Interlocal Cooperation; General—Interlocal Agreements by Public Agencies; Filing. Bill Graves, Secretary of State, Topeka, March 11, 1988.**

K.S.A. 12-2905 requires filing of all agreements entered

into pursuant to the interlocal cooperation act. However, failure to file such an agreement does not render the contract void or unenforceable when the agreement substantially complies with all other requirements contained in the act and has been subsequently acted upon or partially performed by the parties to the agreement. Cited herein: Kan. Const., Art. 12, § 5; K.S.A. 12-101 *Fourth*; 12-2901; K.S.A. 1987 Supp. 12-2904; K.S.A. 12-2905; K.S.A. 1987 Supp. 12-2908; K.S.A. 12-3001; 19-101 *Fourth*; K.S.A. 1987 Supp. 19-101a; K.S.A. 19-212 *Elev-enth*; 22-2101; K.S.A. 1987 Supp. 58-3406; K.S.A. 75-4317; 84-3-101. TMN

ROBERT T. STEPHAN  
Attorney General

Doc. No. 006355

## State of Kansas

## DEPARTMENT OF TRANSPORTATION

## NOTICE TO CONTRACTORS

Sealed proposals for the construction of road and bridge work in the following Kansas county will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 1 p.m. C.D.T. April 7, 1988, and then publicly opened:

**Sedgwick—87 U-1006-01—21st and Hillside in Wichita, intersection improvement. (Federal Funds)**

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

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

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

HORACE B. EDWARDS  
Secretary of Transportation

Doc. No. 006335

## State of Kansas

## DEPARTMENT OF TRANSPORTATION

## NOTICE TO CONTRACTORS

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.S.T. April 21, 1988 and then publicly opened:

## DISTRICT ONE—Northeast

**Doniphan**—36-22 K-2881-01—U.S. 36, 1 mile east of the Brown-Doniphan county line east and southeast, 9.0 miles, grading and bridge. (State Funds)

**Doniphan**—120-22 K-2906-01—K-120, from the south city limits of Highland south to new U.S. 36, 0.8 mile, grading and surfacing. (State Funds)

**Douglas**—40-23 K-3043-01—U.S. 40, from Monterey Way east to Iowa Street in Lawrence, 1.5 miles, grading and surfacing. (Federal Funds)

**Johnson**—56-46 K-2418-05—U.S. 56, Sycamore to 400 feet east of Moonlight, 2.3 miles, grading and surfacing. (Federal Funds)

**Johnson**—46 C-1703-01—County road, 1.0 mile north and 6.3 miles east of Spring Hill, then east, 0.2 mile, bridge replacement. (Federal Funds)

**Nemaha**—63-66 K-1829-05—Stilling basin at Nemaha Lake spillway. (Federal Funds)

**Shawnee**—89 U-1131-01—10th Street at Quincy and Jackson in Topeka, traffic signal. (Federal Funds)

**Shawnee**—75A-89 U-1148-01—U.S. 75A (Topeka Boulevard) and 8th Street in Topeka, traffic signal. (Federal Funds)

**Wyandotte**—105 C-1528-01—County road, 3.0 miles east and 0.5 mile south of the Leavenworth County line, then south, 0.1 mile, bridge replacement. (Federal Funds)

**Wyandotte**—105 U-1153-01—K-32 and I-70 westbound ramps and 38th Street in Kansas City, traffic signal. (Federal Funds)

## DISTRICT TWO—Northcentral

**Dickinson**—70-21 M-1512-01—I-70, 2.3 miles east of K-43 east to the Dickinson-Geary county line, 6.2 miles, pavement patching. (State Funds)

**Ellsworth**—14-27 K-3027-01—K-14, Main Street to 2nd Street in Ellsworth, 0.1 mile, grading and surfacing. (State Funds)

**Geary**—70-31 M-1511-01—I-70, from the Geary-Dickinson county line east, 12.7 miles, pavement patching. (State Funds)

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

**McPherson**—59 C-2435-01—County road, 11.0 miles north of Canton, then north, 3.9 miles, surfacing. (Federal Funds)

**Saline**—4-85 X-1293-02—Union Pacific Railroad crossing of K-4 south of Salina, grading and surfacing. (Federal Funds)

## DISTRICT THREE—Northwest

**Russell**—281-84 K-2903-01—U.S. 281, from U.S. 40A

north to 8th Street in Russell, 0.5 mile, grading and surfacing. (Federal Funds)

**Russell**—84 C-1810-01—County road, 2.2 miles west of Russell at the junction of I-70, then north, 1.2 miles, surfacing. (Federal Funds)

**Sheridan**—24-90 K-2960-01—U.S. 24, South Fork Solomon River bridges 5, 7 and 9 east of K-23, bridge repair. (State Funds)

## DISTRICT FOUR—Southeast

**Bourbon**—6 C-2550-01—County road, 10.6 miles south of Fort Scott on the Missouri-Kansas state line, then south, 0.2 mile, bridge replacement. (Federal Funds)

**Crawford**—19 U-1138-01—Intersection of K-126 and U.S. 69A in Pittsburg, traffic signal. (Federal Funds)

**Labette**—160-50 K-3036-01—U.S. 160, Kay Lane to bowling alley in Parsons, 0.3 mile, grading and surfacing. (State Funds)

**Labette**—50 C-1872-01—County road, 8.8 miles west of Parsons, then south, 0.2 mile, bridge replacement. (Federal Funds)

**Miami**—169-61 M-1502-01—Junction of U.S. 169 and K-68, slide repair. (State Funds)

**Montgomery**—160-63 M-1514-01—U.S. 160, 0.3 mile north of the south junction of U.S. 160 and U.S. 169, north 3.0 miles, pavement patching. (State Funds)

**Montgomery**—169-63 M-1513-01—U.S. 169, south junction of U.S. 169 and K-96 north of the south junction of U.S. 160, 1.0 mile, pavement patching. (State Funds)

## DISTRICT FIVE—Southcentral

**Barton**—5 C-2208-01—County road, 3.4 miles north and 0.5 mile east of Hoisington, then east, bridge replacement. (Federal Funds)

**Barton**—5 C-2454-01—County road, 2.5 miles east of Albert, then north, 0.2 mile, bridge repair. (Federal Funds)

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

**Butler**—8 C-2347-01—County road, 3.0 miles southwest of Augusta, then south and west, 4.8 miles, surfacing. (Federal Funds)

**Butler**—8 C-2493-01—County road, 2.5 miles south and 1.0 mile west of Potwin, then west, 0.3 mile, bridge replacement. (Federal Funds)

**Cowley**—160-18 X-1304-02—U.S. 160, Atchison, Topeka and Santa Fe Railway crossing, east of Oxford, grading and surfacing. (Federal Funds)

**Pawnee**—73 C-2521-01—County road, 5.0 miles west of Larned, then south, 0.2 mile, bridge replacement. (Federal Funds)

**Pratt**—76 C-2080-01—County road, from Coats, then north, 4.0 miles, surfacing. (Federal Funds)

**Sedgwick**—87 C-1720-01—County road, 4.7 miles south of Andale, then west, 10.0 miles, surfacing. (Federal Funds)

## DISTRICT SIX—Southwest

**Clark**—13 C-1648-01—County road, 0.5 mile east and 9.0 miles north of Ashland, then north, 0.4 mile, bridge replacement. (Federal Funds)

**Finney**—156-28 U-1126-01—K-156 (Kansas Avenue),

Main and 8th in Garden City, intersections. (Federal Funds)

**Hodgeman**—283-42 K-3030-01—U.S. 283, Main Street in Jetmore, 1.0 mile, replace curb and gutter. (State Funds)

**Ness**—68 C-1593-01—County road, 2.0 miles north of the junction of K-96 at Beeler, then north, 1.3 miles, grading. (Federal Funds)

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

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

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

**HORACE B. EDWARDS**  
Secretary of Transportation

Doc. No. 006359

## 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 March 10-16:

##### House Bills

**HB 3087**, by Committee on Federal and State Affairs: An act concerning state military forces; amending and supplementing the Kansas code of military justice; exempting certain orders from the Kansas administrative procedure act; amending K.S.A. 48-2101, 48-2104, 48-2201, 48-2202, 48-2203, 48-2204, 48-2205, 48-2207, 48-2208, 48-2301, 48-2401, 48-2402, 48-2403, 48-2405, 48-2503, 48-2504, 48-2505, 48-2507, 48-2605, 48-2702, 48-2703, 48-2705, 48-2706, 48-2707, 48-2708, 48-2710, 48-2711, 48-2712, 48-2714, 48-2716, 48-2717, 48-2719, 48-2803, 48-3013, 48-3034, 48-3044, 48-3101, 48-3102, 48-3106, 48-3107, 48-3108 and 48-3112 and repealing the existing sections; also repealing K.S.A. 48-2901 through 48-2914.

**HB 3088**, by Committee on Appropriations: An act relating to state gaming revenues; concerning transfers to the county reappraisal fund; amending K.S.A. 1987 Supp. 79-4801, 79-4802 and 79-4804 and repealing the existing sections.

**HB 3089**, by Committee on Appropriations: An act concerning imprest funds in area offices of the department of social and rehabilitation services; amending K.S.A. 75-3061 and repealing the existing section.

**HB 3090**, by Committee on Appropriations: An act concerning the uniform commercial code; relating to fees for the provision of information concerning filings under article 9 of

chapter 84 of the Kansas Statutes Annotated; amending K.S.A. 1987 Supp. 75-3170a and 84-9-411 and repealing the existing sections.

**HB 3091**, by Committee on Appropriations: An act concerning financing of statewide reappraisal of real property; relating to state aid for costs incurred by counties therefor; authorizing loans of certain state moneys by the pooled money investment board therefor; prescribing terms and conditions for such loans; amending K.S.A. 1987 Supp. 74-8711 and repealing the existing section.

**HB 3092**, by Committee on Appropriations: An act creating the state buildings and grounds fund; transferring certain moneys thereto and abolishing certain funds; amending K.S.A. 75-3765 and 75-3768 and repealing the existing sections; and also repealing K.S.A. 75-3615, 75-3617, 75-3632, 75-3637, 75-3638, 75-3646, 75-3650, 75-3653, 75-3654 and 75-3655.

**HB 3093**, by Committee on Appropriations: An act concerning salaries and compensation of certain public officers and employees; providing for certain increases under certain circumstances; amending K.S.A. 22a-105 and 74-601 and K.S.A. 1987 Supp. 22-3708 and 74-2434 and repealing the existing sections.

**HB 3094**, by Committee on Appropriations: An act concerning salaries and compensation of justices and judges of the judicial branch of state government; relating to certain increases; amending K.S.A. 75-3120f and 75-3120h and K.S.A. 1987 Supp. 75-3120g and repealing the existing sections.

**HB 3095**, by Committee on Taxation: An act relating to licensure, certification or registration of certain professionals; requiring the submission of certain information.

**HB 3096**, by Committee on Appropriations: An act concerning the indigents' defense services act; relating to panels for indigents' defense services; disposition of certain moneys; amending K.S.A. 1987 Supp. 22-4501 and 22-4526 and repealing the existing sections.

**HB 3097**, by Committee on Federal and State Affairs: An act concerning the Kansas small business procurement act; extending the expiration date; amending K.S.A. 75-6010 and repealing the existing section.

**HB 3098**, by Committee on Federal and State Affairs: An act concerning criminal procedure; relating to defendant's insanity; amending K.S.A. 1987 Supp. 22-3428 and 22-3428a and repealing the existing sections.

**HB 3099**, by Committee on Federal and State Affairs: An act concerning criminal procedure; providing for a finding or plea of guilty but mentally ill in certain cases; amending K.S.A. 22-3209, 22-3429 and 22-3430 and K.S.A. 1987 Supp. 22-3210 and 22-3431 and repealing the existing sections.

### Senate Bills

**SB 727**, by Committee on Ways and Means: An act concerning the swine industry in the state of Kansas; establishing a swine technology center; making and concerning appropriations for the fiscal year ending June 30, 1989; prohibiting processors of pork from contracting for hog production; penalties for violation thereof; allowing swine confinement facility expansion; allowing production contracts in certain situations; prohibiting swine confinement facility tax exemptions; prohibiting swine confinement facility from being in an enterprise zone; exempting swine confinement facility from revenue producing enterprise; amending K.S.A. 1987 Supp. 17-5903, 17-5904, 79-250 and 79-32,154 and repealing the existing sections.

**SB 728**, by Committee on Ways and Means: An act concerning controlled substances; relating to presumptive and mandatory sentencing; amending K.S.A. 65-4127a and K.S.A. 1987 Supp. 65-1127b and repealing the existing sections.

**SB 729**, by Committee on Ways and Means: An act relating to the Kansas statewide risk capital system; concerning investments of the pooled money investment board in Kansas Venture Capital, Inc.; amending K.S.A. 1987 Supp. 74-8203 and repealing the existing section.

**SB 730**, by Committee on Ways and Means: An act relating to local seed capital pools; concerning income tax credits for cash investment therein and continuing certification thereof; amending K.S.A. 1987 Supp. 74-8401, 74-8403 and 74-8405 and repealing the existing sections.

**SB 731**, by Committee on Ways and Means: An act concerning acquisition of historic property; relating to review by state historic sites board of review; amending K.S.A. 1987 Supp. 75-2726 and repealing the existing section.

**SB 732**, by Committee on Ways and Means: An act authorizing the exchange and conveyance of certain real property between Emporia state university and the Emporia state university endowment association.

**SB 733**, by Committee on Ways and Means: An act concerning the Kansas police and firemen's retirement system; providing for participation by certain educational institutions and university police officers.

**SB 734**, by Committee on Ways and Means: An act relating to cemetery districts; authorizing the issuance of bonds for the purpose of acquiring additional land for cemetery purposes; amending K.S.A. 17-1335 and repealing the existing section.

### House Resolutions

**HCR 5052**, by Representative Ramirez: A concurrent resolution commending school districts which provide developmental screening for children prior to entry into school and urging other school districts to do the same.

**HCR 5053**, by Representatives Hensley, Cribbs, Justice and Love: A concurrent resolution providing for a special committee to make a legislative study concerning the state's personnel policies and practices with regard to minority persons.

**HCR 5054**, by Committee on Appropriations: A concurrent resolution directing the State Board of Regents to commence additional study of unnecessary duplication in degree programs at state educational institutions under its control and supervision and to make plans, reports and program consolidations with respect thereto.

**HCR 5055**, by Representative Littlejohn: A concurrent resolution designating October 2 through 8, 1988, as mental illness awareness week.

**HCR 5056**, by Representatives Mead and Buehler: A concurrent resolution designating March 24, 1988, as Jack St. Clair Kilby Day.

**HR 6046**, by Representative Gross: A resolution congratulating and commending Fort Hays State University for winning the NAIA District 10 championship.

**HR 6047**, by Representative Sebelius: A resolution commending the establishment and operation of Compeer Programs at various locations in Kansas to help long-term mentally ill citizens of Kansas reduce social isolation and develop supportive relationships and promote use of personal and community resources.

**HR 6048**, by Representative Holmes: A resolution congratulating and commending the City of Liberal on its Centennial Anniversary.

**HR 6049**, by Representative Guldner: A resolution congratulating and commending Kearny County on its Centennial Anniversary.

**HR 6050**, by Representative Wells: A resolution congratulating and commending the Gerald Scheid family on being named 1987 Kansas 4-H Family of the Year.

**HR 6051**, by Representatives Dean and Webb: A resolution congratulating and commending the Wichita South High School boys' basketball team and Coach Steve Eck for winning the 1988 Class 6A State Basketball Championship in Kansas.

### Senate Resolutions

**SR 1833**, by Senator Norvell: A resolution congratulating and commending Fort Hays State University for winning the NAIA District 10 championship.

**SR 1834**, by Senator Karr: A resolution congratulating and commending the Emporia High School wrestling team and Coach Pat Sands for winning the 1988 Kansas State High School Activities Association Class 6A State Wrestling Championship in Kansas.

Doc. No. 006349

**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, April 4, 1988**

#27028

University of Kansas Medical Center and other state agencies—PHARMACEUTICALS

#27109

Department of Education—JANITORIAL SERVICE

#27341-Rebid

Statewide—INSTITUTIONAL CLOTHING

#27602

Department of Human Resources—JANITORIAL SERVICES, Wichita

#27793

Department of Transportation—REMOVAL OF WASTE AND REFUSE FROM SAFETY REST AREAS, various locations

#73279

Wichita State University—TRASH COMPACTORS

#73280

Department of Transportation and Adjutant General's Department—AGGREGATE, various locations

**Tuesday, April 5, 1988**

#A-5804

Winfield State Hospital and Training Center—REMOVE AND REPLACE SMOKE DETECTORS, Treatment and Juniper Buildings, on the grounds

#27525

Winfield State Hospital and Training Center—MISCELLANEOUS GROCERIES

#73290

Kansas State University—APPLIANCES

**Wednesday, April 6, 1988**

#73300

Kansas State Penitentiary—DOORS, FRAMES, WINDOW FRAMES AND HARDWARE

#73311

Wichita State University—PLAIN PAPER COPIER

#73312

Department of Transportation—FURNISH AND INSTALL HEATING AND AIR CONDITIONING UNITS, Chanute

**Thursday, April 7, 1988**

#27474

University of Kansas Medical Center—MAY (1988) MEAT PRODUCTS

#73320

University of Kansas Medical Center—GAS CHROMATOGRAPH

#73324

Kansas Technical Institute—ELECTRONIC TEST EQUIPMENT

**Friday, April 8, 1988**

#73332

University of Kansas—CENTRIFUGE

#73340

University of Kansas—STUDENT DESKS

#73349

Department of Corrections—VEHICLES, Ellsworth and Norton

**Tuesday, April 12, 1988**

#A-5368(b)

Department of Administration—ROOF REPAIRS, 3rd Floor, North Wing, Docking State Office Building

#A-5756

Kansas State University—VAV CONVERSION, Ackert Hall, on campus

**Tuesday, April 26, 1988**

#A-5916

Department of Administration—STATE CAPITOL DOME STONE REPAIR

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 006354

**State of Kansas**

**BOARD OF REGENTS**

**NOTICE OF HEARING  
ON PROPOSED TRAFFIC REGULATIONS  
AT FORT HAYS STATE UNIVERSITY**

A public hearing will be held at 3:30 p.m. Thursday, April 14, in the Memorial Union Office, Fort Hays State University, Hays, concerning the adoption by the Board of Regents of the regulations governing traffic and parking on the roads, streets, driveways and parking facilities at Fort Hays State University.

The following is a summary of the substance of the rules and proposed change:

Handicap Parking Stalls Violations: Illegally parking in a handicap stall presently carries a \$5 fine. The proposed change would increase the fine to \$20.

Interested persons will be given a reasonable opportunity at the hearing to present their views concerning the adoption of the proposed amendments to the existing regulations. Written comments may also be submitted but must be received prior to the hearing. Written comments or a request for a copy of the proposed regulations and a copy of the financial impact statement of such changes should be submitted to Bill Jellison, Hearing Officer, Traffic and Parking Regulations, Room 303, Picken Hall, Fort Hays State University, 600 Park St., Hays 67601.

TED D. AYRES  
General Counsel  
State Board of Regents

Doc. No. 006363

State of Kansas  
**DEPARTMENT OF ADMINISTRATION**  
**EMPLOYEE AWARD BOARD**

**NOTICE OF MEETING**

The Employee Award Board will meet at 1 p.m. Friday, March 25, in the Division of Personnel Services, Room 951-S, Landon State Office Building, 900 S.W. Jackson, Topeka.

**BEN BARRETT**  
 Chairperson

Doc. No. 006342

State of Kansas  
**BOARD OF REGENTS**

**NOTICE OF HEARING ON PROPOSED TRAFFIC REGULATIONS AT THE UNIVERSITY OF KANSAS MEDICAL CENTER, KANSAS CITY**

A public hearing will be held at 1 p.m. April 21 at the University of Kansas Medical Center, Battenfield Auditorium, Olathe and Rainbow Blvd., Kansas City, Kansas, concerning the adoption by the Board of Regents of regulations governing traffic and parking on the roads, streets, driveways, and parking facilities at the University of Kansas Medical Center.

The following is a summary of the substance of the proposed changes:

Summary of Parking Regulation Changes  
 for Kansas City Campus

1. The words "or lot" added to section 2.0.
2. Section 3, 4 and 5 have been combined into section 3.
3. Section 7.0 Employee Rate for Parking Facility, new rates.

		Old	New
Day Access Card	Annual	400.00	480.00
	Quarterly	100.00	120.00
	Monthly	33.33	40.00
Night Card	Annual	40.00	100.00
	Quarterly	10.00	25.00

4. Garage Reserve area will be \$1200 per year.
5. Night Nurse rate will be .40 per shift from .16 per shift.

Interested persons will be given a reasonable opportunity at the hearing to present their views concerning the adoption of the proposed amendments to the existing regulations.

Written comments or a request for a copy of the proposed regulations and copy of the financial impact statement of such changes should be submitted to A. J. Yarmat, Ph.D., c/o Parking Services, University of Kansas Medical Center, B320A, 39th and Rainbow Blvd., Kansas City 66103.

**TED D. AYRES**  
 General Counsel  
 State Board of Regents

Doc. No. 006360

State of Kansas  
**BOARD OF REGENTS**

**NOTICE OF HEARING**  
**ON PROPOSED TRAFFIC REGULATIONS**  
**AT THE UNIVERSITY OF KANSAS**

A public hearing will be held at 3 p.m. on April 15 in the Kansas Union Building, Pine Room, Level 6, University of Kansas, Lawrence, concerning the adoption by the Board of Regents of the regulations governing traffic and parking on the roads, streets, driveways and parking facilities at the university. The following is a summary of the substance of the rules and proposed changes. While certain sections of the regulations have been renumbered and reorganized, the only substantive changes in the regulations are noted as follows:

1. General Regulations. The current regulations specify who is subject to these rules and regulations, that all vehicles must have a valid parking permit, and hours of access to the central campus. No amendments are proposed.

2. Definitions. The current regulations specify, for the purpose of these regulations, the definitions of student, faculty, staff, visitors, dormitory visitor, medical parking needs, handicap parking, moped parking and motorcycle. The proposed amendment will delete the dormitory visitor section so all visitors to any part of the campus will follow the same guidelines.

3. Visitor Parking. The current regulations specify conditions under which visitors may legally park at the University of Kansas. The proposed amendment defines short-term parking as "up to three hours." The provision for visitors to return no permit violations for cancellation is stricken. Lot 16 is added to the metered parking available for visitors, and the dormitory visitor section 3.1 has been stricken.

4. Parking Permits. The current regulations establish procedures pertaining to parking permits and the types of permits available. The proposed amendment limits courtesy permits to "up to three hours" for visitors. For periods longer than three hours, visitors are referred to section 6.2 Visitor Permit.

5. Student, Faculty and Staff Parking. The current regulations establish procedures by which parking permits for vehicles may be obtained and appealed, and procedures for new employees. No amendments are proposed.

6. Permit Fees. The current regulations specify the fees charged for parking permits. The proposed amendment adds a separate JRP permit, the same price as the dormitory permit. Courtesy is defined as three hours or less at no charge. Section 6.2 Visitor Permit outlines the charge for visitor parking: 7 a.m. to 1 p.m., \$1; noon to 5 p.m., \$1; 7 a.m. to 5 p.m., \$2. These visitor permits are restricted to long term meters only.

7. Control of Parking Lots and Zones. The current regulations specify times and locations for parking restrictions at the university. The east bay of lot 2 will be faculty/staff restricted until 8:30 p.m.; restrictions on dormitory lots, including JRP, will be removed at 5 p.m. on Fridays.

8. Violations. The current regulations specify the penalties for misuse of parking areas. No amendments are proposed.

(continued)

9. **Payment of Fees for Violations.** The current regulations specify the method and procedure for payment of violation notices, late payment, what constitutes excessive violations and consequences of excessive violations, and towing and impoundment procedures. No amendments are proposed.

10. **Appeal of Violation Notices.** The current regulations establish the procedures for appeals from a charge of misuse of parking area. No amendments are proposed.

11. **Statutory Authorization.** The current regulations establish the authorization of the Board of Regents to promulgate regulations for the control of parking and traffic on the University of Kansas campus and to establish misuse fees for violations of the regulations. No amendments are proposed.

Interested persons will be given a reasonable opportunity at the hearing to present their views concerning the adoption of the proposed amendments to the existing regulations. Written comments may also be submitted prior to the hearing. Written comments or a request for a copy of the proposed regulations and the financial impact statement of such changes should be submitted to Edwyna Gilbert, Associate Dean, College Office, University of Kansas, Strong Hall, Room 206, Lawrence 66045.

TED D. AYRES  
General Counsel  
State Board of Regents

Doc. No. 006361

## State of Kansas

### BOARD OF REGENTS

#### NOTICE OF HEARING ON PROPOSED TRAFFIC REGULATIONS AT KANSAS STATE UNIVERSITY

A public hearing will be held concerning the adoption by the Board of Regents of the regulations governing traffic and parking on the roads, streets, driveways and parking facilities at Kansas State University at 3 p.m. Friday, April 15, in the Student Union Building, Big 8 Room, Kansas State University, Manhattan.

The following is a summary of the substance of the rules and proposed changes. While certain sections of the regulations have been revised in wording and structure for the purpose of clarity and understanding, the only substantive changes in the regulations are noted as follows:

**I. A. General Requirements.** The proposed amendments would require all motor vehicles, except mopeds (under certain conditions) parked on the campus to have a valid parking permit during the hours of 7 a.m. to 5 p.m. Monday through Friday; specifies a permit does not guarantee a parking space at any particular time; and requires individuals to notify university police if their vehicle becomes disabled on campus.

**II. A. Parking Permits.** The proposed amendment makes it illegal to give false information on a permit application and specifies that permits may only be used by the purchaser.

