

KANSAS REGISTER

State of Kansas

JACK H. BRIER
Secretary of State

Vol. 5, No. 16

April 17, 1986

Pages 585-640

IN THIS ISSUE

| | Page |
|---|------|
| Executive Appointments | 586 |
| Division of Services for the Blind Advisory Committee Notice of Meeting | 587 |
| Department of Health and Environment Notice of Hearing on Proposed Administrative Regulations | 587 |
| State Records Board Notice of Meeting | 587 |
| Department of Administration Notice of Commencement of Negotiations for Technical Services | 587 |
| Public Advisory Committee on Energy Assistance and Conservation Notice of Meeting | 588 |
| Notice to Bidders for State Purchases | 588 |
| State Planning Council on Developmental Disabilities Services Notice of Meeting | 589 |
| State Employees Health Care Commission Notice of Commencement of Negotiations for a State Health Care Benefits Program | 589 |
| Attorney General Opinions No. 86-48 through 86-52 | 590 |
| Social and Rehabilitation Services Request for Proposals for Specialized Short Term Family Foster Care | 591 |
| Legislative Bills Introduced April 3-9 | 591 |
| State Board of Accountancy Notice of Meeting | 592 |
| Department of Transportation Notice to Consulting Engineers | 592 |
| Notice to Contractors | 592 |
| Notice of Bond Sale City of Conway Springs | 593 |
| Notice of Bond Redemption City of Manhattan | 595 |
| State Corporation Commission Notice of Motor Carrier Hearings | 596 |
| Permanent Administrative Regulations Social and Rehabilitation Services (summary of text) | 600 |
| State Board of Agriculture | 611 |
| Court of Appeals Docket | 626 |
| New State Laws | |
| SB 571, concerning libraries; relating to tax levies for support thereof | 633 |
| Sub. for HB 2646, concerning the Kansas pesticide law | 633 |
| HB 3129, concerning public moneys; relating to deposits and investments by governmental subdivisions | 634 |
| SB 764, relating to the issuance of general obligation bonds | 638 |
| SB 765, relating to the issuance of general obligation bonds | 638 |
| SB 766, relating to the issuance of general obligation bonds | 638 |
| SB 767, relating to the issuance of general obligation bonds | 639 |
| SB 769, relating to the issuance of general obligation bonds | 639 |

State of Kansas

SECRETARY OF STATE**EXECUTIVE APPOINTMENTS**

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

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

The following appointments were filed March 21 through April 10:

Appointed by the Governor:

**Associate District Judge, 19th Judicial District,
Position 2**

George E. Sybrant, 225 S. 1st, Arkansas City 67005. Effective March 28, 1986. Expires when a successor is elected and qualifies according to law. Succeeds Judge Tom Pringle, deceased.

Greeley County Commissioner, 1st District

Paul J. Shafer, Star Route, Tribune 67879. Effective

April 1, 1986. Expires when a successor is elected and qualifies according to law. Succeeds Floyd Kleymann, deceased.

Wyandotte County Commissioner, 1st District

Joe L. Wilhm, 3713 Metropolitan, Kansas City 66106. Effective April 10, 1986. Expires when a successor is elected and qualifies according to law. Succeeds William J. Burns, Jr., resigned.

**Film Services, Governor's Advisory
Committee on**

Doug Curtis, 3215 Harborview Lane, Westlake, CA 91361. Effective April 9, 1986. Serves at the pleasure of the Governor.

Appointed by the Senate Minority Leader:

Public Disclosure Commission, Kansas

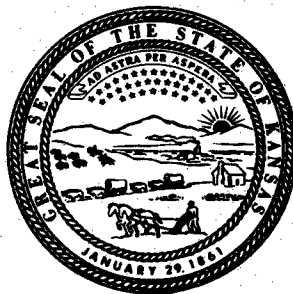
Ralph Bussman, Route 1, Mound Valley 67354. Effective February 1, 1986. Expires January 31, 1988. Succeeds Jim Guffy.

JACK H. BRIER
Secretary of State

The *Kansas Register* is an official publication of the state of Kansas, published by authority of K.S.A. 75-430. The *Kansas Register* is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One-year subscriptions are \$47.50. Single copies may be purchased, if available, for \$2.00 each. Second class postage paid at Topeka, KS. ISSN No. 0744-2254.

Postmaster. Send change of address form to Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612-1594. © Kansas Secretary of State 1986. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

**PUBLISHED BY
JACK H. BRIER
Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594**



PHONE: 913/296-3489

State of Kansas
SOCIAL AND REHABILITATION SERVICES
DIVISION OF SERVICES FOR THE
BLIND ADVISORY COMMITTEE

NOTICE OF MEETING

The Division of Services for the Blind Advisory Committee will meet at 10 a.m. Friday, May 9, in the Rehabilitation Center for the Blind conference room, 2516 W. 6th, Topeka.

RICHARD A. SCHUTZ
 Director, Division of
 Services for the Blind

Doc. No. 004112

State of Kansas
DEPARTMENT OF HEALTH
AND ENVIRONMENT

NOTICE OF HEARING ON PROPOSED
ADMINISTRATIVE REGULATIONS

A public hearing will be conducted at 1:30 p.m. Wednesday, May 14, at the Kansas Department of Health and Environment, Building 321 conference room, Forbes Field, Topeka, to receive oral and written comments regarding adoption of the following regulations:

Proposed K.A.R. 28-39-87—This proposed permanent regulation has been amended to extend the waiver for required licensed nurses at all times to July 1, 1988.

Proposed K.A.R. 28-48-1 to K.A.R. 28-48-8 inclusive—These regulations, proposed to be adopted as both temporary and permanent, establish standards and requirements for the construction and operation of post-acute trauma head-injury facilities to be certified by the Kansas Department of Health and Environment.

All interested parties may submit written and oral comments at the hearing regarding these proposals. All comments received will be considered prior to submittal of these proposals to the Revisor of Statutes.

Copies of these proposed regulations and the fiscal impact statement may be obtained by writing the Kansas Department of Health and Environment, Bureau of Adult and Child Care Facilities, Forbes Field, Topeka 66620.

BARBARA J. SABOL
 Secretary of Health
 and Environment

Doc. No. 004117

State of Kansas
STATE HISTORICAL SOCIETY
STATE RECORDS BOARD

NOTICE OF MEETING

The Kansas State Records Board will meet at 10 a.m. Thursday, April 24, in the fourth floor conference room, Memorial Building, 120 W. 10th, Topeka. The board will consider requests from state agencies submitting proposals for disposition of non-current government records.

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

EUGENE D. DECKER
 State Archivist
 Secretary, State Records Board

Doc. No. 004123

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 air and water balancing of the mechanical systems for the renovation projects of Fraser Hall and the fourth floor of Wescoe Hall at the University of Kansas, Lawrence.

Interested individuals or firms in the balancing field must be certified by the National Environmental Balancing Bureau or the Associated Air Balance Council and must be engaged in balancing work on a full-time basis. Balance agencies which are of the same parent company as the designers or contractors of a particular project will not be considered for that project. Submit qualifications with letter of interest.

Any additional information, questions or expressions of interest should be directed to Myron Reed, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, by May 2, 1986.

JOHN B. HIPPI, AIA
 Director, Division of
 Architectural Services

Doc. No. 004106

State of Kansas

**SOCIAL AND REHABILITATION SERVICES
PUBLIC ADVISORY COMMITTEE
ON ENERGY ASSISTANCE
AND CONSERVATION**

NOTICE OF MEETING

The Public Advisory Committee on Energy Assistance and Conservation will meet at 9:30 a.m. Monday, May 5, at the Staff Development Building, 4th and Oakley, Topeka. The public is invited to attend and provide input into the developmental processes of the Low Income Energy Assistance Program and the Weatherization Assistance Program.

