# KANSAS IDENTIFICATION

**State of Kansas** 

**BILL GRAVES**Secretary of State

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# KANSAS ADVOCACY AND PROTECTIVE SERVICES, INC.

#### NOTICE OF MEETING

The Kansas Advocacy and Protective Services will conduct its governing board meeting at 7 p.m. Monday, October 17, at the Jayhawk Tower, 700 Jackson, Topeka. Opportunity is provided for oral or written public comment. For further information, call (KANS-A-N) 567-8670 or (913) 776-1541.

JOAN STRICKLER Executive Director

Doc. No. 007075

### State of Kansas

# STATE HISTORICAL SOCIETY STATE RECORDS BOARD

#### NOTICE OF MEETING

The Kansas State Records Board will meet at 10 a.m. Thursday, October 13, in the conference room on the fourth floor of the Memorial Building, 120 W. 10th, Topeka. The board will consider requests from state agencies submitting proposals for disposition of noncurrent government records.

In addition, general administrative matters and other business will be discussed.

EUGENE D. DECKER State Archivist and Secretary, State Records Board

Doc. No. 007070

#### State of Kansas

#### **BOARD OF ACCOUNTANCY**

#### NOTICE OF MEETING

The Board of Accountancy will conduct a regularly scheduled meeting at 10:30 a.m. Wednesday, October 19, at the Marriott Hotel, 9100 Corporate Hills Drive, Wichita. Persons interested in agenda items or in attending should contact the board office in Suite 907 of the Landon State Office Building, 900 S.W. Jackson, Topeka.

GLENDA SHERMAN Board Secretary

**MEETINGS** 

Doc. No. 007083

#### State of Kansas

# SOCIAL AND REHABILITATION SERVICES KANSAS CITIZENS' COMMITTEE ON ALCOHOL AND OTHER DRUG ABUSE

#### NOTICE OF MEETING

The quarterly meeting of the Kansas Citizens' Committee on Alcohol and Other Drug Abuse will be held from 8:30 a.m. to 3:30 p.m. Friday, October 14, at the Hospitality House Motel, West Highway 50 and Interstate 35, Emporia.

Issues for consideration will include development of a Legislative Coordinating Committee, the 1989 legislative session and local programming needs. Other agenda items concerning the alcohol and drug abuse field will be covered.

WINSTON BARTON Secretary of Social and Rehabilitation Services

Doc. No. 007064

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PUBLISHED BY Bill Graves Secretary of State 2nd Floor, State Capitol Topeka, KS 66612-1594



Phone: (913) 296-3489

# STATE HISTORICAL SOCIETY HISTORIC SITES BOARD OF REVIEW

#### NOTICE OF HEARING AND MEETING

The Kansas Historic Sites Board of Review will conduct a public hearing at 10 a.m. Friday, October 28, in Wyandotte Room 2 at the Constitution Convention Center, 5th and Minnesota, Kansas City, Kansas. The purpose of the hearing is to receive public comments concerning the historical significance of the Quindaro townsite which has been proposed by petition for state acquisition. The board will hear comments for a period of time not to exceed three hours.

Following the hearing, the board will discuss and evaluate the site and will prepare a recommendation to the governor and the legislature concerning state acquisition as provided by K.S.A. 75-2726.

RAMON POWERS Executive Director

Doc. No. 007068

#### State of Kansas

### STATE HISTORICAL SOCIETY HISTORIC SITES BOARD OF REVIEW

#### NOTICE OF HEARING

The grants review committee of the Kansas Historic Sites Board of Review will conduct a hearing at 10 a.m. Wednesday, October 26, in the second floor auditorium of the Memorial Building (Center for Historical Research), 120 W. 10th, Topeka, to receive public comments on the applications filed with the Historic Preservation Department for federal fiscal year 1989 survey and planning grants. Comments may be made to the committee orally or in writing.

The following organizations, entities, institutions, etc., submitted pre-applications to the Historic Preservation Department and were eligible to submit applications:

- City of Dodge City
- City of Fort Scott
- City of Hutchinson
- City of Oswego
- City of Wichita
- Historic Topeka, Inc., Topeka
- Lawrence Preservation Alliance, Lawrence
- Mo-Kan Regional Council, St. Joseph, Mo.
- Museum of Anthropology, University of Kansas, Lawrence
- Potwin Place Association, Topeka

The committee will also receive general comments about the types of survey and planning projects that should be funded in Kansas.

RAMON POWERS Executive Director State of Kansas

# DEPARTMENT OF ADMINISTRATION DIVISION OF ARCHITECTURAL SERVICES

#### NOTICE OF COMMENCEMENT OF NEGOTIATIONS FOR TECHNICAL SERVICES

Notice is hereby given of the commencement of negotiations for a contract for engineering services for parking lot improvements at Wichita State University, Wichita.

A new asphalt parking lot for 485 cars is to be constructed on the campus in an area presently containing four small asphalt lots. Existing lots are to be removed, utility lines lowered, and the area regraded. Also, a section of the existing street will be removed and replaced with a landscaped pedestrian walkway.

Any questions or expressions of interest should be directed to Phyllis Fast, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, prior to October 21.

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

Doc. No. 007080

#### State of Kansas

# STATE HISTORICAL SOCIETY HISTORIC SITES BOARD OF REVIEW

#### NOTICE OF MEETING

The Kansas Historic Sites Board of Review will meet at 9 a.m. Saturday, October 29, in classroom B at the Kansas Museum of History, 6425 S.W. 6th, Topeka.

The agenda will include the evaluation of the following properties for nomination to the National Register of Historic Places and/or the Register of Historic Kansas Places:

- Stoebener Barn, Baldwin vicinity, Douglas County
- Immaculate Heart of Mary Catholic Church,
- Windthorst, Ford County
- Buck Creek School, Perry vicinity, Jefferson County
- Dr. E. A. Lyons House, 212 S. Kansas Ave., Norton, Norton County (State Register only)
- (Old) Santa Fe Depot, 508 Market, Osage City, Osage County
- Church of the Transfiguration, 210 Washington, Logan,
   Phillips County (State Register only)
- Women's Civic Center Club, 925 N. Main, Hutchinson, Reno County (State Register only)
- Plevna General Store, 3rd and Main, Plevna, Reno County

RAMON POWERS
Executive Director

Doc. No. 007066

#### SECRETARY OF STATE

#### **EXECUTIVE APPOINTMENTS**

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

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

The following appointments were filed September 15 through September 30:

#### Agriculture Value Added Processing Center Leadership Council (1988 Session Laws, Chapter 1)

Lee Reeve, 620 Magnolia, Garden City 67846. Effective September 8, 1988. Term expires June 30, 1990. New commission.

KanWork Interagency Coordinating Committee (1988 Session Laws, Chapter 141. Terms effective September 12, 1988, and expire August 31, 1990.)

Stuart Berger, 1328 Perth, Wichita 67208.

Kay Billeaux, 2225 S.W. Brandywine Lane, Topeka 66614.

James L. Bolden, 830 S.E. 37th, Topeka 66605. Edward Carter, 4100 Wimbledon Drive, Lawrence 66046.

Richard Dame, 466 W. 7th, Hoisington 67544.

Irene B. French, 10235 W. 70th, Merriam 66203.

Don Laird, 1703 Pinecrest, Garden City 67846.

Gail Lupton, 1408 Roosevelt, Great Bend 67530.

Dee McKee, Route 2, Box 25, Spearville 67801.

Nancy Perry, 3126 S.W. Shadow Lane, Topeka 66604.

#### Kansas, Inc.

Ladd Seaberg, 1300 Main, Atchison 66002. Effective September 8, 1988. Subject to Senate confirmation. Term expires July 31, 1992. Succeeds Walt Woods.

BILL GRAVES Secretary of State

### State of Kansas KANSAS STATE UNIVERSITY

#### NOTICE TO BIDDERS

Sealed bids for items listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 4 p.m. C.D.T. on the date indicated and will then be publicly opened. Interested bidders may call (913) 532-6214 for additional information.

> Monday, October 17, 1988 #90032 Pulsed (Q-Switched) Nd—Yag Laser #90034 Scintillation System

> > WILLIAM H. SESLER Director of Purchasing

Doc. No. 007062

#### State of Kansas

#### **ATTORNEY GENERAL**

Opinion No. 88-139

Accountants, Certified Public—Rules and Regulations; Restraining Exercise of Trade. Representative William R. Brady, 6th District, Parsons, September 27, 1988.

K.A.R. 74-6-2 requires an additional office of a certified public accountant (CPA) have a resident manager who devotes more than half of his working time to the affairs of that office. This regulation is outside the scope of the legislatively delegated powers in that it violates the Fourteenth Amendment of the United States Constitution. Cited herein: K.S.A. 1-202 et seq.; K.S.A. 1987 Supp. 77-425, as amended by L. 1988, ch. 366, sec. 38; K.A.R. 74-6-1; 74-6-2; 74-6-1; U.S. Const., Fourteenth Amend. GE

#### Opinion No. 88-140

Schools—Miscellaneous Provisions—Use of Tobacco Products in Public School Buildings Prohibited. Dr. Lyle E. Boyles, Superintendent of Schools, Board of Education, U.S.D. 402, Augusta, September 27, 1988.

Users of tobacco products and boards of education are both regulated by L. 1988, Ch. 229, § 1. Individuals may not use tobacco products in school buildings, and boards of education may not allow the use of tobacco products in school buildings. School buildings are defined by the act as enclosed structures, and do not include buildings used for residences or buildings leased by boards for non-school sponsored activities. The prohibition does not extend to school grounds which are not school buildings. Cited herein: K.S.A. 1987 Supp. 21-4009; K.S.A. 72-8205, 72-8211, 72-8212, 72-8225; L. 1988, Ch. 229, § 1 (to be codified at K.S.A. 72-53,107). MWS

ROBERT T. STEPHAN Attorney General

Doc. No. 007073

32. July

No Branch

### **LEGISLATURE**

### INTERIM COMMITTEE SCHEDULE

The following	committee meetings ha	ve been scheduled during the pe	eriod of October 10 through October 23:
Date	Room Time	Committee	Agenda in the state of the same interest
October 10	519-S 10:00 a.m. 519-S 9:00 a.m.	Special Committee on Assessment and Taxation	10th: Hearings on Proposal No. 5—Monitor Reappraisal; and Proposal No. 7—Corporation Income Tax.
			11th: Hearings on Proposal No. 5 (continued) and discussion of Proposal No. 8—Appraiser Certification.
October 12 October 13	514-S 10:00 a.m. 514-S 9:00 a.m.	Special Committee on School Finance	Staff presentations; hearings beginning at 3:00 p.m. on the 12th and continued at 9:00 a.m. on the 13th, committee discussion.
October 12 October 13	526-S 10:00 a.m. 526-S 9:00 a.m.	Special Committee on Energy and Natural Resources	Hearings on Proposal No. 14—Managing Solid Wastes; committee discussion and possible recommendations on previously addressed topics.
October 13 October 14	519-S 10:00 a.m. 519-S 9:00 a.m.	Special Committee on Transportation	Agenda unavailable.
October 13 October 14	527-S 10:00 a.m. 527-S 9:00 a.m.		13th: Committee discussion on Proposal No. 12—Abolishing the Health Stabilization Fund.
	en en et tradición de la companya d La companya de la companya del companya de la companya del companya de la companya del companya de la companya de la companya del companya de la companya de la companya de la companya del company		14th: Committee discussion on Proposal No. 9—Trust Departments, and Proposal No. 10—Interstate Banking.
October 17 October 18	514-S 10:00 a.m. 514-S 9:00 a.m.	Special Committee on Ways and Means/ Appropriations	17th: Hearings on Proposal No. 48— Corrections Initiatives, and Proposal No. 46—Presidential Preference Primary; committee action on previously addressed
	en de la companya de La companya de la co		topics. 18th: Hearing on Proposal No. 47—Mental Health Services.
October 18 October 19		Legislative Educational Planning Committee	Agenda unavailable.
October 19	123-S 9:00 a.m.	Legislative Post Audit	Legislative matters.
October 20 October 21	514-S 10:00 a.m. 514-S 9:00 a.m.	Special Committee on Judiciary	20th: Hearings on Proposal No. 20— Durable Power of Attorney, and Proposal No. 22—Professional Negligence.
	Andrew Santa Communication (Communication Communication Co		21st: Hearing on Proposal No. 21—Insanity Defense.
October 20 October 21	527-S 10:00 a.m. 527-S 9:00 a.m.	Special Committee on Public Health and Welfare	Committee discussion on all proposals and limited hearings on two of the proposals.
Docket No. 007076			WILLIAM R. BACHMAN Director of Legislative Administrative Services

#### KANSAS STATE LIBRARY

# NOTICE OF HEARING ON PROPOSED ADMINISTRATIVE REGULATIONS

The Kansas State Library will conduct a public hearing on a proposed amendment to Kansas Administrative Regulation 54-3-3, which defines the formula for use in allocating payments to the contracting local units which provide, on behalf of the State Library, library services to blind and physically handicapped citizens. The hearing will begin at 10 a.m. Wednesday, November 9, in Room 313-South, State Capitol, Topeka.