**II. B. Fee Schedule.** The proposed amendment establishes a new fee schedule: Reserved stalls (in addition to

permit), 24-hour—\$225, 10-hour stall—\$150, Faculty/Staff Permit \$50, Student Permit \$30, Resident Halls and Jardine Permit \$30, Jardine/Campus combination an additional \$10, organizational unit permits in faculty/staff lots—\$50, organizational unit permits in designated outlying lots—no cost, cycle permits—\$10 and recreational complex only—\$10. Fee schedule reflects annual cost. Semester permit cost is one-half of annual permit. Monthly and weekly permits will be increased to \$8 and \$3 respectively.

**II. C. Student Permits.** The proposed amendment would restrict residents of halls other than Edwards Hall to purchase a residence hall permit only. Permits Edwards Hall residents to purchase both Edwards and campus permit and permit Jardine Terrace to add on campus parking to its permit at a reduced rate as specified in the fee schedule.

**II. C. E. 2 e. Special Permit.** The proposed amendment would require conference and seminars held on campus during permit hours, which collect a fee, to provide \$1 per participant per week for support of the university parking system. Defines how permits will be issued and who will collect the accessed fee.

**II. E. 3 Reserved Stalls.** The proposed amendment would provide for a limited number of 10-hour reserved stalls to be granted to faculty/staff permit holders upon request and provide for the granting of reserved stalls for state vehicles, but must be purchased as indicated in the fee schedule.

**II. E. 6 University Events.** The proposed amendment would permit the changing of special fees for use of parking facilities in designated areas during university events.

**III. B. Parking Hours.** The proposed amendments would restrict faculty/staff and students to lots specified by their permit during the hours permits are required.

**III. C. Parking Hours.** The proposed amendment would prohibit storage of vehicles in general parking areas unless authorized by the university police.

**VII. B. Misuse Fees.** The proposed amendment would increase Group I and Group II violations to \$10 and would create a new Group IV violation, which prohibits displaying of forged/altered permits or illegal registration of vehicles; sets fine at \$30 in addition to towing or wheel-lock fee; and requires such permits to be surrendered to the university police.

Interested persons will be given a reasonable opportunity at the hearing to present their views concerning the adoption of the proposed amendments to the existing regulations. Written comments may also be submitted prior to the hearing. Written comments or a request for a copy of the proposed regulations and the financial impact statement of such changes should be submitted to John P. Lambert, Director of Public Safety, Ward Hall, Kansas State University, Manhattan 66506.

TED D. AYRES  
General Counsel  
State Board of Regents

Doc. No. 006364



## State of Kansas

**BOARD OF REGENTS****NOTICE OF HEARING ON PROPOSED TRAFFIC REGULATIONS AT THE UNIVERSITY OF KANSAS SCHOOL OF MEDICINE, WICHITA**

A public hearing will be held at 10:30 a.m. and 1:30 p.m. April 14 at the University of Kansas School of Medicine, Wichita, in the auditorium at 1010 N. Kansas, concerning the adoption by the Board of Regents of regulations governing traffic and parking on the roads, streets, driveways, and parking facilities at the university.

The following is a summary of the substance of the proposed changes:

Summary of Parking Regulation Changes  
for Wichita Campus

1. Section 4.2 has been added, tan zone.
2. Section 6.2 item number 10 has been added.  
Back into or pulling through a stall to park.
3. Section 9 rate increase for new tan permit.

Interested persons will be given a reasonable opportunity at the hearing to present their views concerning the adoption of the proposed amendments to the existing regulations.

Written comments or a request for a copy of the proposed regulations and copy of the financial impact statement of such changes should be submitted to Edward Huycke, M.D., c/o University of Kansas School of Medicine, 1010 N. Kansas Ave., Wichita 67214.

TED D. AYRES  
General Counsel  
State Board of Regents

Doc. No. 006359

## State of Kansas

**BOARD OF REGENTS****NOTICE OF HEARING  
ON PROPOSED TRAFFIC REGULATIONS  
AT WICHITA STATE UNIVERSITY**

A public hearing will be held at 3 p.m. on April 15 at the Campus Activities Center, Room 208, Wichita State University, Wichita, concerning the adoption by the administration of Wichita State University of regulations governing traffic and parking on the roads, streets, driveways and parking facilities at the university. Interested persons will be given a reasonable opportunity to present their views concerning the adoption of the proposed amendments to the existing regulations. Written comments may also be submitted but must be received prior to the hearing.

Written comments or a request for a copy of the proposed regulations and the financial impact statement of such changes should be submitted to Milton L. Myers, Chief of University Police, Wichita State University, 1845 Fairmount, Wichita 67208. The following is a summary of the substance of the rules and the proposed changes.

Article 1—Policy. Current regulations specify the purpose of the traffic and parking regulations and provide for the development of the regulations by the University

Traffic Committee. Current regulations also specify that Wichita State University assumes no responsibility or liability for the care and/or protection of any vehicle while on university property. No changes are proposed.

Article 2—Definitions. Current regulations specify the meanings of words and phrases as used in the traffic rules and regulations. No changes are proposed.

Article 3—General Information. Current regulations specify individual responsibility for compliance with traffic and parking regulations, prohibit major repairs to vehicles on university property, specify certain areas where parking is prohibited and provide for the removal of vehicles constituting a hazard or abandoned vehicles. No amendments are proposed.

Article 4—Registration of Vehicles. Current regulations specify the condition under which faculty, staff, students and visitors must register vehicles and display parking permits. The current regulations also establish the procedure by which parking permits for vehicles may be obtained, the types of permits available and parking fees assessed to faculty, staff and students. The proposed amendment will eliminate the activity permit and permit the parking permit to be displayed on the rear windshield or the rear bumper of the vehicle.

Article 5—Parking Regulations. Current regulations specify where and when vehicles may be parked and also provide certain restrictions, conditions and limitations during certain times. Provisions also specify for removal of vehicles from campus. No amendments are proposed.

Article 6—Traffic Regulations. Current regulations regulate the conduct of drivers and pedestrians on campus. No amendments are proposed.

Article 7—Violations. The current regulations specify prohibited acts and the penalties for misuse of parking areas and moving violations. No amendments are proposed.

Article 8—All Payment of Violation Notices and Fines. The current regulations specify where violation fines are to be paid and the penalties for failure to pay violation fines. No amendments are proposed.

Article 9—Appeal of Violation Notices. The current regulations specify the procedures for appeals from a charge of misuse of parking or traffic violations. Proposed amendment will provide that the ombudsperson may make an oral appeal for the appellant of a moving violation.

Article 10—Bicycles/Tricycles. Current regulations specify provisions for operating and parking bicycles/tricycles on campus. No amendments are proposed.

TED D. AYRES  
General Counsel  
State Board of Regents

Doc. No. 006362

State of Kansas

## OFFICE OF JUDICIAL ADMINISTRATION

## COURT OF APPEALS DOCKET

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

Kansas Court of Appeals  
 Room A-35, Administration Building  
 Iola Community College, 1801 N. Cottonwood  
 Iola, Kansas

Before Abbott, C.J.; Elliott, J.; and Theodore B. Ice,  
 District Judge, assigned.

Tuesday, March 29, 1988

9:00 a.m.

Case No.	Case Name	Attorneys	County
60,925	Abner Johnson, Appellant, v. City of Humboldt Police Department and its representatives, Appellees.	Roger W. Lovett  Nanette L. Kimmerly-Weber	Allen
60,879	Elden Corban, <i>et al.</i> , Appellants, v. Citizens National Bank of Fort Scott, Kansas, Appellee.	David L. McLane  David Mullies Blake Hudson	Bourbon
60,778	In the Matter of the Driving Privileges of Charles R. Vandever.	Grant Brooks and Brian Cox John K. Chenoweth	Wilson
60,890	Agra-Tech Services, Inc. and Butterbrook Farm, Inc., Appellants, v. Melvin L. Briggs and Federal Land Bank of Wichita, Appellees.	Nathan C. Harbur Stephen R. Miller  Lee E. Tetwiler Mark Hannah	Miami
60,569	In the Matter of the Estate of B. H. Day, Deceased.	James J. McGannon W. J. Fitzpatrick Rawley J. Dent Howard V. Day	Montgomery
1:30 p.m.			
61,092	John C. Riddle III, Appellant, v. City of Ottawa, Kansas, and Oren K. Skiles, Appellees.	James E. Rumsey  John Dowell Terry Fitzgerald	Franklin
60,926	State of Kansas, Appellee, v. Kathy Vonsoosten, Appellant.	C. Y. Meek Attorney General  Lucille Mareno Benjamin C. Wood	Cherokee
60,713	State of Kansas, Appellee, v. Johnnie J. Ward, Appellant.	Carla J. Stovall Attorney General  Martha J. Coffman Benjamin C. Wood	Crawford

61,142	In the Matter of the Application of Christopher Lawrence Bruce for a Writ of Habeas Corpus.	Frank A. Diehl, Assistant District Attorney Edward G. Collister, Jr.	Douglas
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Wednesday, March 30, 1988  
9:00 a.m.

61,325	Robert E. Harmon, Appellant, v. Carol B. Bonebrake, Director of Taxation, State of Kansas, Appellee.	Robert E. Harmon James Bartle	Coffey
60,703	In the Matter of the Marriage of John O. Delmont Jr., and Eleanor Delmont.	Larry A. Prausner Darrel Shumake	Cherokee
60,966	Sugar Creek Packing Co., Appellant, v. City of Frontenac, Appellee.	John I. O'Connor Keith R. Jones	Crawford
60,694	State of Kansas, Appellee, v. Peggy S. Gatton, Appellant.	John K. Bork, Assistant Attorney General Edward W. Dosh	Labette
60,421	In the Matter of the Estate of James W. Vestring.	Baird, Holm, McEachen, Pedersen, Hamann & Strasheim Connell & Connell Elvin D. Perkins R. A. Munroe Michael G. Coash Laurel D. McClellan James B. McKay, Jr. N. Trip Shawver	Butler

Kansas Court of Appeals  
District Courtroom, Greenwood County Courthouse  
311 N. Main, Eureka, Kansas  
Before Brazil, P.J.; Rees and Six, JJ.

Tuesday, March 29, 1988  
10:30 a.m.

60,450	Allen Ray Jordan, Appellant, v. State of Kansas, Appellee.	Martha Coffman Benjamin C. Wood  Attorney General Morgan Metcalf	Butler
61,061	Eldon L. Bailey, Appellee, v. IBP, Inc., and Kansas Workers' Compensation Fund, Appellants.	W. Robert Alderson Kirby A. Vernon	Lyon

(continued)

1:30 p.m.

- |        |  |  |        |
|--------|--|--|--------|
| 60,572 | Albert Hogoboom, a sole proprietor dba Hogoboom Well Service, and a sole proprietor dba Albert Hogoboom Oilfield Trucking, Appellee,<br>v.<br>E. Wallace Johnson, Appellant. | James B. McKay, Jr.<br><br>Michael G. Coash  | Butler |
| 60,855 | State of Kansas, Appellee,<br>v.<br>Ronald G. Schreiber.   | Michael E. Cleary<br>Attorney General<br><br>John F. Jones II                            | Harvey |
| 61,041 | Edith Loveless, <i>et al.</i> , Appellants.<br>v.<br>Alvin W. Loveless, Appellee.  | Tim R. Karstetter<br><br>J. Robert Brookens  | Marion |
| 59,900 | Elmer Schmidt, Appellant,<br>v.<br>Joe Bishop, Delta Commodities and Robert Erb, Appellees.  | Elmer Schmidt, <i>pro se</i><br><br>Gary M. Howland<br>David C. Burns<br>Joe Bishop      | Harvey |
| 60,145 | In the Matter of the Conservatorship of Louanna Marie Selk and Robert Del Selk, Minors.  | William C. Weber<br>Marsh D. Doctor<br>Linda L. Pfalzgraf, Gdn. A/L<br>Charles E. Watson | Sumner |

Wednesday, March 30, 1988

9:00 a.m.

- |   |  |   |            |
|---|--|---|------------|
| 61,269  | Jerry Linsea, Appellant,<br>v.<br>Board of County Commissioners of Chase County, Kansas, Appellee. | Kristin H. Hutchinson<br><br>William L. Fowler                                    | Chase      |
| 60,951  | State of Kansas, Appellee,<br>v.<br>John Griblin, Appellant.                                       | Leo T. Gensweider, City Attorney<br>Attorney General<br><br>Robert W. Manske      | Woodson    |
| 60,595  | Kansas Commission on Civil Rights, Appellee,<br>v.<br>IBP, Inc., Appellant.                        | Brandon L. Myers<br><br>J. Patrick Shepard  | Lyon       |
| 60,403  | State of Kansas, Appellee,<br>v.<br>Sherry Lynn Riley, Appellant.                                  | Natalie G. Haag<br>Attorney General<br><br>Orvel Mason                            | Cowley     |
| <b>Summary Calendar Cases—No Oral Arguments</b> |  |   |            |
| 61,117  | Steven D. Fontes, Appellant,<br>v.<br>State of Kansas, Appellee.                                   | Benjamin C. Wood<br>Steven R. Zinn<br><br>Attorney General<br>Sally Davis Pokorny | Montgomery |

60,765	State of Kansas, Appellee,	Michael Hayes Attorney General	Jefferson
	v. Donavon Eugene Giron, Appellant.	Benjamin C. Wood	
60,977	State of Kansas, Appellee,	Mona Furst Attorney General	Sedgwick
	v. Douglas V. Tracy, Appellant.	Martha J. Coffman Benjamin C. Wood	

**No Oral Argument**

61,049	Susan B. Allen Memorial Hospital, Appellee,	Randall J. Pankratz	Butler
	v. Board of County Commissioners of Butler County, Kansas, Appellant.	Norman G. Manley	

**Kansas Court of Appeals  
Division No. 1 Courtroom, Reno County Courthouse  
Hutchinson, Kansas  
Before Briscoe, P.J.; Rulon, J.; and Robert L. Bishop,  
District Judge, assigned.**

**Tuesday, March 29, 1988  
9:00 a.m.**

60,645	Hutchinson National Bank and Trust Company, Appellant,	William F. Bradley, Jr.	Reno
	v. Ida M. Brown, Appellee.	Stanley Juhnke	
61,462	Bethany College, Appellee,	E. Dexter Galloway	Reno
	v. Martin D. Owens and William Owens, Appellant.	Randall H. McEwen	
60,704	State of Kansas, Appellee,	Robert A. Fox Attorney General	Reno
	v. Richard Belote and Larry R. Belote, Appellants.	Larry A. Bolton	
60,165	Ralph E. Casey, Appellant,	James S. Oswalt	Reno
	v. Betts Baking Company and American Motorists Insurance, Co., Appellees.	Vaughn Burkholder	
59,847	In the Matter of the Estate of Charles A. Rayl, Deceased.	Hal D. Meltzer R. Edward Pfiester, Jr. Lee Kinch William Chalfant	Reno

(continued)

1:30 p.m.

- |  |  |  |           |
|--|--|--|-----------|
| (60,626)<br>(60,627)                                 | First Federal Savings and Loan<br>Association of Hutchinson, Appellee,<br>v.<br>Robert L. Taylor, <i>et al.</i> , Appellants.  | Wendell S. Holmes<br><br>Robert T. Cornwell<br>Donald Doesken<br>Robert L. & Shigeyo Taylor<br>Branine, Chalfant & Hill  | Reno      |
| 60,486   | Davis Lumber & Building Center Inc.,<br>dba Davis Home Center, Appellant,<br>v.<br>Lyle B. Prior, <i>et al.</i> , Appellees.   | Larry A. Bolton<br>Stanley Juhnke<br>Raymond R. Welch<br><br>Joseph Robb   | Reno      |
| 61,416   | United Forwarding, Inc., Appellee,<br>v.<br>Penner Feed & Supply, Inc., Appellant.   | E. Dexter Galloway<br><br>Ward P. Ferguson   | McPherson |
| 60,858   | City of Hutchinson, Kansas, and<br>Southwest National Bank, Wichita,<br>Kansas, Appellees,<br>v.<br>Winchester Foods, Inc., a Kansas Corp.;<br>Lee Cox and Foley Meats, Inc.,<br>Appellants. | Ernest McRae<br>John A. Robinson<br>William B. Swearer<br>Joel L. Norton<br><br>Phillip H. Alexander<br>H. Newlin Reynolds<br>J. Nick Badgerow<br>Josephine A. Mayer | Reno      |
| 61,036   | Kevin R. Teter, Appellant,<br>v.<br>Timothy J. Harper, Appellee.   | Richard J. Rome<br><br>Kenneth Peirce  | Reno      |
| <b>Wednesday, March 30, 1988</b><br><b>9:00 a.m.</b> |  |  |           |
| 61,427   | Carroll W. Lindsey, Appellant,<br>v.<br>Louis Stoico, Inc., Appellee.  | Brad Dillon<br><br>Charles Lee   | Reno      |
| 61,507   | In the Matter of the Marriage of Mary<br>Lynn McGee and John W. McGee.   | Joseph O'Sullivan<br>William L. Brown  | Reno      |
| 60,347   | Jim C. Elliott, Appellant,<br>v.<br>Hutchinson, Reno County, Kansas, State<br>of Kansas, Kansas State Penitentiary,<br>Appellees.  | Benjamin C. Wood<br>Steven R. Zinn<br><br>Attorney General<br>Tim Chambers   | Reno      |
| 60,481   | State of Kansas, Appellee,<br>v.<br>David E. Sinnett, Appellant.   | Gregory G. Meredith<br>Attorney General<br><br>Carol R. Gilham<br>Benjamin C. Wood   | Reno      |

## Summary Calendar Cases—No Oral Arguments

- |  |   |  |         |
|--|---|--|---------|
| 60,684   | State of Kansas, Appellee,<br>v.<br>Vincent E. Jefferson, Appellant.  | Tim Chambers, City Attorney<br>Attorney General<br><br>Rosanne Piatt<br>Benjamin C. Wood                                   | Reno    |
| <p><b>Kansas Court of Appeals</b><br/> <b>Court of Appeals Courtroom, 2nd Floor, Judicial Center</b><br/> <b>301 W. 10th, Topeka, Kansas</b><br/> <b>Before Davis, P.J.; Larson, J; and Position No. 10.</b><br/> <b>Tuesday, March 29, 1988</b><br/> <b>9:00 a.m.</b></p> |   |  |         |
| 60,722   | State of Kansas, Appellee,<br>v.<br>Brenda T. Creech, Appellant.  | Gene Olander, District Attorney<br>James J. Welch, Assistant District Attorney<br>Attorney General<br><br>Benjamin C. Wood | Shawnee |
| 60,571   | In the Matter of the Marriage of Lewis<br>Cohen and Helen R. Cohen.   | David H. Fisher<br>Michael L. Lewis, Gdn. A/L<br>Thomas Odell Rost<br>Jill A. Michaux                                      | Shawnee |
| 60,597   | State of Kansas, Appellee,<br>v.<br>Gerald D. Merrill, Appellant.   | Eric Rosen, Assistant District Attorney<br><br>Ronald L. Pope  | Shawnee |
| 60,844   | Michaela C. Proctor, Appellee,<br>v.<br>John M. Proctor, Appellant.   | John Hamilton<br><br>Patrick Nichols   | Shawnee |
| 1:30 p.m.  |   |  |         |
| 60,941   | Southwestern Bell, Appellee,<br>v.<br>Gooding Law Office, Chtd., Appellant.   | Walter Scott<br>David P. Mudrick<br><br>Ruth Sears<br>Rene M. Netherton  | Shawnee |
| 60,709   | In Re: Tax Appeal of Duane Nevins.  | Steven D. Treaster<br>Robert W. Fairchild  | Shawnee |
| 60,854   | Thomas E. Simpson and Betty L.<br>Simpson, Husband and Wife, Appellees,<br>v.<br>Greg T. Debacker and Kathy H.<br>Debacker, Husband and Wife, Appellants. | Arthur E. Palmer<br><br>G. H. Griffeth   | Shawnee |
| 60,903   | Laird Noller, Appellant,<br>v.<br>GMC Truck and Coach Division, General<br>Motors Corp., Appellee.  | Charles D. McAtee<br>Anne L. Baker<br><br>Robert J. Harrop   | Shawnee |

(continued)

Wednesday, March 30, 1988

9:00 a.m.

- |        |  |   |         |
|--------|--|---|---------|
| 60,609 | Richard L. Lucas, Appellant,<br>v.<br>Joan M. Hamilton, Appellee.  | Richard L. Lucas, <i>pro se</i><br><br>John K. Bork, Assistant Attorney General | Shawnee |
| 61,020 | Kaye D. Moran, aka Don Moran,<br>Appellant.<br>v.<br>Kansas Association of School Boards, Inc.,<br>a Non-Profit Corporation, Appellee.   | William Hergenreter<br><br>Floyd Gehrt<br>Mark L. Bennett, Jr.                  | Shawnee |
| 61,055 | Paul Dana Carter and Janet Carter,<br>Appellants,<br>v.<br>Commercial Realty, Inc., a Kansas<br>Corporation; Richard L. Barnes; General<br>Business Services, Inc., a Maryland<br>Corporation; and Juan D. Martinez,<br>Appellees. | Eric Kjorlie<br><br>Michael Seck<br>Stephen W. Cavanaugh                        | Shawnee |
| 61,073 | In the Matter of the Adoption of B.J.H.,<br>Jr., a Minor.  | Jack R. Crumpacker<br>Bruce C. Harrington                                       | Shawnee |

1:30 p.m.

- |        |  |   |         |
|--------|--|---|---------|
| 61,293 | Ronald Allen and Linda Allen, Husband<br>and Wife, Appellants,<br>v.<br>Lario Enterprises, Inc., and Kurt<br>Chrysler, Appellees.  | Lynn D. Lauver<br><br>Edwin P. Carpenter<br>Mark Buck   | Shawnee |
| 61,388 | John F. Crader and Jacqueline A. Crader,<br>Appellants,<br>v.<br>Lario Enterprises, Inc., Paul Dana Carter,<br>Kurt Chrysler, and Mr. and Mrs. Elgin<br>Hartter, Appellees.  | Lynn D. Lauver<br><br>Eric Kjorlie<br>Mr. & Mrs. Elgin Hartter<br>Mark Buck<br>Edwin P. Carpenter | Shawnee |
| 61,456 | State of Kansas, <i>ex rel.</i> , Jack D. Walker,<br>M.D., Secretary of Health and<br>Environment, Appellee,<br>v.<br>Paul H. Bergman, Alben Haug, and<br>Eugene E. Haug, A Partnership, dba<br>Crestview Manor, 808 N. 8th, Seneca,<br>Kansas, Appellant. | Frank W. Layman<br>Attorney General<br><br>Eugene T. Hackler                                      | Shawnee |

LEWIS C. CARTER  
Clerk of the Appellate Courts

Doc. No. 006341



(Published in the Kansas Register, March 24, 1988.)

SENATE BILL No. 501

AN ACT concerning elections; amending K.S.A. 25-205, 25-303, 25-305, 25-3304, 25-3306, 25-4310 and 25-4320 and repealing the existing sections.

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

Section 1. K.S.A. 25-205 is hereby amended to read as follows: 25-205. (1) (a) The names of candidates for national, state, county and township offices shall be printed upon the official primary ballot when each shall have qualified to become a candidate by one of the following methods and none other: ~~First~~, (1) They shall have had filed in their behalf, not later than 12:00 noon, June 10, prior to such primary election, or if such date falls on Saturday, Sunday or a holiday, then before 12:00 noon of the next following day that is not a Saturday, Sunday or a holiday, nomination petitions, as provided for in this act; ~~or, second~~; or (2) they shall have filed not later than the time for filing nomination petitions, as above provided, with the proper officer a declaration of intention to become a candidate, accompanied by the fee required by law.

(b) Nomination petitions shall be in substantially the following form:

I, the undersigned, an elector of the \_\_\_\_\_ precinct of the township of \_\_\_\_\_ (or \_\_\_\_\_ precinct of the \_\_\_\_\_ ward of \_\_\_\_\_), county of \_\_\_\_\_, and state of Kansas, and a duly registered voter, and a member of \_\_\_\_\_ party, hereby nominate \_\_\_\_\_, who resides in the township of \_\_\_\_\_ (or at number \_\_\_\_\_ on \_\_\_\_\_ street, city of \_\_\_\_\_), in the county of \_\_\_\_\_ and state of Kansas, as a candidate for the office of (here specify the office) \_\_\_\_\_, to be voted for at the primary election to be held on the first Tuesday in August in \_\_\_\_\_, as representing the principles of said such party; and I further declare that I intend to support the candidate herein named and that I have not signed and will not sign any nomination petition for any other person, for said such office at such primary election.

(HEADING)			
Name of Signers.	Street Number or Rural Route (as registered).	Name of City.	Date of Signing.

(2) All nomination petitions shall have substantially the foregoing form, written or printed at the top thereof. No signature shall be counted unless it is upon a sheet having such written or printed form at the top thereof.

(3) (c) Each signer of a nomination petition shall sign but one such petition for the same office, and shall declare that such person intends to support the candidate therein named, and shall add to such person's signature and residence, if in a city, by street and number (if any); or, otherwise by post-office address. No signature shall be counted unless the place of residence of the signer is clearly indicated and the date of signing given as herein required and if ditto marks are used to indicate address they shall be continuous and clearly made. Such sheets shall not be cut or pasted together.

(4) (d) All signers of each separate nomination petition shall reside in the same ~~precinct~~ county and election district of the office sought. The affidavit described in this paragraph of a qualified elector who resides in such ~~precinct~~ county and election district or of the candidate shall be appended to each petition and shall contain, at the end of each set of documents carried by each circulator, a verification, signed by the circulator or the candidate, to the effect that such circulator or the candidate personally witnessed the signing of the petition by each person whose name appears thereon. The person making such affidavit shall be duly registered to vote.