ROBERT C. HARDER
Secretary of Social
and Rehabilitation Services

Doc. No. 004113

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES**

NOTICE TO BIDDERS

Sealed bids for items hereinafter listed will be received by the Director of Purchases, State Office Building, Topeka, until 2 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

MONDAY, APRIL 28, 1986

#26912-A

Kansas Correctional Industries, Lansing—WAX
STRIPPER BASE

#26933 (Re-Bid)

University of Kansas Medical Center, Kansas
City—FLOORCOVERING

#27103

Department of Health and Environment, Topeka
and statewide—PERSONNEL RADIATION
MONITORING

#27104

University of Kansas Medical Center, Kansas
City—LAUNDRY SUPPLIES

#27109

Department of Education, Topeka—JANITORIAL
SERVICE

#27111

Kansas Correctional Industries, Lansing—
DEODORCLEAN BASE

#27113

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

#27114

University of Kansas Medical Center, Kansas
City—RUBELLA EIA KIT

#27117

University of Kansas, Lawrence—BOILER AND
COOLING TOWER WATER SYSTEMS CHEMICAL
TREATMENT PROGRAM

#65270

Department of Transportation, various locations—
GASOLINE PUMPS

#65273

Department of Transportation, Topeka—AIR
COMPRESSOR

#65274

Department of Transportation, various locations—
FUEL STORAGE TANKS

#65280

University of Kansas Medical Center, Kansas
City—RIBBONS

#65281

Kansas State University, Manhattan—COMPUTER
PRINTERS

#65282

Kansas State Penitentiary, Lansing—FIRE ALARM
SYSTEM

#65283

Kansas State Penitentiary, Lansing—PNEUMATIC
CONTROL FOR HEATING/AIR CONDITIONING
SYSTEM

#65336

Kansas State University, Manhattan—SOYBEAN
MEAL

TUESDAY, APRIL 29, 1986

#A-5344

Department of Transportation, Topeka—REROOF
SUB-AREA BUILDING, Larned

#A-5511

Adjutant General's Department, Topeka—PARTIAL
REROOF OF NATIONAL GUARD ARMORY,
Leavenworth

#27083

Statewood—FROZEN FOODS

#27099

University of Kansas Medical Center, Kansas
City—CARDIAC CATHETER SUPPLIES

#27106

University of Kansas Medical Center, Kansas
City—DRY ICE

#27107

University of Kansas, Lawrence—JUNE (1986)
MEAT PRODUCTS

THURSDAY, MAY 1, 1986

#27085

Statewide—JUNE (1986) MEAT PRODUCTS

#65284

Kansas Neurological Institute, Topeka—SELF
LUMINOUS EXIT LIGHTS

#65285

University of Kansas Medical Center, Kansas
City—CENTRIFUGE ROTOR

#65286

Kansas State Penitentiary, Lansing—CLOSED
CIRCUIT TELEVISION SYSTEM

#65296

University of Kansas, Lawrence—PAVEMENT
MARKING TAPE

#65315

Department of Transportation, Hutchinson—PLANT
MIX, BITUMINOUS MIXTURE, Newton

#65322

University of Kansas Medical Center, Kansas
City—FLOWMETERS

FRIDAY, MAY 2, 1986

#27105

University of Kansas Medical Center, Kansas
City—JUNE (1986) MEAT PRODUCTS
#64333-A

Emporia State University, Emporia—STEAM TO
WATER HEAT TRANSFER PACKAGE WITH COILS
#65300

Department of Transportation, Topeka—TRAFFIC
COUNTERS

#65301

Department of Transportation, Topeka—
LUMINAIRES

#65302

Kansas State University, Manhattan—CHINA
#65303

University of Kansas Medical Center, Kansas
City—LAB FREEZER

#65304

Kansas Correctional Industries, Lansing—PAINT
SUSPENDING AGENT

#65305

University of Kansas Medical Center, Kansas
City—MEDICAL EQUIPMENT

#65311

Emporia State University, Emporia—REPAIRS TO
A PITMAN MN SERIES HOTSTICK

#65312

Department of Transportation, Hutchinson—PLANT
MIX BITUMINOUS MIXTURE, El Dorado

#65313

Department of Transportation, Hutchinson—PLANT
MIX BITUMINOUS MIXTURE

#65314

Department of Transportation, Topeka—AB-3
AGGREGATE OR AS-1 AGGREGATE, Wamego

#65318

University of Kansas Medical Center, Kansas
City—ELECTRONIC THERMOMETERS

#65323

University of Kansas Medical Center, Kansas
City—CHAIRS, Wichita

#65324

Department of Transportation, various
locations—SWEEPERS

MONDAY, MAY 5, 1986

#65325

Adjutant General's Department, Topeka—FURNISH
AND INSTALL REFLECTIVE CEILINGS

TUESDAY, MAY 6, 1986

#A-4649(a)

Wichita State University, Wichita—FIXED AND
COMPACT SHELVING, Ablah Library/MRC

MONDAY, MAY 19, 1986

#27115

Department of Corrections, Topeka—LEASE OF
FARMLAND IN RENO COUNTY

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 004120

State of Kansas

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

NOTICE OF MEETING

The State Planning Council on Developmental Disabilities Services will meet at 9 a.m. Tuesday, April 22, in the Mental Health and Retardation Services conference room, fifth floor, State Office Building, Topeka.

JOHN KELLY
Executive Secretary

Doc. No. 004126

State of Kansas

**DEPARTMENT OF ADMINISTRATION
STATE EMPLOYEES HEALTH
CARE COMMISSION**

**NOTICE OF COMMENCEMENT OF
NEGOTIATIONS FOR A STATE
HEALTH CARE BENEFITS PROGRAM**

Notice is hereby given of commencement of negotiations for contracts for the state health care benefits program to be effective January 1, 1987.

The Kansas State Employees Health Care Commission will receive proposals until 5 p.m. Friday, June 13 from those firms responding to the commission's Request for Proposal HCC-87, dated March 31, 1986.

The commission will receive proposals until 5 p.m. Friday, June 6 from those firms responding to the commission's Request for Proposal HCC-87A, dated April 11, 1986.

A special public meeting for all representatives interested in submission of a proposal will be conducted Monday, April 28, at 10 a.m., in the third floor conference room, Kansas Insurance Department, 420 S.W. 9th, Topeka.

Those interested in attending the conference should contact the commission's administrative office at (913) 296-7483 by April 27 to confirm attendance. Questions from potential responders concerning the project will be addressed only at this public meeting.

ALDEN K. SHIELDS
Chairman

Doc. No. 004124

State of Kansas

ATTORNEY GENERAL

Opinion No. 86-48

Laws, Journals and Public Information—Records Open to Public—Definitions; Public Agency.

State Departments; Public Officers and Employees—Public Officers and Employees; Open Public Meetings—Meetings of Public Agencies Open To Public. Mayor Roslind Scudder, City of Newton, April 3, 1986.

An entity created by action of a city, a county and a chamber of commerce (which is not itself subject to either the Kansas Open Records Act or the Kansas Open Meetings Act) may be subject to both such acts if certain requirements are met. In the case of the Kansas Open Records Act (KORA), K.S.A. 45-215 *et seq.*, the entity must be supported by public funds in whole or in part. While an exception exists for the mere provision of goods or services, an entity which is established by a city and county and to which they appoint members, and which has the task of performing functions they assign, is a public agency for the purposes of KORA. Records concerning the prospective location of a business in the area may or may not be subject to disclosure, depending on whether the requirements of K.S.A. 1985 Supp. 45-221 have been met.