The proposed regulation will increase the base contract payment to contracting local units and direct use of a three year average of user population for allocation of the per capita category of contract payment. There is no other economic impact.

A complete copy of the proposed regulation and economic impact statement may be obtained from the Kansas State Library, State Capitol, 3rd Floor, Topeka 66612.

The 30 days preceding the public hearing constitute a public comment period. Comments should be mailed to the State Librarian at the address above.

The regulation to be amended is as follows:

K.A.R. 54-3-3. Procedure for determining grants contract payments. (a) Federal funds. Each subregional library shall receive, as a contract payment, that portion of available federal money shall equal the subregionals which equals the subregional's average percentage of the total active readers served during the preceding year (April 1- March 31) and on file (April 1st of each year) with the Kansas State Library. each of the preceding three years, as certified by the state library on October 15 of each year. The first payment of available money shall be distributed in June.

(b) State funds. The state librarian shall include in the Each annual budget request prepared by the state librarian shall include the estimated amount needed to fund this program. Available funds shall be distributed after July 1, to each of the eligible subregional libraries. After a base grant contract payment of \$5,000 \$7,500 for each subregional library, distribution any additional money payment shall equal the subregional's percentage of the total readers served during the preceding year (April 1 March 31) and on file (April 1st of each year) with the Kansas state library be allocated to each subregional using the percentage method identified in subsection (a). State funds shall be used to meet adopted minimum standards of quality service to the handicapped.

(c) Contract payments. State and federal funds shall be paid to each qualifying subregional library in two payments, on or about October 1 and April 1, subject to appropriation of state and federal funds. (Authorized by K.S.A. 75-2542; implementing K.S.A. 75-2547 and 75-2551; modified, L. 1978, ch. 446, May 1, 1978; modified, L. 1982, ch. 470, May 1, 1982; amended P-\_\_\_\_\_\_.)

DUANE F. JOHNSON State Librarian

Doc. No. 007057

#### State of Kansas

### LEGISLATIVE DIVISION OF POST AUDIT

#### INVITATION FOR BIDS

Sealed bid proposals on Legislative Division of Post Audit invitation for bids for financial-compliance audit work will be received until 9 a.m. Friday, November 4. These invitations cover the following audit work:

Department of Social and Rehabilitation Services Board of Regents and its institutions Department of Human Resources Corporation Commission

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

MEREDITH WILLIAMS Legislative Post Auditor

Doc. No. 007077

#### State of Kansas

#### **UNIVERSITY OF KANSAS**

#### NOTICE TO BIDDERS

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

#### Monday, October 17, 1988 RFO #89 0350

Isocratic HPLC System with variable UV Detector, Fluorescence Detector and Controllers.

RFQ # 89 0351

Gradient HPLC System with Variable UV Detector and Diode-Array Detector with Work Station.

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

Doc. No. 007060

#### 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 S.W. Jackson, Room 102, Topeka, until 2 p.m. C.D.T. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

#### Monday, October 17, 1988

#27890

Emporia State University—AIR CONDITIONING SERVICE CONTRACT

#27891

University of Kansas—MAINTENANCE PLUMBING SERVICE, Hutchinson

#76366

Department of Corrections—DOORS, FRAMES, WINDOWS, AND HARDWARE, State Penitentiary, Lansing

#76369

Kansas State Penitentiary—AIR CONDITIONING UNITS

#76388

Department of Wildlife and Parks—LEASE OF AIRCRAFT

#76389

Department of Social and Rehabilitation Services— PLAIN PAPER COPIER, Arkansas City #76390

Department of Administration, Division of Printing—PRINTING DEVICE COMPATIBLE WITH PENTA TYPESETTING SYSTEM

#76392

University of Kansas—PAPER, PRINTING AND BINDING

#76429

Department of Corrections—LAW ENFORCEMENT EQUIPMENT, Norton

Tuesday, October 18, 1988

#27364

Kansas Correctional Industries—UPHOLSTERING MATERIALS AND SUPPLIES #76398

Kansas State University, Department of Corrections, University of Kansas Medical Center and Topeka State Hospital—LAWN EQUIPMENT AND CHAINSAWS, various locations

#76404

Department of Transportation—AGGREGATE, Pottawatomie County

#76405

Reception and Diagnostic Center and Hutchinson Correctional Work Facility—TRACTOR AND MOWER

#76412

Kansas State University—GRAIN

Wednesday, October 19, 1988

#A-4859

University of Kansas Medical Center—WASTE INCINERATOR

#A-6064

Emporia State University—ECONOMIZER PROJECT—POWER PLANT

#76406

Kansas State University and University of Kansas—SEMI-TRUCK TRACTOR

#76407

Kansas Highway Patrol—VEHICLES

#76427

Kansas State University—LAB FREEZER #76428

University of Kansas—PRINTING PRESS #76430

University of Kansas—OFFICE FURNITURE #76431

University of Kansas—METEOROLOGICAL APPARATUS

#76432

Department of Health and Environment—THERMAL DESORBER SYSTEM

Thursday, October 20, 1988

#A-5931

University of Kansas—WAREHOUSE FOR THE UNIVERSITY PRESS OF KANSAS

#27386

University of Kansas Medical Center—THERAPY BED RENTAL

#27892

University of Kansas Medical Center—PULSE OXIMETER RENTAL

#76441

Pittsburg State University—KILNS #76442

Department of Corrections—BUNK BEDS, Norton #76443

Kansas State University—MINI VANS

#76444

Department of Transportation—WOOD SIGN POSTS #76448

Kansas State Penitentiary—LUMBER

Friday, October 21, 1988

#76473

Pittsburg State University—FURNISH ALL LABOR AND MATERIALS FOR NEW ROOFING SYSTEM #76477

Kansas Correctional Industries—SHEETING MACHINE

Tuesday, October 25, 1988

**#76446** 

Department of Administration, Division of Information Systems and Communications—RAPID DESIGN CONSULTING SERVICES

Wednesday, October 26, 1988

#76447

Fort Hays State University—IBM 7171 COMMUNICATIONS CONTROLLER

Thursday, October 27, 1988

#76445

University of Kansas Medical Center—IBM 3174-OIL CONTROLLER OR EQUIVALENT

NICHOLAS B. ROACH Director of Purchases

#### **SECRETARY OF STATE**

#### NOTICE

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bill Graves, Secretary of State of the State of Kansas, do hereby certify that pursuant to the provisions of K.S.A. 1987 Supp. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of October 1, 1988 through October 31, 1988 shall be 11.74 percent.

In testimony whereof: I have hereto set my hand and cause to be affixed my seal. Done at the City of Topeka, this 30th day of September, A.D. 1988.

**BILL GRAVES**Secretary of State

Doc. No. 007072

#### State of Kansas

#### **SECRETARY OF STATE**

#### NOTICE OF FORFEITURE

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

**Domestic Corporations** A & A Construction, Inc., Liberal, KS. Aetna Financial Services, Inc., New York, NY. Alfred W. Mercer, Inc., Lincoln, NE. Allan Engineering, Inc., Great Bend, KS. Alpha Construction Specialists, Inc., Kansas City, KS. Alpine Petroleum, Inc., El Dorado, KS. Arrow-Cold Control Appliance Parts Co., Kansas City, KS. Art's Well Service, Inc., Liberal, KS. Becker Homes, Inc., Great Bend, KS. Big Creek Development, Inc., WaKeeney, KS. Black Gold Drilling Fluid Services, Inc., Pratt, KS. Black Hawk Cycle Club, Inc., Marysville, KS. Brookover Cattle Company, Inc., Scott City, KS. Buy-Sell Incorporated, LaCrosse, KS. Capitol Club, Inc., Topeka, KS. Caregivers, Inc. (A Close Corporation), Wichita, KS. Cathey Trucking, Incorporated, Douglass, KS. Charmark, Inc., Overland Park, KS. The Church of Christ of Kellogg, Bernon Township, Cowley County, Kansas, Kellogg, KS. The Ciceronian Literary Society, Enterprise, KS. Classic Container Corporation, Overland Park, KS. Co-Dion, Inc., Kansas City, KS. Coffey County Saddle Club, Burlington, KS. Collie Enterprises, Inc., Chattanooga, TN. Color by Char, Ltd., Baldwin City, KS. The Dispatch Publishing Company, Inc., Russell, KS.

Ditmars Construction, Incorporated, Washington, KS. Doubleday Carpet Mills, Inc., Girard, KS. Edelmans, Inc., Sabetha, KS. El Dorado Jaycees, Inc., El Dorado, KS. Environmental International Electrical Services Inc., Wichita, KS. Equity Investments Corporation, Liberal, KS. Fabtec, Inc., Wichita, KS. Flo-Matic Irrigation Systems, Inc., Garfield, KS. Foreign Car Recyclers, Inc., Kansas City, KS. Four Way Cattle Co., Inc., Logan, NM. H & R Sales Company, Council Grove, KS. Hawthorne Apartments, L.P., Leawood, KS. Health Care Plus Individual Practice Association, Wichita, KS. Hi Fashion, Inc., Mission Hills, KS. Holy Cross Evangelical Lutheran Church, U.A.C., Dodge City, KS. Homeland Carpets, Inc., Topeka, KS. Hospital Surgical Equipment of Topeka, L.P., Topeka, KS. Hutchinson Government Employees Credit Union, Hutchinson, KS. Industrial Lane Investors Limited Partnership, Lawrence, KS. James W. Wilson, Chartered, Wichita, KS. Jeffrey C. Reynolds, M.D., P.A., Hays, KS. Jerry Nasters Main Course Meat Market & Deli, Inc., Overland Park, KS. Jim Heitman Farms, Inc., Peck, KS. Joseph P. Martin, M.D., P.A., Kansas City, KS. JR-Babb, Inc., Kansas City, KS. K&S Services, Inc., Hillsboro, KS. Kansas Association of Professional Investigators. Wichita, KS. The Kansas Carriage & Driving Society, Inc., Udall, Kansas City Kansas Opportunities Industrialization, Kansas City, KS. Kansas City Metropolitan Hockey Association, Overland Park, KS. The Kansas Regional Chapter of the Nation Caucus on the Black Aged, Lawrence, KS. Kaw Valley Landscaping Materials, Inc., Kansas City, KS. Kennedy Asphalt Association, Inc., Lawrence, KS. KGRA, Inc., Wichita, KS. King's Aero Electronics, Inc., Olathe, KS. Kiowa Cattle Feeders, Inc., Logan, NM. Knoepfler Properties, Inc., Wichita, KS. Kustom Kemps of America, Inc., Wichita, KS. L.C. Furniture Corporation, Garden City, KS. LK Industries, Inc., Lawrence, KS. Lyco Acquisition 1983-I Ltd., A Texas Limited Partnership, Topeka, KS. M & R Builders, Inc., Shawnee, KS. Management Consultants-Computer Services, Inc., Lawrence, KS. Manhattan Fiji Chapter House Assn., Overland Park, KS. Mar-Scott Industries, Inc., Mission, KS. Marvene's, Inc., Topeka, KS. Metropolitan Transportation Inc., Wichita, KS.