(5) Such (e) Nomination petitions shall be signed: (a)

(1) If for a state officer elected on a statewide basis (or for the office of United States senator), by not less than 1% of the total vote of the party designated in the state.

(b) (2) If for a state or national officer elected on less than a statewide basis, by not less than 2% of the total vote of the party designated in such district, except that for the office of district magistrate judge, by not less than 2% of the total vote of the party designated in the county in which such office is to be filled.

(c) (3) If for a county office, by not less than 3% of the total vote of the party designated in such district or county.

(d) (4) If for a township office, by not less than 3% of the total vote of the party designated in such township.

(6) The basis of a percentage required by this subsection (e) shall be the vote of the party for secretary of state at the last preceding election; or, in case of a new party, the basis of a percentage shall be the vote cast for the successful candidate for secretary of state at the last preceding election; and,

(f) subject to the requirements of K.S.A. 25-202, and amendments thereto, any political organization filing nomination petitions for a majority of the state or county offices, as provided in this act, shall have a separate primary election ballot as a political party; and, upon receipt of such nomination petitions, the respective officers shall prepare a separate state and county ballot for such new party in their respective counties or districts thereof in the same manner as is provided for existing parties.

Sec. 2. K.S.A. 25-303 is hereby amended to read as follows: 25-303. This section shall not apply to city and school elections, nor to election of other officers provided by law to be elected in April. All nominations other than party nominations shall be independent nominations. Independent nominations of candidates for any office to be filled by the voters of the state at large may be made by nomination petitions signed by not less than 2,500 qualified voters of the state for each candidate and in the case of governor and lieutenant governor for each pair of such candidates.

Independent nominations of candidates for offices to be filled by the voters of a county, district or other division less than a state may be made by nomination petitions signed by not less than 5% of the qualified voters of such county, district or other division voting for secretary of state at the last preceding general election for each candidate, and in no case to be signed by less than 25 voters of such county, district or division, for each candidate.

Independent nominations of candidates for offices to be filled by the voters of a township may be made by nomination papers signed by not less than 5% of the qualified voters of such township, computed as above provided, for each candidate, and in no case to be signed by less than 10 such voters of such township for each candidate.

The signatures to such nomination petitions need not all be appended to one paper, but each registered voter signing an independent certificate of nomination shall add to the signature such petitioner's place of residence and post-office address. All signers of each separate nomination petition shall reside in the same ~~precinct~~ county and election district of the office sought. The affidavit of a qualified elector who resides in such ~~precinct~~ county and election district or of the candidate shall be appended to each petition and shall contain, at the end of each set of documents carried by each circulator, a verification, signed by the circulator, to the effect that such circulator personally witnessed the signing of the petition by each person whose name appears thereon. The person making such affidavit shall be duly registered to vote. No such nomination paper shall contain the name of a candidate for governor without in the same such paper containing the name of a candidate for lieutenant governor, and if it does it shall be void. No person shall join in nominating more than one person for the same office, and if this is done, the name shall not be counted on any certificate.

Sec. 3. K.S.A. 25-305 is hereby amended to read as follows: 25-305. (a) Certificates of nomination by convention or caucus and independent nomination petitions for the nomination of candidates for national, state, county, and township offices, shall be filed with the secretary of state, or the county election officer, not later than 12:00 noon, June 10, preceding the national, state, county and township general election, except when such date falls on Saturday, Sunday or a holiday, and then not later than 12:00 noon the following day that is not a Saturday, Sunday or a holiday.

(b) Independent nomination petitions for the nomination of candidates for national, state, county and township offices shall be filed with the secretary of state or the county election officer no later than 12:00 noon on the Monday preceding the first Tuesday of August preceding a national, state, county or township general election.

(continued)

Sec. 4. K.S.A. 25-3304 is hereby amended to read as follows: 25-3304. (a) Any person who has declared ~~his party~~ *such person's party or voter affiliation* in the manner provided by law shall ~~thereafter~~ be listed on the ~~party a voter~~ affiliation list as a member of ~~that political party a registered political organization, or on a party affiliation list if a member of a recognized political party,~~ unless ~~his the person's~~ name is purged or removed therefrom as provided by K.S.A. 25-3303, ~~and amendments thereto,~~ or unless ~~he the~~ *changes his party person changes party or voter affiliation* as provided in this section.

(b) Any ~~elector person,~~ who, having declared ~~his a party or voter~~ affiliation, desires to change the same, may; ~~not less than twenty (20) days prior to the date of any national, state, county and township primary election,~~ file a written declaration with the county election officer, stating ~~his the~~ change of party or voter affiliation; ~~and. Such declaration shall be filed not less than 20 days prior to the date of any national, state, county or township primary election.~~ The county election officer shall enter a record of such change on the party or voter affiliation list of such preceding primary election in the proper column opposite the voter's name.

(c) Any ~~elector person~~ who has never declared ~~his a party or voter~~ affiliation in the county in which ~~he such person~~ resides may; ~~not less than twenty (20) days prior to the date of any national, state, county and township primary election,~~ file a written declaration with the county election officer, stating ~~his the party person's party or voter~~ affiliation; ~~and. Such declaration shall be filed not less than 20 days prior to the date of any national, state, county or township primary election.~~ The county election officer shall enter a record of such declaration on the party or voter affiliation list of the preceding primary election in the proper column opposite the voter's name.

Sec. 5. K.S.A. 25-3306 is hereby amended to read as follows: 25-3306. County election officers and deputy election officers shall inform each person registering as a voter that such person may declare ~~his or her party a party~~ affiliation with any ~~recognized political party or a voter~~ affiliation with any ~~registered political organization~~ and shall inform such person of the procedure for declaring such affiliation. A printed notice containing such information shall be posted conspicuously at each registration place.

Sec. 6. K.S.A. 25-4310 is hereby amended to read as follows: 25-4310. The petitions may be circulated only by a sponsor who is a registered elector in the ~~precinct county~~ in which ~~he or she the sponsor~~ circulates the petition and only in person throughout the state or election district of the state officer sought to be recalled. No copy of a petition shall be circulated in more than one county, and the county election officer of the county in which each petition is circulated shall certify to the secretary of state the sufficiency of the signatures on the petition. Any registered elector of such election district or of the state, as the case may be, may subscribe to the petition by signing ~~his or her the~~ elector's name and address as the same appears on the voter registration books. A person who has signed the petition may withdraw ~~his or her such person's~~ name only by giving written notice to the secretary of state before the date the petition is filed. The necessary signatures on a petition shall be secured within ~~ninety (90) 90~~ days from the date that the petitions prepared by the secretary of state pursuant to K.S.A. 25-4309, ~~and amendments thereto,~~ are delivered to the recall committee. The petition shall be signed only in ink. Illegible signatures unless accompanied by a legible printed name may be rejected by the secretary of state or by any county election officer assisting the secretary of state.

Sec. 7. K.S.A. 25-4320 is hereby amended to read as follows: 25-4320: (a) Each petition for recall of a local officer shall include: (1) The name and office of the local officer sought to be recalled; (2) the grounds for recall described in particular in not more than ~~two hundred (200) 200~~ words; (3) a statement that the petitioners are registered electors of the election district of the local officer sought to be recalled; (4) the names and addresses of three (3) registered electors of the election district of the officer sought to be recalled who shall comprise the recall committee; (5) the statement of warning required in K.S.A.

25-4321, and amendments thereto; and (6) a statement that a list of all sponsors authorized to circulate recall petitions for such recall may be examined in the office of the county election officer where the petition is required to be filed. Each sponsor shall be a registered elector of the election district of the local officer sought to be recalled and of the ~~precinct county~~ in which such sponsor circulates the petition.

(b) Each page of a petition for recall of a local officer shall be in substantially the following form:

I, the undersigned, hereby seek the recall of \_\_\_\_\_ from the office of \_\_\_\_\_, on the ground(s) that \_\_\_\_\_, and declare that I am a registered elector of the \_\_\_\_\_ <sup>(state specific grounds)</sup> precinct of \_\_\_\_\_ Township (or the \_\_\_\_\_ precinct of the \_\_\_\_\_ ward of \_\_\_\_\_), \_\_\_\_\_ County, Kansas, and of the election district of the officer named above.

Name of Signer	Street Number or RR (as Registered)	Name of City	Date of Signing
_____	_____	_____	_____

NOTE:

1. It is a class B misdemeanor to sign a name other than your own name to this petition, to knowingly sign more than once for the recall of the same officer at the same election or to sign this petition knowing you are not a registered elector.
2. The following comprise the recall committee:  
\_\_\_\_\_  
(names and resident addresses)
3. A list of all sponsors authorized to circulate petitions for this recall may be examined in the office of the \_\_\_\_\_ County election officer.

(c) A county election officer shall provide a sample of the form prescribed by subsection (b) upon request by any person.

(d) The affidavit required by K.S.A. 25-4325, and amendments thereto, shall be appended to each petition for recall of a local officer.

New Sec. 8. (a) Any political organization seeking the right of designation on voter affiliation lists after the effective date of this act shall file a statement of organization and a certified list of officers with the secretary of state. Such organization shall have obtained official recognition as a political party prior to filing. However, current status as a recognized political party is not required.

(b) The secretary of state may adopt rules and regulations prescribing the method of listing members of all registered political organizations in voter registration and affiliation.

Sec. 9. K.S.A. 25-205, 25-303, 25-305, 25-3304, 25-3306, 25-4310 and 25-4320 are hereby repealed.

Sec. 10. 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 9, 1988.

SENATE concurred in HOUSE amendments March 3, 1988.  
ROBERT V. TALKINGTON  
*President of the Senate.*  
LU KENNEY  
*Secretary of the Senate.*

Passed the HOUSE as amended March 3, 1988.  
JAMES D. BRADEN  
*Speaker of the House.*  
GENEVA SEWARD  
*Chief Clerk of the House.*

APPROVED March 16, 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 16th day of March, 1988.

BILL GRAVES  
Secretary of State.

(SEAL)

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

**NOTICE OF INTENT TO DENY HAZARDOUS WASTE DELISTING PETITION**

The Kansas Department of Health and Environment (KDHE) published notice in the Kansas Register on February 11, 1988 its intent to deny the hazardous waste delisting petitions formerly held by Farmland Industries, Inc., for its Coffeyville and Phillipsburg facilities. Today's public notice makes final the decision to deny the two petitions.

The February 11 public notice provided background information on the facilities and explained that the petitions were being reevaluated as a result of the 1984 amendments to the Resource Conservation and Recovery Act (RCRA). The reevaluation required consideration of additional factors, including additional hazardous constituents other than those for which the waste was originally listed. The reevaluation employed the same procedures and waste analysis used by the U.S. Environmental Protection Agency in the federal hazardous waste delisting program. The Farmland wastes were found to contain hazardous concentrations of chromium, lead and benzene. The specific analytical results were made available for public review at four public repositories.

The public notice established a 30-day public comment period and solicited comments on this action by KDHE. The public comment period expired on March 11. No comments were received from the general public or from Farmland during the established comment period. Therefore, this public notice makes final KDHE's tentative decision to deny hazardous waste delisting petitions #82-1 and #82-2 for petroleum refinery wastes (EPA Waste Code K051) generated at Farmland's Coffeyville and Phillipsburg facilities as proposed in the February 11 public notice.

As of the date of this publication (March 24, 1988), the above wastes are regulated hazardous wastes subject to all hazardous waste rules and regulations contained in K.S.A. 65-3430 *et seq.* and K.A.R. 28-31-1 through 28-31-13. A compliance schedule will be developed to ensure that Farmland complies with these requirements in a timely manner.

For additional information on this action, please contact John Paul Goetz at the KDHE Topeka office, Bureau of Waste Management, at (913) 296-1607.

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

Doc. No. 006352

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

**NOTICE CONCERNING KANSAS WATER POLLUTION CONTROL PERMIT**

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

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

Name and Address of Applicant	Legal Description	Receiving Water
Strickler Holstein Farm c/o Ivan Strickler Route 2 Iola, KS 66749	SW/4 of Section 24, Township 24S, Range 18E, Allen County, Kansas	Neosho River Basin

Kansas Permit No. A-NEAL-M003

The facility has capacity for approximately 200 head of dairy cattle with expansion planned for an additional 200 head of dairy cattle.

Wastewater Control Facilities: Milk parlor, sick cow barn and treatment barn wastes are collected in underground concrete pits. Feeding and housing area wastes are to be flushed to a solids separator. Liquid wastewater from the solids separator will flow via a pvc pipe to the proposed 14-acre retention pond until weather permits dewatering, via a traveling gun irrigation system; upon agricultural land.

Compliance Schedule: A 14-acre foot wastewater retention pond will be constructed prior to expansion.

Name and Address of Applicant	Legal Description	Receiving Water
Royal Beef, Inc. P.O. Box 216 Scott City, KS 67871	NW/4 of Section 30, Township 16S, Range 33W, Scott County, Kansas	Smoky Hill River Basin

Kansas Permit No. A-SHSC-C005 Federal Permit No. KS-0115673

The feedlot has capacity for approximately 4,500 cattle with expansion planned for an additional 13,500 cattle and a contributing drainage area of approximately 77 acres.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent disposal upon agricultural land. Storage capabilities are provided in excess of 25.25 acre-feet.

Compliance Schedule: None, existing controls adequate.

Written comments on the proposed NPDES permit 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 22 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-AG-88-5/6) and name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determination within 30 days of this notice. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61.

(continued)

The application, proposed permit, special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 740, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by the department. Additional copies of this public notice may also be obtained at the Division of Environment.

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

Doc. No. 006356

(Published in the *Kansas Register*, March 24, 1988.)

**NOTICE OF BOND SALE**  
**\$305,000**  
**General Obligation Bonds**  
**Series A, 1988**  
**of the**  
**City of Independence, Kansas**  
**(general obligation bonds payable**  
**from unlimited ad valorem taxes)**

**Sealed Bids**

Sealed bids will be received by the undersigned, city clerk of the city of Independence, Kansas, on behalf of the governing body at the City Hall, 120 N. 6th, Independence, until 9:30 a.m. C.S.T. Wednesday, March 30, 1988, for the purchase of \$305,000 principal amount of general obligation bonds, Series A, 1988, of the city hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the governing body immediately thereafter. No oral or auction bids will be considered.

**Bond Details**

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

Year	Principal Amount
1992	\$35,000
1993	45,000
1994	45,000
1995	45,000
1996	45,000
1997	45,000
1998	45,000

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

**Place of Payment and Bond Registration**

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar), to the registered owners thereof whose names are on the registration books of the bond registrar as of the 15th day (whether or not a business day) of the calendar month next preceding each interest payment date. The bonds

will be registered pursuant to a plan of registration approved by the city and the Kansas Attorney General.

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

**Redemption of Bonds Prior to Maturity**

The bonds shall become due without option of prior payment.

**Authority, Purpose and Security**

The bonds are being issued pursuant to K.S.A. 12-836 *et seq.*, K.S.A. 12-619 and K.S.A. 12-624, as amended, for the purpose of paying the cost of certain water and sewer improvements. The bonds and the interest thereon will constitute general obligations of the city, payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city.

**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 multiply 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 cannot 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 city 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 city on the basis of such bid, all certified by the bidder to be correct, and the city will be entitled to rely on the certificate of correctness of the bidder. Each bid must also specify the average annual net interest rate to the city 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 \$6,100 (2 percent of the principal amount of the bonds) payable to the order of the city to secure the city from any loss resulting from the failure of the bidder to comply with the terms of the bid. Good faith checks submitted by unsuccessful bidders will be returned. If a bid is accepted, said check or the proceeds thereof will be held by the city until the bidder has complied with all of the terms and conditions of this notice. If a bid is accepted but the city fails to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such

check will be retained by the city as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

**Basis for Award**

The award of the bonds will be made on the basis of the lowest net interest cost to the city, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the city. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the governing body will determine which bid, if any, will be accepted, and its determination is final. The city reserves the right to reject any and all bids and to waive any irregularities in a submitted bid. Any bid received after 9:30 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 city clerk or the financial adviser. 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 city clerk, and marked "Proposal for General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at the City Hall and must be received by the undersigned prior to 9:30 a.m. C.S.T. on Wednesday, March 30, 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 city.

**Delivery and Payment**

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before May 12, 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 the successful bidder. The successful bidder will be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds must be made in Federal Reserve funds, immediately subject to use by the city.

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 city and bond registrar at least two weeks prior to the closing date.

In the absence of such information, the city will deliver one bond per maturity registered in the name of the manager of the successful bidder.

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

**Official Statement**

The city has prepared an official statement dated March 16, 1988, copies of which may be obtained from the city clerk or from the financial adviser. Upon the sale of the bonds, the city will furnish the successful bidder with a reasonable number of copies thereof without additional cost upon request. Additional copies may be ordered at the successful bidder's expense.

**Assessed Valuation and Indebtedness**

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

Equalized assessed valuation of taxable, tangible property .....	\$26,808,218
Tangible valuation of motor vehicles .....	<u>6,020,229</u>
Equalized assessed tangible valuation for computation of bonded debt limitations .....	\$32,828,447

The total general obligation bonded indebtedness of the city (including temporary improvement notes) as of the date of the bonds, including the bonds being sold, is \$2,782,000.

**Approval of Bonds**

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

**Opinion of Bond Counsel**

In the opinion of bond counsel, assuming continued compliance by the city 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 city comply with all requirements of the Internal Revenue Code of 1986, as amended, that must be satisfied subsequent to the issuance of the bonds in order that interest thereon be excluded from gross income for federal income tax purposes. Failure to comply with certain of such requirements could cause the interest on the bonds to be so included in federal gross income

(continued)

retroactive to the date of issuance of the bonds. The city 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.

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

#### Related 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 city clerk or from the financial adviser, Stifel, Nicolaus & Company, Incorporated, 111 S. Main, Wichita, KS 67202, Attention: Larry L. McKown, (316) 264-6321.

Dated March 16, 1988.

CITY OF INDEPENDENCE, KANSAS

By Anthony D. Royse, City Clerk

City Hall

120 N. 6th

Independence, KS 67301

(316) 331-2500

Doc. No. 006348

(Published in the *Kansas Register*, March 24, 1988.)

## NOTICE OF BOND SALE

\$274,213.20

General Obligation Street, Sidewalk,  
Curb and Gutter Bonds  
Series 1988  
City of Anthony, Kansas

#### Sealed Bids

Sealed bids will be received by the city clerk of the city of Anthony, Kansas, at the City Hall, 124 S. Bluff, P.O. Box 504, Anthony, until 7 p.m. C.S.T. on Tuesday, April 5, 1988, for the purchase of \$274,213.20 special assessment general obligation bonds, Series 1988. All bids properly received will be opened, read and tabulated for action thereon at a meeting of the city commissioners to be held at said time, date and place.

#### Details of the Bonds

The bonds will be issued in the form of full registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$4213.20. The bonds will be dated April 1, 1988, and will become due on September 1 of each year serially as follows.

Amount	Year
\$19,213.20	1989
20,000	1990
25,000	1991
25,000	1992
25,000	1993
30,000	1994
30,000	1995
30,000	1996
35,000	1997
35,000	1998

Interest on the bonds will become due on March 1, 1989 and semiannually thereafter on March 1 and September 1 in each year. Principal of the bonds will be payable at maturity upon presentation at the principal office the Kansas State Treasurer, Topeka, Kansas (the bond registrar and paying agent).

#### Authority, Purpose and Security

The bonds have been authorized for the purpose of making improvements to downtown Anthony, Kansas. The bonds will constitute general obligations of the city and will be payable as to both principal and interest in part from special assessments levied upon the property benefited by the construction of the improvements and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city.

#### Bid Forms

All bids must be submitted on the official bid form which may be obtained from the undersigned at the address shown below. No additions or alterations in said form shall be made and any erasures may cause rejection of a bid. The board reserves the right to waive irregularities.

#### Conditions of Bids

Bids 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. 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 same rate shall apply to all bonds of the same maturity. The difference between the highest and lowest rates specified in any bid shall not exceed 3 percent. No bid shall be for less than the principal amount of the bonds and accrued interest. No bids involving supplemental interest payments will be considered.

#### Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn upon a bank located in the United States payable to the city in the amount of 2 percent of the par amount of the issue, as evidence of good faith, to secure the city from any loss resulting from the failure of the bidder to comply with the terms of the bid. All checks of the unsuccessful bidders will be returned immediately upon the award of the bonds. If a bid is accepted, the check delivered to the city on account of such bid or the proceeds thereof will be held by the city until the successful bidder has complied with all the terms of this notice and of such bid, at which time the amount of said check will be credited to the account of the successful bidder in the final settlement. If a bid is accepted but the city shall fail to deliver the bonds to the successful bidder in accordance with the terms of this notice and of such bid, said check or the proceeds thereof will be delivered to the successful bidder. If a bid is accepted and the successful bidder defaults in the performance of any of the terms and conditions of this notice and such bid, then the proceeds of said check shall be retained and accepted by the city as and for liquidated damages.

#### Submission of Bids

Bids accompanied by the good faith check may be mailed to the undersigned at the address given below or delivered in sealed envelopes addressed to the undersigned at the place for opening bids described above. Each bid must be marked "Bid for the Purchase of Bonds" and must be received by the undersigned no later than 7 p.m. C.S.T. on April 5, 1988.

#### Redemption of Bonds Prior to Maturity

The bonds shall become due without option of prior payment.

#### Basis of Award

Each bid shall specify the total interest cost during the life of the bonds on the basis of the rate or rates of interest specified in such bid; the premium, if any; the net interest cost on the basis of such bid; and the average annual net interest rate on the basis of such bid. The net interest cost will be determined by subtracting the amount of the premium, if any, from the total interest cost. The city shall be entitled to rely on such calculation of net interest cost in awarding the bonds. If there is any discrepancy between the net interest cost and the average annual net interest rate specified in the bid, the specified net interest cost shall govern and the interest rates on the bid will be adjusted accordingly. The commissioners reserve the right to waive irregularities or to reject any or all bids.

#### Delivery and Payment

The bonds, duly prepared, executed and registered, will be delivered without cost to the successful bidder within 21 days after the date of the sale in Kansas City, Missouri. Delivery will be made at such other location as may be approved by the city, provided that the successful bidder will reimburse the city for the expense of such delivery. Payment shall be made in Federal Reserve funds or other immediately available funds not later than 1 p.m. central time on the day of delivery.

#### List of Registered Owners

Before the close of business on the fifth business day prior to the date of delivery of the bonds, the successful bidder must deliver to the bond registrar the information regarding registered owners of the bonds and the denominations in which the bonds are to be delivered. In the absence of such information, one bond will be issued for each maturity date in the full amount maturing on such date and the bonds will be registered in the name of the successful bidder.

#### Legal Opinion and Transcript

The sale and issuance of the bonds will be subject to the legal opinion of William Timmerman, Wichita, Kansas, whose final approving opinion will be furnished and paid for by the city and will be printed on the bonds. The successful bidder will be furnished a certified transcript of proceedings evidencing the authorization and issuance of the bonds, which will include a certificate that no litigation is pending or threatened at the time of delivery of the bonds affecting the validity or security of the bonds.

#### Tax Exemption

In the opinion of bond counsel, under existing statutes, regulations, ruling and court decisions, including the Internal Revenue Code of 1986, interest on the bonds is not includable in gross income for purposes of federal income taxation. In rendering its opinion, bond counsel will state that it has assumed the city's present and continuing compliance with covenants in the proceedings of the city authorizing the issuance of the bonds and other documents. Interest on the bonds is not an item of tax preference for purposes of the individual or corporate alternative minimum tax, except that interest on the bonds may be subject indirectly to a corporate alternative minimum tax as pre-tax book income in taxable years beginning after December 31, 1986. In addition, interest on the bonds held by certain foreign corporations may be subject to the branch profits tax under the code in taxable years beginning after December 31, 1986. The city has designated the bonds as "qualified tax-exempt obligations" under Section 265 of the code relating to interest deductions for banks and thrift institutions.

#### 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 a failure or refusal by the successful bidder 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 shall be paid by the city.

(continued)

**Additional Information**

Additional information may be obtained from the undersigned or from Jeff Sharp, Zahner and Company, Kansas City, Missouri, financial adviser, (816) 221-4311.

Dated March 21, 1988.

Don Heidrick  
City Clerk  
City of Anthony  
124 S. Bluff  
P.O. Box 504  
Anthony, KS 67003  
(316) 842-5434

Doc. No. 006357

(Published in the *Kansas Register*, March 24, 1988.)

**FORD COUNTY, KANSAS**

**Notice of Hearing Concerning  
Repayment of Bondholders**

Notice is hereby given to all bondholders pursuant to an order issued by the Ford County, Kansas District Court that a hearing will be held before the Ford County District Court to consider the approval of certain proposals made by Curtis Machine Company, Inc. for repayment of bondholders for Series 1972 and 1976A industrial revenue bonds issued by the city of Dodge City, Kansas.

The hearing will be held at 1:30 p.m. Friday, April 29, before Honorable Don C. Smith, Ford County District Court Judge, in the County Courthouse in Dodge City. Copies of the proposals to be considered by the court at the hearing may be obtained from the undersigned or from the clerk of the Ford County District Court, Ford County Courthouse, Central & Spruce, Dodge City, (316) 225-4091.

Any objections to the approval of the proposals must be made in writing and be received by the clerk of the Ford County District Court on or before April 18, 1988. In the event no timely objections are received, the court may enter an order approving the proposals without further notice to the bondholders. Said written objections must refer to the case heading and case number as set forth on the cover sheet of the proposals.

W. Thomas Gilman  
Redmond, Redmond & Nazar  
331 E. Douglas  
Wichita, KS 67202  
(316) 262-8361

Doc. No. 006366

(Published in the *Kansas Register*, March 24, 1988.)