The Kansas Open Meetings Act (KOMA) applies if the entity is subordinate to a legislative or administrative agency of the state, and is supported in whole or in part by public funds. In the case of an entity which has a majority of its members appointed by a city and a county, which is charged with the performance of duties which would otherwise be done by the units of government themselves, and which receives funding from such governments, the tests are satisfied and KORA applies. Questions involving the prospective location of a business in the area may be discussed in executive session only as they concern the acquisition of real property or confidential data relating to the financial affairs of the business. Cited herein: K.S.A. 1985 Supp. 45-216; 45-217; 45-221; K.S.A. 75-4317; K.S.A. 1985 Supp. 75-4318; K.S.A. 75-4319. JSS

Opinion No. 86-49

Elections—Conduct of Elections; Mail Ballot Election Act.

Counties and County Officers—General Provisions—Home Rule Powers; Charter Resolution Election; Use of Mail Ballot. Jack H. Brier, Secretary of State, Topeka, April 7, 1986.

The Mail Ballot Election Act, K.S.A. 1985 Supp. 25-431 *et seq.*, provides for the conduct of "question submitted" elections in various governmental subdivisions by mail ballot. The mail ballot procedure may not be used in an election at which any candidate is elected, retained or recalled. The county home rule statutes, K.S.A. 19-101b(c)(3), establish procedures for the conduct of an election on a charter resolution

passed by the county governing board and provide that such elections shall be conducted "in the same manner as are elections for officers of such county." The phrase "in the same manner . . ." as elections for county officers is ambiguous in this context and does not prevent, in the opinion of this office, the use of the mail ballot election act when a charter resolution is submitted to county voters. TRH

Opinion No. 86-50

Taxation—Lottery and Pari-mutuel Wagering—Enabling Legislation.

Constitution of the State of Kansas—Miscellaneous—Lotteries. Harley T. Duncan, Secretary, Kansas Department of Revenue, Topeka, April 7, 1986.

The provisions of 1986 House Bill No. 2789 and 1986 House Concurrent Resolution No. 5024 create the support mechanisms for proposed amendments to the Kansas Constitution concerning lotteries and pari-mutuel wagering. Presently, both gambling activities are prohibited by Article 15, Section 3 of the Kansas Constitution. However, approval of these amendments would permit such activity. The legislature may enact statutes in support of these measures with effectiveness contingent upon the approval of the constitutional amendments. Cited herein: Kan. Const., Art. 15, § 3; K.S.A. 1985 Supp. 79-1476. JSS

Opinion No. 86-51

Elections—Sufficiency of Petitions—Contents of Petition; Petition to Challenge Capital Outlay Resolution. Gene Porter, Barton County Attorney, Great Bend, April 7, 1986.

A petition, prepared and filed pursuant to K.S.A. 72-8801 which does not meet the requirements of K.S.A. 1985 Supp. 25-3601 *et seq.*, is invalid and has no effect in preventing a capital outlay levy from taking effect. Furthermore, even though a petition is valid under the requirements of K.S.A. 1985 Supp. 25-3602, it must in addition correctly identify the resolution which it challenges in order to legally protest the resolution. Cited herein: K.S.A. 25-3601; K.S.A. 1985 Supp. 25-3602; K.S.A. 72-8801. BPA

Opinion No. 86-52

Constitution of the State of Kansas—Legislative—Organization and Sessions. Representative Robert J. Vancrum, 29th District, Overland Park, April 8, 1986.

Article 2, Section 8 of the Kansas Constitution provides a specific means by which the regular session in an even-numbered year may be extended, *i.e.* "by an affirmative vote of two-thirds of the members elected to each house." In our opinion, extending the session in any other manner would be unconstitutional, and therefore any legislative action taken after the close of the regular session would be subject to attack as being valid.

A valid resolution to extend the regular session which limits the subject matter to be considered in the

extended session would be ineffective for all practical purposes. JLM

ROBERT T. STEPHAN
Attorney General

Doc. No. 004107

State of Kansas
SOCIAL AND REHABILITATION SERVICES

**REQUEST FOR PROPOSALS
FOR SPECIALIZED SHORT TERM
FAMILY FOSTER CARE**

The Department of Social and Rehabilitation Services is soliciting proposals from community based not for profit organizations for the development and operation of a specialized, short term family foster care program for juvenile offenders and children in need of care. The program is to be funded for the period of June 15, 1986 through June 30, 1987, in an amount not to exceed \$76,000, and is to be located in the 19 counties comprising the Garden City SRS management area.

The population to be served fall into three categories which are listed in order of priority for placement:

- (1) Youth leaving the youth centers or group homes/residential centers to prepare them, in a maximum of six months, for reintegration into their families or for independent living;
- (2) Youth adjudicated as juvenile offenders or children in need of care who otherwise might be destined for youth center or group home/residential centers. The treatment goal will be reintegration into their families, placement in less intensive foster care, or independent living within six months;
- (3) Emergency placements not to exceed 10 days for children in need of care or juvenile offenders to prevent placement in jail.

The program is to be structured to assist youth and their families for transition back into the natural family or for independent living and will involve intensive and extensive networking, coordination and communication among the youth centers, the SRS area office, foster families, natural families and community providers.

The request for proposal is available from David O'Brien at (913) 296-4649, or SRS Youth Services, 2700 W. 6th, Topeka 66606, beginning at 8 a.m. Monday, April 21, and is due at the close of business on May 20.

ROBERT C. BARNUM
Commissioner, Youth Services

Doc. No. 004114

State of Kansas

LEGISLATURE

LEGISLATIVE BILLS INTRODUCED

The following lists the numbers and titles of bills and resolutions recently introduced in the Kansas Legislature.

Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N State Capitol, Topeka 66612, (913) 296-4096. There is a limit of 25 copies of any one item.

Bills Introduced April 3-9

SB 761, by Committee on Ways and Means: An act concerning governmental ethics; applying the provisions of the Kansas sunset law to the Kansas public disclosure commission and the office of the executive director of the commission; concerning the campaign finance act; amending K.S.A. 25-4119a and repealing the existing section, and also repealing section 49 of chapter 171 of the 1981 Session Laws of Kansas.

SB 762, by Committee on Ways and Means: An act concerning certain payments by the state; amending K.S.A. 75-3732 and repealing the existing section.

SB 763, by Committee on Ways and Means: An act concerning a certain claim against the state; making and concerning appropriations for the fiscal years ending June 30, 1986, and June 30, 1987; directing disbursement thereof subject to certain conditions.

HB 3144, by Committee on Ways and Means: An act concerning insurance; relating to actuarial evaluation of certain filings of rates and rate information; amending K.S.A. 40-928 and 40-1113 and repealing the existing sections.

HB 3145, by Committee on Ways and Means: An act concerning the department of revenue; relating to appointment of attorneys therefor; amending K.S.A. 1985 Supp. 75-5121 and repealing the existing section.

HB 3146, by Committee on Ways and Means: An act concerning the uniform commercial code; relating to fees for information regarding financing or related statements; amending K.S.A. 1985 Supp. 84-9-407 and repealing the existing section.

HB 3147, by Committee on Ways and Means: An act relating to motor vehicles; allowing use of vehicle dealer license plates for driver training vehicles; amending K.S.A. 1985 Supp. 8-2406 and repealing the existing section.

HB 3148, by Committee on Ways and Means: An act concerning the school district income tax fund; relating to district entitlement to resident individual income tax; amending K.S.A. 72-7067 and repealing the existing section.

HB 3149, by Committee on Ways and Means: An act concerning water; relating to the state water plan storage act; amending K.S.A. 82a-1308a, 82a-1315a and 82a-1315b and repealing the existing sections.