Micro-Brush of Oklahoma City, Inc., Wichita, KS. Mid-Way KWAL Paints, Inc., (A Close Corporation), Smolan, KS.

Midwest Insurance and Real Estate Corporation, Overland Park, KS.

Mt. Pleasant Methodist Episcopal Church of Kansas City, Wyandotte County, Kansas City, KS. Naco Industries, Inc., Garden City, KS. Nexus, Inc., Overland Park. KS. Nichols Publications, Inc., Wichita, KS. Oak Park Development Company, Inc., Topeka, KS. Olathe Fellowship, Inc., Olathe, KS. Padilla Electric, Inc., Topeka, KS. Park Square, Ltd., Olathe, KS.

Phos-Fume Chemical Company, Inc., Leavenworth, KS.

Pittsburg, Kansas Lodge No. 412 of the Benevolent and Protective Order of Elks, Pittsburg, KS. Pittsburg State University Alumni Association, Inc.,

Pittsburg, KS. Probst Equipment Co., Inc., Protection, KS.

Professional Health Insurers, Inc., Leawood, KS. Quality Discount Auto Parts, Inc., Dodge City, KS. Rainbow Boosters, Inc., Hutchinson, KS. RAN Enterprises, Inc., Salina, KS. Rapid Robot Car Wash, Inc., Wichita, KS. Remcor, Inc., Overland Park, KS.

Rogers, Inc., Topeka, KS. Sacramento Residence Associates, L.P., Wichita, KS. Saleeta Oswalt & Associates, Inc., Shawnee, KS.

Schmidt Construction, Inc., Hays, KS. Shawnee County Allied Tribes, Inc., Topeka, KS.

SKS Distributors, Inc., Hays, KS. Southwestern Insurance Associates, Inc.,

Overland Park, KS.

Specialized Directory Publications, Inc., Olathe, KS. Sweet & Sour Within the Hour, Ltd., Olathe, KS. Strangers Rest Baptist Church, Wichita, KS. Tunks, Inc., Wichita, KS. Ulysses Irrigation Pipe Co., Inc., Denver, CO. Unicon Incorporated, Stuart, FL.

Vanparrision Corporation, Overland Park, KS. Van's Electric, Inc. of Kansas, El Dorado, KS. Verdigris Church of the Brethren, Madison, KS. The Video Shop, Inc., Overland Park, KS.

Vulcan Employees' Association, Inc., Wichita, KS. The Wichita Episcopal Cursillo Community, Inc., Wichita, KS.

XLR8 Co., Inc., Lyons, KS. Zion Church of the Evangelical Association of North America, Leonardville, KS.

#### Foreign Corporations

Air Sprayers, Inc., Two Buttes, CO. Americana Services, Inc., Mission, KS. Care Centres Management, Inc., Sioux City, IA. Casa Lupita Restaurants, Inc., Dayton, OH. Celeron Oil and Gas Company, LaFayette, LA. Champion Home Builders Co., Dryden, MI. Cleaver Construction Company, Omaha, NE. Color Craft Photo, Inc., Atlanta, GA. Conserveo, Inc., Hartford, CT. Culbro Snack Foods, Inc., New York, NY.

Echelon Land & Exploration Company, Aurora, CO. Edecon, Inc., Wilmington, DE. Energy Construction & Maintenance Services. Inc.. Sand Springs, OK. Estech, Inc., Chicago, IL. Fig Leasing Co., Inc., Los Angeles, CA. First Delta of Oklahoma, Inc., La Jolla, CA. Flegler Investment Co., Ponca City, OK. Food Enterprises, Inc., Minneapolis, MN. G & H Finance Company, Memphis, TN. Gunite Grout, Inc., Florence, AL. Hamall Food Services, Inc., Santa Ana, CA. Hansen Building Specialities, Inc., Hastings, NE. Heartland Care Centers, Inc., Chanute, KS. HL Retirement Plan Services, Inc., New York, NY. HVAC Contractors Inc., Kansas City, KS. Jackson Ventures, Inc., Overland Park, KS. Jeneva Corporation, Omaha, NE. Jones Brothers Construction Company, Joplin, MO. Joy Technologies Inc., Pittsburgh, PA. Leo's Enterprises, Inc., Blue Springs, MO Livestock Management, Inc., Dodge City, KS. Marketsearch, Incorporated, Fairway, KS. Midwest Sikh Association, Inc., Raytown, MO. Mini-Dredge, Inc., E. Grand Fork, MN. Nomannic Enterprises, Inc., Leawood, KS. Prospect Management Services Co. (Del.), Hartford, CT. Oualitech Computer Centers, Inc., Overland Park, KS. Response Technologies Incorporated, Gibsonia, PA. Richardson Foods Corporation, Rochester, NY. Sage Securities, Inc., New York, NY. Silver Hill Mines, Inc., Spokane, WA. Southlake Hypnosis, Incorporated, Merrillville, IN. Thrift Wholesale Company, Fort Worth, TX. Two Brothers Construction & Remodeling, Inc.,

Independence, MO. Wall Street of America, Inc., Norfolk, NE. Waterfield Mortgage Company, Incorporated, Fort Wayne, IN. Waters Transport, Inc., Wichita, KS.

> BILL GRAVES Secretary of State

Doc. No. 007061

Weskem, Inc., Chicago, IL.

#### **DEPARTMENT OF HEALTH** AND ENVIRONMENT

#### NOTICE CONCERNING KANSAS WATER POLLUTION CONTROL PERMIT

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

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

Waterway

Wolf Creek

Type of

Type of

Type of

Discharge

Secondary Wastewater

Treatment Facility

Discharge

Secondary Wastewater

Treatment Facility

Discharge

Secondary Wastewater

Treatment Facility

Name and Address of Applicant

Timber Wolf Estates Wastewater Treatment Facility % Iohnson County Unified

Wastewater Districts 6000 Lamar, P.O. Box 39 Shawnee Mission, KS 66201 Johnson County, Kansas

Kansas Permit No. M-MO14-0003 Federal Permit No. KS-0082970 Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28b-f, and are water quality limited.

Waterway

via Mill

Creek

Creek via

Little Mill

Waterway

via Mill

Creek

Kansas River

Name and Address

of Applicant Little Mill Creek S.S.D. No. 2 Kansas River % Johnson County Unified

Wastewater Districts 6000 Lamar, P.O. Box 39 Shawnee Mission, KS 66201

Johnson County, Kansas

Kansas Permit No. M-KS68-0002 Federal Permit No. KS-0079561 Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28b-f, and are water quality limited.

Name and Address of Applicant

Mill Creek M.S.D. No. 1 % Johnson County Unified Wastewater Districts

6000 Lamar, P.O. Box 39 Shawnee Mission, KS 66201 Johnson County, Kansas

Kansas Permit No. M-KS34-0004 Federal Permit No. KS-0079065 Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28b-f, and are water quality limited.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, KDHE, Division of Environment, Bureau of Water Protection, Forbes Field, Topeka 66620. All comments received prior to November 4 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-88-60/62) and name of applicant as listed when preparing comments.

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

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information, are on file and may be inspected at the Division of Environment offices from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assesed by KDHE. 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. 007074

#### State of Kansas DEPARTMENT OF TRANSPORTATION

#### LEGAL NOTICE

Notice is hereby given of the opportunity for a public hearing for the purpose of considering a project for which financial assistance is being sought from the Urban Mass Transportation Administration, pursuant to the Urban Mass Transportation Act of 1964, as amended, generally described as follows:

- (1) A demonstration program for intercity bus service is being proposed which would provide capital and marketing assistance to providers to improve intercity bus service in Kansas. The Kansas Department of Transportation is applying for funds from the U.S. Department of Transportation Urban Mass Transportation Administration Section 3 and Section 6 to support development of a three-year project.
- (2) The location of the project would include routes from Syracuse to Wichita, Kansas; and Wichita to Salina, Kansas.
- (3) Estimated cost of the project is \$495,000, with \$438,399 provided by federal funding and approximately \$56,000 provided by participating carriers.

Individuals desiring a public hearing in Topeka, Kansas, must do so by writing the Kansas Department of Transportation, Office of Public Transportation, Docking State Office Building, Topeka 66612. All requests must arrive no later than 5 p.m. Tuesday, October 18.

Individuals desiring more information about the proposed project may call James Van Sickel, K.D.O.T. Office. of Public Transportation, (913) 296-7416.

This announcement constitutes final notice.

2:462

HORACE B. EDWARDS Secretary of Transportation

### State of Kansas SOCIAL AND REHABILITATION SERVICES

#### REQUEST FOR PROPOSALS

The Department of Social and Rehabilitation Services will accept applications for the provision of Community/Family Stability Project Social Services to refugees for the grant period December 1, 1988 to September 29, 1989. The project area is limited to Salina, Kansas. Applications must be received in the Salina SRS area office by November 1. Applications received after that date may not be considered.

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

> WINSTON BARTON Secretary of Social and Rehabilitation Services

Doc. No. 007079

### State of Kansas DEPARTMENT OF TRANSPORTATION

#### NOTICE TO CONTRACTORS

It is the intent that sealed proposals for the construction of road and bridge work in the following Kansas 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. November 17, 1988, and then publicly opened:

#### **DISTRICT ONE—Northeast**

Johnson—35-46 K-1774-01—I-35, from U.S. 69 northeast to the I-35 and I-635 interchange, excluding .8 of a mile at the I-35 and 75th Street interchange, 4.7 miles, pavement reconstruction. (Federal Funds)

Leavenworth—73-52 K-1875-02—U.S. 73, from the northwest edge of Leavenworth northwest to Lowemont, 8.6 miles, grading and bridge. (Federal Funds)

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

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

ure to submit the sworn statement as part of the bidapproval 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. 007081

### State of Kansas DEPARTMENT OF TRANSPORTATION

#### NOTICE TO CONTRACTORS

Sealed proposals for the construction of road and bridge work in the following Kansas county will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.D.T. October 13, 1988, and then publicly opened:

#### **DISTRICT FIVE—Southcentral**

Reno—50-78 M-1534-01—U.S. 50, Arkansas River bridge (017), 1.55 miles east of K-96, bridge repair. (State Funds)

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

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

### State of Kansas SOCIAL AND REHABILITATION SERVICES

#### NOTICE OF MEETING

The Department of Social and Rehabilitation Services will meet at 9 a.m. Tuesday, October 11, in the SRS Staff Development Training Center, 300 S.W. Oakley, Topeka.

The scheduled agenda includes:

-Reports by SRS commissioners.

-Medicaid Reimbursement-Orientation to EDS-Federal.

Other items as necessary.

The public is invited to this meeting. Telephone hookups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hiawatha, Hutchinson, Junction City, Kansas City, Lawrence, Olathe, Osawatomie, Parsons, Pittsburg, Pratt, Salina, Topeka (area office and Docking State Office Building), Wichita and Winfield.

> WINSTON BARTON Secretary of Social and Rehabilitation Services

Doc. No. 007078

### State of Kansas SOCIAL AND REHABILITATION SERVICES

#### NOTICE OF HEARING ON PROPOSED **ADMINISTRATIVE REGULATIONS**

The Department of Social and Rehabilitation Services will meet at 9 a.m. Tuesday, November 8, in the SRS Staff Development Training Center, 300 S.W. Oakley, Topeka.