**NOTICE OF REDEMPTION**

City of Colwich, Kansas  
Industrial Revenue Bonds  
Series November 1, 1979  
(Garden Park)

Notice is hereby given that pursuant to the provisions of Section 4 of Ordinance No. 245 of the city of Colwich, Kansas, that the above mentioned bonds numbered 61-120, inclusive, have been called for redemption and payment on May 1, 1988 at the principal office of the Southwest National Bank of Wichita, P.O. Box 1401, 400 E. Douglas, Wichita, KS 67201.

On such redemption date there shall become due and payable on each of the above mentioned bonds the redemption price thereof equal to 102 percent of the principal amount of each bond together with interest accrued to the redemption date (upon the presentation and surrender of each such bond and all appurtenant coupons). An escrow of United States Government Securities has been established with the Southwest National Bank of Wichita to provide for the payment of the principal of, interest and redemption premium on the bonds. Interest shall cease to accrue on the bonds from and after May 1, 1988 and the interest coupons maturing after May 1, 1988 shall be void.

CITY OF COLWICH, KANSAS  
The Southwest National Bank of Wichita  
P.O. Box 1401  
400 E. Douglas  
Wichita, KS 67201

Doc. No. 006351

(Published in the *Kansas Register*, March 24, 1988.)

**NOTICE OF REDEMPTION**

Reno County, Kansas  
Single Family Mortgage Revenue Bonds  
1979 Series A

Serial Bonds Due November 1988-1999  
Term Bonds Due November 1, 2010

Notice is hereby given that \$550,000 principal amount of the bonds, as listed below, are called for redemption on May 1, 1988 at the redemption price of 100 percent of the principal amount being redeemed, plus accrued interest thereon to the redemption date.

The serial numbers of the coupon bonds to be redeemed in full, bearing CUSIP No. 759753 and Suffix:

AJ5	API	822	1238	1621	2119	2820	3405
234		532		1760	2150	2879	3421
		584	AT3	AW6	2203	2902	3539
AK2		881	1260	1775	2304	2929	3557
303	AQ9	886	1268	1777	2335	2979	3574
		607	896	1319	1803	2450	3016
AL0		674		1342	1824	2492	3018
332			AU0	1385	1865	2559	3028
357	AR7	994	1401	1882	2583	3034	3717
		692	1054	1411	1946	2599	3041
AM8		695	1078	1442	1972	2600	3122
394	771			1480	2019	2638	3164
436			AV8	1488	2086	2640	3180
	AS5	1117	1492	2093	2680	3358	
AN6	778	1137	1515	2109	2722	3382	
500	817	1139	1599	2115	2733	3403	



The serial numbers of the registered bonds to be redeemed in part are:

Bond Number	Par Value	CUSIP Number	Amount Called
R36	\$ 10,000	759753AL0	\$ 5,000
R49	25,000	759753AQ9	5,000
R276	25,000	759753AU0	5,000
R82	35,000	759753AV8	5,000
R40	45,000	759753AW6	5,000
R86	45,000	759753AW6	5,000
R96	100,000	759753AW6	10,000
R343	25,000	759753AW6	5,000
R363	5,000	759753AW6	5,000

On May 1, 1988, all bonds designated for redemption will become due and payable upon presentation thereof to one of the offices of the paying agents.

Coupon bonds with the current coupon and all subsequent coupons attached should be presented to one of the offices of the paying agents:

Continental Illinois National Bank  
and Trust Company of Chicago  
Attention: Corporate Trust Operations  
30 N. LaSalle St., 16th Floor  
Chicago, IL 60697

Marine Midland Bank, N.A.  
140 Broadway—12th Floor  
Coupon Paying Department  
New York, NY 10010

Kansas State Bank  
and Trust Company  
Attention: Trust Department  
123 N. Market  
P.O. Box 427  
Wichita, KS 67201

The registered bonds should be presented to the principal paying agent, Continental Illinois National Bank and Trust Company.

Interest on the bonds called for redemption will cease to accrue on May 1, 1988.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 20 percent tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of the above described securities who wish to avoid the imposition of this tax should submit certified taxpayer identification numbers when presenting their securities for collection.

Dated March 25, 1988.

By Continental Illinois National Bank  
and Trust Company of Chicago, Trustee

Doc. No. 006365

## State of Kansas

### BEHAVIORAL SCIENCES REGULATORY BOARD

#### PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1988)

#### Article 2.—LICENSING OF SOCIAL WORKERS

**102-2-1a. Definitions.** (a) "LBSW" means licensed baccalaureate social worker.

(b) "LMSW" means licensed master social worker.

(c) "LS-SW" means a licensed specialist (name of specialty) social worker.

(d) "Social work practice specialty" means a post-masters degree practice with emphasis upon a specific, identifiable field of practice and methods of helping. The minimum requirements for a license in a specialty shall be two years of post-masters experience under supervision in that practice specialty from one licensed in, or qualified for licensing in, that specialty as established by the board and successful completion of an examination approved by the board for this purpose.

(e) "Licensed specialist clinical social worker" means a person who has a masters or doctoral degree in social work, who meets the requirements for experience and supervision in K.A.R. 102-2-12, and who has passed an examination approved by the board.

(f) "Clinical social work" means a social work practice specialty which has as its goal the maintenance and enhancement of the psychosocial functioning of individuals, families, and groups by increasing the availability of intrapersonal, interpersonal, and societal resources. Psychotherapy is a part of, but not synonymous with, clinical social work.

(g) "Social work supervision" means the actions and process of critically directing, and overseeing the supervisee's total practice in which:

(1) the supervisor is located in close geographic proximity to the site of service so as to be physically available within a reasonable period of time;

(2) the supervisor assumes ultimate responsibility for social work services provided by the supervisee;

(3) the supervisor performs the administrative, educational, and supportive roles of supervision through a continual process. This process shall have as its objective:

(A) the integration of theory and practice, including articulation of rationales for assessment and intervention;

(B) the development and appropriate application of intervention skills and techniques;

(C) the development of self-evaluation skills, enabling a gradual shift from critique by the supervisor to critique by the supervisee and self-assessment of personal growth issues; and

(D) continual acquisition of professional knowledge; and

(4) the supervisor is a licensed social worker or an individual who is eligible for licensing.

(continued)

(h) "Social work consultation" means a time-limited contractual relationship in which:

(1) the primary function is a problem-solving process related to the enhancement of specific knowledge or skills;

(2) the four objectives of clinical social work supervision as defined in K.A.R. 102-2-1a(g) are lacking;

(3) the consultant has no legal, administrative, or professional authority over or responsibility for the professional functioning of the consultee; and

(4) an educational service is provided to care-givers and direct service to clients is not included. Social work consultation shall not meet the supervision requirements.

(i) "Private, independent practice of social work" means the provision of social work services by a self-employed person, a member of a partnership, a member of a professional corporation, or a member of a group practice who is not accountable to a social work supervisor.

(j) "Practicum" means a supervised experience wherein a student applies classroom theory to actual practice situations.

(k) "Continuing education" means a formally organized learning experience which has education as its explicit, principal intent, and which is oriented towards the enhancement of social work practice, values, skills and knowledge.

(l) "Prior-approved continuing education" means:

(1) single-program material that has been submitted by a provider to the board, approved by the board, and assigned a continuing education number;

(2) any program offered by a provider with approved-provider status; or

(3) academic social work courses taken for credit or audited.

(m) "Retroactively-approved continuing education" means material submitted for continuing education credit by the licensee after attending the workshop, conference, seminar, or other offering and that is reviewed and subsequently approved by the board.

(n) "Providers of continuing education" means individuals, groups, professional associations, schools, institutions, organizations, or agencies approved by the board to offer continuing education programs on either approved-provider status or single program-provider status.

(1) "Approved-provider status" means that the provider has been approved by the board to provide any continuing education program. Approved-provider status may be granted for a one-year probationary period to new applicants. After completion of the probationary year, approved-providers may reapply for approval every three years.

(2) "Single program-provider status" means that the provider has been granted approval to offer a specific continuing education program.

(o) "Social service designee" means a person who participates in the delivery of social work service who is not licensed under the social work act but who is supervised by a licensed social worker pursuant to K.S.A. 75-5348(a). (Authorized by K.S.A. 74-7507, as amended by L. 1987, Ch. 315, Sec. 17; implementing

K.S.A. 74-7507, as amended by L. 1987, Ch. 315, Sec. 17; and K.S.A. 75-5352; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988.)

**102-2-4b. Continuing education approval for sponsors.** (a) An application may be made to the board to become an approved provider or a single program provider as defined in K.A.R. 102-2-1a(n). Applications shall be on forms provided by the board.

(b) Approved providers.

(1) Each application for approved-provider status shall be submitted at least three months prior to the first scheduled program.

(2) Each applicant for approved-provider status shall submit an organizational plan which includes a written statement of purpose documenting that social work practice, values, skills, and knowledge are the basis for the provider's educational goals and objectives and administrative procedures.

(3) A licensed social worker or one eligible for licensing shall be designated to be responsible for the conduct and coordination of the program.

(4) Each approved provider shall develop:

(A) a system for maintaining records for a period of at least two years; and

(B) a system for selection and evaluation of instructors, participant performance requirements, and provision of accessible and adequate space.

(5) Each approved provider shall maintain a summary of each individual program offered for a period of at least two years which documents:

(A) the relationship of the program to the enhancement of social work practice, values, skills, or knowledge;

(B) the learning objectives for the program and the relationship between the program content and the objectives;

(C) the licensing levels for which the program is designed and any program prerequisites;

(D) the relationship of the format and presentation methods to the learning objectives and the content, and size and composition of the participant group;

(E) the qualifications of the instructor in the subject matter;

(F) the means of program evaluation;

(G) the program agenda. The agenda shall clearly indicate all coffee and lunch breaks; and

(H) the dates the program was given.

(6) Approved providers may be evaluated and monitored by the board by random contact of social work participants attending programs sponsored by the approved provider.

(7) Provider approval may be withdrawn by the board if the provider violates this rule and regulation, or if quality programs are not maintained to the board's satisfaction.

(c) Single program providers.

(1) Each application for single program-provider status shall be submitted at least 30 days prior to the scheduled program.

(2) Each application for single program-provider status shall include a description of the following:

(A) the relationship of the program to the enhancement of social work practice, values, skills, or knowledge;

(B) the learning objectives for the program and the relationship between the program content and the objectives;

(C) the licensing levels for which the program is designed and any program prerequisites;

(D) the relationship of the format and presentation methods to the learning objectives and the content, and size and composition of the participant group;

(E) the qualifications of the instructor in the subject matter;

(F) the means of program evaluation;

(G) the program agenda. The agenda shall clearly indicate all coffee and lunch breaks; and

(H) the date or dates the program is to be given.

(3) Any material not submitted in this format 30 days before the scheduled date of presentation may not be processed or approved by the board prior to the date of the presentation.

(4) Single program-provider status may be withdrawn by the board if the provider violates this rule and regulation, or if a quality program is not maintained to the board's satisfaction.

(d) Each single program provider and approved provider shall maintain a record of individual social workers' attendance for a period of at least two years.

(e) Each single program provider and approved provider shall provide social work participants with verification of the participant's attendance. Such verification shall be on forms approved by the board. (Authorized by and implementing K.S.A. 74-7507; as amended by L. 1987, Ch. 315, Sec. 17; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985; amended May 1, 1986; amended May 1, 1988.)

**102-2-7. Unprofessional conduct.** (a) Each social worker shall maintain the level of conduct herein or shall be subject to disciplinary action pursuant to K.S.A. 74-7507. The board may refuse to renew, may suspend, or may revoke the license of any social worker whom the board finds guilty of unprofessional conduct, negligence, or wrongful actions.

(b) The following acts shall be evidence of unprofessional conduct:

(1) Making a materially false statement or failing to disclose a material fact requested in connection with application for licensure;

(2) failing to notify the board of having a license, certificate, permit, or registration granted by this or any other state for the practice of social work that has been limited, restricted, suspended or revoked, or of having been subject to other disciplinary action by a licensing or certifying authority or professional association or of having employment terminated or suspended for some form of misfeasance, malfeasance, or nonfeasance;

(3) knowingly allowing another person to use one's license;

(4) impersonating another person holding a license issued by this board;

(5) conviction of a crime resulting from or relating to the licensee's professional practice of social work;

(6) furthering the application for social work licensure of another person who is known by that social worker to be unqualified in respect to character, education, or other relevant attributes;

(7) knowingly aiding or abetting a person who is not a licensed social worker in representations of that person as a social worker in this state;

(8) failing to notify the board of a social worker who, in the judgment of the social worker, is practicing or teaching social work in violation of the laws or regulations regulating social work;

(9) refusing upon request, to cooperate in a timely manner with the board's investigation of complaints lodged against any applicant or social worker licensed by the board. Persons taking longer than 30 days to provide requested information shall have the burden of demonstrating excusable neglect;

(10) misrepresenting professional competency by performing, or offering to perform, services clearly inconsistent with training, education, and experience;

(11) practicing inhumane or discriminatory treatment toward any person or group of persons;

(12) engaging in professional activities, including advertising, involving dishonesty, fraud, deceit, or misrepresentation;

(13) failing to advise and explain to each client the joint rights, responsibilities, and duties involved in the social work relationship;

(14) failing to provide each client with a description of what the client may expect in the way of tests, consultation, reports, fees, billing, therapeutic regimen, or schedule;

(15) failing to provide each client with a description of possible effects of proposed treatment when there are clear and established risks to the client;

(16) failing to inform each client of any financial interests that might accrue to the social worker for referral to any other service, or for the use of any tests, books, or apparatus;

(17) failing to inform each client that the client is entitled to the same services from a public agency, if the social worker is employed by that public agency and also offers services privately;

(18) failing to inform each client of the limits of confidentiality, the purposes for which information is obtained, and how it may be used;

(19) revealing a confidence or secret of any client, except:

(A) as required by law; and

(B) after full disclosure of the information to be revealed and the persons to whom the information will be revealed, and after obtaining consent of the client;

(20) using a confidence or secret of any client to the client's disadvantage;

(21) using a confidence or secret of any client for the advantage of the social worker or a third person, without obtaining the client's consent after full disclosure of the purpose;

(22) failing to obtain written, informed consent from

(continued)

each client, or the client's legal representative or representatives, before electronically recording sessions with that client, before permitting a third party observation of their activities, or before releasing information to a third party concerning a client;

(23) when providing any client with access to that client's records, failing to protect the confidences of other persons contained in that record;

(24) failing to exercise due diligence in protecting the confidences and secrets of the client from disclosure by employees, associates, and others whose services are utilized by the social worker;

(25) making sexual advances toward or engaging in physical intimacies or sexual activities with any client, patient or student of that social worker;

(26) providing social work services while using alcoholic beverages or drugs in an abusive manner;

(27) exercising undue influence on any client, patient, or student, including promotion of the sales of services, goods, appliances or drugs in a manner that will exploit the patient, client, or student for the financial gain or personal gratification of the practitioner or of a third party;

(28) directly or indirectly offering, giving, soliciting, receiving, or agreeing to receive any fee or other consideration to or from a third party for the referral of the client or patient or in connection with the performance of professional services;

(29) permitting any person to share in the fees for professional services, other than a partner, employee, an associate in a professional firm, or a consultant authorized to practice social work;

(30) soliciting the clients of colleagues or assuming professional responsibility for clients of another agency or colleague without appropriate communication with that agency or colleague;

(31) making claims of professional superiority which cannot be substantiated by the social worker;

(32) guaranteeing that satisfaction or a cure will result from the performance of professional services;

(33) claiming or using any secret or special method of treatment or techniques which the social worker refuses to divulge to the board;

(34) continuing or ordering tests, treatment, or use of treatment facilities not warranted by the condition of the client;

(35) failing to maintain the confidences shared by colleagues in the course of professional relationships and transactions with those colleagues;

(36) taking credit for work not personally performed whether by giving inaccurate information or failing to give accurate information;

(37) if engaged in research, failing to consider carefully the possible consequences for human beings participating in the research, failing to protect each participant from unwarranted physical and mental harm, failing to ascertain that the consent of the participant is voluntary and informed, and failing to treat information obtained as confidential;

(38) knowingly reporting distorted, erroneous, or misleading information;

(39) when termination or interruption of service of

the client is anticipated, failing to notify the client promptly and failing to seek continuation of service in relation to the client's needs and preferences;

(40) abandoning or neglecting a client under and in need of immediate professional care without making reasonable arrangements for continuation of that care, or abandoning an agency, organization, institution, or a group practice without reasonable notice and under circumstances which seriously impair the delivery of professional care to clients;

(41) failing to terminate the social work relationship when it is apparent that the service no longer serves the client's needs;

(42) failing to maintain a record for each client which accurately reflects the client contact with the social worker. Unless otherwise provided by law, all client records shall be retained for at least two years after the date of termination of the contact or contacts;

(43) failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of a social worker;

(44) practicing social work in an incompetent manner; or

(45) practicing social work after expiration of his or her license. (Authorized by and implementing K.S.A. 1986 Supp. 75-5356 and K.S.A. 74-7507, as amended by L. 1987, Ch. 315, Sec. 17; effective May 1, 1982; amended, T-85-36, Dec. 19, 1984; amended May 1, 1985; amended, T-86-39, Dec. 11, 1985; amended May 1, 1986; effective May 1, 1987; amended May 1, 1988.)

### Article 3.—PROFESSIONAL COUNSELORS; FEES

**102-3-2. Fees.** Each applicant for professional counselor registration shall pay the appropriate fee set forth below:

- (a) application, \$75;
- (b) renewal of registration, \$75;
- (c) examination, \$100;
- (d) specialty recognition, \$75;
- (e) renewal of specialty recognition, \$75;
- (f) duplication registration, \$20; or
- (g) reinstatement of registration, \$75. (Authorized by and implementing 1987 S.B. 78, Sec. 8; effective T-88-45, Nov. 10, 1987; amended May 1, 1988.)

### Article 4.—MASTER LEVEL PSYCHOLOGISTS; FEES

**102-4-2. Fees.** Each applicant for registered masters level psychologist shall pay the appropriate fee set forth below:

- (a) Application, \$75;
- (b) renewal of registration, \$75;
- (c) duplicate registration, \$20; or
- (d) temporary permit, \$75. (Authorized by and implementing L. 187, Ch. 306, Sec. 5, Sec. 6, and Sec. 7; effective, T-88-45, Nov. 10, 1987; effective May 1, 1988.)

MARY ANN GABEL  
Executive Secretary

Doc. No. 066312

## State of Kansas

## BOARD OF REGENTS

PERMANENT ADMINISTRATIVE  
REGULATIONS

(Effective May 1, 1988)

Article 3.—GUIDELINES FOR THE  
DETERMINATION OF RESIDENCY  
FOR FEE PURPOSES

**88-3-10. Kansas high school graduates.** (a) The resident fee privilege shall be granted to any person graduating from a Kansas high school accredited by the state board of education who:

(1) Qualifies for admission and begins classes at any college or university controlled by the state board of regents within 12 months of high school graduation; and

(2) provides an official copy of that person's high school transcript to the college or university of enrollment.

(b) This resident fee privilege shall be granted even if the student is not otherwise qualified for this privilege because of the current residence of the student's parents or guardians.

(c) This privilege shall be granted as long as the student remains continuously enrolled at any university or college controlled by the state board of regents.

(d) Any person seeking the resident fee privilege pursuant to the provisions of these rules shall be responsible for providing such information as necessary to verify graduation from a Kansas high school. (Authorized by and implementing K.S.A. 76-729, as amended by L. 1987, Ch. 264, Sec. 1 and K.S.A. 76-730, as amended by L. 1987, Ch. 264, Sec. 2; effective, T-88-30, August 19, 1987; effective May 1, 1988.)

**88-3-11. Recruited or transferred employees.** (a) The resident fee privilege shall be granted to any person who has been a domiciliary resident of the state of Kansas for less than 12 months and whose current domiciliary residence was established to accept or retain full-time employment in the state of Kansas. The resident fee privilege shall also be granted to the spouse and dependent children of that person.

(b) Any person seeking the resident fee privilege pursuant to the provisions of this rule shall provide a statement from the employer in support of the claim which shall:

(1) Be notarized;

(2) be signed by the owner, a partner or the chief executive officer and the personnel director of the employer;

(3) indicate whether residence in Kansas was established as the result of a job transfer or recruitment;

(4) indicate the date of initial employment in Kansas in case of a job transfer;

(5) indicate the date of hire in the case of an employment recruitment;

(6) set forth the nature of the position in Kansas and the number of hours the individual is expected to work during the next 12 months; and

(7) set forth the expected length of employment in Kansas.

(c) An individual who is self-employed shall not be considered eligible for the resident fee privilege under this regulation.

(d) Military personnel will be considered pursuant to regulation 88-3-8 and not pursuant to the provisions of this regulation.

(e) Any person seeking the resident fee privilege pursuant to the provisions of these rules shall be responsible for providing such information as necessary to indicate that the establishment of residence in the state of Kansas was solely as a result of accepting, upon recruitment by an employer, or retaining, upon a transfer request by an employer, full-time employment in the state of Kansas. (Authorized by and implementing K.S.A. 76-729, as amended by L. 1987, Ch. 264, Sec. 1 and K.S.A. 76-730, as amended by L. 1987, Ch. 264, Sec. 2; effective, T-88-30, August 19, 1987; effective May 1, 1988.)

Article 8.—KANSAS CAREER  
WORK-STUDY PROGRAM

**88-3-1. Definitions.** Terms used herein are defined as follows: (a) "Employment" means the opportunity of an eligible student to provide, on a part-time basis and for compensation, services to or on behalf of an employer which complement and enhance the educational preparation of the eligible student's career. The services performed shall be subject to the supervision and control of the employer.

(b) "Employer" means any private business, not-for-profit organization, or public agency with a place of business in Kansas which will pay compensation to an eligible student for services performed on a part-time basis by an eligible student as directed and requested by the employer. The definition of employer shall not include the eligible institutions, or their auxiliary enterprises, affiliated corporations or foundations.

(c) "Cost of attendance" means the amount of tuition, required fees, room and board and other related costs as determined by the eligible institution which a student must pay to attend class and receive credit for coursework at the eligible institution.

(d) "Established financial need" means the cost of attendance minus any scholarship or fellowship monies awarded to the eligible student and minus any financial aid received by the eligible student pursuant to title IV of the higher education act of 1965, as amended. (Authorized by L. 1987, Ch. 282, Sec. 3; implementing L. 1987, Ch. 282, effective, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

**88-3-2. Applicant eligibility.** Each eligible institution shall determine the eligibility of each student to participate in the program and the number of hours which each student may work. To be eligible for program funds, each applicant shall demonstrate to the satisfaction of the eligible institution that the applicant: (a) is a resident of the state of Kansas according to the residency statutes and administrative regulations applicable to each eligible institution;

(continued)

(b) is enrolled as a student at least half-time at the eligible institution during the fall and spring semesters;

(c) is in need of earnings from employment to assist in the pursuit of a course of study at the eligible institution;

(d) is in good academic standing at the eligible institution as determined by the academic policies of the eligible institution; and

(e) is able to maintain satisfactory academic standing at the eligible institution while participating in the program. (Authorized by L. 1987, Ch. 282, Sec. 3; implementing L. 1987, Ch. 282, effective, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

**88-8-3. Compensation.** The total earnings of each eligible student participating in the program shall not exceed the total cost of attendance at an eligible institution, or the amount of established financial need on the part of the eligible student, whichever is lesser. The eligible institution shall determine the salary or wages to be paid to each eligible student and shall contribute a minimum of one-half of the minimum federal hourly wage for the eligible student. The employer shall pay the remainder of the salary or wage due. The employer shall also bear the costs of any employee benefits, including all payments due under state or local workers' compensation laws, under the federal insurance contribution act, federal and state income tax or under other applicable laws. (Authorized by L. 1987, Ch. 282, Sec. 3; implementing L. 1987, Ch. 282, effective, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

**88-8-4. Contractual agreement.** Each eligible institution shall require the use of a uniform contractual agreement with the employer and the eligible student. The contract shall be prepared by the state board and shall include provisions which:

(a) provide a brief description of the work to be performed by each eligible student;

(b) set forth the hourly rate of pay;

(c) set forth the average number of hours per week each eligible student will work;

(d) provide that the employer has the right to control and direct the services of the student with reference to the results to be accomplished and the means by which it shall be accomplished;

(e) set forth the term of the contract and how the contract may be extended or terminated;

(f) set forth the benefits to be provided by the employer;

(g) set forth the manner of reimbursement of the employee by the eligible institution; and

(h) set forth provisions relating to non-discriminatory treatment. (Authorized by L. 1987, Ch. 282, Sec. 3; implementing L. 1987, Ch. 282, effective, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

**88-8-5. Program availability.** Each eligible institution shall be responsible for taking steps to see that participation in the program is reasonably available for each eligible student who desires to participate. These steps shall include: (a) the encouragement of participation and involvement by employers to pro-

vide for a wide variety of employment opportunities to eligible students;

(b) the publication of information about the program where readily accessible to eligible students;

(c) frequent contact and follow-through with employers about operation of the program; and

(d) accurate monitoring of the work records of eligible students to maintain the number of hours worked. (Authorized by L. 1987, Ch. 282, Sec. 3; implementing L. 1987, Ch. 282, effective, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

**88-8-6. Employee displacement.** Each eligible institution shall determine the eligibility of each employer to participate in the program. Each employer seeking employment of an eligible student pursuant to the program shall provide a statement which shall: (a) Be notarized;

(b) be signed by the owner, a partner, chief executive officer, or the personnel director of the employer;

(c) indicate the nature of the intended employment for each eligible student with a brief description of the work to be performed;

(d) indicate the compensation to be paid to the eligible students;

(e) indicate the amount of hours available for employment under the program; and

(f) certify that any position occupied by an eligible student, and funded through the program, does not displace existing employees of the employer or impair existing contracts. (Authorized by L. 1987, Ch. 282, Sec. 3; implementing L. 1987, Ch. 282, effective, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

**88-8-7. Administrative expenses.** Each eligible institution shall be permitted to spend up to 4% of the funds allocated to it under the program to meet expenses which are directly attributable to development or enhancement of the program and to the operation and management thereof. Each eligible institution shall maintain information relating to these administrative records and shall provide the information to the state board as requested. (Authorized by L. 1987, Ch. 282, Sec. 3; implementing L. 1987, Ch. 282, effective, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

**88-8-8. Annual report.** The program shall be evaluated by the board annually and a program report shall be submitted to the governor and the legislature. Each eligible institution shall be prepared to make and file an annual report on campus operations of the program, as requested by the state board, to permit the state board to make the annual report. (Authorized by L. 1987, Ch. 282, Sec. 3; implementing L. 1987, Ch. 282, effective, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

## Article 10.—TAX-SHELTERED ANNUITY PROGRAM

**88-10-6. Same; names of agents soliciting business; limits.** Each company engaged in the on-campus solicitation of voluntary tax-sheltered annuities shall file, in the office of the chief fiscal officer of each state educational institution, a list of the names of its agents who will solicit business. Not more than four agents

shall be listed at each institution at any one time. Solicitation of this business by agents other than those so listed shall not be permitted. The list shall be accompanied by a statement, signed by a company officer, that the agents named are trained in the sale and service of tax-sheltered annuities. Each company or agent who does not comply with board or institutional policies regarding the solicitation of tax-sheltered annuity business shall be barred from further solicitation on campus. (Authorized by K.S.A. 1986 Supp. 74-4925; implementing K.S.A. 1986 Supp. 74-4925; effective, E-74-12, Dec. 28, 1973; effective May 1, 1975; amended, T-85-31, Nov. 14, 1984; amended May 1, 1985; amended May 1, 1988.)