HB 3150, by Committee on Federal and State Affairs: An act concerning utilities; relating to certain expenses thereof.

HB 3151, by Committee on Federal and State Affairs: An act concerning handicapped accessibility standards; relating to apartment complexes, hotels and motels.

SR 1910, by Senator Allen: A resolution congratulating and commending Alice Wolf of Ottawa, Kansas, on being named the 1986 Kansas Teacher of the Year.

SR 1911, by Senator Daniels: A resolution congratulating Howard P. Botts, President of B&D Instruments, Inc., Valley Center, Kansas, on his selection as Small Business Person of the Year for the State of Kansas.

HCR 5055, by Committee on Agriculture and Small Business: A concurrent resolution urging the Congress of the United States to enact legislation which will mandate the implementation of a hardness determination tester for accurate wheat classification.

HR 6254, by Representatives D. Miller, Branson, Charlton, Solbach, Adam, Blumenthal, Buntin, Chronister, Cloud, Dean, Flottman, Foster, Freeman, Friedeman, Heinemann, Holmes, Jenkins, Long, Lowther, Mayfield, O'Neal, Patrick, Roe, Roenbaugh, Rolfs, Roy, Rannels, Sifers, Snowbarger, Spaniol, Sprague, Vancrum and Wunsch: A resolution congratulating and commending the University of Kansas men's basketball team and its coach, Larry Brown, on an outstanding basketball season and on qualifying for the Final Four.

HR 6255, by Representative Smith: A resolution congratulating and commending the Seaman High School boys' basketball team and its coach, Ed Tolin, on winning the 1986 Centennial League Championship for the third consecutive year.

HR 6256, by Representative Smith: A resolution congratulating and commending Seaman High School on receiving the Excellence in Education Award from the United States Department of Education.

HR 6257, by Representative K. Campbell: A resolution congratulating and commending the Concordia High School girls' basketball team, its coach, Dick Switzer, the Concordia High School Varsity Cheerleading Squad and their sponsors, Wayne Mohr and Cathy Shockley, on winning the 1986 Class 4A Kansas State Basketball Championship and Sportsmanship Award.

HR 6258, by Representative Crowell: A resolution commending the Kansas railroads, the rail-labor organizations and local, state and federal government agencies for their cooperative efforts in promoting safety at railroad grade crossings through the "Operation Lifesaver" program.

HR 6259, by Representative Polson: A resolution in memory of Mary Cohort.

HR 6260, by Representative Branson: A resolution commending Ann P. Turnbull and H. Rutherford Turnbull III for outstanding leadership on behalf of citizens with mental retardation.

HR 6261, by Representative Mollenkamp: A resolution congratulating and commending the Wheatland High School boys' basketball team and its coach, Bruce Heinz, on placing third in the 1986 Class 1A State Basketball Championship Tournament in Kansas.

HR 6262, by Representatives Nichols, Adam, Baker, Barr, Bowden, Branson, K. Campbell, Cloud, Duncan, Fox, Fuller, Gjerstad, Hassler, Hensley, Johnson, Justice, Kline, Lowther, Rolfs, Rannels, Vancrum and Wagnon: A resolution directing school boards across Kansas to implement various programs on human reproduction and family planning to educate students beginning at the Kindergarten level and continuing through the 12th grade.

Doc. No. 004115

State of Kansas

BOARD OF ACCOUNTANCY

NOTICE OF MEETING

The State Board of Accountancy will meet at 9 a.m. Tuesday, April 29, in conference room 237, 503 Kansas Ave., Topeka. Persons interested in agenda items or in attending should contact the board office at (913) 296-2162 or at the address above.

GLENDIA SHERMAN
Board Secretary

Doc. No. 004102

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO CONSULTING ENGINEERS

The Kansas Department of Transportation (K.D.O.T.) is seeking a qualified engineering firm for plan production for the following project:

Johnson—635-46 K-2134-04/IR 635-3(322)—replacement of bridge #016 over westbound I-35 and the railroad in Johnson County.

Firms expressing interest in these projects must respond in writing and complete the Consulting Engineers Qualification Questionnaire (if not already prequalified) by May 1, 1986.

It is the policy of the K.D.O.T. to use the following criteria as the basis for selection of engineering consultant firms:

1. Size and professional qualification of firm.
2. Experience of staff.
3. Location of firm with respect to proposed project.
4. Work load of firm.
5. Firm's performance.

JOHN B. KEMP
Secretary of Transportation

Doc. No. 004118

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO CONTRACTORS

Notice is hereby given 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., May 15, 1986, and then publicly opened:

DISTRICT ONE—Northeast

Atchison—3 C-1654-01—County road, 2.4 miles west and 2.9 miles south of Muscotah on the Atchison-Jackson county line, then south, 0.2 mile, bridge replacement. (Federal Funds)

Jefferson—59-44 M-1417-01—U.S. 59, Lawrence Street in Oskaloosa, north 0.8 mile to end of concrete pavement, patching. (State Funds)

Johnson—46 U-0902-01—Metcalf Avenue at Toma-

hawk Creek in Overland Park, 0.2 mile, bridge replacement. (Federal Funds)

Leavenworth—52 C-1451-01—County road, 6.5 miles north of Tonganoxie, then north, 0.1 mile, bridge replacement. (Federal Funds)

Lyon—99-56 K-2907-01, K-99, 1.6 miles north of I-35, then north, 1.3 miles, overlay. (State Funds)

Marshall—58 C-1988-01—County road, 7.5 miles south and 2.6 miles west of Frankfort, then west, 0.2 mile, bridge replacement. (Federal Funds)

Nemaha—66 C-2409-01—County road, 3.2 miles east and 3.0 miles south of Corning, bridge repair. (Federal Funds)

Nemaha—66 C-2410-01—County road, 5.0 miles west and 2.8 miles south of Wetmore, 0.1 mile, bridge replacement. (Federal Funds)

DISTRICT TWO—Northcentral

Clay—14 C-2010-01—County road, 3.0 miles south and 3.8 miles west of Clay Center, then west, 0.1 mile, bridge replacement. (Federal Funds)

McPherson—56-59 M-1377-01—U.S. 56, beginning at Eby Street, then east to FAS 319 in McPherson, 1.7 miles, patching. (State Funds)

Ottawa—18-72 M-1409-01—K-18, FAS 2039 north to FAS 748, patching. (State Funds)

Saline—85 C-1785-01—County road in Gypsum, then east, 0.2 mile, bridge replacement. (Federal Funds)

Saline—70-85 M-1406-01—I-70, Lincoln-Saline county line east 9.9 miles, overlay. (State Funds)

Saline—140-85 M-1408-01—K-140, through to interchange of K-135/K-140, patching. (State Funds)

DISTRICT THREE—Northwest

Decatur—20 C-2005-01—County road, 2.0 miles south and 4.6 miles west of Oberlin, then west, 0.1 mile, bridge replacement. (Federal Funds)

Ellis—26 U-0907-01—32nd Street at Lincoln draw in Hays, 0.1 mile, bridge replacement. (Federal Funds)

Ellis—70-26 M-1412-01—I-70, Ellis-Trego county line east 1.8 miles to I-70/K-247 interchange, 1.8 miles, milling. (State Funds)

Russell—70-84 M-1410-01—I-70, Ellis-Russell county line east 4.0 miles, slurry seal. (State Funds)

Russell—70-84 M-1411-01—I-70, Russell-Ellsworth county line west 7.4 miles to Union Pacific Railroad, recycling. (State Funds)

Sherman—91 C-1627-01—County road, 2.0 miles west and 5.8 miles north of Goodland, then north, 0.1 mile, bridge replacement. (Federal Funds)

Trego—70-98 M-1413-01—I-70, old U.S. 40 east 6.5 miles to Trego-Ellis county line, milling. (State Funds)

DISTRICT FOUR—Southeast

Allen—1 C-1779-01—County road, 1.4 miles north and 0.7 mile east of Gas City, then east, 0.2 mile, bridge replacement. (Federal Funds)

Cherokee—160-11 K-2044-01—U.S. 160, bridges 16, 17, 18, and 19 east of K-126, bridge replacements. (Federal Funds)

(Published in the KANSAS REGISTER, April 17, 1986.)