The scheduled agenda includes:

- Reports by SRS Commissioners.

- Public hearing concerning proposed permanent administrative regulations to become effective January 1. 1989. The summary and economic impact statements are set forth below. The phrase "Federal Mandate" following an item indicates that the change is required by federal policy. Optional changes in regulations related to federal programs are subject to approval by the U.S. Department of Health and Human Services.

Adoption of proposed permanent regulations.

- Other items as necessary.

#### Article 5.— PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REIMBURSEMENTS FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

1. 30-5-58. Definitions. This regulation is being amended to change the name of the Early and Periodic Screening, Diagnosis and Treatment Program to the "Kan Be Healthy Program" in the definitions of "Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program participant," "Early and Periodic Screening, Diagnosis and Treatment (EPSDT) dental only participant,

and "Early and Periodic Diagnosis, Treatment and Screening (EPSDT) vision only participant."

Economic Impact: None.

2. 30-5-81. Scope of hospital services. This regulation is being amended to change the name of the EPSDT Program to the "Kan Be Healthy Program" and to add the requirement of prior authorization to the coverage of liver transplants.

Economic Impact: None.

3. 30-5-82. Scope of rural health clinic services. This regulation is being amended to change the name of the EPSDT Program to the "Kan Be Healthy Program"; to update the name of the Medicaid/MediKan Program; to delete licensed practical nurses as covered home health nursing providers in rural health clinics; and to make technical changes.

Economic Impact: None.

4. 30-5-83. Scope of services for ambulatory surgical centers. This regulation is being amended to change the name of the EPSDT Program to the "Kan Be Healthy Program.

Economic Impact: None.

5. 30-5-86. Scope of services by community mental health centers. This regulation is being amended to change the name of the EPSDT Program to the "Kan Be Healthy Program.'

Economic Impact: None.

6. 30-5-87. Scope of early and periodic screening, diagnosis and treatment (EPSDT). This regulation is being amended to change the name of the EPSDT Program to the "Kan Be Healthy Program."

Economic Impact: None.

7. 30-5-87a. Reimbursement for early and periodic screening, diagnosis and treatment (EPSDT). This regulation is being amended to change the name of the EPSDT Program to the "Kan Be Healthy Program."

Economic Impact: None.

8. 30-5-88. Scope of physician services. This regulation is being amended to change the name of the EPSDT Program to the "Kan Be Healthy Program"; to add the requirement of prior authorization to the coverage of liver transplants; and to allow physician extenders to provide adult care home certifications and recertifications.

Economic Impact: None.

9. 30-5-89. Scope of home health services. This regulation is being amended to:

Delete the requirements that recipients must be homebound or would require institutionalization in a hospital or adult care home in order to receive home health services:

add the requirements that home health services shall be available when a physician has developed a plan of

add the requirements that home health services must be documented as medically necessary;

add that nursing care may be provided by a licensed practical nurse:

change the name of the EPSDT Program to the "Kan Be Healthy Program":

add immunizations as a covered service; and add the coverage and limitations in K.A.R. 30-5-108 and 30-5-166 to the medical supplies provided as part of home health services.

Economic Impact: None.

10. 30-5-92. Scope of pharmacy services. This regulation is being amended to change the name of the EPSDT Program to the "Kan Be Healthy Program."

Economic Impact: None.

11. 30-5-100. Scope of dental services. This regulation is being amended to change the name of the EPSDT Program to the "Kan Be Healthy Program" and to add that emergency dental services for Kan Be Healthy Program participants may be provided without a medical screening and a dental screening.

Economic Impact: None.

12. 30-5-101. Scope of chiropractic services. This regulation is being amended to change the name of the EPSDT Program to the "Kan Be Healthy Program."

Economic Impact: None.

13. 30-5-103. Scope of podiatric services. This regulation is being amended to change the name of the EPSDT Program to the "Kan Be Healthy Program."

Economic Impact: None.

14. 30-5-104. Scope of psychological services. This regulation is being amended to change the name of the EPSDT Program to the "Kan Be Healthy Program."

Economic Impact: None.

15. 30-5-108. Scope of services for durable medical equipment, medical supplies, orthotics, and prosthetics. This regulation is being amended to change the name of the EPSDT Program to the "Kan Be Healthy Program."

Economic Impact: None.

16. 30-5-112. Scope of local health department services. This regulation is being amended to change the name of the EPSDT Program to the "Kan Be Healthy Program" and to add immunizations as a covered service.

Economic Impact: None.

17. 30-5-113. Scope of advanced registered nurse practitioner services. This regulation is being amended to change the name of the EPSDT Program to the "Kan Be Healthy Program.

Economic Impact: None.

18. 30-5-155. Scope of early and periodic screening, diagnosis and treatment services for adult medikan program recipients. This regulation is being amended to change the name of the EPSDT Program to the "Kan Be Healthy Program" and to make technical changes.

Economic Impact: None.

#### Article 6.— MEDICAL ASSISTANCE PROGRAM— CLIENT'S ELIGIBILITY FOR PARTICIPATION

1. 30-6-53. Financial eligibility. This regulation is being amended so that sections (c) and (d) of this regulation are not applicable in determining eligibility for poverty level Medicare beneficiaries. Persons with a spenddown are not eligible for the new program and thus, no medical expenses can be deducted to lower the spenddown. This change is being made to accommodate the new provisions of K.A.R. 30-6-86. (Federal Mandate.)

Economic Impact: See the economic impact for K.A.R.

30-6-86.

2. 30-6-86. Poverty level Medicare beneficiaries; determined eligibles. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-6-86. Poverty level Medicare beneficiaries; determined eligibles. Each applicant or recipient shall meet the general eligibility requirements of K.A.R. 30-6-50 and the specific eligibility requirements set forth below. (a) Age, blindness or disability. Each individual must meet the age, blindness or disability requirements of K.A.R. 30-6-85.

(b) Financial eligibility. Eighty-five percent of the official federal nonfarm poverty level shall be used as the protected income level for the number of persons in the plan and any other persons whose income is considered. Total applicable income to be considered in the eligibility base period shall be compared against the poverty level for the base period. To be eligible under this provision, the total applicable income shall not exceed the poverty level established for the base period. The individual must also not own nonexempt real or personal property with a resource value in excess of two times the allowable amount specified in K.A.R. 30-6-107 for the number of persons whose nonexempt resources are considered available to the individual.

(c) Assistance provided. Assistance under this provision shall be limited to the payment of allowable Medicare premiums, deductibles and coinsurance (Federal Mandate).

Economic Impact: Estimated increased expenditure of

\$1,190,298 (federal funds).

3. 30-6-103. Determined eligibles; protected income levels. This regulation is being amended to increase the protected income level for persons in independent living arrangements from \$354 to \$368 for one person. This increase is being made in anticipation of a projected 4.1% cost-of-living increase in the Supplemental Security Income (SSI) benefits to take effect on January 1, 1989. As such, this regulation may be further amended prior to adoption if the cost-of-living increase differs from the projected amount. (Federal Mandate.)

Economic Impact: Estimated increased expenditures of

\$756,000 (\$340,200 state general funds).

This regulation is being further amended to provide that the protected income level for medicare beneficiaries who qualify under the provisions of K.A.R. 30-6-86 equal 85% of the official federal nonfarm poverty level. This change is being made to accommodate the new provisions of K.A.R. 30-6-86. (Federal Mandate.)

Economic Impact: See the economic impact statement

for K.A.R. 30-6-86.

4. 30-6-107. Property exemption. This regulation is being amended to increase the allowable resource standard from \$1,900 to \$2,000 for one person and from \$2,850 to \$3,000 for two or more persons. (Federal Mandate.)

Economic Impact: Estimated increased expenditures of

\$2,424 (\$1,091 state general funds).

This regulation is being further amended to provide that ownership of property with a resource value in excess of two times the above levels shall render the assistance family group ineligible for medical assistance in SSI for Medicare beneficiaries who meet the provisons of K.A.R. 30-6-86. This change is being made to accommodate the new provisions of K.A.R. 30-6-86. (Federal Mandate.)

Economic Impact: See the economic impact statement for K.A.R. 30-6-86.

### Article 10.—MEDICAID/MEDIKAN PROGRAM—ADULT CARE HOMES

1. 30-10-1a. Adult care home program definitions. This regulation is being amended to:

Change the definition of "Routine services and sup-

plies" to read as follows:

- (k) "Routine services and supplies" mean services and supplies that are commonly stocked for use by or provided to any resident. They are to be included in the provider's cost report.
- (1) The following are some examples of provided services which are considered routine:

(A) All general nursing services:

- (B) items which are furnished routinely to all residents;
- (C) items stocked at nursing stations in large quantities and distributed or utilized individually in small quantities. Routine items covered by the pharmacy program when ordered by a physician for occasional use; and
- (D) items which are used by individual residents but which are reusable and expected to be available in a facility.
- (2) Routine services and supplies are distinguished from non-routine services and supplies which are ordered or prescribed by a physician on an individual or scheduled basis. Medication ordered may be considered non-routine if:

(A) It is not a stock item of the facility; or

- (B) it is a stock item with unusually high usage by the individual for whom prior authorization may or may not be required.
- (3) Routine services and supplies do not include ancillary services and other medically necessary services as defined in subsection (1) and also do not include those services and supplies the resident has to provide. Change the definition of "Heavy care" to read as llows:
- (dd) "Heavy care" means the care required by a resident that takes more time, services and supplies than the care provided an average adult care home or swing-bed hospital resident. Heavy care requires prior authorization before reimbursement.

Change the definition of "General accounting rules" to read as follows:

(11) "General accounting rules" means the generally accepted accounting principles as established by the American institute of certified public accountants except as otherwise specifically indicated by adult care home program policies and regulations. Any adoption of these principles does not supersede any specific regulations and policies of the adult care home program. Make technical changes.

Economic Impact: None

2. 30-10-1b. Adult care home facilities. This regulation is being amended by deleting subsection (c) and by renumbering the remaining subsections:

Economic Impact: None.

3. 30-10-7. Certification and recertification by physicians. This regulation is being amended to add "or physician extender" as being able to certify that services are

required to be given on an inpatient basis and being able to establish a plan before authorization of payment. The physician extender's certification is subject to review by a screening team designated by the secretary. (Federal Mandate.)

Economic Impact: Estimated cost savings of \$10,000.

4. 30-10-11. Personal needs fund. This regulation is being amended to:

Use the term "provider" rather than "facility";

Use the term "per diem" rate rather than "basic" rate; Use the term "personal needs fund" rather than "personal fund";

Indicate that the provider is required to accept a resident's personal needs fund to hold, safeguard and account for, upon the written authorization of the resident or representative, or if the provider is appointed as the resident's representative payee;

Clarify that a resident's funds shall be kept separate from the provider's operating funds, activity funds, resident council funds and from the funds of any person other

than another resident in that facility;

Change the amount of a resident's money that a provider may keep in a non-interest bearing account or petty cash fund from \$500.00 to \$50.00 and delete the provision that if a resident's monthly personal needs allowance increases, the facility may increase the threshold amount by an amount equal to the increase in the personal needs allowance;

Provide that the provider shall, within 15 days of receipt of the money, deposit in an interest-bearing account any funds in excess of \$50.00 from an individual resident;

Provide that for a resident's personal needs fund that the provider has received and that are deposited in an account outside the facility, the provider, upon request or upon the resident's transfer or discharge, must within 15 business days return to the resident, the legal guardian or the representative payee the balance of the funds;

Clarify subsection (f) on the duties on change of provider by stating that upon change of providers, the former provider must furnish the new provider with a written account of all resident personal needs funds being transferred, and obtain a written receipt for those funds from the new provider. Further, in the event of a disagreement with the accounting provided by the previous provider or the new provider, the resident retains all rights and remedies provided under state law;

Provide that the provider shall use generally accepted accounting principles in maintaining a system of accounting for expenditures from the recipient's personal needs fund; and

Make technical changes.