#### Article 11.—TAX-SHELTERED ANNUITY PROGRAMS FOR PERSONS COVERED BY 74-4925b

**88-11-7. Same; filing names of soliciting agents; limits; statement of company.** Each company engaged in the on-campus solicitation of voluntary tax-sheltered annuities shall file, in the office of the chief fiscal officer of each state educational institution, a list of the names of its agents who will solicit business. Not more than four agents shall be listed at each institution at any one time. Solicitation of this business by agents other than those so listed shall not be permitted. The list shall be accompanied by a statement, signed by a company officer, that the agents named are trained in the sale and service of tax-sheltered annuities. Each company or agent who does not comply with board or institutional policies regarding the solicitation of tax-sheltered annuity business shall be barred from further solicitation on campus. (Authorized by K.S.A. 74-4925b; implementing K.S.A. 74-4925b; effective, E-74-34, July 2, 1974; effective May 1, 1975; amended, T-85-31, Nov. 14, 1984; amended May 1, 1985; amended May 1, 1988.)

#### Article 14.—COMMUNITY RESOURCE PROGRAM

**88-14-1. Definitions.** (a) "Assistant provost" means the assistant provost of the division of continuing education of Kansas state university; and

(b) "Review committee" means the community resource review committee appointed by the assistant provost pursuant to these regulations. (Authorized by K.S.A. 74-5024, as amended by L. 1987, Ch. 305, Sec. 3(b); implementing L. 1987, Ch. 305, Sec. 1(a); effective, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

**88-14-2. Review committee.** (a) Membership. The review committee shall consist of seven persons appointed by the assistant provost. They shall represent diverse geographical and educational backgrounds and shall be knowledgeable in the area of community resource program development;

(b) Terms. Initially, two members shall be appointed for terms of one year each, two members shall be appointed for terms of two years each, and three members shall be appointed for terms of three years each. Thereafter, all terms shall be for three years. No member who has served a full three year term shall be reappointed;

(c) Chair. The chair of the committee shall be designated annually by the assistant provost. After the first year, any person appointed as chair shall have at least one year's prior experience as a member of the committee;

(d) Meetings. The review committee shall meet annually during the month of October. The chair shall preside. The executive director of the university for man and the community resource act program director at Kansas state university shall attend review committee meetings and provide such information and assistance as the committee deems necessary, but shall not have the power to vote;

(e) Duties. The committee shall review and evaluate applications for grants in aid from the community resource funds administered by the division of continuing education at Kansas state university; recommend revisions in applications submitted for such grants in aid to the community resource program director; and present to the assistant provost recommendations for funding of community resource programs; and

(f) Compensation. Review committee members shall serve without compensation. (Authorized by K.S.A. 74-5024, as amended by L. 1987, Ch. 305, Sec. 3(b); implementing L. 1987, Ch. 305, Sec. 1(a); effective, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

**88-14-3. Applications for funding.** In addition to the information required by K.S.A. 74-5026 and 74-5027, and amendments thereto, every application for a grant in aid shall contain such additional information as required on the application form prescribed by the assistant provost. (Authorized by K.S.A. 74-5024, as amended by L. 1987, Ch. 305, Sec. 3(b); implementing K.S.A. 74-5026, as amended by L. 1987, Ch. 305, Sec. 5, and K.S.A. 74-5027, as amended by L. 1987, Ch. 305, Sec. 6; effective, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

**88-14-4. Standards for approval of applications.** Applications for grants in aid from community resource funds shall be reviewed, evaluated and approved or disapproved taking into consideration the following criteria as established by the assistant provost:

(a) Proper and timely submission of required information shall be important;

(b) County-wide proposals which will promote cooperation between cities shall be given preference;

(c) Proposals from communities with greater economic need, including those with high proportions of elderly, low income or minority residents, shall receive preference;

(d) Geographical balance throughout the state in distribution of funds shall be considered desirable; and

(e) Diversity in the types of organizations sponsoring community resource programs in the state shall be considered desirable. (Authorized by K.S.A. 74-5024, as amended by L. 1987, Ch. 305, Sec. 3(b); implementing K.S.A. 74-5026, as amended by L. 1987, Ch. 305, Sec. 5; effective, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

(continued)

**Article 17.—WAIVER OF FEES OR  
TUITION FOR SELECTED  
ROTC MEMBERS**

**88-17-2.** Responsibilities of the state board of regents. (a) A common application form and service agreement form for students desiring to participate in the ROTC tuition waiver program shall be provided by the board of regents.

(b) The publicizing of the ROTC tuition waiver program, application procedures, and the distribution of the application and commitment forms to students through the ROTC institutions and the adjutant general's office shall be coordinated by the board of regents.

(c) The performance requirements of ROTC participants in the tuition waiver program shall be audited by the board of regents. (Authorized by and implementing K.S.A. 74-3256; effective May 1, 1980; amended, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

**88-17-3.** Responsibilities of ROTC institutions. The ROTC institutions shall: (a) Make necessary arrangements for publicizing the ROTC tuition waiver program and for distribution of the application and commitment forms to interested students;

(b) establish procedures for the selection of students who shall be participants in the tuition waiver program;

(c) select annually, new students for participation in the program provided that there shall be no more than 40 students participating under the terms stipulated in K.S.A. 74-3256 in any academic year;

(d) submit annually to the board of regents a roster of students participating in the program indicating the amount of tuition that has been waived for each student; and

(e) notify the board of regents as to the failure of any participant in the program to maintain standards required for continued participation in the program while a student. (Authorized by and implementing K.S.A. 74-3256; effective May 1, 1980; amended, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

**88-17-4.** Responsibilities of the adjutant general. The office of the adjutant general shall: (a) Assist in the publicizing of the ROTC tuition waiver program through channels of communication available to the adjutant general's office; and

(b) notify the board of regents as to the failure of any eligible participant in the program to accept a commission and to serve four years in the Kansas national guard. (Authorized by and implementing K.S.A. 74-3256; effective May 1, 1980; amended, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

TED D. AYRES  
General Counsel

Doc. No. 006314

State of Kansas

**BOARD OF AGRICULTURE  
DIVISION OF WEIGHTS  
AND MEASURES**

**PERMANENT ADMINISTRATIVE  
REGULATIONS**

(Effective May 1, 1988)

**Article 8.—PACKAGE LABELING;  
EXEMPTIONS, MARKINGS, VARIATIONS**

**99-8-8.** Adoption by reference. Sections 1 through 13 of the "Uniform Packaging and Labeling Regulation," as adopted by the national conference on weights and measures and published by the national bureau of standards, Washington, D.C., 20304, in the national bureau of standards handbook 130, in September, 1986, are adopted by reference and shall apply to commodities sold in package form in Kansas. Copies of either the document adopted or the pertinent portions of which are available from the office of weights and measures, division of inspections of the state board of agriculture, Topeka, Kansas. (Authorized by K.S.A. 1986 Supp. 83-207; implementing K.S.A. 1986 Supp. 83-211 and 83-213; effective May 1, 1982; amended May 1, 1988.)

**99-8-9.** Adoption by reference. Sections 1 through 3 of the "Uniform Regulation for the Method of Sale of Commodities," as adopted by the national conference on weights and measures and published by the national bureau of standards, Washington, D.C. 20304, in the national bureau of standards handbook 130 in September 1986, are adopted by reference and shall apply to commodities sold in package form in Kansas. Copies of which or copies of the pertinent portions of which are available from the office of weights and measures, division of inspections of the state board of agriculture, Topeka, Kansas. (Authorized by K.S.A. 1986 Supp. 83-207; implementing K.S.A. 1986 Supp. 83-211 and 83-213; effective May 1, 1988.)

**Article 32.—SMALL CAPACITY SCALES  
TESTING AND SERVICE**

**99-32-1.** Definition. "Small scale service technician," means any individual who tests and repairs any scale which is not a large-capacity scale as defined by K.S.A. 1986 Supp. 83-301. (Authorized by and implementing K.S.A. 1986 Supp. 83-207; effective May 1, 1986; amended May 1, 1988.)

**99-32-2.** Registration form. Each application for issuance or renewal of a small scale service technician registration shall provide the following information:

- (a) the name and address of the business which employs the applicant;
- (b) the name, home address, social security number and date of birth of the applicant;
- (c) the signature and title of the applicant;
- (d) the date of submission of the application;
- (e) a certification that the applicant is fully qualified



to install, service, repair or recondition small capacity scales; and

(f) a certification that the applicant possesses or has access to sufficient standards and equipment adequate to test small capacity scales. (Authorized by K.S.A. 1986 Supp. 83-207, implementing K.S.A. 1986 Supp. 83-206; effective May 1, 1986; amended May 1, 1988.)

**99-32-3. Conformance with handbook 44.** Each registered small scale service technician shall conduct each test and make each repair to small capacity scales in conformance with the requirements of the national bureau of standards handbook 44 entitled "Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices" as adopted by reference in K.A.R. 99-25-1. Copies of this material or the pertinent portions of it are available from the office of weights and measures, division of inspections of the state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 1986 Supp. 83-207; effective May 1, 1986; amended May 1, 1988.)

**99-32-4. Minimum required equipment.** Each small scale service technician shall have sufficient standards and equipment to adequately test small capacity scales as set forth in the notes section of the general code and scale code contained in the national bureau of standards handbook 44 entitled "Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices" as adopted by reference in K.A.R. 99-25-1. (Authorized by K.S.A. 1986 Supp. 83-207; implementing K.S.A. 1986 Supp. 83-206; effective May 1, 1986; amended May 1, 1988.)

**99-32-5. Removal of rejection tags.** (a) For testing or repairing the small capacity scale, each registered small scale service technician shall be authorized to remove an official rejection tag or other mark placed on a small capacity scale by authority of the state sealer.

(b) After the test is conducted, and necessary repairs are completed, the small scale service technician shall place the small capacity scale in service. If the small capacity scale has not been repaired properly, the small scale service technician shall replace the rejection tag or other mark which had been removed with a substitute rejection tag or other mark supplied by the state sealer.

(c) This regulation applies to new and used small capacity scales. (Authorized by K.S.A. 1986 Supp. 83-207; implementing K.S.A. 1986 Supp. 83-206, 215 and 219; effective May 1, 1986; amended May 1, 1988.)

**99-32-6. Placed in service report.** Each small scale service technician shall submit to the state sealer a placed in service report within 15 days after a small capacity scale has been restored to service or placed in service. The placed in service report shall be executed in triplicate. The original of the report and each official rejection tag removed from the device, shall be mailed to the state sealer. A duplicate copy of the report shall be delivered to the owner or operator of the device. The small scale service technician shall retain third copy of the report. (Authorized by K.S.A.

1986 Supp. 83-207; implementing K.S.A. 1986 Supp. 83-206, 215 and 219; effective May 1, 1986; amended May 1, 1988.)

SAM BROWBACK  
Secretary of Agriculture

Doc. No. 006317

## State of Kansas

### BOARD OF TAX APPEALS

#### PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1988)

#### Article 1.—HEARING PROCEDURE

**94-1-1 to 94-1-3.** (Authorized by K.S.A. 74-2437, 74-2439; effective Jan. 1, 1966; revoked May 1, 1981.)

**94-1-4.** (Authorized by K.S.A. 74-2437, 74-2439; effective Jan. 1, 1966; amended Jan. 1, 1970; revoked May 1, 1981.)

**94-1-5.** (Authorized by K.S.A. 74-2437, 74-2439; effective Jan. 1, 1966; revoked May 1, 1981.)

**94-1-6.** (Authorized by K.S.A. 74-2426, 74-2437, 74-2439; effective Jan. 1, 1966; revoked Jan. 1, 1970.)

**94-1-7 to 94-1-9.** (Authorized by K.S.A. 74-2437; effective Jan. 1, 1970; revoked May 1, 1981.)

#### Article 2.—PROCEEDINGS BEFORE BOARD

**94-2-1. Definitions.** (a) Interested parties—The term "interested parties" shall mean all parties and attorneys who have entered their appearances in any proceeding. This term shall also mean all intervenors granted permission to intervene by the board.

(b) Pleadings—The term "pleadings" shall mean any notice of appeal, application, motion, brief, proposed findings of fact and conclusions of law, or any other similar document formally filed with the board. (Authorized by and implementing K.S.A. 74-2437; effective May 1, 1981; amended May 1, 1988.)

**94-2-2. (a) Information, hearings and assistance.** Hearings before the board may be held in the board's hearing room and shall be open to the public at all times. Hearings may be held at other places throughout the state of Kansas and at such times as the board may deem proper or convenient to the parties before the board or where the public interest may be better served. Reasonable notice of the alternative times and locations shall be given to all interested parties.

(b) The Board or the staff attorneys for the board shall, upon request, advise any party as to the form of the notice of appeal or other application to be filed with the board or the procedure to be followed in initiating a proceeding before the board.

(c) All communications to the board shall be addressed to the offices of the board in Topeka and shall comply with the procedural requirements described

(continued)

in these rules. (Authorized by K.S.A. 74-2437; implementing K.S.A. 1986 Supp. 74-2433 and K.S.A. 74-2437; effective May 1, 1981; amended May 1, 1988.)

**94-2-3. Form of pleadings.** (a) Every pleading, except those enumerated under K.S.A. 74-2439, shall contain:

(1) the heading "BEFORE THE BOARD OF TAX APPEALS OF THE STATE OF KANSAS," centered at the top of the page;

(2) the style of the case, which shall be a brief description of the nature of the action containing a citation to the particular statute under which the appeal or application is authorized, shall begin immediately below the heading on the left margin of the page;

(3) the docket number, if one has been assigned, which shall appear to the right of the style on the right margin of the page;

(4) the title of the pleading, which shall be immediately below the style and centered on the page;

(5) the pertinent allegations of fact and law in simple, concise and direct terms, which shall be in numbered paragraphs, each containing a statement of a single set of circumstances or separate transaction or series of events. Any numbered paragraph may be referred to by number in all succeeding paragraphs or in succeeding pleadings, motions or other documents before the board;

(6) the numbered paragraphs shall be followed by the requested relief, which shall state concisely and completely all relief sought by the pleader;

(7) the signature of the party filing the pleading or the party's attorney or an agent specifically authorized to act for the party. The address and telephone number of the party, the party's attorney of record or agent shall appear following the signature or elsewhere in the pleading. All pleadings shall be verified, except where signed by counsel regularly admitted to practice before the supreme court of the state of Kansas, or by counsel duly licensed and admitted to practice before the supreme court of another state so long as counsel licensed from another state is associated with local counsel and local counsel also signs the pleadings, as required in supreme court rule 116 relating to district courts.

(b) Pleadings filed pursuant to the statutory procedures enumerated in K.S.A. 74-2439 shall be prepared on forms provided by the board or by county officials in the county in which the applicant resides. All information requested on the forms shall be provided. If any information requested is not provided, the board may refuse to permit the filing of the application or may return it to the applicant for correction.

(c) All pleadings, except those pleadings described in subsection (b) above, shall be typed on eight and one-half by fourteen inch white paper and shall be double spaced, except that single spacing may be used for subparagraphs, legal descriptions of real estate, itemizations, quotations, and similar subsidiary portions of the document. Typing shall appear on only one side of the paper and the margins shall be at least one inch at the top of the page and three-quarters of an inch on the sides and bottom of the page. The board

may waive any of the requirements in this or the preceding paragraph for individual taxpayers who are unrepresented by legal counsel. (Authorized by K.S.A. 74-2437; implementing K.S.A. 74-2437, 74-2438, as amended by L. 1987, ch. 293, Sec. 1, and 74-2439; effective May 1, 1981; amended May 1, 1988.)

**94-2-4. Filing procedure and time limits.** (a) Any party filing any action with the board shall file an original and five copies of the application or appeal with the secretary of the board, except when waived by the board. Documents so filed shall be deemed to have been filed when actually received by the secretary and the action shall be deemed commenced on that date, provided the documents are otherwise in the form prescribed by these rules or by statute.

(b) In computing any period of time prescribed by statute or these rules for any appeal or application in which the method of computation is not otherwise specifically provided, the day of the act, event or default from which the designated time period begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the last day shall fall on the first business day following the Saturday, Sunday or legal holiday. A legal holiday shall be those days designated in K.A.R. 1-9-2.

(c) When by these rules or notice given by the board an act is required to be completed within a specified time, the board, for good cause shown, may extend the time for completing the act or it may permit the act to be commenced subsequent to the time limit where the failure to act within the time limit was the result of excusable neglect. (Authorized by K.S.A. 74-2437; implementing K.S.A. 12-110a, 19-431, K.S.A. 1986 Supp. 79-213, K.S.A. 79-1103 as amended by L. 1987, Ch. 319, Sec. 5, 79-1105a, 79-1409, 79-1413a, K.S.A. 1986 Supp. 79-1478, K.S.A. 1986 Supp. 79-1481, K.S.A. 79-1609, K.S.A. 1986 Supp. 79-1702, K.S.A. 79-1964a, 79-1964b, K.S.A. 1986 Supp. 79-2005, K.S.A. 79-2938, 79-2939, 79-2941, 79-2951, 79-5013, 79-5016, K.S.A. 1986 Supp. 79-5033; effective May 1, 1981; amended May 1, 1987; amended May 1, 1988.)

**94-2-5. Service.** (a) All pleadings formally filed with the board shall be served on all interested parties personally or by mail, except where statutes require a specific manner of service, which shall then be followed. Postage or cost shall be prepaid by the person serving the pleadings.

(b) Service on an attorney of record or agent, however, shall be deemed to be service upon the party represented by that attorney or agent, although nothing in these rules shall prohibit service on the party also.

(c) Whenever any party is directed or requested by the board to exchange lists of information, copies of documents or other physical evidence, a photocopy of the materials exchanged shall be filed with the board.

(d) Whenever possible the party responsible for effecting service shall endorse a certificate of service upon the pleading, motion or other document showing compliance with these rules. (Authorized by and im-

plementing K.S.A. 74-2437; effective May 1, 1981; amended May 1, 1988.)

**94-2-6. Pre-trial conference procedure.** (a) In any action before it, the board shall at the request of any party, or it may on its own motion, direct the parties or the attorneys for the parties to appear before the board or any member of the board for the purposes of a pre-trial conference. A pre-trial questionnaire, in substantially the same form as the pre-trial questionnaire that may be obtained from the board, shall be filed seven days prior to the conference unless, in the board's discretion, a shorter period of time is authorized.

(b) Unless modified by the board, appearances will be noted and the agenda for the pre-trial conference shall be as follows:

(1) Each party, the applicant or appellant proceeding first, shall briefly and concisely summarize the factual contentions to be presented and the theory of their case.

(2) Any applications for leave to intervene shall be made and ruled upon and any intervenors permitted to intervene shall briefly summarize their position in the matter.

(3) Any requests for permission to amend pleadings shall be considered and ruled on if possible.

(4) Any questions relative to jurisdiction of subject matter and the parties shall be considered and ruled on if possible.

(5) Any requests for admission of fact, stipulations or requests of a similar character shall be entertained and approved by the board, if possible and proper. The parties shall make every effort to arrive at stipulated agreements as to those facts not seriously in dispute.

(6) Each party shall precisely and briefly state the factual matters at issue to be resolved by the board.

(7) Each party shall precisely and briefly state the questions of law at issue to be determined by the board. Ruling on any or all of such questions of law may be reserved by the board until the hearing on the matter or may be ruled on at the pre-trial conference.

(8) If possible, all exhibits and physical and documentary evidence shall be displayed or listed by each party and identified and marked for possible admission as evidence at the hearing. If possible, any objections to such evidence shall be made and ruled upon at the pre-trial conference. The parties shall be bound by these rulings unless the board rules subsequently that additional or new grounds of objection shall be permitted in the interests of justice.

(9) Each party shall provide a complete list of witnesses to be called by that party at the hearing and shall provide the list to all other parties and the board. No witness shall be permitted to testify at the hearing who is not identified on the lists unless the board specifically permits upon timely motion.

(10) A determination shall be made as to whether discovery is complete or will be completed by the time of the hearing. Any requests for assistance in the discovery process shall be made to the board. A ruling on requests for assistance may be made at the time of

the pre-trial conference or taken under advisement. If the board deems it necessary, sanctions may be imposed.

(11) Subject to board approval, the parties shall agree on:

(a) the hearing procedure to be followed;

(b) the manner of presentation or resolution of unusual questions of law or evidence; and

(c) the filing of briefs or suggested finding of fact and conclusion of law.

(12) Each party shall state the time required for the presentation of their case and shall suggest preferred dates for the hearing.

(13) Any other matters which will aid the board may be brought to their attention.

(c) The board in its discretion may, and shall upon the request of a party, make an order which recites the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties as to any of the matters considered which limit the issues for hearing to those not disposed of in the pre-trial order. The pre-trial order shall control the subsequent course of the proceedings, unless later modified by the board to prevent manifest injustice. (Authorized by and implementing K.S.A. 74-2437; effective May 1, 1981; amended May 1, 1988.)

**94-2-7. Interveners.** Any request to intervene in proceedings before the board shall be by petition for leave to intervene filed prior to the time the matter is set for hearing. For good cause shown, a party may be allowed to intervene orally upon the call of the docket for the hearing of any case. The terms and conditions of a party's intervention may be limited at the Board's discretion. (Authorized by and implementing K.S.A. 74-2437; effective May 1, 1981; amended May 1, 1988.)

**94-2-8. Discovery procedure.** Each party before the board shall be entitled to utilize the deposition or other discovery procedures provided under the code of civil procedure of this state. No such procedures may be attempted by a party any later than ten days prior to the date set for hearing without the express approval of the board. The admissibility of any evidence obtained during this discovery process shall be governed by the code of civil procedure, K.S.A. 60-201 et seq., and case law of this state or by the orders of this board. (Authorized by K.S.A. 74-2437, implementing K.S.A. 74-2437, 74-2437a and 74-2437b; effective May 1, 1981; amended May 1, 1988.)

**94-2-9. Subpoenas.** (a) Any party may request that the board issue a subpoena, subpoena duces tecum or subpoena or notice to take deposition to be issued in substantial compliance with the code of civil procedure, article 2, chapter 60, Kansas Statutes Annotated by filing a request for the same with the secretary of the board at least three working days prior to the hearing date on which the witness is to testify if the witness resides in Shawnee county or five working days prior to the hearing date if the witness resides in a county other than Shawnee. The request shall state

(continued)

the name of the witness, the address, including street address, city and county where the witness may be served, the date and time the witness is expected to appear, the matter in which the witness is expected to testify, and, if a subpoena duces tecum, the material, listed in detail, to be brought by the witness to the hearing.

(b) Request for subpoenas or subpoena duces tecum shall not be accepted by the secretary if filed later than the prescribed time prior to the hearing date on which the witness is to testify, except by agreement of the parties and approval of the board.

(c) Upon receipt of such properly filed request, the secretary of the board shall issue the appropriate subpoena and arrange for its service. (Authorized by K.S.A. 74-2437; implementing K.S.A. 74-2437 and 74-2437a; effective May 1, 1981; amended May 1, 1988.)

**94-2-10. Hearing procedure.** (a) Any party may appear at any hearing or other proceeding before the board and be heard in person or the party may appear and be represented by an attorney who is regularly admitted to practice in the supreme court of the state of Kansas. Any party may be represented by out-of-state counsel if counsel has complied with the rules of the Kansas supreme court relative to the admission of foreign attorneys. An elected or appointed officer of a county, city or other taxing district may appear on behalf of the county, city or taxing district, except where a statute or the board prohibits an appearance by an elected or appointed officer and requires the county, city or other taxing district to be represented by an attorney regularly admitted to practice in the supreme court of the state of Kansas. This exception shall not prohibit an elected or appointed officer of a county, city or other taxing district from testifying on behalf of the county, city or other taxing district.

(b) All pre-trial hearings shall be conducted by one or more members of the board. Any rulings made by a board member at any pre-trial conference shall be subject to approval and ratification by the remainder of the board.