Coffey—16 C-0830-01—County road, 7.2 miles south of Waverly, then south, 1.5 miles, grading. (Federal Funds)

Miami—61 C-1637-01—County road, 4.5 miles south of Paola, then southeast, 0.1 mile, bridge repair. (Federal Funds)

DISTRICT FIVE—Southcentral

Butler—96-8 K-1879-01—K-96, 1.0 mile east of Leon then east to 1.0 mile west of Keighley, 5.9 miles, grading, surfacing and bridge. (State Funds)

Harvey—135-40 M-1416-01—I-135, north junction of I-135/K-15 south 4.3 miles, milling and overlay. (State Funds)

Kiowa—49 C-2155-01—County road, 2.0 miles west and 3.5 miles north of Greensburg, then north, 0.1 mile, bridge replacement. (Federal Funds)

Reno—78 U-0906-01—4th Street at Cow Creek diversion in Hutchinson, 0.2 mile, bridge replacement. (Federal Funds)

Reno—78 U-1026-01—4th and K-61; 5th and Adams; 11th and Adams in Hutchinson, intersection improvements. (Federal Funds)

Rice—80 C-1610-01—County road, 5.7 miles east of Sterling, then north, 4.0 miles, surfacing. (Federal Funds)

Rice—80 C-2024-01—County road, 0.3 mile north of Little River, then north, 0.2 mile, bridge replacement. (Federal Funds)

Sedgwick—235-87 K-2515-02—I-235, beginning at the junction of U.S. 54, then north and east to Broadway, 8.1 miles, signing. (Federal Funds)

Sumner—96 C-1863-01—County road, 8.0 miles west of Mulvane, then west, 0.2 mile, bridge replacement. (Federal Funds)

DISTRICT SIX—Southwest

Ford—56-29 K-2441-01—U.S. 56, 1 mile west of K-129 to the east junction of U.S. 283, 6.0 miles, overlay and widening. (Federal Funds)

Meade—54-60 K-2793-01—U.S. 54, west city limits of Meade, then east to the end of 4-lane highway, 1.8 miles, recycling. (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 regardless of race, religion, color, sex, physical handicap, national origin or ancestry in the award of contracts.

Plans and specifications for the projects may be examined at the offices of the respective county clerks or at the Kansas Department of Transportation district offices responsible for the work.

JOHN B. KEMP
Secretary of Transportation

Doc. No. 004119

NOTICE OF BOND SALE
\$200,000
GENERAL OBLIGATION SANITARY
SEWER SYSTEM BONDS
OF THE
CITY OF CONWAY SPRINGS, KANSAS
SERIES A, 1986

(general obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Sealed bids will be received by the undersigned, Clerk of the City of Conway Springs, Kansas, on behalf of the city of Conway Springs at the office of the City Clerk, City Hall, Conway Springs, Kansas, until 7:30 p.m. Central Daylight Time, Thursday, May 1, 1986, for the purchase of \$200,000 principal amount of general obligation sanitary sewer system bonds, series A, 1986, of the city hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the governing body immediately thereafter. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds in denominations of \$5,000 or integral multiples thereof, dated May 1, 1986, and becoming due serially on October 1 in the years as follows:

| Year | Principal Amount |
|------|------------------|
| 1987 | \$20,000 |
| 1988 | 20,000 |
| 1989 | 20,000 |
| 1990 | 20,000 |
| 1991 | 20,000 |
| 1992 | 20,000 |
| 1993 | 20,000 |
| 1994 | 20,000 |
| 1995 | 20,000 |
| 1996 | 20,000 |

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning on April 1, 1987.

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 Treasurer of the State of Kansas, Topeka, Kansas (the paying agent and bond registrar), to the registered owners thereof whose names are on the registration books of the bond registrar as of the 15th day of the month preceding each interest payment date. The bonds will be registered pursuant to a plan of registration approved by the city and the Attorney General of the State of Kansas.

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

(continued)

The number and denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar at least two weeks prior to the closing date.

Redemption of Bonds Prior to Maturity

The bonds shall become due without option of prior payment.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest, not exceeding five different interest rates, as may be specified by the bidders, subject to the following conditions: Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1 percent. The repetition of a rate will not constitute one of said maximum number of rates. No interest rate shall exceed a rate equal to the 20 bond index of tax exempt municipal bonds published by Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2.5 percent. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the city during the life of the bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid, all certified by the bidder to be correct, and the city will be entitled to rely on the certificate of correctness of the bidder. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid.

Basis of Award

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

Authority, Purpose and Security

The bonds are being issued for the purpose of paying the cost of constructing sewer improvements in the city. The bonds and the interest thereon will constitute general obligations of the city, payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city.

Pending Federal Legislation Concerning Tax Exempt Obligations

On December 17, 1985, the U.S. House of Representatives passed H.R. 3838, the Tax Reform Act of 1985. The Bill presently is pending in the Senate. The Bill in its present form imposes additional requirements which must be satisfied in order for interest on obligations issued by or on behalf of the states and local governments to be exempt from federal income taxation. Such requirements generally are effective for all obligations issued after December 31, 1985, and thus, if the Bill becomes law in its present form, would be applicable to the bonds.

The Bill is subject to change, and if it becomes law may contain requirements which differ from those contained in the Bill in its present form. Therefore, there can be no assurance that the city will be able to comply with such requirements. The failure or inability of the city to comply with the requirements of the Bill could jeopardize the tax exempt status of the bonds from their date of issuance. Bondholders should be aware that in such event, the bonds are not callable, nor will the interest rate on the bonds be adjusted to reflect the loss of the tax exemption.

On March 14, 1986, a joint statement was issued by key congressional leadership and the Secretary of the Treasury of the United States concerning a delay in the effective date of certain provisions of the Bill. The city has relied on the joint statement in issuance of the bonds.

Legal Opinion and Tax Exemption

The bonds will be sold subject to the legal opinion of Gaar & Bell, Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds, and delivered to the successful bidder as and when the bonds are delivered. Said opinion will state that in the opinion of bond counsel, under existing law, the interest on said bonds is exempt from present federal income taxation and the bonds are exempt from intangible personal property taxes levied by Kansas cities, counties, and townships.

Delivery and Payment

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before May 28, 1986, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. The successful bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in federal reserve funds, immediately subject to use by the city.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America equal to 2 percent of the total amount of the bid payable to the order of the city. If a

bid is accepted, said check will be held by the city until the bidder shall have complied with all of the terms and conditions of this notice, at which time the check will be returned to the successful bidder or paid to his order at the option of the city. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the city as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

CUSIP Numbers

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

Bid Forms

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

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Bond Bid." Bids may be submitted by mail or delivered in person to the undersigned at the office of the city clerk and must be received by the undersigned prior to 7:30 p.m. Central Daylight Time, on Thursday, May 1, 1986.