(Federal Mandate.)

Economic Impact: The change making providers place personal needs funds in excess of \$50 into an interest bearing account may cause some impact in certain areas of the state. Some banks in Kansas have charged the recipient or provider for opening up a \$50 savings account. In many cases the requirement for having funds in an interest bearing account was greater than the interest from the account.

5. 30-10-15a. Reimbursement. This regulation is being amended to:

Change subsection (b) to read as follows:

- (b) Payment for routine services and supplies, pursuant to K.A.R. 30-10-1a(k), shall be included in the per diem reimbursement and such services and supplies shall not be otherwise billed or reimbursed.
- (1) The following is a list of some durable medical equipment, medical supplies and other items and services considered routine unless used in excessive quantities:
  - (A) Alternating pressure pads and pumps;

(B) armboards;

(C) bedpans, urinals and basins;

- (D) bed rails, beds and mattresses and mattress covers:
  - (E) canes;
  - (F) commodes;
  - (G) crutches;
  - (H) denture cups;

(I) dialysis, supplies and maintenance;

- (J) dressing items (applicators, tongue blades, tape, gauze, bandages, band-aides, pads and compresses, ace bandages, vaseline gauze, cotton balls, slings, triangle bandages and pressure pads);
  - (K) emesis basins and bath basins;
  - (L) enemas and enema equipment;
  - (M) facial tissues and toilet paper;
  - (N) footboards;
  - (O) footcradles;
  - (P) gel pads or cushions;
  - (Q) geri-chairs;
  - (R) gloves, rubber or plastic;

(S) heating pads;

- (T) heat lamps and examination lights;
- (U) humidifiers;
- (V) ice bags and hot water bottles;
- (W) intermittent positive pressure breathing (IPPB) machines:
  - (X) I.V. stands and clamps;
  - (Y) laundry (including personal laundry);
  - (Z) lifts;
  - (AA) nebulizers;
  - (BB) occupational therapy;
- (CC) oxygen masks, stands, tubing, regulators, hoses, catheters, cannulae and humidifiers;
  - (DD) parenteral and enteral infusion pumps;
  - (EE) patient gowns, pajamas and bed linens;
  - (FF) physical therapy;
  - (GG) restraints;
  - (HH) sheepskins and foam pads;
  - (II) speech therapy;
- (JJ) sphygmomanometers, stethoscopes and other examination equipment;
  - (KK) stretchers;
  - (LL) suction pumps and tubing;
- (MM) syringes and needles (except insulin syringes and needles for diabetics that are covered by the pharmacy program);
  - (NN) thermometers;
  - (OO) traction apparatus and equipment;
- (PP) underpads and adult diapers (disposable and non-disposable);
  - (QQ) walkers;
  - (RR) water pitchers, glasses and straws;

- (SS) weighing scales;
- (TT) wheelchairs;
- (UU) irrigation solution (i.e. H20 and normal saline);
- (VV) lotions, creams and powders (e.g., baby lotion, oil and powders);
  - (WW) first-aid type ointments;
  - (XX) skin antiseptics (e.g., alcohol);
  - (YY) antacids;
  - (ZZ) mouthwash;
  - (AAA) over-the-counter analgesics;
  - (BBB) two types of laxatives;
  - (CCC) two types of stool softeners; and
  - (DDD) nutritional supplements;
- (2) Urinary supplies. Urinary catheters and accessories are covered services in the medicaid/medikan program when billed through the durable medical equipment or medical supply provider.

(3) Nutritional therapy. Total nutritional replacement therapy that is not prior authorized is a routine service.

Provide that payment shall be made for allowable non-routine services and items if prior authorization requirements as defined in K.A.R. 30-5-58 are met; and

Make technical changes. Economic Impact: None.

6. 30-10-15b. Financial data. This regulation is being amended to:

Provide that standardized definitions, accounting, statistics, and reporting practices which are widely accepted in the adult care home and related fields shall be followed, except to the extent that they may conflict with or be superseded by state or federal medicaid requirements;

Provide that the cost data on the cost report shall be in accordance with state and federal medicaid requirements and general accounting principles, shall be based on the accrual basis of accounting, and may include a current use value of the provider's fixed assets used in patient care:

Delete the language that states "Evidence of financial insolvency shall cause any waiting periods under this subsection to be suspended. In such a case, the secretary of the agency may take immediate and appropriate action to protect the care and rights of the residents of any facility involved in this or any other action of non-compliance."; and

Make technical changes.

Economic Impact: None:

7. 30-10-16. Heavy care. This regulation is being amended to provide that the additional reimbursement for heavy care shall be offset to the cost center of benefit on the adult care home financial and statistical report.

Economic Impact: None.

8. 30-10-17. Cost reports. This regulation is being amended to:

Provide that for cost reporting purposes, each provider shall submit the adult care home financial and statistical report (MS-2004) in the form and under the further instructions as attached;

Provide that if a provider has more than one facility, and if one of those facilities is reimbursed on the basis of projected cost data, the provider shall allocate central office costs to each facility being paid rates from projected cost data at the end of the provider's designated fiscal

(continued)

year for all other related facilities. The method used to allocate central office costs to those facilities filing projected cost reports shall be consistent with the method used to allocate such costs to those facilities filing historical cost reports;

Provide that if the cost report has not been received by the agency by the close of business on the due date, all further payments to the provider shall be withheld and suspended until the complete adult care home financial and statistical report has been received;

Delete the language which indicates that the provider's current rate shall be reduced to the lowest rate in the state for the level of care in which the provider participates if the cost report is not received by the agency by the close of business on the due date;

Provide that each provider required to file a projected cost report and who operates more than one facility, either in-state or out-of-state, shall allocate central office costs to each facility being paid rates from the projected cost data at the end of the provider's fiscal year that ends during the projection period;

Provide that an interim settlement, based on a desk review of the historical cost report for the projection period, may generally be determined within 90 days after the provider is notified of the new rate determined from such cost report; and

Make technical changes. Economic Impact: None.

9. 30-10-8. Rates of reimbursement. This regulation is being amended to:

Provide that per diem rates shall be limited by cost centers and percentile maximums, except where there is a special class of facilities approved by the federal department of health and human services. (A) The cost centers and percentile limits are: (i) Administration—75th percentile; (ii) property—85th percentile; (iii) room and board—90th percentile; and (iv) health care—90th percentile. (B) The property cost center maximum consists of the plant operating costs and an adjustment for the real and personal property fees. (C) The percentile maximums are determined from an annual array of the most recent historical costs of each provider in the data base;

Provide that the per diem rate or rates for newly constructed adult care homes shall be based on a projected cost report submitted in accordance with subsection (f) of K.A.R. 30-10-17. No rate shall be paid until an adult care home financial and statistical report is received. The provider may submit a projected MS-2004 if it has a bed addition of 25% or more. Limitations established for existing facilities providing the same level of care shall apply. The effective date of the per diem rate shall be in accordance with subsection (b) of K.A.R. 30-10-19;

Indicate that the new provider may file a projected cost report when the new provider increases the number of beds by 25% or more or when the care of the residents may be at risk because the per diem rate of the previous provider is not sufficient for the new provider to provide care and services in conformity with applicable state and federal laws, regulations, and quality and safety standards;

Delete the language which indicates "(B) the new owner increases the number of beds by more than 10%, but less than 25%. The projected cost report shall be restricted to the construction costs normally included in the prop-

erty cost center; (C) the new owner makes capital improvements to the facility that are in excess of \$100,000.00 and that benefit patient care, are required for recertification of the facility or that will substantially reduce operating costs;"

Provide that if a provider no longer operates a facility with an identified overpayment, the settlement shall be recouped from a facility owned or operated by the same provider or provider corporation unless other arrangements have been made to reimburse the agency. A net settlement may be made when a provider has more than one facility involved in settlements;

Change the language in subsection (i)(1)(B) to read: the last historic cost report filed with the agency if the provider has actively participated in the program during the most recent 24 months, and if the per diem rate to be paid is sufficient reimbursement for providing the economic and efficient care and services required by program laws and regulations; and

Make technical changes. Economic Impact: None.

10. 30-10-19. Rates, effective dates. This regulation is being amended to:

Provide that the effective date of the projected and final rate for a new provider, as set forth in paragraph (e)(2) of K.A.R. 30-10-18, shall be the later of the date of the receipt of the MS-2004 or the date the new construction is certified;

Delete the language which indicates the effective date of the rate for the period prior to the certification of the new beds or construction shall be the date of certification by the department of health and environment; and

Make technical changes. Economic Impact: None.

11. 30-10-20. Payment of claims. This regulation is being amended to provide that the payment of claims may be suspended if there has been an identified overpayment and the provider is financially insolvent.

Economic Impact: None.

12. 30-10-21. Reserve days. This regulation is being amended to:

Provide that the periods of hospitalization for acute conditions shall not exceed 10 days per any single hospital stay and for residents from an intermediate care facility for mental health and 21 days per state mental institution admission or admission to a psychiatric ward in a general hospital or private psychiatric hospital or veterans administration medical center; and

Provide that payment for reserve days shall be approved except where: (1) the provider has more than five vacant beds for each level of care for adult care homes with less than 200 beds or 15 vacant beds for adult care homes having 200 or more beds; (2) the request for reserve days is received by the area/local agency after seven working days after the beginning of the request; or (3) the request for reserve days is greater than 10 hospital days for ICF, SNF, ICF-MR or ICF-MH or 21 hospital days for ICF-MH clients who enter a state mental hospital or psychiatric ward in a general hospital or private psychiatric hospital or veterans administration medical center.

Economic Impact: None.

13. 30-10-24. Compensation of owners, spouses, re-

lated parties and administrators. This regulation is being

Provide that when any owner, spouse, or related party performs a patient-related function on something less than a full-time equivalent work week, the owner, spouse, or related party compensation limit shall be prorated. The time spent for each function performed by the owner, spouse, or related party within a facility or within all facilities in which they have an ownership or management interest, shall be prorated for determining the comparable limit for each function, but shall not exceed 100% of that person's total work time. Time spent on other non-related business interests or work activities in which the owner, spouse, or related party is involved shall not be included in calculations of total work time.

Provide that fees for consulting services provided by the following professionally qualified people shall be considered owner's compensation subject to the owner-administrator compensation limit and shall be reported on the owner compensation line in the administrative cost center if the actual cost of the services is not submitted with adult care home financial and statistical report: (1) Related parties as defined in subsections (p), (q), (r) and (s) of K.A.R. 30-10-1a; (2) current owners of the provider agreement and operators of the facility: (3) current owners of the facility in a lessee-lessor relationship: (4) management consulting firms owned and operated by former business associates of the current owners in this and other states; (5) owners who sell and enter into management contracts with the new owner to operate the facility; and (6) accountants, lawyers and other professional people who have common ownership interests in other facilities, in this or other states, with the owners of the facility from which the consulting fee is received.

Economic Impact: None.

14. 30-10-28. Inpatient days. This regulation is being amended to:

Provide that respite care days shall be counted as inpatient days and reported on the monthly census forms;

Provide that day care and day treatment shall be counted as one inpatient day for 12 hours of service. The total hours of service provided for all clients during the cost reporting year shall be divided by 12 hours to convert to inpatient days.

Economic Impact: None.

#### Article 46.—CHILD ABUSE AND NEGLECT

1. 30-46-1 thru 30-46-6. These regulations are being revoked and are being redrafted as set forth below.

Economic Impact: None.