(c) In the event of a backlog in the board's docket of cases awaiting hearing, the board may, in its discretion, take evidence in any matter before it by means of a hearing panel consisting of one or more members of the board. Any decision shall be made by at least three members of the board.

(d) On the date and at the place and time stated in the notice of hearing, the chairperson or the member delegated to preside over the hearing, hereinafter referred to as "presiding member," shall have the docket called. The chairperson or presiding member may make a statement as to the scope and purpose of the hearing at the opening of the hearing. All parties or witnesses who are to testify, except attorneys duly admitted to practice, shall be sworn by the reporter, the secretary of the board or by any member of the board.

(e) The rules of evidence as set forth within the code of civil procedure of this state, and particularly Article 4, Chapter 60, Kansas Statutes Annotated, may be followed by the board in its proceedings; however,

the rules of evidence may be modified if it will be in the public interest to do so and will aid in ascertaining the facts. In all cases the rules of civil procedure shall not be used in a highly technical manner and all parties shall remain aware that proceedings before the board are administrative proceedings and not proceedings before a district court of this state.

(f) When objection is made to the admissibility of any evidence before the board or as to the validity of any proceeding before the board, the presiding board member may rule upon the objection immediately or the evidence or procedure may be admitted or permitted subject to a subsequent ruling by the board. The presiding member may exclude inadmissible evidence and may order the presentation of cumulative evidence to be discontinued.

(g) At hearings upon appeals or applications, the applicant or the appellant shall open and close. At hearings initiated by the board, the staff attorney for the board shall open and close or the board may order some noticed and appearing party to present evidence. Witnesses for each party shall be examined in the order determined by that party, orally and under oath. All opposing parties shall be entitled to cross examination. To facilitate the orderly and expeditious conduct of hearings, the presiding member may appoint one of the board's staff attorneys to assist procedurally any individual taxpayer not represented by counsel. Such assistance shall not extend to assisting the taxpayer in presenting the taxpayer's case or advising the taxpayer as to the substantive nature of their case; but shall be confined to procedural assistance.

(h) All proceedings shall be recorded by a court reporter retained by the board for that purpose or other recording device, unless waived by the parties. Any such record shall be the only record of any proceeding before the board, other than the contents of the board's files, evidence admitted by the board and matters administratively noticed by the board. Transcripts of any proceedings before the board may be obtained upon request to the board and upon paying the costs of providing the transcripts.

(i) The use of recording, photographic or television devices during any proceedings before the board are authorized, pursuant to the provisions of K.S.A. 75-4318(e). To insure orderly proceedings in hearings before the board and in order to minimize the detrimental effects on the testimony of witnesses, cameras, photographic lights and recording devices shall be permitted during the sworn testimony of witnesses only as long as the use of such devices is not disruptive to the witnesses and the proceedings.

(j) Administrative notice of the board's public records and those of any state, local or federal government entity, as well as those universally accepted facts properly cognizable by administrative notice, may be taken by the board in all hearings before it.

(k) The submission of briefs and proposed findings of facts and conclusions of law may be required by the board at the conclusion of any hearing and any party desiring to submit the same may do so in all cases. The time for filing of such documents and any reply briefs

shall be fixed by the board at the conclusion of the hearing. The original and six copies of these documents shall be filed with the secretary of the board and copies shall be served on all interested parties. Proof of service shall be filed as required in these rules. (Authorized by K.S.A. 74-2437; implementing 74-2436, 74-2437a, 74-2437b, K.S.A. 1986 Supp. 75-4318; K.S.A. 12-110a, 19-431, K.S.A. 1986 Supp. 79-213, K.S.A. 79-1103 as amended by L. 1987, Ch. 319, Sec. 5, 79-1105a, 79-1409, 79-1413a, K.S.A. 1986 Supp. 79-1478, K.S.A. 1986 Supp. 79-1481, K.S.A. 79-1609, K.S.A. 1986 Supp. 79-1702, K.S.A. 79-1964a, 79-1964b, K.S.A. 1986 Supp. 79-2005, K.S.A. 79-2938, 79-2939, 79-2941, 79-2951, 79-5013, 79-5016, K.S.A. 1986 Supp. 79-5033; effective May 1, 1981; amended May 1, 1987; amended May 1, 1988.)

**94-2-11. Motion for rehearing.** (a) Any party aggrieved by any order or decision of the board or any party wishing reconsideration of an order issued by the board, shall within 30 days after the issuance of the order file a motion for rehearing, which shall be served upon opposing parties pursuant to these rules. Whenever the board's order or decision is served upon a party by mail, three days shall be added to the prescribed period. A motion for rehearing is presumed denied if it is neither granted nor denied within 30 days from receipt of the motion, with or without oral argument or the filing of briefs.

(b) The motion for rehearing shall, with specificity, set forth in detail how each particular ruling of the board is unlawful, unreasonable, capricious, improper or unfair. Conclusions of law or general allegations without specific reference to the record shall not suffice for granting the motion.

(c) If the motion for rehearing is for the purpose of submitting new or additional evidence that was not available at the time of the hearing or at the time all evidence was submitted for the board's review, the nature and import of such evidence shall be briefly stated. Evidence that was available or that could have reasonably been made available at the time of the hearing or at the time all evidence was submitted for the board's review that was not submitted at that time will not be allowed except for good cause shown and at the discretion of the board. Additional evidence shall not be merely cumulative to that evidence presented at the hearing or in the application or appeal documents filed with the board. (Authorized by K.S.A. 74-2437; implementing K.S.A. 1986 Supp. 74-2426 and K.S.A. 74-2437; effective May 1, 1981; amended May 1, 1988.)

**94-2-12. Orders of the board.** (a) All orders of the board are filed in the offices of the board in Topeka and are available for public inspection during regular business hours.

(b) All orders of the board shall take effect and be in force upon receipt by the parties, unless a motion for rehearing is filed within 30 days following receipt. If a motion for rehearing is filed, the order of the board shall not become final until the expiration of the 30 day period provided for in the first paragraph of K.A.R.

94-2-11 or issuance of the board's order granting or denying the motion for rehearing, whichever occurs first. The order will be mailed to the party or the party's attorney or agent at the address of record as set forth in the pleadings by the party or the party's attorney or agent. Where clear evidence of the date of receipt of any board order is not available, it shall be presumed that a party received the order on the third day following the date the board mailed the order to that party at the party's address of record as set forth in the pleadings filed by the party or party's attorney or agent. (Authorized by K.S.A. 74-2437; implementing K.S.A. 1986 Supp. 74-2426 and K.S.A. 74-2437; effective May 1, 1981; amended May 1, 1988.)

### Article 3.—ECONOMIC DEVELOPMENT REVENUE BONDS

**94-3-1. Definition of terms.** As used in these rules and regulations and in the forms, instructions and orders of the board of tax appeals, the following meanings shall apply, to the extent that they are not inconsistent with K.S.A. 12-1744b and 12-1744c or unless the context otherwise requires:

(a) "The Act" means K.S.A. 12-1744b and 12-1744c, which relates to the issuance of certain revenue bonds for the promotion of economic development by cities or counties and which prescribes certain powers and imposes certain duties upon the chairperson of the board of tax appeals.

(b) "Chairperson" means the chairman of the board of tax appeals appointed as provided in K.S.A. 74-2433.

(c) "Informational statement" means the form, including all amendments, papers, documents and exhibits incidental to the form, prescribed by the chairperson for the filing of notice pursuant to and as required by the act.

(d) "Bonds" means economic development revenue bonds issued by any city, county or qualified improvement district under the authority of K.S.A. 12-1740 *et seq.*, as amended. (Authorized by K.S.A. 1986 Supp. 12-1744b; implementing K.S.A. 1986 Supp. 12-1744b, 12-1744c, 19-2765 (8); effective May 1, 1983; amended May 1, 1988.)

**94-3-2. Filing, fees and form.** All applications and notices required to be filed pursuant to the act shall be governed by the following:

(a) Filing procedures.

(1) The informational statement, together with the fees required in K.A.R. 94-3-2(b)(1), shall be deemed filed and the requisite seven-day filing period shall commence upon the date they are received in the office of the board. All communications, documents, information and inquiries shall be addressed or delivered to the office of the secretary, board of tax appeals.

(2) One informational statement shall be filed for each proposed issuance.

(3) If the informational statement is not complete as originally filed, the chairperson, within five days following the receipt of the incomplete filing shall issue

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a letter specifically setting forth the deficiency which must be remedied to complete the filing. Upon receipt of the required information, the requisite seven-day filing period shall commence.

(4) If the chairperson finds, following a review of the informational statement, that all information and documents required to be filed are complete and, based upon the proposed date of issuance of the bonds, that the statement has been filed in a timely manner, the chairperson will render to the appropriate government officials and bond counsel an order or a letter indicating that finding.

(5) The following disclaimer shall appear in bold face type upon the second page of each preliminary offering document:

THE CHAIRPERSON HAS NOT REVIEWED ANY INFORMATION OR DOCUMENT FILED PURSUANT TO THIS INFORMATIONAL FILING FOR THE ADEQUACY OR ACCURACY OF THE DISCLOSURE THEREIN. THIS INFORMATIONAL FILING DOES NOT CONSTITUTE A RECOMMENDATION OR AN ENDORSEMENT BY THE CHAIRPERSON.

Evidence that this disclaimer appears in bold face type upon the second page of each preliminary offering document must be filed contemporaneously with the certificate of issuance required by K.S.A. 12-1744c.

(6) The chairperson may publish for distribution to interested persons a monthly list of all informational filings received during the preceding month.

(b) Fees.

(1) Each informational statement shall be accompanied by a filing fee of \$125.00. All fees shall accompany the application and shall be payable by check or money order to the board of tax appeals. Cash remittance shall not be acceptable. If the chairperson receives notice of refusal of payment of the check or money order presented in payment of these fees, the application shall be deemed to be incomplete and not timely filed as required by the act.

(2) Copies of documents filed and recorded in the office of the board shall be available upon request. Postage and copy fees shall be payable in advance, and in conformity with K.S.A. 45-204, as amended.

(c) Forms. The informational statement shall be on forms prescribed or approved by the chairperson. (Authorized by K.S.A. 1986 Supp. 12-1744a and K.S.A. 1986 Supp. 12-1744b; implementing K.S.A. 1986 Supp. 12-1744a; effective May 1, 1983; amended, T-85-38; Dec. 19, 1984; amended May 1, 1985; amended May 1, 1987; amended May 1, 1988.)

FRED L. WEAVER  
Chairman

Doc. No. 006319

State of Kansas

BOARD OF HEALING ARTS

PERMANENT ADMINISTRATIVE  
REGULATIONS

(Effective May 1, 1988)

Article 2.—OFFICERS

**100-2-1.** (Authorized by K.S.A. 65-2865; effective Jan. 1, 1966; revoked May 1, 1988.)

**100-2-3. President; duties.** It shall be the duty of the president to preside at all meetings of the board and perform such other duties as authorized or required by law or as may be specifically assigned by the board. The president shall countersign the minutes of board meetings when approved. The president is authorized to appoint such standing committees as the board may direct and may appoint special committees for special purposes. (Authorized by K.S.A. 65-2865; implementing K.S.A. 65-2818, as amended by L. 1987, Ch. 240, Sec. 6; effective Jan. 1, 1966; amended May 1, 1988.)

**100-2-5.** (Authorized by K.S.A. 65-2865; implementing K.S.A. 65-2818; effective Jan. 1, 1966; amended Feb. 15, 1977; amended May 1, 1979; amended, T-87-42, Dec. 19, 1986; amended May 1, 1987; revoked May 1, 1988.)

**100-2-6.** (Authorized by K.S.A. 65-2865, K.S.A. 65-2878; effective Jan. 1, 1970; amended Feb. 15, 1977; revoked May 1, 1988.)

Article 5.—MEETINGS

**100-5-1. Meetings.** (a) The annual meeting of the board shall be its first regular meeting subsequent to July 1 of each year.

(b) Prior to January 1 of each year the board shall designate the dates, times and places of its regular meetings for the next calendar year. Any changes to the dates, times or places of such meetings may be made by the board at any regular meeting or special meeting called for that purpose. (Authorized by K.S.A. 65-2865; implementing K.S.A. 65-2819; effective Jan. 1, 1966; amended Feb. 15, 1977; amended May 1, 1988.)

**100-5-2. Special.** (a) Special meetings may be called by the president at any time.

(b) The president shall call a special meeting when a written request is made by a quorum of the board setting forth an agenda of business to be transacted at that meeting.

(c) Notice of the date, time and place of any special meeting and an agenda of business to be transacted at that meeting shall be furnished to each member of the board at least five days prior to the meeting.

(d) No business shall be transacted at a special meeting except as set forth in the agenda furnished pursuant to subsection (c) above. (Authorized by K.S.A. 65-2865; implementing K.S.A. 65-2819; effective Jan. 1, 1966; amended Feb. 15, 1977; amended May 1, 1988.)

**100-5-3.** (Authorized by K.S.A. 65-2865, 65-2822; effective Feb. 15, 1977; revoked May 1, 1988.)

#### Article 8.—LICENSE BY ENDORSEMENT

**100-8-4.** Endorsement from this state. The executive director is empowered to certify on behalf of the board all necessary certificates for persons licensed in this state desiring to obtain a license by endorsement in any other state or country. The certificate shall state whether the license is current or not. (Authorized by K.S.A. 65-2865; implementing K.S.A. 65-2878, as amended by L. 1987, Ch. 240, Sec. 10; effective Feb. 15, 1977; amended May 1, 1988.)

#### Article 9.—TEMPORARY LICENSE

**100-9-2.** (Authorized by K.S.A. 65-2865, K.S.A. 65-2895; effective Feb. 15, 1977; revoked May 1, 1988.)

#### Article 10.—TEMPORARY PERMIT

**100-10-1.** (Authorized by K.S.A. 65-2865, K.S.A. 65-2811; effective Jan. 1, 1966; amended Jan. 1, 1970; amended Jan. 1, 1973; amended Feb. 15, 1977; revoked May 1, 1988.)

#### Article 10a.—EXEMPT LICENSE

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

- (1) Name in full;
- (2) post office address;
- (3) residence address;
- (4) Kansas license number;
- (5) a statement that applicant does not hold oneself out to the public as being professionally engaged in the practice of the healing arts for which the applicant holds a license;
- (6) a statement that applicant is no longer regularly engaged in the State of Kansas in the branch of the healing arts for which the applicant holds a license;
- (7) a statement describing the professional activities relating to the healing arts in which the applicant intends to engage if issued an exempt license;
- (8) a statement acknowledging that if applicant is issued an exempt license, applicant shall be subject to all provisions of the healing arts act except for complying with requirements of continuing education, and
- (9) a statement acknowledging that if applicant is issued an exempt license, applicant will not be a health care provider, as defined by K.S.A. 40-3401 and amendments thereto, that the applicant will not be required to maintain professional liability insurance in accordance with K.S.A. 40-3401 et seq. and that any services rendered by applicant, while the holder of an exempt license, will not be insured nor covered by the health care stabilization fund.

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

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

(Authorized by K.S.A. 65-2865; implementing K.S.A. 1986 Supp. 65-2809, as amended by L. 1987, Ch. 242, Sec. 2; effective, T-88-52, Dec. 6, 1987; effective May 1, 1988.)

**100-10a-2. Request for changes.** An exempt license holder shall file a written request with the board whenever the nature or extent of the professional activities relating to the healing arts are proposed to be changed from those activities divulged to the board on the application for such license or on any renewal form. The board shall review the request, determine whether the proposed changes affect the eligibility for an exempt license and either grant or deny the request. (Authorized by K.S.A. 65-2865; implementing K.S.A. 1986 Supp. 65-2809, as amended by L. 1987, Ch. 242, Sec. 2; effective, T-88-52, Dec. 16, 1987; effective May 1, 1988.)

**100-10a-3. Renewal applications.** All applications for renewal of exempt license shall be submitted upon forms furnished by the board and shall be accompanied by the fee required by K.A.R. 100-11-5. (Authorized by K.S.A. 65-2865; implementing K.S.A. 1986 Supp. 65-2809, as amended by L. 1987, Ch. 242, Sec. 2; effective, T-88-52, Dec. 16, 1987; effective May 1, 1988.)

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

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

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

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

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

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

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

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

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

(5) prescribing, administering or dispensing any controlled substances as defined in K.S.A. 65-4101(e) and amendments thereto. (Authorized by K.S.A. 65-2865; and implementing K.S.A. 1986 Supp. 65-2809, as amended by L. 1987, Ch. 242, Sec. 2; effective, T-88-52, Dec. 16, 1987; effective May 1, 1988.)

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

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

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

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

(3) if the exempt licensee has held the exempt license for more than three years, the applicant must complete a program recommended by the board. (Authorized by and implementing K.S.A. 1986 Supp. 65-2809, as amended by L. 1987, Ch. 242, Sec. 2; effective, T-88-52, Dec. 16, 1987; effective May 1, 1988.)

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

(b) Any departure from subsection (a) may constitute evidence of dishonorable conduct pursuant to K.S.A. 1986 Supp. 65-2836(b) as amended by L. 1987, Ch. 176, Sec. 5 as further amended by L. 1987, Ch. 242, Sec. 3 and any amendments thereto. (Authorized by K.S.A. 65-2865; implementing K.S.A. 1986 Supp. 65-2809, as amended by L. 1987, Ch. 242, Sec. 2; effective, T-88-52, Dec. 16, 1987; effective May 1, 1988.)

#### Article 11.—FEES

**100-11-5. Exempt license.** No fee shall be collected by the board for an exempt license or conversion of an exempt license to a license to practice the healing arts. The fee collected by the board for renewal of an exempt license shall be \$115.00 if received by the date of the expiration of the license and \$150.00 if received within 30 days following the date of expiration. (Authorized by K.S.A. 65-2865; implementing K.S.A. 1986 Supp. 65-2809, as amended by L. 1987, Ch. 242, Sec. 2; implementing K.S.A. 65-2852, as amended by L. 1987, Ch. 242, Sec. 4; effective, T-88-52, Dec. 16, 1987; effective May 1, 1988.)

#### Article 12.—RECORDS

**100-12-1. Records.** All records which are required

by law to be maintained by the board shall be open to public inspection under the following conditions:

(1) Records shall be inspected at the board office located in Topeka.

(2) Records shall be inspected during normal working hours and under the supervision of the executive director of the board.

(3) Any person who inspects the records shall sign a written request. (Authorized by K.S.A. 65-2865, implementing K.S.A. 65-2809; effective Jan. 1, 1966; amended Jan. 1, 1970; amended Jan. 1, 1973; amended, E-77-33, July 8, 1976; amended Feb. 15, 1977; amended May 1, 1988.)

#### Article 15.—LICENSE RENEWAL; CONTINUING EDUCATION

**100-15-3. Continuing education; institutional licensees.** (a) Each institutional licensee shall submit, with an application for renewal of the license, evidence of satisfactory completion of a minimum of 100 hours of continuing education within the previous two-year period. Evidence of that attainment shall be submitted to the board in the same manner as licensees in the same branch of the healing arts are required to submit evidence of satisfactory completion of a program of continuing education in accordance with K.A.R. 100-5-2 and amendments thereto.

(b) An extension that does not exceed six months may be granted by the board to any applicant for renewal who, during the 12-month period prior to the renewal date, suffered an illness or accident which made it impossible or extremely difficult for that applicant to reasonably obtain the required continuing education. (Authorized by and implementing K.S.A. 65-2895, as amended by L. 1987, Ch. 239, Sec. 5 and as further amended by L. 1987, Ch. 240, Sec. 11; effective May 1, 1988.)

#### Article 19.—ADMINISTRATIVE PROCEDURES

**100-19-1. Types of hearings.** (a) Hearings and procedures of the board 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. 1986 Supp. 77-538 to 77-541, inclusive, and amendments thereto may be used for the following types of action:

(1) denials of initial license, permit, registration or certificate;

(2) cancellation for failure to renew a license, permit, registration or certificate;

(3) cease and desist orders, enforcement orders based on stipulations, public or private censures, warnings, reprimands, restrictions, limitations, fines or suspensions for violations of any laws administered by the board or rules and regulations promulgated thereunder.

(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 procedure act or rules and regulations promulgated thereunder.

(d) The order issued pursuant to subsection (b) of this regulation shall contain a notice informing the persons who are subject to the order that a request for review or conversion must be made within 15 days.

(e) The presiding officer for summary adjudicative proceedings may be the executive director or the executive director's designee.

(f) Conference adjudicative proceedings pursuant to K.S.A. 77-533, 77-534 and 77-535 of the Kansas administrative procedures act 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. (Authorized by K.S.A. 65-2865; implementing K.S.A. 1986 Supp. 77-513, 77-533-541; effective January 1, 1966; amended Feb. 15, 1977; amended, T-86-44, Dec. 18, 1985; amended May 1, 1986; amended May 1, 1988.)

#### Article 22.—DISHONORABLE CONDUCT

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

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

(c) Any departure from subsection (a) or (b) may constitute evidence of dishonorable conduct pursuant to K.S.A. 1986 Supp. 65-2836(b) as amended by L. 1987, Ch. 176, Sec. 5 as further amended by L. 1987, Ch. 242, Sec. 2 and any amendments thereto. (Authorized by K.S.A. 65-2865; implementing K.S.A. 1986 Supp. 65-2836 as amended by L. 1987, Ch. 176, Sec. 5 as further amended by L. 1987, Ch. 242, Sec. 2; effective, T-88-52, Dec. 16, 1987; effective May 1, 1988.)

#### Article 42.—REVOCATION OR SUSPENSION OF CERTIFICATION (PHYSICAL THERAPISTS)

**100-42-1.** (Authorized by K.S.A. 65-2911; implementing K.S.A. 65-2912; effective Jan. 1, 1966; amended May 1, 1975; amended May 1, 1979; amended May 1, 1984; revoked May 1, 1988.)

**100-42-2. Complaint; institution of proceedings; hearings.** (a) Whenever a complaint is properly filed, stating in detail one or more grounds for revocation or

suspension of a registration or certificate, the complaint shall first be considered by members of the committee who shall act in an advisory capacity. The committee shall then make its recommendations to the board. The procedure to be followed by the board shall be conducted in accordance with the provisions of the Kansas administrative procedures act. (Authorized by K.S.A. 65-2911, as amended by L. 1987, Ch. 240, Sec. 18; implementing K.S.A. 1986 Supp. 65-2912; effective Jan. 1, 1966; amended May 1, 1975; amended May 1, 1979; modified, L. 1983, Ch. 355; amended May 1, 1984; amended May 1, 1988.)

#### Article 46.—EXTENSION OF REGISTRATION; ASSISTANTS

**100-46-5. Lapsed registrations and certifications; revival and extension.** (a) Each person desiring to revive and extend a lapsed registration shall:

(1) Submit a completed written application on a form prescribed by the board;

(2) pay a fee of \$30 at the time of submission of the application, no part of which will be refunded; and

(3) submit proof of satisfactory completion of a program of continuing education as follows:

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

(B) if the time since the registration lapsed has been more than three years but less than seven years, the applicant must complete a program recommended by the state examining committee for physical therapy and approved by the board. The program may require college course instruction, clinical study, apprenticeship and successful completion of the examination required for registration as may be determined by the board; and

(C) if the time since the registration lapsed has been more than seven years, the applicant shall successfully complete a program recommended by the state examining committee for physical therapy and approved by the board. The program may require successful completion of the examination required for registration and a minimum of 160 hours of apprenticeship or clinical study, as may be determined by the board.

(b) Each person desiring to revive and extend a lapsed certification shall:

(1) Submit a completed written application on a form prescribed by the board; and

(2) pay a fee of \$30 at the time of submission of the application, no part of which will be refunded. (Authorized by K.S.A. 65-2911; as amended by L. 1987, Ch. 240, Sec. 18; implementing K.S.A. 65-2910; effective May 1, 1987; amended May 1, 1988.)

#### Article 54.—OCCUPATIONAL THERAPY

**100-54-1. Application.** (a) Application for registration as an occupational therapist or occupational therapy assistant shall be submitted on a form provided by

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the board. The form shall contain the following in plain, legible writing:

- (1) Full name;
- (2) residence and mailing addresses;
- (3) employment information for five years prior to the date of application;
- (4) post-high school education;
- (5) information on any licenses, registrations or certifications issued to applicant; and
- (6) information on any prior acts constituting unprofessional conduct.

(b) The application for registration shall be accompanied by the following:

- (1) The fee required by K.A.R. 100-54-5;
- (2) a recommendation by any occupational therapist registered by the board;
- (3) evidence of completion of a recognized educational program;
- (4) copies of any licenses, registrations or certifications issued to applicant relating to occupational therapy;
- (5) photograph of applicant; and
- (6) evidence of completion of a written examination recognized and approved by the board.

(c) The application shall be signed, under oath, by the applicant. (Authorized by K.S.A. 1986 Supp. 65-5405; implementing K.S.A. 1986 Supp. 65-5406; effective, T-88-17, July 1, 1987; effective May 1, 1988.)

**100-54-2. Education requirements.** (a) Each educational program for occupational therapists and occupational therapy assistants accredited by the committee on allied health education and accreditation of the American medical association in collaboration with the American occupational therapy association, inc. and all other educational programs which are determined by the board to have a standard of education at least equal to the program for occupational therapists at the university of Kansas school of allied health in effect May 1, 1988 and the program for occupational therapy assistants in Barton county community college in effect May 1, 1988 shall be recognized and approved by the board.

(b) Recognition and approval of each educational program shall rest with the board. The use of examinations, outside experts, opinions and reports for advice on the sufficiency and correctness of the board's approval method may be employed to determine whether the educational programs should be recognized and approved. (Authorized by K.S.A. 1986 Supp. 65-5405; implementing K.S.A. 1986 Supp. 65-5406; effective, T-88-17, July 1, 1987; effective May 1, 1988.)