Official Statement

The city has prepared a preliminary official statement dated April 3, 1986, copies of which may be obtained from the city clerk or from the financial adviser. Upon the sale of the bonds, the city will adopt the final official statement and will furnish the successful bidder with a reasonable number of copies thereof without additional cost upon request. Additional copies may be ordered by the successful bidder at his expense.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city for the year 1985 is as follows:

| | |
|--|-------------|
| Equalized assessed valuation of taxable | |
| tangible property | \$1,480,003 |
| Tangible valuation of motor vehicles | \$ 27,713 |
| Equalized assessed tangible valuation for | |
| computation of bonded debt limitations | \$1,507,716 |

The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$491,000. The city also has outstanding temporary improvement notes in the amount of \$200,000,

all of which will be retired from the proceeds of the bonds and other available funds.

Additional Information

Additional information regarding the bonds may be obtained from the city clerk, or from the financial adviser, First Securities Company of Kansas, Inc., Wichita, KS 67202, Attention: David H. Perkins, (316) 262-4411.

Dated April 3, 1986.

CITY OF CONWAY SPRINGS, KANSAS
 By Sherrill Orr, City Clerk
 208 W. Spring, Box 187
 Conway Springs, KS 67031
 (316) 456-2345

Doc. No. 004116

(Published in the KANSAS REGISTER, April 17, 1986.)

**NOTICE OF REDEMPTION
 TO THE HOLDERS OF
 CITY OF MANHATTAN, KANSAS
 COMMERCIAL REHABILITATION LOAN
 PROGRAM REVENUE BONDS
 (LOAN TO LENDERS)
 SERIES C, 1982
 DATED JUNE 1, 1982**

Notice is hereby given that pursuant to the provisions of Section 8(B) of Ordinance No. 3958 of the City of Manhattan, Kansas, the above mentioned bonds numbered 16, 18, 19, 21, 25, 26, 28, 30, 31, 33, 36, 37, 38, 41, 43, 45, 46, 47, 48, 51, 54, 55, 59, 60, 64, 67, 68, 69, 71, 75, 76, 78, 79, 83, 85, 88, 89, 90, 91, 94, 95, 96, 97, 98, 99, 100, 101, 102, 104, 106, 108, 109, 111, 112, 113, 115, 116, 117, 118, 119, 122 and 123, maturing in the years 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993 and 1994, have been called for redemption and payment on June 1, 1986 at the offices of the Southwest National Bank of Wichita, Trust Department, P.O. Box 1401, Wichita, KS 67201.

On such redemption date there shall become due and payable on each of the above mentioned bonds the redemption price thereof equal to 102 percent of the principal amount of each bond together with the interest accrued to the redemption date (upon presentation and surrender of each such bond and all appertenant coupons). Interest shall cease to accrue on the bonds from and after June 1, 1986, and the interest coupons maturing after June 1, 1986 shall be void.

**THE SOUTHWEST NATIONAL BANK
 OF WICHITA, KANSAS
 AS TRUSTEE FOR THE
 CITY OF MANHATTAN, KANSAS**
 By Todd H. Duncan
 Corporate Trust Officer

Doc. No. 004103

State of Kansas
STATE CORPORATION COMMISSION

NOTICE OF
MOTOR CARRIER HEARINGS

Applications set for hearing are to be heard at 9:30 a.m. before the State Corporation Commission, State Office Building, 4th Floor, Topeka, unless otherwise noticed.

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

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 4th Floor, State Office Building, Topeka 66612, (913) 296-3808 or 296-2110.

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

Application set for May 8, 1986

Renoticed Application for Extension of Certificate of Convenience and Necessity:

Marvin McChristian, dba) Docket No. 32,000 M
M & P Transport)
Route 1, Box 153)
Arkansas City, KS 67005) MC ID No. 100299

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

Petroleum products (except those requiring pressurization during transportation),

Between points and places in Sedgwick, Butler, Sumner, Cowley, Reno, Kingman, Harper, Pratt, Barber, Kiowa, Comanche, Clark and Ford counties.

Also,

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

Grain,

Between points and places in Harvey, Sedgwick, Butler and Sumner counties.

Also,

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

Applications set for May 13, 1986

Application for Abandonment of Certificate of Convenience and Necessity:

Amoco Oil Co.) Docket No. 96,649 M
1000 N. Sterling)
Sugar Creek, MO 64054) MC ID No. 101222

Applicant's Attorney: None

Application for Abandonment of Certificate of Convenience and Necessity:

John A. Birner, dba) Docket No. 127,228 M
Oilfield Construction)
Services)
Route 3, Box 118)
Chanute, KS 66720) MC ID No. 103749

Applicant's Attorney: None

Application for Abandonment of Contract Carrier Permit:

Empak Transportation Co.) Docket No. 13,069 M
1400 S. Harrison)
Olathe, KS 66061) MC ID No. 108020

Applicant's Attorney: None

Application for Extension of Certificate of Convenience and Necessity:

Gabe Lawrence, Jr. and) Docket No. 37,289 M
George E. Lawrence;)
dba George W. Ross)
Trucking)
710 W. 9th)
Scott City, KS 67871) MC ID No. 124083

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

Livestock, hay, grain, dry feed, dry feed ingredients, salt, building materials, fencing materials, fertilizer (except anhydrous ammonia) and machinery,

Between all points and places in Kansas west of the east boundary line of Norton, Graham, Trego, Ness, Hodgeman, Ford and Clark counties, Kansas.

Also,

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

Hay, grain, dry feed, dry feed ingredients, salt, building materials, fencing materials, fertilizer (except anhydrous ammonia) and machinery,

Between points and places in Reno, Saline, Sedgwick, Shawnee and Wyandotte counties, Kansas, on the one hand, and points and places in the state of Kansas, on the other hand.

Application for Contract Carrier Permit:

Gabe Lawrence, Jr. and) Docket No. 149,818 M
George E. Lawrence,)
dba George W. Ross)
Trucking)
710 W. 9th)
Scott City, KS 67871) MC ID No. 124053

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

Grain and dry fertilizer,

Between Shawnee, Brown, Nemaha, Mitchell, Jackson, Pawnee, Pottawatomie and Reno counties, Kansas, on the one hand, and Saline County, Kansas, on the other hand. Under contract with Garvey Elevators, Inc., of Scott City, Kansas.

Renoticed Application to Transfer Certificate of Convenience and Necessity:

Walley K. Winstead, dba) Docket No. 137,254 M
Winstead's 24-Hour)
Wrecker Service &)
Auto Sales)
782 Cherokee St.)
Leavenworth, KS 66048) MC ID No. 109381

TO:
Michael W. Kidwell, dba
Winstead's 24-hour Wrecker Service
782½ Cherokee St.
Leavenworth, KS 66048

Applicant's Attorney: None

Wrecked and disabled vehicles,

Between all points and places in Leavenworth, Wyandotte, Johnson, Jefferson and Atchison counties, Kansas.

Also,

Between all points and places in the afore listed counties, on the one hand, and all points and places in the state of Kansas, on the other.

Application for Extension of Certificate of Convenience and Necessity:

Wheeler Transport Service,) Docket No. 85,069 M
Inc.)
7722 F St.)
P.O. Box 14248)
Omaha, NE 68124) MC ID No. 100427

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

Petroleum products,

Between Butler County, Kansas, on the one hand, and on the other, all points and places in Kansas.

Applications set for May 15, 1986

Application for Transfer of Certificate of Convenience and Necessity:

Lawrence B. Mohl) Docket No. 29,970 M
Route 1)
Russell, KS 67665) MC ID No. 100275

TO:
Thomas R. Robinson
Route 1
Lucas, KS 67648

Applicant's Attorney: None

Newsprint paper (in lots of 6,000, 10,000 and 12,000 pounds),

Between Russell, Kansas and points within a 50-mile radius thereof.

Also,

Between Russell, Kansas, on the one hand, and WaKeeney, Kansas, on the other.

Used farm machinery, set up,

Between Russell, Kansas, on the one hand, and farms and rural locations within a 50-mile radius thereof, on the other.