2. 30-46-10. Definitions. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-46-10. Definitions. (a) "Abuse" means any act or failure to act on the part of a parent, custodian or caretaker, which results in death, physical harm, emotional harm or presents imminent risk of harm to a person under age 18.

(b) "Alleged perpetrator" means the person identified in the initial report or during the investigation as the person suspected of perpetrating a reported act of abuse, neglect or sexual abuse.

- (c) "Caregiver" means a person, other than a parent or custodian, who exercises significant authority over and responsibility for a child. A caregiver includes, but is not limited to, a family member, a relative, a friend, or employees or volunteers in a facility where the child resides or receives care.
- (d) "Child abuse neglect central registry" means an electronic file of name-based information with regard to individuals confirmed as victims or perpetrators of child abuse, neglect or sexual abuse.

(e) "Confirmed abuse, neglect or sexual abuse" means that a report of abuse, neglect or sexual abuse has been validated by a preponderance of the evidence.

- (f) "Confirmed perpetrator" means the person who has been identified by a preponderance of the evidence to have committed a confirmed act of abuse, neglect or sexual abuse.
- (g) "Custodian" means a person who has or shares actual physical custody of a child or one who is legally responsible for the welfare, protection, control or maintenance of a child.
- (h) "Emotional harm" means impairment of the child's social, emotional or intellectual functioning to an observable degree due to pervasive negative behaviors by a parent, custodian or caregiver.

(i) "Family" means any group of persons who act as a family system with or without a legal or biological relationship.

(j) "Investigation" means the gathering and assessing of information sufficient to determine if a child has been abused, neglected or sexually abused.

(k) "Medical neglect of disabled infants with life threatening conditions" has the meaning as set out in K.A.R. 30-45-10.

- (l) "Neglect" means acts or omissions on the part of a parent, custodian or caregiver that result in harm to a child or present an imminent risk of harm and includes the failure of the parent, custodian or caregiver
- (1) Provide the child with food, clothing or shelter necessary to sustain the life or health of the child:
- (2) provide adequate supervision of a child or to remove a child from a situation that requires judgment or actions beyond the child's level of maturity, physical condition or mental abilities and that results in bodily injury or a substantial risk of imminent harm to the child; or
- (3) use resources available to treat a diagnosed condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, correct or substantially diminish a crippling condition, lengthen the life span or prevent the condition from worsening.

(m) "Physical harm" means non-accidental or intentional action by a parent, custodian or caregiver which results in bodily injury or which presents an imminent

risk of death or of bodily injury.

(n) "Report of suspected abuse, neglect or sexual abuse" means information received by the agency, law enforcement or attorney general that a child is suspected of being abused, neglected or sexually abused.

(continued)

- (o) "Sexual abuse" means any contact or interaction between parent, custodian or caregiver and the child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person. Sexual abuse includes allowing, permitting or encouraging a child to engage in prostitution or to be photographed, filmed or depicted in obscene or pornographic material.
- Economic Impact: None.
- 3. 30-46-11. Reporting of abuse or neglect of children who reside in an institution operated by the secretary of social and rehabilitation services. The secretary is promulgating a new regulation. The text of the regulation is set forth below:
  - 30-46-11. Reporting of abuse or neglect of children who reside in an institution operated by the secretary of social and rehabilitation services. (a) Each person who has reason to suspect that child abuse, neglect or sexual abuse, as defined in K.A.R. 30-46-10, has occurred in an institution operated by the secretary of SRS shall make a report directly to the attorney general's office and shall not be required to report first to the secretary or to any employee of the secretary except when immediate action is necessary to protect a resident or another person.
  - (b) Each person who has reason to suspect that an SRS employee or a volunteer may be a perpetrator of abuse, neglect or sexual abuse, as defined in K.A.R. 30-46-10, shall not be required to make a report to the suspected perpetrator even though department policy would dictate otherwise.
  - Economic Impact: None.
- 4. 30-46-12. Standards for determining abuse, neglect or sexual abuse in a child care facility or institution. The secretary is promulgating a new regulation. The text of the regulation is set forth below:
  - 30-46-12. Standards for determining abuse, neglect or sexual abuse in a child care facility or institution. (a) An incident may involve abuse, neglect or sexual abuse, as defined in K.A.R. 30-46-10, if, after investigation, it is more likely than not that:
  - (1) A child has suffered an unexplained or non-accidental injury due to an act or omission of an employee or volunteer in the facility or institution:
  - (2) an employee or volunteer has had sexual contact with a child;
  - (3) an employee or volunteer demonstrates a pattern of interaction which impairs the child's social, emotional or intellectual functioning to an observable and material degree;
  - (4) an employee or volunteer has failed to make a reasonable effort to prevent a child or other person from causing harm or the substantial risk of harm;
  - (5) an employee or volunteer has failed to make a reasonable effort to remove a child from or supervise a child in a situation that requires judgment or actions beyond the child's level of maturity, physical condition or mental ability and that results in harm or substantial risk of harm to the child;
  - (6) an employee or volunteer has failed to obtain or follow through with prescribed medical care for a child and such failure resulted in death, disfigurement, se-

- rious physical or emotional injury or substantial risk of same to the child: or
- (7) an employee or volunteer has failed to provide a child with food, shelter or clothing necessary to sustain the life or health of the child.
- (b) An incident does not necessarily involve abuse, neglect or sexual abuse, as defined in K.A.R. 30-46-10, if, after investigation, it is more likely than not that:
- (1) Harm to a child resulted from an accident and was not due to wanton disregard for the welfare of the child:
- (2) care provided to a child failed to meet minimum regulatory standards but did not result in harm or substantial risk of harm:
- (3) the inappropriate use of language by an employee or volunteer did not result in emotional harm to the child;
- (4) the use of inappropriate disciplinary action contrary to agency policy by an employee or volunteer has not resulted in harm or substantial risk of harm;
- (5) any harm to a child resulted from the appropriate use of restraint practices approved by SRS or the department of health and environment;
  - (6) a child was denied privileges;
- (7) harm to a child resulted from conflict with another child; or
- (8) the child eloped from a facility or institution. Economic Impact: None.
- 5. 30-46-13. Right to interview. The secretary is promulgating a new regulation. The text of the regulation is set forth below:
  - 30-46-13. Right to interview. Each alleged perpetrator shall have an opportuity to be interviewed before a proposed finding is issued identifying a perpetrator under K.A.R. 30-46-15.
  - Economic Impact: None.
- 6. 30-46-14. Notice of proposed finding. The secretary is promulgating a new regulation. The text of the regulation is set forth below:
  - 30-46-14. Notice of proposed finding. (a) Before any person is identified as a confirmed perpetrator, a written notice of the proposed finding shall be sent to the person. The notice shall state specifically the reasons for the finding and shall offer the alleged perpetrator an opportunity to reply to the proposed finding before the finding becomes final. The notice shall specify that the alleged perpetrator may appear in person before a person designated by the area director or may reply in writing or both. The notice shall specify the date by which the alleged perpetrator may reply in writing or appear, or both. Such date shall be not less than 10 working days following the date the notice was personally delivered or mailed to the alleged perpetrator.
  - (b) Each person designated by the area director shall not have been involved in the investigation of the alleged abuse, neglect or sexual abuse.
  - Economic Impact: None.
- 7. 30-46-15. Notice of final decision. The secretary is promulgating a new regulation. The text of the regulation is set forth below:
  - 30-46-15. Notice of final decision. Following the alleged perpetrator's response to the opportunity to reply

to the proposed finding, or upon expiration of the time for such a reply if no reply is made, the alleged perpetrator shall be notified in writing of the final decision on the proposed finding. The notice shall set forth the reasons for the finding and shall inform the confirmed perpetrator of the perpetrator's right to appeal the decision in accordance with K.A.R. 30-7-26, et seq. within 30 calendar days from the date the notice was personally delivered or mailed to the perpetrator.

Economic Impact: None.

8. 30-46-16. Central registry. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-46-16. Central registry. The name of a confirmed perpetrator shall not be entered into the agency's central registry until the person has exhausted or failed to exercise the appeal process in K.A.R. 30-7-26, et seq.

Economic Impact: None.

30-46-17. Expungement of confirmed perpetrator from central registry. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-46-17. Expungement of confirmed perpetrator from central registry. (a) Application for expungement.

- (1) Any confirmed perpetrator of abuse, neglect or sexual abuse may apply in writing to the secretary to have the confirmed perpetrator's name expunged from the central registry when three years have passed since the most recent confirmed incident or when information not available at the time of confirmation is presented.
- (2) Each application for expungement shall be referred to the expungement review panel. The panel shall consist of the commissioner of youth services or the commissioner's designee, the chief legal counsel of SRS or the counsel's designee, and a representative of the public appointed by the secretary. The commissioner of youth services or the commissioner's designee shall chair the panel.
- (3) A review hearing shall be convened by the panel at which time the applicant may present evidence supporting expungement of the applicant's name from the central registry. Evidence in support of or in opposition to the application may be presented by the SRS area office which conducted the original investigation.
- (4) Recommendations of the review panel shall be by majority vote. The following factors shall be considered by the panel in making its recommendation.
- (A) The nature and severity of the confirmed act of abuse, neglect or sexual abuse;
- (B) the number of confirmations of abuse, neglect or sexual abuse involving the applicant;
- (C) the age of the applicant at the time of the confirmed abuse, neglect or sexual abuse;
- (D) circumstances that no longer exist which contributed to the finding of abuse, neglect or sexual abuse of the applicant; and
- (E) actions taken by the applicant to prevent the reoccurrence of acts of abuse, neglect or sexual abuse.
- (5) The review hearing shall be set within 30 days from the date the application for expungement is received by the agency. A written notice shall be sent

to the applicant and the area office that made the finding by the commissioner of youth services or the commissioner's designee at least 10 days prior to the hearing. The notice shall state the day, hour, and place of the hearing. Continuances may be granted only for good cause.

(6) A written recommendation to the secretary of SRS shall be rendered by the panel within 60 days from the date the matter is ready for recommendation. The decision of the secretary of SRS shall be in writing and shall set forth the reasons for the decision.

(b) Expungement by the agency. Records may be expunged from the central registry by the secretary or the designee of the secretary when 18 years have passed since the most recent incident.

Economic Impact: None.

A copy of the proposed regulations and the complete economic impact statements may be obtained prior to November 8 by contacting Mary Slaybaugh, Legal Division, 6th Floor, Docking State Office Building, Topeka 66612, (913) 296-3969. This 30-day notice of hearing is for the purpose of receiving comments concerning the proposed regulations. Written comments may be submitted prior to November 8 to Winston Barton, Secretary of Social and Rehabilitation Services, at the address above.

Interested persons will be given reasonable opportunity at the hearing to present their views and arguments on the adoption of the proposed regulations. Presentations should be in writing whenever possible. Depending on the number of persons wanting to speak, the department may require that each participant limit his or her oral presentation to three minutes.

The public is invited to this meeting. Telephone hookups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hiawatha, Hutchinson, Junction City, Kansas City, Lawrence, Olathe, Osawatomie, Parsons, Pittsburg, Pratt, Salina, Topeka (area office and Docking State Office Building), Wichita and Winfield.

> WINSTON BARTON Secretary of Social and Rehabilitation Services

#### STATE HISTORICAL SOCIETY

### NOTICE OF ACCEPTANCE OF GRANT APPLICATIONS

The Historic Preservation Department of the Kansas State Historical Society will accept applications for federal Historic Preservation Fund grants for pre-development costs until December 16. Eligible activities are the preparation of architectural plans, specifications, historic structure reports, or engineering studies for buildings that are individually listed on the National Register of Historic Places or identified as contributing structures in a National Register district.

Inquiries should be directed to the Historic Preservation Department, Kansas State Historical Society, 120 W. 10th, Topeka 66612, (913) 296-7080.