**100-54-3. Examinations.** (a) The examination required and approved by the board for registration as an occupational therapist shall be the certification examination for occupational therapist, registered prepared and administered by the American occupational therapy association, inc.

(b) The examination required and approved by the board for registration as an occupational therapy assistant shall be the certification examination for certified occupational therapy assistant prepared and ad-

ministered by the American occupational therapy association, inc.

(c) To qualify for registration, each applicant for registration as an occupational therapist or occupational therapy assistant shall obtain a minimum score of 75% on the required exam.

(d) Each applicant for registration who has passed an examination not approved by the board shall be required to submit evidence that the examination taken by the applicant was at least equal in quality to the examination approved by the board and that the passing grade was at least 75%. (Authorized by K.S.A. 1986 Supp. 65-5405; implementing K.S.A. 1986 Supp. 65-5407; effective, T-88-17, July 1, 1987; effective May 1, 1988.)

**100-54-4. Fees.** The following fees shall be charged and collected in advance by the board:

(a) Application fee	\$ 40.00
(b) (1) Registration renewal fee	\$ 20.00
(2) Registration late renewal fee	\$ 30.00
(3) Registration reinstatement fee	\$ 40.00
(c) Fee for certified copy of registration	\$ 15.00
(d) Temporary registration fee	\$ 15.00
(e) Fee for each board administered examination	\$190.00

(Authorized by K.S.A. 1986 Supp. 65-5405; implementing K.S.A. 1986 Supp. 65-5409, as amended by L. 1987, Ch. 253, Sec. 3; effective, T-88-17, July 1, 1987; effective May 1, 1988.)

**100-54-5. Unprofessional conduct; defined.** "Unprofessional conduct" means:

(a) Using fraudulent or false advertisements;

(b) being addicted to intoxicating liquors or drugs;

(c) engaging in occupational therapy under a false or assumed name or by impersonating another person registered by the board as an occupational therapist or occupational therapy assistant;

(d) practicing occupational therapy without reasonable skill and safety because of illness, alcoholism, excessive use of drugs, controlled substances, chemicals or any other type of material or as a result of any mental or physical condition;

(e) having an occupational therapy license, registration or certification revoked, suspended or limited or an application for such denied by the proper regulatory authority of another state, territory, District of Columbia, or other country;

(f) cheating or attempting to subvert the validity of the examination required for registration;

(g) having been found by a court of competent jurisdiction to be mentally ill, disabled, not guilty by reason of insanity or incompetent to stand trial;

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

(i) being sanctioned or disciplined by a peer review committee or medical care facility for acts or conduct which would constitute unprofessional conduct under K.S.A. 1986 Supp. 65-5410 and amendments thereto and this regulation;

(j) surrendering a license, registration or certification to practice occupational therapy in another state while under investigation for acts or conduct which

would constitute unprofessional conduct under K.S.A. 1986 Supp. 65-5410 and amendments thereto and this regulation;

(k) being professionally incompetent as defined in K.S.A. 1986 Supp. 65-2837(a);

(l) representing to a patient that a manifestly incurable disease, condition or injury can be permanently cured;

(m) providing occupational therapy to a patient without the consent of the patient, the attending physician or the patient's legal representatives;

(n) willfully betraying confidential information;

(o) advertising a guarantee of any professional service related to occupational therapy;

(p) using any advertisement which is false, misleading or deceptive in a material respect;

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

(r) making a false or misleading statement regarding the registrant's skill;

(s) committing any act of sexual, psychological or physical abuse, misconduct or exploitation;

(t) obtaining any fee by fraud, deceit or misrepresentation;

(u) charging an excessive fee for services rendered;

(v) failing to keep written records justifying the course of treatment of the patient; or

(w) delegating occupational therapy to a person whom the registrant knows or has reason to know is not qualified by training or experience to perform it. (Authorized by and implementing K.S.A. 1986 Supp. 65-5410; effective, T-88-17, July 1, 1987; effective May 1, 1988.)

**100-54-6. Registration; renewal; late renewal and reinstatement.** (a) Each registration issued by the board shall expire on December 31 of each year.

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

(1) the prescribed registration renewal fee; and

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

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

(1) the prescribed registration late renewal fee; and

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

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

(1) the prescribed registration reinstatement fee; and

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

(e) Registrations which have been revoked may be reinstated after the expiration of one year and the fulfillment of such terms and conditions as may be

determined by the board. (Authorized by K.S.A. 1986 Supp. 65-5405; implementing K.S.A. 1986 Supp. 65-5412; effective, T-88-17, July 1, 1987; effective May 1, 1988.)

**100-54-7. Continuing education; registration renewal.** (a) Each registrant shall submit evidence of completion of a minimum of 40 contact hours of continuing education during the preceding two years. Evidence of this attainment shall be submitted with the application for renewal for each odd-numbered year. Only 20 contact hours of continuing education shall be required for renewal in 1989.

(b) Any registrant who suffered an illness or accident during the 12-month period prior to the renewal registration which made it impossible or extremely difficult to reasonably obtain the required contact hours may be granted an extension of not more than six months.

(c) Occupational therapists and occupational therapy assistants initially registered within two years of a renewal registration date shall complete a minimum of ten contact hours for every full or partial six-month period from the date of registration to the renewal registration date. No continuing education is required if there is less than six months from the date of registration to the renewal registration date. If 30 or less contact hours are required by this subsection, all shall be acquired from Class I, Class IV or Class V.

(d) A contact hour shall be 50 minutes of instruction or its equivalent.

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

(f) Continuing education shall be acquired from the classes of education experiences defined in subsection (g). A minimum of 30 contact hours shall be acquired from Class I, Class IV or Class V. A maximum of eight contact hours may be acquired from Class II. A maximum of two contact hours may be acquired from Class III. A maximum of 30 contact hours may be acquired from Class V.

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

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

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

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

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

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

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

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

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

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

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

Type of Publication		Maximum Number of Contact Hours
(A) Original Papers—	single author	25
	co-author	15
	senior author	08
(B) Review Papers—	single author	15
	co-author	08
(C) Case Reports—	single author	15
	co-author	08
(D) Abstracts—	single author	08
(E) Book Reviews—	single author	08
(F) Publication of a Book—	single author	60
	senior author	50
	co-author	40
	contributing author	25

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

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

(i) Instructional staff shall be competent in the subject matter and in the methodology of instruction and learning processes as evidenced by experience, education or publication. (Authorized by K.S.A. 1986 Supp. 65-5405; implementing K.S.A. 1986 Supp. 65-5412; effective, T-88-17, July 1, 1987; effective May 1, 1988.)

**100-54-8. Reinstatement; expired and revoked registrations.** (a) Each person desiring to reinstate a registration which has been expired for more than 30 days shall submit proof of continuing education as follows:

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

(2) if the time since the registration expired has been more than one year but less than three years, the

applicant shall complete a minimum of 20 contact hours for each year or portion of a year since the date the registration lapsed; and

(3) if the time since the registration expired has been more than three years, the applicant shall complete a program recommended by the board.

(b) An applicant seeking reinstatement of a revoked registration shall successfully complete a program approved by the board. (Authorized by K.S.A. 1986 Supp. 65-5405; implementing K.S.A. 1986 Supp. 65-5412; effective, T-88-17, July 1, 1987; effective May 1, 1988.)

**100-54-9. Occupational therapy assistants; inform to board.** (a) Before an occupational therapy assistant is allowed to work under an occupational therapist's direction, the occupational therapist shall inform the board of:

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

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

(3) the address of the employer.

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

(1) The name of the supervising occupational therapist;

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

(3) the address of the employer. (Authorized by K.S.A. 1986 Supp. 65-5405 implementing K.S.A. 1986 Supp. 65-5402; effective, T-88-17, July 1, 1987; effective May 1, 1988.)

## Article 55.—RESPIRATORY THERAPY

**100-55-1. Application.** (a) Application for registration as a respiratory therapist shall be submitted on a form provided by the board. The form shall contain the following in plain, legible writing:

(1) Full name;

(2) residence and mailing addresses;

(3) employment information for five years prior to the date of application;

(4) post-high school education;

(5) information on any licenses, registrations or certifications issued to applicant; and

(6) information on any prior acts constituting unprofessional conduct.

(b) The application for registration shall be accompanied by the following:

(1) The fee required by K.A.R. 100-55-4;

(2) a recommendation by any respiratory therapist registered by the board;

(3) evidence of completion of a recognized educational program;

(4) copies of any licenses, registrations or certifications issued to applicant relating to occupational therapy;

(5) photograph of applicant; and

(6) evidence of completion of a written examination recognized and approved by the board.

(c) The application shall be signed, under oath, by the applicant. (Authorized by K.S.A. 1986 Supp. 65-5505; implementing K.S.A. 1986 Supp. 65-5506; effective, T-88-17, July 1, 1987; effective May 1, 1988.)

**100-55-2. Education requirements.** (a) Each educational program for respiratory therapists accredited by the joint review committee on allied health education and accreditation of the American medical association in collaboration with the joint review committee for respiratory therapy education and all other educational programs which are determined by the board to have a standard of education at least equal to the program for respiratory therapy technicians at the university of Kansas school of allied health in effect May 1, 1988 shall be recognized by the board.

(b) Recognition and approval of each educational program shall rest with the board. The use of examinations, outside experts, opinions and reports for advice on the sufficiency and correctness of the board's approval method may be employed to determine whether the educational programs should be recognized and approved. (Authorized by K.S.A. 1986 Supp. 65-5405; implementing K.S.A. 1986 Supp. 65-5406; effective, T-88-17, July 1, 1987; effective May 1, 1988.)

**100-55-3. Examinations.** (a) The examination required and approved by the board for registration as a respiratory therapist shall be the certification examination for entry level respiratory therapy practitioners administered by the national board for respiratory care.

(b) To qualify for registration, each applicant for registration as a respiratory therapist shall obtain a minimum score of 75% on the required exam.

(c) Each applicant for registration who has passed an examination not approved by the board shall be required to submit evidence that the examination taken by the applicant was at least equal in quality to the examination approved by the board and that the passing grade was at least 75%. (Authorized by K.S.A. 1986 Supp. 65-5505; implementing K.S.A. 1986 Supp. 65-5507; effective, T-88-17, July 1, 1987; effective May 1, 1988.)

**100-55-4. Fees.** The following fees shall be charged and collected in advance by the board:

(a) Application fee .....	\$ 40.00
(b) (1) Registration renewal fee .....	\$ 20.00
(2) Registration late renewal fee .....	\$ 30.00
(3) Registration reinstatement fee .....	\$ 40.00
(c) Fee for certified copy of registration .....	\$ 15.00
(d) Special permit fee .....	\$ 15.00
(e) Temporary registration fee .....	\$ 15.00
(f) Fee for each board administered examination	\$190.00

(Authorized by K.S.A. 1986 Supp. 65-5505; implementing K.S.A. 1986 Supp. 65-5509; as amended by L. 1987, Ch. 253, Sec. 6; effective T-88-17, July 1, 1987; effective May 1, 1988.)

**100-55-5. Unprofessional conduct; defined.** "Unprofessional conduct" means:

(a) Using fraudulent or false advertisements;  
 (b) being addicted to intoxicating liquors or drugs;  
 (c) engaging in respiratory care under a false or assumed name or by impersonating another person registered by the board as a respiratory therapist;

(d) practicing respiratory therapy without reasonable skill and safety because of illness, alcoholism, excessive use of drugs, controlled substances, chemicals or any other type of material or as a result of any mental or physical condition;

(e) having a respiratory therapy license, registration or certification revoked, suspended or limited or an application for such denied by the proper regulatory authority of another state, territory, district of Columbia, or other country;

(f) cheating or attempting to subvert the validity of the examination required for registration;

(g) having been found to be mentally ill, disabled, not guilty by reason of insanity or incompetent to stand trial by a court of competent jurisdiction;

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

(i) being sanctioned or disciplined by a peer review committee or medical care facility for acts or conduct which would constitute unprofessional conduct under K.S.A. 1986 Supp. 65-5510 and amendments thereto and this regulation;

(j) surrendering a license, registration or certification to practice respiratory care in another state while under investigation for acts or conduct which would constitute unprofessional conduct under K.S.A. 1986 Supp. 65-5510 and amendments thereto and this regulation;

(k) being professionally incompetent as defined in K.S.A. 1986 Supp. 65-2837(a);

(l) representing to a patient that a manifestly incurable disease, condition or injury can be permanently cured;

(m) providing respiratory care to a patient without the consent of the patient, the attending physician or the patient's legal representatives;

(n) willfully betraying confidential information;

(o) advertising a guarantee of any professional service related to respiratory;

(p) using any advertisement which is false, misleading or deceptive in a material respect;

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

(r) making a false or misleading statement regarding the registrant's skill;

(s) committing any act of sexual abuse, misconduct or exploitation;

(t) obtaining any fee by fraud, deceit or misrepresentation;

(u) charging an excessive fee for services rendered;  
 (v) failing to keep written records justifying the course of treatment of the patient; or

(w) delegating respiratory care to a person whom the registrant knows or has reason to know is not qualified by training or experience to perform it. (Authorized by and implementing K.S.A. 1986 Supp.

(continued)

65-5510; effective T-88-17, July 1, 1987; effective May 1, 1988.)

**100-55-6. Registration; renewal; late renewal and reinstatement.** (a) Each registration issued by the board shall expire on December 31 of each year.

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

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

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

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

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

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

(e) Registrations which have been revoked may be reinstated after the expiration of one year and the fulfillment of such terms and conditions as may be determined by the board. (Authorized by K.S.A. 1986 Supp. 65-5505; implementing K.S.A. 1986 Supp. 65-5512; effective, T-88-17, July 1, 1987; effective May 1, 1988.)

**100-55-7. Continuing education; registration renewal.** (a) Each registrant shall submit evidence of completion of a minimum of 30 contact hours of continuing education during the preceding two years. Evidence of this attainment shall be submitted with the application for renewal for each odd-numbered year. Only 15 contact hours of continuing education shall be required for renewal in 1989.

(b) Any registrant who suffered an illness or accident during the 12-month period prior to the renewal registration which made it impossible or extremely difficult to reasonably obtain the required contact hours may be granted an extension of not more than six months.

(c) Respiratory therapists initially registered within two years of a renewal registration date shall complete a minimum of ten contact hours for every full or partial six-month period from the date of registration to the renewal registration date. No continuing education is required if there is less than six months from the date of registration to the renewal registration date. If 30 or less contact hours are required by this subsection, at least ten contact hours shall be acquired from Class I, and no more than ten contact hours acquired from Class II.

(d) A contact hour shall be 50 minutes of instruction or its equivalent.

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

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

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

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

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

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

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

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

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

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

(A) A maximum of 10 contact hours may be given for attending one in-service training session which relates to the enhancement of respiratory care, values, skills and knowledge for each two-year period. A maximum of two contact hours may be given for instructing the in-service training, but no additional hours can be acquired for attending that particular in-service training.

(B) A maximum of two contact hours may be given for reading professional literature, whether printed or provided by audio or videotapes.

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

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

(A) Professional publication. The maximum contact hours that may be given for professional publication shall be as follows:

Type of Publication		Maximum Number of Contact Hours
(i) Original Papers—	single author	20
	co-author	05
	senior author	10
(ii) Review Papers—	single author	10
	co-author	05
(iii) Case Reports—	single author	10
	co-author	05
(iv) Abstracts—	single author	05
(v) Book Reviews—	single author	05
	co-author	20
(vi) Publication of a Book—	single author	40
	senior author	30
	contributing author	20

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

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

(i) Instructional staff shall be competent in the subject matter and in the methodology of instruction and learning processes as evidenced by experience, education or publication. (Authorized by K.S.A. 1986 Supp. 65-5505; implementing K.S.A. 1986 Supp. 65-5512; effective, T-88-17, July 1, 1987; effective May 1, 1988.)

**100-55-8. Reinstatement; expired and revoked registrations.** (a) Each person desiring to reinstate a registration which has been expired for more than 30 days shall submit proof of continuing education as follows:

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

(2) if the time since the registration expired has been more than one year but less than three years, the applicant shall complete a minimum of 15 contact hours for each year or portion of a year since the date the registration lapsed; and

(3) if the time since the registration expired has been more than three years, the applicant shall complete a program recommended by the board.

(b) An applicant seeking reinstatement of a revoked registration shall successfully complete a program approved by the board. (Authorized by K.S.A. 1986 Supp. 65-5505 implementing K.S.A. 1986 Supp. 65-5512 effective, T-88-17, July 1, 1987; effective May 1, 1988.)

#### Article 60.—PHYSICIAN'S ASSISTANTS

**100-60-7.** (Authorized by K.S.A. 65-2896, 65-2896b(b); effective, E-79-35, Dec. 20, 1978; effective May 1, 1979; revoked May 1, 1988.)

**100-60-8. Scope of practice.** A physician's assistant may perform acts which constitute the practice of medicine and surgery in the following instances:

(a) When directly ordered, authorized and coordinated by the responsible or designated physician through immediate or physical presence;

(b) when directly ordered, authorized and coordinated by the responsible or designated physician through radio, telephone or other form of telecommunication;

(c) when authorized by a written protocol between the responsible physician and the physician's assistant; or

(d) in the case of an emergency situation. (Autho-

rized by K.S.A. 65-2896, as amended by L. 1987, Ch. 240, Sec 12; implementing K.S.A. 65-2896e, as amended by L. 1987, Ch. 239, Sec. 7; effective May 1, 1988.)

**100-60-9. Written protocol.** (a) Any written protocol between the responsible physician and the physician's assistant shall, as a minimum:

(1) Be in writing, dated and signed by the responsible physician and the physician's assistant;

(2) state the license number of the responsible physician and the board issued registration number of the physician's assistant;

(3) generally designate the clinical areas in which the physician's assistant may provide professional services without a direct authorization or order from the responsible or designated physician;

(4) specify the professional services the physician's assistant is prohibited from performing;

(5) specify the drugs for which the physician's assistant is prohibited from supplying, administering or transmitting prescription orders;

(6) specify those practice locations at which the physician's assistant is authorized to perform acts which constitute the practice of medicine and surgery in the absence of the immediate or physical presence of the responsible or designated physician; and

(7) specify any designated physician who shall routinely provide direction and supervision to the physician's assistant in the temporary absence of the responsible physician.

(b) A current copy of the written protocol shall be provided to the board and maintained at the usual practice locations of the responsible physician. (Authorized by K.S.A. 65-2896, as amended by L. 1987, Ch. 240, Sec. 12; implementing K.S.A. 65-2896e and 65-2897a, as amended by L. 1987, Ch. 239, Sec. 7 and 8; effective May 1, 1988.)

**100-60-10. Supervision and direction; adequacy.** Each licensee who serves as the responsible or designated physician for a physician's assistant shall adequately direct and supervise the physician's assistant. Direction and supervision of the physician's assistant shall be considered to be adequate if the responsible physician:

(a) Establishes a method for the initial and continuing periodic evaluation of the professional competency of the physician's assistant. Periodic evaluations shall be performed at least annually and the responsible physician shall document and retain such evaluations and make them available to the board upon request;

(b) at least annually, reviews any written protocol and determines if any amendments, modifications, restrictions or terminations are required. Any such changes shall be conveyed to the physician's assistant and set forth in all copies of the protocol required to be maintained and provided pursuant to K.A.R. 100-60-9(b);

(c) actively engages in the practice of medicine and surgery in this state at least an average of 20 hours per week;

(continued)

(d) insures that the physician's assistant has a current registration issued by the board;

(e) reports to the board any knowledge of disciplinary hearings, formal hearings, public or private censure or other disciplinary action taken against the physician's assistant by any state's licensure or registration authority or any professional association;

(f) reports to the board any litigation, threatened litigation or claim alleging professional incompetency or professional negligence on the part of the physician's assistant;

(h) at least weekly, reviews the patient records of patients treated by the physician's assistant and documents such review in the patient record;

(i) reviews patient charts and documents such review in the patient record within 48 hours of treatment provided by the physician's assistant when:

(1) The patient has been treated or seen by the physician's assistant in a medical facility as that term is defined in K.S.A. 65-425 and amendments thereto; or

(2) the treatment provided in an emergency situation exceeded the authority granted to the physician's assistant pursuant to direct order or a written protocol.

(j) provides for a designated physician to provide supervision and direction on each occasion when the responsible physician is absent temporarily, is unable to be immediately contacted by telecommunication or is otherwise unavailable at a time the physician's assistant could reasonably be expected to provide professional services; and

(k) delegates to the physician's assistant only those acts which constitute the practice of medicine and surgery which the responsible physician believes or has reason to believe can be competently performed by the physician's assistant based upon the physician's assistant's background, training, capabilities, skill and experience. (Authorized by K.S.A. 65-2896, as amended by L. 1987, Ch. 240, Sec. 12; implementing K.S.A. 65-2896e and 65-2897a, as amended by L. 1987, Ch. 239, Sec. 7 and 8; effective May 1, 1988.)

**100-60-11. Responsibilities of physician's assistants.** (a) A physician's assistant shall appropriately communicate with the responsible or designated physician concerning a patient's condition if the physician's assistant determines that a patient's condition requires treatment of any nature which has not been authorized for the physician's assistant to perform. (Authorized by K.S.A. 65-2896, as amended by L. 1987, Ch. 240, Sec. 12; implementing K.S.A. 65-2896e and 65-2897a, as amended by L. 1987, Ch. 239, Sec. 7 and 8; effective May 1, 1988.)

**100-60-12. Designated physician.** (a) A "designated physician" is that person licensed to practice medicine and surgery who, by prior arrangement, provides direction and supervision to a physician's assistant in the temporary absence or unavailability of the responsible physician.

(b) When a designated physician undertakes the direction and supervision of a physician's assistant, that person shall have the same duties and responsibilities as the responsible physician.

(c) The designated physician shall document the usual occasions when the direction and supervision of a physician's assistant is assumed from a responsible physician. (Authorized by K.S.A. 65-2896, as amended by L. 1987, Ch. 240, Sec. 12; implementing K.S.A. 65-2896f; effective May 1, 1988.)

**100-60-13. Prescription only drugs.** (a) No physician's assistant shall transmit a prescription order for a prescription-only drug or administer or supply such drug except as authorized by this regulation.

(b) A physician's assistant may directly administer a prescription-only drug as follows:

(1) When directly ordered or authorized by the responsible or designated physician;

(2) when authorized by a written protocol between the responsible physician and the physician's assistant; or

(3) in the case of an emergency situation.

(c) A physician's assistant may, by oral or telephonic communication only, transmit a prescription order for a schedule II controlled substance in the case of an emergency situation, as such is defined in K.A.R. 68-20-19(e). Within 72 hours after the transmission of the prescription order, the responsible or designated physician shall cause a written prescription, completed in accordance with appropriate federal and state laws, to be delivered to the dispenser of the drug.

(d) A physician's assistant may, by oral or telephonic communication only, transmit a prescription order for a controlled substance listed in schedule III, IV or V in the same manner as the physician's assistant may perform acts which constitute the practice of medicine and surgery as specified in K.A.R. 100-60-8.

(e) A physician's assistant, either orally, telephonically or in writing, may transmit a prescription order for a prescription-only drug not listed in any schedule as a controlled substance in the same manner as the physician's assistant may perform acts which constitute the practice of medicine and surgery as specified in K.A.R. 100-60-8.

(f) If the transmission of a prescription order is written it shall:

(1) Contain the name, address and telephone number of the responsible physician;

(2) be signed by the physician's assistant with the letters "R.P.A." following the signature;

(3) contain the registration number issued to the physician's assistant by the board; and

(4) indicate whether the prescription order is being transmitted by direct order of the responsible or designated physician, pursuant to a written protocol, or because of an emergency situation.

(g) A physician's assistant may supply a prescription-only drug to a patient only as follows:

(1) Under the same conditions as a physician's assistant may directly administer a prescription-only drug as described in subsection (b) above;

(2) the drug has been provided to the physician's assistant or the physician's assistant's responsible physician or employer at no cost;

(3) the drug is commercially labeled and is supplied



to the patient in the original prepackaged unit dose container; and

(4) the drug is supplied to the patient at no cost.

(h) A physician's assistant shall not administer, supply or transmit a prescription order for a prescription-only drug for any quantity or strength in excess of the normal customary and prevalent practice of the responsible physician. (Authorized by K.S.A. 65-2896, as amended by L. 1987, Ch. 240, Sec. 12; implementing K.S.A. 65-2896e and 65-2897a, as amended by L. 1987, Ch. 239, Sec. 7 and 8; effective May 1, 1988.)

**100-60-14. Different practice locations.** (a) "Different practice location" means an office or location maintained or appointed by a responsible physician to regularly meet patients or to receive calls and at which the responsible physician does not primarily practice.

(b) A physician's assistant may perform acts which constitute the practice of medicine and surgery at a different practice location only as follows:

(1) To establish a different practice location after May 1, 1988, the location shall be determined to be medically underserved or critically medically underserved pursuant to K.S.A. 1986 Supp. 76-375 and amendments thereto or the board has expressly approved the different practice location.

(2) the physician's assistant has a minimum of one year of experience as a physician's assistant in the areas of family or primary care practice;

(3) the physician's assistant, prior to providing any services at the different practice location, has spent a minimum of 80 hours under the immediate or physical supervision and direction of the responsible physician;

(4) the responsible physician shall periodically see and treat patients at the different practice location;

(5) the responsible physician or designated physician shall visit the different practice location at least weekly to review the patient records of patients treated by the physician's assistant, and such review is clearly documented in the patient's records; and

(6) a notice that the different practice location is staffed primarily by a physician's assistant is conspicuously posted. (Authorized by K.S.A. 65-2896, as amended by L. 1987, Ch. 240, Sec. 12; implementing K.S.A. 65-2896e and 65-2897a, as amended by L. 1987, Ch. 239, Sec. 7 and 8; effective May 1, 1988.)