Also,

Between farms and rural locations within a 50-mile radius of Russell, Kansas.

Houses, set up,

Between all points and places within the counties of Osborne, Ellis, Barton, Ellsworth and Russell.

Houses and buildings in whole and in sections,

Between all points and places in Russell County.

Farm tanks and granaries,

Between all points and places in Russell County.

Houses and buildings in whole or in sections,

Between all points and places in Barton, Ellis, Ellsworth, Osborne, Rush and Russell counties, Kansas.

Also,

Between all points and places in Barton, Ellis, Ellsworth, Osborne, Rush and Russell counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other.

Farm tanks and granaries,

Between all points and places in Barton, Ellis, Ellsworth, Osborne, Rush and Russell counties, Kansas.

Also,

Between all points and places in Barton, Ellis, Ellsworth, Osborne, Rush and Russell counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other.

Application for Extension of Certificate of Convenience and Necessity:

Thomas R. Robinson) Docket No. 29,970 M
Route 1)
Lucas, KS 67648)

Applicant's Attorney: None

Houses, buildings and farm equipment,

Between all points and places in Osborne, Ellis, Barton, Ellsworth, Russell and Rush counties, Kansas.

Also,

Between all points and places in Osborne, Ellis, Barton, Ellsworth, Russell and Rush counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other.

Farm machinery and paper products,

Between all points and places in Trego, Russell, Rush, Barton, Rooks, Ellis, Osborne, Mitchell, Lincoln, Ellsworth, Rice and Pawnee counties, Kansas.

(continued)

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

Gary Boss) Docket No. 149,819 M
102 Poplar)
Parsons, KS 67357)

Applicant's Attorney: None

**Feed, feed ingredients, fertilizer and fertilizer
ingredients,**

Between all points and places in the state of Kansas.

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

Carl E. Phillips, dba) Docket No. 136,060 M
Gene Phillips Trucking)
Route 2, Box 106B)
Newkirk, OK 74647) MC ID No. 106553

TO:
Wilcox & Sons, Inc.
P.O. Box 774

Garden City, KS 67846

Applicant's Attorney: John Jandera, 1610 S.W. Topeka
Blvd., Topeka, KS 66612

Grain and dry fertilizer,

Between points in Sumner, Cowley, Butler and
Chautauqua counties, Kansas, on the one hand, and on
the other, all points in Kansas.

Lime,

Between points in Cowley County, Kansas, on the
one hand, and on the other, all points in Kansas.

Dry feed,

Between points in Cowley County, Kansas, on the
one hand, and on the other, all points in Kansas.

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

Wilcox & Sons, Inc.) Docket No. 81,988 M
P.O. Box 774) MC ID No. 119877
Garden City, KS 67846) Docket No. 136,060 M
) MC ID No. 106553

Applicant's Attorney: John Jandera, 1610 S.W. Topeka
Blvd., Topeka, KS 66612

Grain,

Between all points and places in Kansas.

Lime,

Between points in Cowley County, Kansas, on the
one hand, and on the other, all points in Kansas.

Dry fertilizer,

Between points in Sumner, Cowley, Butler, Gree-
ley, Wichita, Scott, Lane, Ness, Hamilton, Kearny,
Finney, Gray, Hodgeman, Ford, Barton, Stanton,
Grant, Haskell, Morton, Rice, Reno, Stevens, Seward,
Meade, Clark and Chautauqua counties, Kansas, on
the one hand, and on the other, all points in Kansas.

Salt, feed and feed ingredients,

Between points in Greeley, Wichita, Scott, Lane,
Ness, Hamilton, Kearny, Finney, Gray, Hodgeman,
Ford, Barton, Stanton, Grant, Haskell, Morton, Rice,
Reno, Stevens, Seward, Meade, Cowley and Clark
counties, Kansas.

Also,

Between points in Greeley, Wichita, Scott, Lane,
Ness, Hamilton, Kearny, Finney, Gray, Hodgeman,
Ford, Barton, Stanton, Grant, Haskell, Morton, Rice,
Reno, Stevens, Seward, Meade, Cowley and Clark
counties, Kansas, on the one hand, and on the other,
points in Kansas.

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

Otis Lane Automotive) Docket No. 39,962 M
Services, Inc.)
1111 Kansas Ave.)
Topeka, KS 66612) MC ID No. 100418

Applicant's Attorney: None

Applications set for May 20, 1986

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

Carole Barker, Orville) Docket No. 149,820 M
Barker, and Stanley)
Nicholas, dba)
Tequila Rose Tow Service)
425 S.E. Lime)
Topeka, KS 66607)

Applicant's Attorney: None

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

Between all points and places in the state of Kansas.

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

Cooper Dirt Construction,) Docket No. 149,821 M
Inc.)
South Hwy. 283, Box A)
Hill City, KS 67642)

Applicant's Attorney: Eugene Hiatt, 627 S. Topeka
Blvd., Topeka, KS 66603-3294

Oil field equipment, materials and supplies,

Between all points from the Nebraska state line
south on Hwy. 25 to Hwy. 96; east on Hwy. 96 to Hwy.
281; north on Hwy. 281 to the Nebraska state line.

Also,

Between all points from the Nebraska state line
south on Hwy. 25 to Hwy. 96; east on Hwy. 96 to Hwy.
281; north on Hwy. 281 to the Nebraska state line and
all points and places in the state of Kansas.

Application for Transfer of Certificate of Convenience and Necessity:

Eubank Brothers, Inc.) Docket No. 40,772 M
 730 E. 1st)
 Pratt, KS 67124) MC ID No. 100421

TO:
 Marvin McChristian, dba
 M & P Transport
 Route 1, Box 153
 Arkansas City, KS 67005

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

Petroleum products having a vapor pressure of not to exceed 15 pounds per square inch at a temperature of 100 fahrenheit, in bulk, in tank truck loads, motor oils and greases in packages and containers in racks on tank trucks,

Between all refineries, pipe line terminals and other loading points in Kansas, on the one hand, and in the counties of Barber, Ford, Kiowa and Pratt in the state of Kansas, on the other.

Refined petroleum products, having a vapor pressure of not to exceed 15 pounds per square inch at a temperature of 100 fahrenheit, in bulk, in tank truck loads,

Between all refinery and pipe line outlets in Kansas, on the one hand, and all points and places within Comanche County, Kansas, on the other.

Oil and greases in packages when handled on tank trucks,

Between all refinery and pipe line outlets in Kansas, on the one hand, and all points and places within Comanche County, Kansas, on the other.

Application for Extension of Certificate of Convenience and Necessity:

National Carriers, Inc.) Docket No. 110,585 M
 1501 E. 8th)
 Liberal, KS 67901) MC ID No. 107083

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

Livestock and general commodities (except household goods, classes A and B explosives, road oil, heating oil, gasoline, diesel fuel, petroleum products which require pressurization, and flour in bulk),

Between all points and places in Kansas.

Application for Transfer of Certificates of Convenience and Necessity:

Weaver Trucking, Inc.) Docket No. 31,553 M
 Route 1) Docket No. 39,444 M
 Osawatomie, KS 66064) MC ID No. 100295

TO:
 Miami County Cooperative Association
 905 W. Main
 Paola, KS 66071

Applicant's Attorney: Craig Powell, 564 Main, Osawatomie, KS 66064

General commodities (except those of unusual value and except dangerous explosives, household goods, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading,

Between Osawatomie, Paola and Ottawa, Kansas, over regular routes as follows:

From Ottawa, thence over Kansas Hwy. 68 to the junction of U.S. Hwy. 169, thence over U.S. Hwy. 169 to Paola, thence over U.S. Hwy. 169 to Osawatomie and return over the same route, serving between the cities of Ottawa, Paola and Osawatomie, Kansas, in the handling of single consignment through shipments only, and with no service to be offered or performed at any intermediate points along said route between cities.