> RAMON POWERS Executive Director

Doc. No. 007065

(Published in the Kansas Register, October 6, 1988.)

# NOTICE OF REDEMPTION City of Kinsley, Kansas Single Family Mortgage Revenue Bonds Series A, 1974

Notice is hereby given that all remaining principal amount of bonds, as listed below, are called for redemption on November 1, 1988, at the price of 103 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date.

The remaining bonds to be called are hereby listed as follows:

Maturity	Dates	Bonds		
May 1,	1989	84 through 95 inclusive		
May 1,	1990	96 through 108 inclusive		
May 1,	1991	109 through 122 inclusive		
May 1,	1992	123 through 137 inclusive		
May 1,	1993	138 through 170 inclusive		
	each in the	amount of \$5,000		

On November 1, 1988, all bonds will become due and payable upon presentation thereof at the address given below.

On and after November 1, 1988, interest on the bonds shall cease to accrue.

The bonds, along with IRS form W-9 (verification of taxpayer identification number), may be presented for payment in person or by mail at the following address: Kansas State Treasurer, Alfred M. Landon Office Building, 900 S.W. Jackson, Topeka, KS 66612.

JAMES D. DENNISON
Assistant Trust Officer
Merchants National Bank, Topeka, Kansas

Doc. No. 007058

(Published in the Kansas Register, October 6, 1988.)

#### NOTICE OF BOND SALE \$420,000 Dickinson County, Kansas General Obligation Bonds

General Obligation Bonds Series B, 1988 (Sanitary Landfill Project)

#### Sealed Bids

Sealed bids for the purchase of \$420,000 principal amount of general obligation bonds, Series B, 1988 (sanitary landfill project), of the county hereinafter described, will be received by the undersigned, county clerk of Dickinson County, Kansas, on behalf of the governing body of the county at Dickinson County Courthouse, Abilene, Kansas, until 2 p.m. C.D.T. on Monday, October 17, 1988. All bids will be publicly opened and read at said time and place and will be acted upon by the county immediately thereafter. No oral or auction bids will be considered.

#### **Bond Details**

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

Year	Principal Amount
1989	\$35,000
1990	35,000
1991	35,000
1992	35,000
1993	40,000
1994	40,000
1995	45,000
1996	50,000
1997	50,000
1998	55,000

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

#### Place of Payment and Bond Registration

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

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

#### Redemption of Bonds Prior to Maturity

At the option of the county, bonds maturing on August 1, 1994, and thereafter, will be subject to redemption and payment prior to maturity on August 1, 1993, and thereafter in whole or in part on any interest payment date (bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the paying agent and bond registrar in such equitable manner as it shall designate), at the principal amount thereof, plus accrued interest to the redemption date, without premium.

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

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

#### Conditions of Bids

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

#### **Basis of Award**

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

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

The bonds are being authorized and issued to permanently finance part of the cost of constructing, installing and otherwise providing a new sanitary landfill and solid waste disposal facility to serve the county. The bonds will be general obligations of the county payable as to both principal and interest from ad valorem taxes which may be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the county.

#### **Internal Revenue Code of 1986**

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

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

The code also requires property and casualty insurance companies, for taxable years beginning on or after January 1, 1987, to reduce the amount of their deductible underwriting losses by a percentage of the amount of tax-

(continued)

exempt interest received or accrued on obligations acquired after August 7, 1986.

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

Legal Opinion

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the county, printed on the bonds and delivered to the successful bidder when the bonds are delivered. Said opinion will also state that in the opinion of bond counsel, assuming continued compliance by the county with the provisions of the ordinance authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is exempt from federal income taxation. Interest on the bonds will also be excludable from the computation of Kansas adjusted gross income for taxable years commencing after December 31, 1987.

**Delivery and Payment** 

The county will pay for printing the bonds and will deliver the bonds, without cost to the successful bidder, properly prepared, executed and registered on or prior to November 30, 1988, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the county. The denominations of the bonds and the names, addresses and Social Security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the county and bond registrar not later than 4 p.m. C.S.T. on November 15, 1988. In the absence of such information, the county will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the county by 4 p.m. C.S.T. on November 15, 1988, a certificate acceptable to the county's bond counsel to the effect that: (i) the successful bidder has made a bona fide public offering of the bonds at the initial reoffering prices; and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that: (1) it is made on the best knowledge, information and belief of the successful bidder, and (2) 10 percent or more in par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being

sufficient to establish the sale of a "substantial amount" of the bonds).

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$8,400, payable to the order of the county to secure the county from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if the bid is not accepted. If a bid is accepted, said check shall be held by the county until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall be returned to the successful bidder or deducted from the purchase price at the option of the county. If a bid is accepted but the county shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check shall be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check shall be retained by the county as and for liquidated damages.

#### **CUSIP Numbers**

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

#### **Bid Forms**

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

#### Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned county clerk and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at Dickinson County Courthouse and must be received by the undersigned prior to 2 p.m. C.D.T. on Monday, October 17, 1988.

#### Official Statement

Upon the sale of the bonds, the county will adopt an official statement in substantially the form as the preliminary official statement, subject to minor amendments and supplementation. Copies of the county's preliminary official statement relating to the bonds may be obtained from the county clerk or the county's financial adviser, Mid-Continent Municipal Investments, Inc., 333 Century Plaza, Wichita, KS 67202, (316) 262-5161. Upon request, a reasonable number of copies of the official statement will be made available to the successful bidder without charge. Additional copies may be obtained at the expense of such bidder.

#### **Assessed Valuation and Indebtedness**

The total assessed valuation of the taxable tangible property within the county for the year 1987 is \$81,016,918. The total general obligation bonded indebtedness of the county as of the date of the bonds, including the bonds, is \$510,837.44.

Dated September 23, 1988.

DICKINSON COUNTY, KANSAS Donna Mae Kaiser County Clerk **Dickinson County Courthouse** Abilene, KS 67410 (913) 263-3774

Doc. No. 007059

(Published in the Kansas Register, October 6, 1988.)

#### NOTICE OF BOND SALE \$435,000

General Obligation Water System Bonds Series 1988

of the City of Cheney, Kansas

Date, Time and Place of Receiving Bids

The governing body of the city of Cheney, Kansas, will receive sealed bids at the Cheney City Hall, located on West 1st Street, until 7:30 p.m. C.D.T. on Thursday, October 13, 1988, for the purchase of \$435,000 principal amount of general obligation water system bonds, Series 1988, of the city as hereinafter described. At said time and place, all bids received will be publicly opened and read and immediately thereafter acted upon by the governing body. No oral or auction bids for the bonds will be considered.

**Description of Bonds** 

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

years and mr the anno-	ants as ionows.
Principal Amount	Maturity Date
\$10,000	11-1-89
10,000	11-1-90
10,000	11-1-91
10,000	11-1-92
15,000	11-1-93
15,000	11-1-94
15,000	11-1-95
15,000	11-1-96
20,000	11-1-97
20,000	11-1-98
20,000	11-1-99
20,000	11-1-00
25,000	11-1-01
25,000	11-1-02
30,000	11-1-03
30,000	11-1-04
30,000	11-1-05
35,000	11-1-06
40,000	11-1-07
40,000	11-1-08

The bonds will bear interest from the dated date at the rates specified in the successful bid, which interest will be payable semiannually on May 1 and November 1 of each year (the interest payment dates), commencing May 1, 1989, until the bonds are paid in full.

Payment of Principal and Interest: Registration

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

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

Initial Registration

The number and denominations of the bonds and the names, addresses and Social Security or taxpayer identification numbers of the initial registered owners of the bonds shall be submitted in writing to the bond registrar by the successful bidder not later than 4:30 p.m. on Friday, October 21, 1988. In the event such information is not furnished by such time and date, the bonds will be delivered one bond per maturity registered in the name of the successful bidder.

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

**Redemption of Bonds** 

The bonds maturing in the years 1989 through 1998 shall be payable on their respective maturity dates without the option of prior redemption. The bonds maturing in the year 1999, and thereafter, are callable at the option of the city prior to the stated maturities thereof in whole at any time or in part on any interest payment date on and after November 1, 1998 (the date being so set for redemption and payment being referred to as the redemption date), in inverse numerical order, at a redemption price equal to 103 percent of the principal amount thereof, plus accrued interest to the redemption date.

The paying agent shall give written notice by United States first class mail of any call for redemption to the registered owners of the bonds so called not less than 30 days prior to the redemption date.

Prior to the redemption date, the city shall deposit with the paying agent sufficient funds to pay the bonds so called at the redemption price together with all unpaid and accrued interest thereon to the redemption date. Upon the deposit of said funds, and the giving of notice in the form and manner hereinbefore specified, bonds thus called for redemption shall cease to bear interest from and after the redemption date.

(continued)

#### Conditions of Bidding

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

#### Bid Form; Good Faith Deposit

Bids shall be submitted on an official bid form which may be obtained from the city, and shall be submitted in sealed envelopes, plainly marked "Bond Bid," addressed to the governing body at City Hall, West 1st Street, Cheney, KS 67025. Bids may be submitted by mail or delivered in person, and must be received no later than the date and time and at the place hereinbefore specified.

Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check payable to the order of the city for an amount equal to \$8,700 (being 2 percent of the principal amount of the bonds). If a bid is accepted, said deposit will be held by the city until the bidder shall have complied with all of the terms and conditions of this notice and of the bid. In the event a bidder whose bid is accepted shall default in the performance of any of the terms and conditions of this notice or of the bid, said deposit shall be retained by the city as and for liquidated damages. If a bid is accepted, but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions hereof, said deposit shall be returned to the bidder. No interest will be paid upon the successful bidder's deposit. The good faith deposit checks of the unsuccessful bidders will be promptly returned.

#### Award of Bonds

The bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the city, which will be determined by deducting 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 identical bids for the lowest net interest cost are received, the governing body shall determine which bid, if any, shall be accepted; and such determination shall be final. The governing body reserves

the right to reject any and all bids, and to waive any irregularities in a submitted bid.

#### **Delivery of Bonds**

The bonds, duly printed, executed and registered, will be furnished and paid for by the city, and will be delivered to the successful bidder on or about Thursday, October 27, 1988, at any bank in the state of Kansas or in the city of Kansas City, Missouri, at the expense of the city. Delivery elsewhere will be made at the expense of the successful bidder. The successful bidder will also be furnished with a transcript of proceedings evidencing authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in Federal Reserve funds, immediately available for use by the city.

#### **CUSIP Identification Numbers**

It is not anticipated that CUSIP identification numbers will be printed on the bonds since this issue does not meet the CUSIP Service Bureau's minimum size guidelines for the assignment of CUSIP numbers.

#### Official Statement

The city will prepare a preliminary official statement relating to the bonds, copies of which may be obtained from the city clerk or from the city's financial adviser. Upon request, a reasonable number of copies of a final official statement will be furnished to the successful bidder without cost; copies in excess of a reasonable number may be ordered at the successful bidder's expense.

#### Authority, Purpose and Security for Bonds

The bonds are being issued under the authority of K.S.A. 10-101 et seq., as amended and supplemented, and K.S.A. 12-834, and were approved by the voters at a bond election held in the city in conjunction with the general election on April 7, 1987. The bonds will be authorized by a bond ordinance which will be adopted by the governing body immediately after the awarding of the bonds.

The bonds are issued for the purpose of financing, in conjunction with the proceeds of a \$300,000 community development block grant which has been awarded to the city by the Kansas Department of Commerce, the cost of constructing extensions, enlargements and improvements to the municipal water system. The city has previously issued temporary financing for its share of said cost, and will retire the temporary financing from the proceeds of the bonds.