CHARLENE K. ABBOTT  
Executive Secretary

Doc. No. 006313

## State of Kansas

# EMERGENCY MEDICAL SERVICES COUNCIL

## PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1988)

### Article 1.—DEFINITIONS

**109-1-1. Definitions.** The following words and phrases shall have the following meanings as used in these regulations.

(a) "Emergency care" means the services provided after the onset of a medical condition manifested by acute symptoms of sufficient severity that the absence of immediate medical attention could reasonably be expected to:

- (1) Place the patient's health in serious jeopardy;
- (2) seriously impair bodily functions; or
- (3) result in serious dysfunction of any bodily organ or part.

(b) "Public call" means the request for first response service to the original scene of a medical emergency or accident by an individual or agency other than:

- (1) A type I or type II ambulance service;
- (2) the Kansas highway patrol at the scene of an accident or medical emergency; or
- (3) persons licensed to practice medicine and surgery who are at the scene of an accident or medical emergency.

(c) "Director" means the director of the bureau of emergency medical services as defined in K.S.A. 1986 Supp. 65-4314, and amendments thereto.

(d) "Aeromedical physician" means a person licensed to practice medicine and surgery who is trained and experienced in emergency, trauma or sub-specialty critical care medicine and is knowledgeable in altitude physiology.

(e) "Supplemental instruction" means a formally organized learning experience that has education as its explicit principal intent, and that is oriented towards the enhancement of emergency medical services practice, values, skills, and knowledge.

(f) "Prior-approved supplemental instruction" means:

- (1) Single program material submitted by a provider to the director that is reviewed and subsequently approved by the director in accordance with criteria established by the council, and assigned a supplemental instruction number;
- (2) any supplemental instruction offered by a provider with approved-provider status; or
- (3) academic emergency medical services courses taken for credit or audited.

(g) "Retroactively-approved supplemental instruction" means material submitted for supplemental instruction credit by the attendant after attending the workshop, conference, seminar, or other offering that is reviewed and subsequently approved by the director in accordance with criteria established by the council.

(continued)

(h) "Providers of supplemental instruction" means individuals, groups, professional associations, schools, institutions, organizations or agencies approved by the director to offer supplemental instruction programs on either approved-provider status or single program-provider status.

(i) "Approved-provider status" means the provider has been approved by the council to provide any supplemental instruction program. Approved-provider status may be granted for a one-year probationary period to new applicants. After completion of the probationary year, approved-providers may re-apply for approval biennially.

(j) "Single program-provider status" means the provider has been granted approval to offer a specific supplemental instruction program.

(k) "Training officer" means a person who has been approved by the director as a single program provider. Training officer approval by the director shall be contingent upon successful annual completion of a training officer program approved by the council.

(l) "Unprofessional conduct," as used in K.S.A. 65-4324(b)(8) means the following:

(1) Performing acts beyond the activities authorized for the level at which the individual is certified;

(2) failing to take appropriate action to safeguard the patient;

(3) inaccurately recording, falsifying or altering a patient's or agency's record;

(4) committing any act of verbally or physically abusing patients;

(5) violating the confidentiality of information or knowledge concerning the patient;

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

(7) violating K.S.A. 8-1566 or 8-1567; or

(8) providing patient care while under the influence of alcohol or other habit forming drugs. (Authorized by K.S.A. 65-4320; implementing K.S.A. 65-4320, 65-4322, K.S.A. 65-4324, as amended by L. 1987, Ch. 248, Sec. 8; effective May 1, 1985; amended May 1, 1986; amended, T-88-12, May 18, 1987; amended, T-88-24, July 15, 1987; effective May 1, 1988.)

## Article 2.—AMBULANCE SERVICES; PERMITS AND REGULATIONS

**109-2-5. Service permit.** Each operator and attendant shall comply with the following requirements:

(a) Each service in a county which has been assigned to the emergency medical services communications system by the director and that operates vehicles which are required to have direct, two-way radio communications shall fully participate in the operation and maintenance of that communications system; and

(b) firearms shall not be worn or carried aboard an ambulance vehicle within the state while the ambulance vehicle is operating in any patient transport function. This prohibition shall apply whether the firearms are concealed or visible. However, the pro-

hibition shall not apply to law enforcement officers as defined in K.S.A. 1986 Supp. 64-5602(e).

(c) Sanitation requirements.

(1) Smoking shall be prohibited in the patient compartment at all times. During patient transport, smoking shall be prohibited in the driver's compartment.

(2) The interior of the ambulance and the equipment within the ambulance shall be sanitary and maintained in good working order at all times, except when the vehicle has been placed "out of service."

(3) The ambulance equipment shall be constructed of smooth and easily cleanable materials.

(4) Freshly laundered linen or disposable linen shall be used on cots and pillows and linen shall be changed after each patient is transported.

(5) Clean linen storage shall be provided on each ambulance.

(6) Pillows and mattresses shall be kept clean and in good repair.

(7) Closable containers shall be provided for soiled supplies.

(8) The exterior of the ambulance shall be kept clean.

(9) Blankets and hand towels used in ambulance shall be clean.

(10) Implements inserted into the patient's nose or mouth shall be properly stored and handled. Such implements shall be maintained in a sanitary condition.

(11) When an ambulance has been utilized to transport a patient known to the operator to have an infectious disease, the ambulance shall be cleaned and all contact surfaces shall be washed with soap and water and disinfected. The mattresses, pillows and blankets shall be cleaned in the same manner. The ambulance shall be placed "out of service" until a thorough cleansing is conducted.

(d) All equipment in the patient compartment shall be placed in cabinets or securely restrained while the vehicle is in motion.

(e) All ground ambulances shall receive a mechanical and safety inspection annually prior to November 1. A report of the inspection results shall be made on forms provided by the director. All deficiencies determined by the inspection shall be corrected prior to submitting the inspection form.

(f) The mechanical and safety inspection form shall be submitted to the bureau of emergency medical services with the application for ambulance vehicle licensure or renewal.

(g) All ground vehicles shall be parked in a completely enclosed building with interior heating to at least 50 degrees fahrenheit.

(h) When a vehicle is temporarily out of service, the service operator may apply to the director for a temporary license for a vehicle approved by the director. The vehicle shall meet all staffing and equipment requirements for the license type requested. This temporary license shall be valid for 30 days but may be renewed one time by the director. (Authorized by and implementing K.S.A. 65-4320; effective May 1, 1985; amended, T-88-24, July 15, 1987; effective May 1, 1988.)

**109-2-6. Classes of ambulance service.** Permits shall be issued for four classes of ambulance service. These classes shall be known as type I, type II-D, type II, and type V. (a) Each type I service shall:

(1) Provide advanced life support capability as described in K.S.A. 65-4306;

(2) have at least one licensed vehicle which meets all requirements of K.A.R. 109-2-7(a). Each type I service may also operate type II-D, II, III, and IV vehicles as described in K.A.R. 109-2-7(b), (c), (d), and (e);

(3) maintain a staff of currently certified mobile intensive care technicians and emergency medical technicians which is adequate to meet all requirements of K.A.R. 109-2-7(a); and

(4) have a method of receiving calls and dispatching vehicles which ensures that a vehicle leaves the station within an average of five minutes of the time the call is received.

(b) Each type II-D service shall:

(1) Provide the level of treatment that currently certified emergency medical technicians-defibrillator are authorized to perform;

(2) have at least one vehicle licensed which meets all requirements of K.A.R. 109-2-7(b). Each type II-D service may also operate type II, type III and type IV vehicles as described in K.A.R. 109-2-7(c), (d) and (e);

(3) maintain a staff of currently certified emergency medical technicians-defibrillator which is adequate to meet all requirements of K.A.R. 109-2-7(b);

(4) notify the medical advisor of each cardiac arrest event within 24 hours of the event;

(5) have each cardiac arrest event reviewed and critiqued by the medical advisor or a registered nurse designated by the medical advisor within 30 days of the event. The emergency medical technicians-defibrillator who were involved with the event shall participate in the critique; and

(6) submit a cardiac arrest report on forms provided by the director with a copy of the patient report form for each cardiac arrest event.

(c) Each type II service shall:

(1) Provide the level of treatment that currently certified emergency medical technicians are authorized to perform;

(2) Have at least one vehicle licensed which meets all requirements of K.A.R. 109-2-7(c). Each type II service may also operate type III and type IV vehicles as described in K.A.R. 109-2-7(d) and (e);

(3) Maintain a staff of currently certified emergency medical technicians which is adequate to meet all requirements of K.A.R. 109-2-7(c); and

(4) Have a method of receiving calls and dispatching vehicles which ensures that a vehicle leaves the station within an average of five minutes of the time the call is received.

(d) Each type V service shall:

(1) Provide advanced life support capability to critically ill or injured patients while under the care of a physician. Each type V service shall not be subject to public call as defined in K.A.R. 109-1-1(b);

(2) Have at least one vehicle licensed which meets

all requirements of K.A.R. 109-2-7(f). Each type V service shall license only type V vehicles;

(3) Have a staff which is adequate to provide the level of care described in paragraph (1) of this subsection;

(4) Have a method of receiving and transferring calls that ensures that any emergency calls are immediately and properly relayed to the nearest emergency service and that the person making the call is informed; and

(5) Be operated only by a licensed hospital. (Authorized by and implementing K.S.A. 65-4320; effective May 1, 1985; amended May 1, 1987; amended, T-88-24, July 15, 1987; effective May 1, 1988.)

**109-2-7. Classes of ambulance vehicles.** Licenses shall be issued for six classes of ambulance vehicles in the state. These classes shall be known as type I, type II-D, type II, type III, type IV and type V. Each ambulance vehicle operated by a service that has been issued a permit shall be licensed in accordance with the provisions set forth in these regulations. (a) Each type I vehicle shall be:

(1) Equipped to provide emergency care as described in K.S.A. 65-4306;

(2) in compliance with all vehicle specifications and equipment requirements set forth in K.A.R. 109-2-8(a), (b), (c), (d), and (f); and

(3) staffed with at least two attendants during patient transport, including at least one currently certified mobile intensive care technician. The second attendant may be either a currently certified emergency medical technician or currently certified mobile intensive care technician.

(b) Each type II-D vehicle shall be:

(1) In compliance with the vehicle specifications and equipment requirements set forth in K.A.R. 109-2-8(a), (b), (c), (d), and (e); and

(2) staffed with at least one currently certified emergency medical technician-defibrillator and one other person trained in cardiopulmonary resuscitation and first aid course approved by the director. An emergency medical technician-defibrillator shall be in the patient compartment during patient transport.

(c) Each type II vehicle shall be:

(1) In compliance with the vehicle specifications and equipment requirements set forth in K.A.R. 109-2-8(a), (b), (c), and (d); and

(2) staffed with at least one currently certified emergency medical technician and one other person trained in cardiopulmonary resuscitation and first aid care approved by the director. An emergency medical technician shall be in the patient compartment during patient transport.

(d) Each type III vehicle shall be:

(1) In compliance with specifications and equipment requirements set forth in K.A.R. 109-2-8(c);

(2) staffed at all times with at least two persons. A person trained in cardiopulmonary resuscitation and first aid care approved by the director shall be in the patient compartment during patient transport; and

(3) restricted to the level of use described in K.A.R.

(continued)

109-2-6(c) of these regulations unless the emergency medical services council grants a waiver to an operator of a type I or type II service to use a type III vehicle to provide type II level of service if:

(A) The type III vehicle complies with all type II equipment requirements during the period the waiver is in effect;

(B) the type III vehicle is staffed in accordance with K.A.R. 109-2-7(c) during the period the waiver is in effect; and

(C) the type III vehicle is not used as an emergency vehicle for more than 25 percent of the service's emergency runs.

(e) Each type IV vehicle shall be:

(1) In compliance with the provisions of K.A.R. 109-2-10; and

(2) Staffed with at least one currently certified emergency medical technician and one other person trained in cardiopulmonary resuscitation and first aid care approved by the director. The emergency medical technician shall be in the patient compartment during patient transport.

(f) Each type V vehicle shall be:

(1) Dedicated for ambulance use and in compliance with the provisions of K.A.R. 109-2-11 or 109-2-12; and

(2) staffed with a driver or pilot and at least two attendants, one of whom shall be a licensed physician, a registered nurse or a certified mobile intensive care technician. The second attendant shall be a licensed physician, a registered nurse, a certified mobile intensive care technician or a registered respiratory therapist. All attendants shall be certified in advanced cardiac life support, or shall be eligible for board certification in their specialty. (Authorized by K.S.A. 65-4320, implementing K.S.A. 65-4326; effective May 1, 1985; amended May 1, 1987; amended, T-88-24, July 15, 1987; effective May 1, 1988.)

**109-2-8. Standards for ambulance vehicles and equipment.** Each licensed vehicle shall meet the vehicle and equipment standards that are applicable to that class of vehicle. (a) Vehicle specifications for type I, type II-D and type II vehicles.

(1) The overall size of the vehicle shall not exceed the following specifications:

- (A) Height: 110 inches;
- (B) width: 96 inches; and
- (C) length: 22 feet.

(2) The patient compartment size shall meet the following specifications:

- (A) Headroom: 60 inches; and
- (B) length: 116 inches.

(3) The heating and cooling systems for the patient and the driver compartments shall be separate. The air conditioners for each compartment shall have separate evaporators.

(4) The ventilation systems of the driver and patient compartments shall provide a complete change of ambient air within each compartment every two minutes. Ventilation shall be separately controlled within each compartment. Fresh air intakes shall be located in the most practical, contaminant-free air space on the ve-

hicle. The patient compartment shall be ventilated through the heating and cooling systems.

(5) The normal white illumination in all patient areas shall be at least 15-foot candle intensity as measured all along the center line of the clear floor with the doors open and all ambient light obliterated. The patient compartment lighting system shall also be capable of providing at least 40-foot candle intensity when measured at any point on top of the cots. A reduced lighting level shall also be provided. Blue lights or lenses shall not be used in the patient compartment. A patient compartment light and step-well light shall be automatically activated by opening the entrance doors. Interior light fixtures shall be recessed and shall protrude not more than 1½ inches.

(6) Each vehicle shall have dual 80 amp/hr batteries and a 105 amp alternator. All conversion equipment shall have individual fusing which is separate from the chassis fuse system.

(7) Each vehicle shall have lights and sirens as required by the Kansas department of transportation for authorized emergency vehicles.

(8) Each vehicle shall have an exterior patient loading light over the door which shall be activated both by an inside manual switch and automatically when the door is opened.

(9) Each vehicle shall have two pillar mounted spotlights with 75,000 candle power each or one hand held spotlight of 75,000 candle power.

(b) Each type I, type II-D, type II, type IV and type V vehicle shall be equipped with direct, two-way radio communications capability for dispatch and for patient condition reports to a hospital. This radio system shall conform to 47 CFR part 90, in effect as of October 3, 1980, and K.A.R. 109-2-5(a).

(c) Each licensed vehicle shall be equipped with the following:

(1) An ABC fire extinguisher with a minimum of five pounds of dry chemical. The extinguisher shall be in the driver compartment, and shall be easily accessible from an outside door;

(2) a CO<sub>2</sub> (minimum of five pounds) or ABC fire extinguisher (minimum of five pounds dry chemical) in the patient compartment, or an ABC fire extinguisher (minimum of five pounds dry chemical) in an outside compartment. The fire extinguisher shall be easily accessible to an attendant;

(3) three self-standing triangular reflectors;

(4) one battery-operated hand lantern with a power source of at least six volts;

(5) one four-wheeled elevating head cot with two or more levels;

(6) one urinal;

(7) one bedpan;

(8) one emesis basin;

(9) one complete change of linen;

(10) two blankets;

(11) one waterproof cot cover; and

(12) two plastic bags.

(d) Each licensed type I, type II-D and type II vehicle shall be equipped with the following:

(1) Internal medical systems which include:

(A) An internal oxygen system with at least one

duplex outlet at the head of the patient litter, with a humidifier, and with a minimum of 3,000 liters of storage capacity. The cylinder shall be in a compartment which is vented to the outside. The pressure gauge and regulator shall be visible when sitting in the attendant's seat. The control valve shall be readily accessible to the attendant; and

(B) an electrically-powered suction aspirator system with an airflow of at least 30 liters per minute and a vacuum of at least 300 millimeters of mercury. The unit shall be equipped with large bore, non-kinking suction tubing and semi-rigid, non-metallic, oropharyngeal suction tip. Any vehicle licensed prior to January 1, 1980 may use engine vacuum suction if the vehicle has been continuously licensed by the same operator.

(2) Medical equipment which includes:

(A) A portable oxygen unit of at least 300 liter storage capacity complete with yoke, pressure gauge, flowmeter, delivery tube and adult oxygen mask. The unit shall be readily accessible from an outside door;

(B) a portable, self-contained battery or manual suction aspirator with an airflow of at least 30 liters per minute and a vacuum of at least 300 millimeters of mercury. The unit shall be fitted with large bore, non-kinking suction tubing and semi-rigid, non-metallic, oropharyngeal suction tip;

(C) a hand-operated, adult bag-mask ventilation unit. The unit shall be capable of use with the oxygen supply;

(D) a hand-operated, pediatric bag-mask ventilation unit. The unit shall be capable of use with the oxygen supply;

(E) oxygen masks in adult, pediatric and infant sizes;

(F) nasal cannulas;

(G) oropharyngeal airways in adult, pediatric and infant sizes;

(H) a poison antidote kit;

(I) a blood pressure manometer, cuff and stethoscope;

(J) an obstetric kit;

(K) two burn sheets;

(L) two large trauma dressings;

(M) ten gauze pads four inches by four inches;

(N) two vaseline gauze pads;

(O) four soft roller self-adhering type bandages;

(P) two rolls of adhesive tape with a minimum width of 1½ inches;

(Q) bandage shears;

(R) one roll aluminum foil;

(S) sterile water;

(T) sterile saline;

(U) thermometer; and

(V) adult medical anti-shock trousers.

(3) Patient handling equipment and splinting equipment which includes:

(A) a long spine board (complete with accessories);

(B) a short spine board (complete with accessories);

(C) a set of extremity splints (one arm, one leg);

(D) a lower extremity traction splint (with accessories);

(E) a bite stick (padded tongue blade);

(F) three cervical collars (range of sizes); and  
(G) two sand bags (approximately four inches by twelve inches)

(4) extrication equipment, which includes:

(A) one 10-inch adjustable open end wrench;

(B) one 12-inch screwdriver with a flat blade;

(C) one 12-inch screwdriver with a phillips blade;

(D) one hacksaw with six blades;

(E) one hammer (minimum of four pound head);

(F) one pair of 10-inch, vise-grip pliers;

(G) one wrecking bar (minimum 24 inches); and

(H) one pry bar (minimum 48 inches) or a K-bar-tool or equivalent.

If the service operator can demonstrate to the satisfaction of the director that a fully equipped rescue vehicle is immediately available to the service, the listed extrication equipment need not be carried.

(4) Twenty consecutively numbered patient identification tags as prescribed by the director.

(e) All licensed type II-D vehicles shall be equipped with a monitor/defibrillator with two-channel cassette recording capability. The monitor/defibrillator may be moved to a type II vehicle operated by the service as long as that vehicle is staffed to type II-D requirements when so equipped.

(f) All licensed type I vehicles shall be equipped with the equipment necessary to provide the level of care described in K.S.A. 1986 Supp. 65-4306, including:

(1) Adult medical anti-shock trousers;

(2) pediatric medical anti-shock trousers;

(3) a monitor/defibrillator;

(4) a drug supply as listed in service protocols;

(5) macro-drip and micro-drip administration sets;

(6) D5W, normal saline, and lactated ringers IV solutions in plastic bags or plastic bottles;

(7) assorted syringes and 14-22 gauge needles;

(8) endotracheal tubes;

(9) laryngoscope with adult and pediatric blades; and

(10) pediatric lower extremity traction splint. (Authorized by and implementing K.S.A. 65-4320; effective May 1, 1985; amended, T-88-24, July 15, 1987; effective May 1, 1988.)

#### Article 5.—SUPPLEMENTAL INSTRUCTION

##### 109-5-1. Supplemental instruction for attendants.

(a) Each applicant for certification renewal as a first responder shall have earned at least eight clock hours of documented and approved supplemental instruction as established annually by the council.

(b) Each applicant for certification renewal as a crash injury management technician shall have earned at least ten clock hours of documented and approved supplemental instruction as established annually by the council.

(c) Each applicant for certification renewal as an emergency medical technician shall have earned at least 14 clock hours of documented and approved supplemental instruction as established annually by the council.

(d) Each applicant for certification renewal as an

(continued)

emergency medical technician-intermediate shall have earned at least 18 clock hours of documented and approved supplemental instruction as established annually by the council.

(e) Each applicant for certification renewal as an emergency medical technician-defibrillator shall have earned at least 22 clock hours of documented and approved supplemental instruction as established annually by the council.

(f) Each applicant for certification renewal as a mobile intensive care technician shall have earned at least 30 clock hours of documented and approved supplemental instruction as established annually by the council.

(g) One clock hour shall be a minimum of 50 minutes of classroom instruction between instructor and participant.

(h) One academic credit hour shall be equivalent to 15 clock hours for the purpose of supplemental instruction. Credit for auditing an academic course shall be for actual clock hours attended during which instruction was given and shall not exceed the academic credit allowed.

(i) Acceptable supplemental instruction shall include:

(1) Academic medical courses related to the level of certification taken for credit or audited;

(2) seminars, institutes, workshops, or mini-courses oriented to enhancement of emergency medical services practice, values, skills, and knowledge;

(3) approved-provider programs;

(4) programs presented by approved single program-providers; or

(5) clinical experience which meets criteria established by the council.

(j) Each attendant shall be responsible for maintaining supplemental instruction records. These records shall be submitted to the director by the attendant as part of the application for certification renewal. (Authorized by K.S.A. 65-4320; implementing K.S.A. 65-4321, as amended by L. 1987, Ch. 248, Sec. 7 and L. 1987, Ch. 230, Sec. 3; effective, T-88-12, May 18, 1987; amended, T-88-24, July 15, 1987; effective May 1, 1988.)

**109-5-3. Supplemental instruction approval for providers.** (a) An application may be made to the director to become an approved provider or a single program-provider as defined in K.A.R. 109-1-1(h). Applications shall be on forms provided by the director.

(b) Approved providers.

(1) Each application for approved-provider status shall be submitted at least three months prior to the first scheduled program and shall require council approval.

(2) Each applicant for approved-provider status shall submit an organizational plan which includes a written statement of purpose documenting that emergency medical services practice, values, skills, and knowledge are the basis for the provider's educational goals and objectives and administrative procedures.

(3) Each approved-provider shall develop:

(A) A system for maintaining records for a period of at least two years; and

(B) a system for selection and evaluation of instructors, participant performance requirements, and provisions for accessible and adequate space for instruction.

(4) Each approved-provider shall maintain a summary of each individual program offered for a period of at least two years which documents:

(A) The learning objectives for the program objectives;

(B) the certification levels for which the program is designed and any program pre-requisites;

(C) the name and qualifications of the instructor in the subject matter;

(D) the program evaluation;

(E) the program agenda. The agenda shall clearly indicate all coffee and lunch breaks;

(F) the dates the program was given; and

(G) the attendance at that program.

(5) Any approved provider may be evaluated and monitored by the director by attendance at programs or by random contact of participants attending programs sponsored by the approved provider.

(6) Each approved provider shall provide any program documentation requested by the director.

(7) Provider approval may be withdrawn by the council if the provider violates this regulation, or if quality programs are not maintained to the council's satisfaction.

(c) Single program providers.

(1) Each application for single program-provider status shall be submitted at least 30 days prior to the scheduled program.

(2) Each application for single program-provider status shall include the following:

(A) The learning objectives for the program;

(B) the certification levels for which the program is designed and any program pre-requisites;

(C) the name and qualifications of the instructor in the subject matter;

(D) the evaluation;

(E) the program agenda. The agenda shall clearly indicate all coffee and lunch breaks; and

(F) the date or dates the program is to be given.

(3) Any material not submitted in this format 30 days before the scheduled date of presentation may not be processed or approved by the director prior to the date of the presentation.

(4) Single program-provider status may be withdrawn by the director if the provider violates this regulation, or if a quality program is not maintained to the director's satisfaction.

(d) Each single program provider and approved provider shall maintain a record of a participant's attendance for a period of at least two years.

(e) Each single program provider and approved provider shall provide participants with verification of the participant's attendance. The verification shall be on forms approved by the director. (Authorized by K.S.A. 65-4320; and implementing K.S.A. 65-4321; as amended by L. 1987, Ch. 248, Sec. 7 and L. 1987, Ch.

230, Sec. 3; effective, T-88-12, May 18, 1987; amended, T-88-24, July 15, 1987; effective May 1, 1988.)

#### Article 6.—TEMPORARY CERTIFICATION

**109-6-1. Temporary certification.** (a) Each applicant for temporary certification as an emergency medical technician shall provide the director with proof of current certification in cardio-pulmonary resuscitation and basic first aid or the equivalent as approved by the director.

(b) Each applicant for temporary certification as a mobile intensive care technician shall provide the director with proof of current certification by another state at a comparable level, successful completion of a course which meets or exceeds the federal DOT emergency medical technician-paramedic curriculum as existed on October 1, 1987 and successful completion of the written examination for mobile intensive care technician offered by the director.

(c) Each applicant who meets either of the above requirements may be granted temporary certification by the director.

(d) Upon certification a temporary attendant is authorized to perform those activities for which the attendant has been trained and for which there is statutory authority in K.S.A. 65-4321 or K.S.A. 65-4306. (Authorized by and implementing K.S.A. 65-4321, as amended by L. 1987, Ch. 248, Sec. 7; effective, T-88-24, July 15, 1987; effective May 1, 1988.)

LYLE E. ECKHART  
Director

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