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

#### Legal Opinion and Tax Exemption

All matters incidental to the authorization and issuance of the bonds are subject to the approving opinion of Hinkle, Eberhart & Elkouri, bond counsel, Wichita, Kansas. Bond counsel's opinion will be printed on the reverse side of each bond, and a manually signed original of such opinion will be furnished without expense to the suc-

cessful bidder concurrently with delivery of the bonds. All fees and expenses of bond counsel will be paid by the city.

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 exclusion mentioned in the preceding clause (a) is subject to compliance by the city with all requirements of the Internal Revenue Code of 1986, as amended, which must be satisfied subsequent to issuance of the bonds in order for the interest on the bonds to qualify for such exclusion. Failure to comply with certain of such requirements could cause the interest on the bonds to be so included in federal gross income retroactive to the date of issuance of the bonds. The city will covenant to comply with all such requirements. Bond counsel expresses no opinion regarding other federal tax consequences arising with respect to the bonds.

The bonds are exempt from intangible personal property taxes levied by Kansas counties, cities and townships, and the interest on the bonds is excludable from the computation of Kansas adjusted gross income for taxable years commencing after December 31, 1987.

#### Related Federal Tax Matters

Prospective bidders for purchase 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 obligations other than qualified taxexempt obligations (as described in the next paragraph), or, in the case of a financial institution within the meaning of Section 265(b)(5) of the code, that portion of a bondholder's interest expense allocable to interest on such obligations; (ii) with respect to insurance companies subject to the tax imposed by Section 831 of the code, for taxable years beginning after December 31, 1986, Section 832(b)(5)(B)(i) of the code reduces the deduction for loss reserves by 15 percent of the sum of certain items, including interest on the bonds; (iii) for taxable years beginning after December 31, 1986, and prior to January 1, 1992, interest on the bonds earned by some corporations could be subject to the environmental tax imposed by Section 59A of the code; (iv) for taxable years beginning after December 31, 1986, interest on the bonds earned by certain foreign corporations doing business in the United States could be subject to a branch profits tax imposed by Section 884 of the code; (v) passive investment income, including interest on the bonds, may be subject to federal income taxation under Section 1375 of the code for Subchapter S corporations that have Subchapter C earnings and profits at the close of the taxable year if reater than 25 percent of the gross receipts of such Subchapter S corporation is passive investment income; and

(vi) Section 86 of the code requires recipients of certain Social Security and railroad retirement benefits to take into account in determining gross income, receipts or accruals of interest on the bonds. The foregoing categories of prospective bondowners should consult their own tax advisers as to the applicability of these consequences.

#### **Qualified Tax-Exempt Obligations**

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

#### Assessed Valuation and Bonded Indebtedness

The 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	\$3,143,380
Tangible value of motor vehicles equalized assessed	
tangible	1,013,722
Valuation for computation of bonded debt	
limitations	\$4,427,102

The total outstanding general obligation bonded indebtedness of the city, upon the issuance of and including this proposed issue, will be \$874,000. This amount does not include \$450,000 outstanding principal amount of temporary notes previously issued for the water system project which will be redeemed and paid from the proceeds of the bonds.

#### **Additional Information**

Additional information regarding the bonds may be obtained from the city clerk or from the city's financial adviser, Mid-Continent Investments, Inc., 333 Century Plaza Building, Wichita, KS 67202, Attention: Jerry D. Rayl, Senior Vice President, Municipal Finance, (316) 262-5161.

Dated September 26, 1988.

CITY OF CHENEY, KANSAS
By Lois I. Marteney
City Clerk
City Hall, West 1st Street
Cheney, KS 67025
(316) 542-3622

V. 7, p. 783

Revoked

14-8-5

### INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the Kansas Register issue in which more information can be found. This cumulative index supplements the index found in the 1987 Supplement to the Kansas Administrative Regulations.

### AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register		
1-2-25	Amended	V. 7, p. 1408		
1-5-13	Amended	V. 7, p. 1408		
1-9-5	Amended	V. 7, p. 1408		
1-9-6	Amended	V. 7, p. 1409		
1-9-8	Amended	V. 7, p. 1410		
1-14-11	Amended	V. 7, p. 1411		
1-16-15	Amended	V. 7, p. 1411		
1-16-18	Amended	V. 7, p. 1411		
1-16-18a	Amended	V. 7, p. 1412		
1-18-1a	Amended	V. 7, p. 1414		
1-24-1	Amended	V. 7, p. 1414		
1-24-2	Revoked	V. 7, p. 1414		

#### **AGENCY 4: BOARD OF AGRICULTURE**

Reg. No.	Action	Register
4-1-17	Amended	V. 7, p. 315
4-2-9	Revoked	V. 7, p. 315
4-3-47	Amended	V. 7, p. 315
4-3-48	Amended	V. 7, p. 315
4-3-49	New	V. 7, p. 315
4-3-50	New .	V. 7, p. 315
4-8-14	Amended	V. 7, p. 315
4-8-15	Amendea	v. 1, p. 010
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4-8-27	Revoked	V. 7, p. 316
4-8-28	Nevokeu	v. 1, p. 510
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4-8-39	New	V. 7, p. 316, 317
4-10-1	Amended	V. 7, p. 310, 317 V. 7, p. 317
4-10-2d	Amended	V. 7, p. 318
4-10-2i	Amended	V. 7, p. 318 V. 7, p. 318
4-10-2k	Amended	V. 7, p. 319
4-10-4	Amended	V. 7, p. 319
4-10-5	Amended	V. 7, p. 319 V. 7, p. 320
4-10-15	Amended	V. 7, p. 320 V. 7, p. 322
4-10-16	Amended	V. 7, p. 322 V. 7, p. 322
4-10-17	New	V. 7, p. 322 V. 7, p. 322
4-13-9	Amended	V. 7, p. 322 V. 7, p. 322
4-13-13	Amended	V. 7, p. 323
4-13-14	Amended	V. 7, p. 325
4-13-16	Amended	V. 7, p. 325
4-13-20	Amended	V. 7, p. 325
4-13-33	Amended	V. 7, p. 325
4-13-34	Amended	v. 1, p. 020
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4-13-37	New	V. 7, p. 325, 326
4-16-lc	Amended	V. 7, p. 326
4-16-260	New .	V. 7, p. 327
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#### AGENCY 5: BOARD OF AGRICULTURE— DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-10-1	Revoked	V. 7, p. 109
5-10-2	Revoked	V. 7, p. 109
5-10-3	Revoked	V. 7, p. 109
5-25-4	Amended 📉	V. 7, p. 109

#### **AGENCY 7: SECRETARY OF STATE**

Reg. No.	Action		Register
7-31-4	Amended		V. 7, p. 112
7-33-1	New		V. 7, p. 1606

AGENCY	9:	ANIMAL	HEALTH
n	FI	PARTMEN	T

Reg. No. 9-7-7	Action Amended	<b>Register</b> V. 7, p. 1399
9-14-1 through		·
9-14-5	New	V. 7, p. 1400

### AGENCY 11: STATE CONSERVATION COMMISSION

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11-1-5	Revoked	V. 7, p. 111
11-1-6	New	V. 7, p. 111
11-1-7	New	V. 7, p. 111
11-1-8	New	V. 7, p. 111
11-2-1	Revoked	V. 7, p. 111
11-2-2	Revoked	V. 7, p. 111
11-2-3	Revoked	V. 7, p. 111
11-2-4	New	V. 7, p. 111
11-2-5	New	V. 7, p. 111
11-2-6	New	V. 7, p. 111

#### AGENCY 13: ALCOHOLIC BEVERAGE CONTROL BOARD OF REVIEW

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13-1-2	Revoked	V. 7, p. 110
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13-2-15	Revoked	V. 7, p. 110
13-3-1	Revoked	V. 7, p. 110
13-3-2	Revoked	V. 7, p. 110
13-4-1		• •
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13-4-5	Revoked	V. 7, p. 110
13-5-1	Revoked	V. 7, p. 110
13-5-2	Revoked	
13-6-1	Revoked	V. 7, p. 110

#### AGENCY 14: DEPARTMENT OF REVENUE— DIVISION OF ALCOHOLIC BEVERACE CONTROL

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14-1-1	Revoked	V. 7, p. 779
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14-2-23	Revoked	V. 7, p. 779
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14-3-20	Revoked	V. 7, p. 780
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14-3-42	Revoked	V. 7, p. 780, 781
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14-4-11	Revoked	V. 7, p. 781
14-4-11a	Revoked	V. 7, p. 781
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14-4-16	Revoked	V. 7, p. 781
14-4-18		· · ·
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14-4-23	Revoked	V. 7, p. 782
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14-4-28	Revoked	V. 7, p. 782
14-5-1	Amended	V. 7, p. 782
14-5-2	Amended	V. 7, p. 782
14-5-3	Revoked	V. 7, p. 782
14-5-4	Amended	V. 7, p. 782
14-5-6	Amended	V. 7, p. 782
14-6-1	Amended	V. 7, p. 1401
14-6-2a	Amended	V. 7, p. 1401
14-6-3	Amended	V. 7, p. 1401
1 <b>4-6-4</b>	Amended	V. 7, p. 1401
14-7-2	Amended	V. 7, p. 1401
14-7-3	Amended	V. 7, p. 1401
14-7-4	Amended	V. 7, p. 1401
14-7-8	Amended	V. 7, p. 1401
14-8-1	Amended	V. 7, p. 1401

14-0-0	nevokeu	v. 1, p. 100
14-8-6	Amended	V. 7, p. 1401 V. 7, p. 1401
14-8-7	Amended	V 7 n 1401
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14-8-11	Revoked	V. 7, p. 783
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14-9-10	Revoked :	V. 7, p. 783
14-10-1		
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14-10-4	Revoked	V. 7, p. 783
14-10-5		
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14-10-16	New	v. 7, p. 1401, 1402
14-13-1		
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14-13-13	New	V. 7, p. 783-788
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14-14-12	New	V. 7, p. 1402
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14-16-5	Revoked	V. 7, p. 789
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14-16-12	Revoked	V. 7, p. 789
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14-16-24	New	V. 7, p. 789-792
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14-17-5	New	V. 7, p. 1402
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14-18-26	Revoked	V. 7, p. 794 V. 7, p. 794
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14-18-32	Revoked	V. 7, p. 794
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14-19-8	Revoked	V. 7, p. 794
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14-20-10	Revoked	V. 7, p. 801
14-20-14	100	
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14-22-14	New	V. 7, p. 816-821
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14-22-20	New	V. 7, p. 822
14-23-1		The second section of the second
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14-23-15	New	V. 7, p. 822-826
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23-1-10	Amended	V. 7, p. 367
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23-2-7	Amended	V. 7, p. 368
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23-3-13	Amended	V. 7, p. 1504

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23-5-8	New	V. 7, p. 1504, 1505	28-19-108	Amended		7, p. 71		Amended		V. 7, p. 1404
23-5-1		and the second second second	28-19-108a	New	V.	7, p. 71	5 30-4-75	Amended		V. 7, p. 717
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23-5-8	New	V. 7, p. 1639, 1640	28-19-119				30-4-80	Amended	-	V. 7, p. 1404
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23-7-7	Amended	V. 7, p. 1506	through				30-4-90	Amended	1000	V. 7, p. 1404
23-7-7	Amended	V. 7, p. 1640	28-19-121a	Amended		7, p. 71		Amended		V. 7, p. 718
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	82-3-202	Amended	V. 7, p. 427	91-31-5	Amended	V. 7, p. 540	Reg. No.	Action		Registe	er
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	82-3-207	Amended	V. 7, p. 428	91-31-7	Amended	V. 7, p. 541	through				
	82-3-300	Amended	V. 7, p. 428	91-31-9	Amended	V. 7, p. 542	94-1-9	Revoked		V. 7, p.	460
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	82-3-306	Amended	V. 7, p. 428 V. 7, p. 429	through		•	94-2-12	Amended	37	7, p. 469	3_479
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