Also,

An alternate route between Ottawa and Osawatomie, Kansas, over the following highways:

From Ottawa, thence south over U.S. Hwy. 59 approximately 8 miles to the junction of Miami County Hwy. 35 to Osawatomie and return over the same route, with road rights, only along said alternate route and with no service to be offered or performed at any intermediate points between Ottawa and Osawatomie.

Also,

Between any town within a 10-mile radius of Osawatomie, Kansas, on the one hand, and any farm or rural location within a 50-mile radius of Osawatomie, on the other.

Livestock and unprocessed farm products,

Between all points and places within a 10-mile radius of Osawatomie, Kansas.

Also,

Between points within a 10-mile radius of Osawatomie, on the one hand, and all points and places in Kansas, on the other.

Unprocessed farm products, hay and grain,

Between all points and places within a 10-mile radius of Osawatomie, Kansas.

Also,

Between points and places within said 10-mile radius of Osawatomie, Kansas, on the one hand, and farms and rural locations in Kansas within a 5-mile radius of Osawatomie, Kansas, on the other.

Processed mill feed,

From Kansas City, Kansas, to Osawatomie, Kansas.

From Kansas City, Kansas, to all points and places within a 10-mile radius of Osawatomie, Kansas.

Ordinary livestock,

Between all points and places within a 10-mile radius of Osawatomie, Kansas.

Also,

(continued)

Between all points and places within a 10-mile radius of Osawatome, Kansas, on the one hand, and all points and places in the state of Kansas, within a 60-mile radius of Osawatome, Kansas, on the other.

Processed mill feeds,

From Kansas City, Kansas, to Osawatome, Kansas, and all points and places within a 10-mile radius of Osawatome, Kansas.

General commodities (except those of unusual value and except dangerous explosives, livestock, household goods when transported as separate and distinct service in connection with so-called "household movings," commodities in bulk, commodities requiring special equipment and things injurious or contaminating to other lading),

From Kansas City, Kansas, to Osawatome, Kansas, and all points and places with a 10-mile radius of Osawatome, Kansas.

Application for Extension and Consolidation of Certificates of Convenience and Necessity:

Miami County Cooperative Association) Docket No. 31,553 M
905 W. Main) Docket No. 39,444 M
Paola, KS 66071) MC ID No. 114628

Applicant's Attorney: Craig Powell, 564 Main, Osawatome, KS 66064

General commodities (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), livestock, grain, hay, processed mill feed and farm products,

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

Also,

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

Application for Certificate of Convenience and Necessity:

Great Plains Fluid Service, Inc.) Docket No. 149,823 M
118 W. Lincoln)
P.O. Box 764)
Greensburg, KS 67054)

Applicant's Attorney: Eugene W. Hiatt, 627 S. Topeka Blvd., Topeka, KS 66603-3294

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

To, from and between all points and places in the counties of Comanche, Kiowa, Edwards, Pawnee, Rush, Barton, Stafford, Pratt, Barber, Kingman, Clark and Ford.

Application for Certificate of Convenience and Necessity:

HOC Express, Inc.) Docket No. 149,822 M
120 N. Elizabeth)
P.O. Box 2609)
Wichita, KS 67203)

Applicant's Attorney: Craig W. Campbell, 1100 Broadway Plaza, 105 S. Broadway, Wichita, KS 67202-4256

General commodities (except class A and B explosives and household goods),

Between all points and places in Sedgwick and Cowley counties, Kansas.

Also,

Between all points and places in Sedgwick and Cowley counties, Kansas, on the one hand, and on the other, all points and places in Kansas.

WILLIAM E. GREEN
Administrator
Transportation Division

Doc. No. 004121

**State of Kansas
SOCIAL AND REHABILITATION SERVICES**

**PERMANENT ADMINISTRATIVE
REGULATIONS
(Effective May 1, 1986)**

The complete text of the following regulations has not been published because of its length and the resulting cost of publication. Copies of the complete text of any of the following regulations may be obtained by contacting the Legal Division, State Department of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka 66612, (913) 296-3969.

A. Public Assistance Program.

1. 30-4-36. Redetermination of eligibility process. This regulation is being amended to require that a redetermination be conducted at least annually for all cases.

2. 30-4-39. Responsibilities of applicants and recipients. This regulation is being amended to extend the client responsibility to report changes in circumstances from five working days to 10 calendar days.

3. 30-4-41. Assistance planning. This regulation is being amended to reflect a technical change.

4. 30-4-53. Financial eligibility. This regulation is being amended to reflect technical changes.

5. 30-4-56. Assignment or transfer of property. This regulation is being amended to:

(a) Grant adequate consideration if the compensation received is equal to or greater than 75 percent of the market value for the property; and

(b) Change the way in which the period of ineligibility is calculated. Under this change, the uncompensated value of the property transferred will be

divided by the amount of \$500 to determine the number of months of ineligibility. The period of ineligibility will commence with the month in which the property was transferred for applicants and no later than the second month following the month of transfer for recipients giving timely and adequate notice.

6. 30-4-57. Job search requirements. This regulation is being amended to replace the five attempts per month provision with a requirement that the client sign an agreement to seek and accept available employment.

7. 30-4-62. Community work experience program requirements. This regulation is being amended to clarify that the reference to the federal minimum wage in the exemption for ADC and ADC-UP persons who are employed 80 hours or more per month is applicable only to those persons whose employment is subject to the federal minimum wage.

8. 30-4-78. Eligibility factors specific to the APW program. This regulation is being amended to restrict APW eligibility to women who are six or more months pregnant provided that there is apparent eligibility for ADC in the month in which the child is expected to be born.

9. 30-4-85a. Eligibility factors specific to the EA program. This regulation is being amended to limit emergency assistance to disasters and delete the provisions for evictions and potential evictions.

10. 30-4-90. Eligibility factors specific to the GA-unrestricted (GAU) program. This regulation is being amended to:

(a) Permit the acceptance of a vocational rehabilitation counselor's statement as the basis for establishing a person's incapacity; and

(b) Change the GAU vulnerable group of persons who are age 51 or older to persons who are age 55 or older.

11. 30-4-96. Eligibility factors specific to the burial assistance (BA) program. This regulation is being amended to reflect technical changes.

12. 30-4-100. Payment standards for budgetary requirements in the ADC, ADC-FC, APW, GA and GA-FC programs. This regulation is being amended to:

(a) Reflect that the \$7 increase for each person in the assistance plan set forth in K.A.R. 30-4-101 is not subject to being further reduced by 20 percent for the purpose of budgeting TGA and GAU cases.

(b) Extend the ADC and APW budgeting of the basic standard and 100 percent of the shelter standard to all persons in the plan who are living in a specialized living arrangement, commercial board and room, or commercial room only living arrangement;

(c) Extend the GAU budgeting of the basic and shelter standards to persons who are living in specialized living arrangements, commercial board and room, and commercial room only living arrangements;

(d) Expand the GAU provision of budgeting 100 percent of the total budgetary requirements to:

(1) Persons who are participating in an agency approved work-related activity; and

(2) persons residing in a specialized living arrangement;

(e) Exclude persons from the GAU pro rata budgeting concept who are living in specialized living, commercial board and room, and commercial room only living arrangements; and

(f) Expand the use of ADC standards to budgeting GAU cases involving one or more children and for GAU pregnant women.

13. 30-4-101. Standards for persons in own or other family home. This regulation is being amended to:

(a) Change the title of this regulation to "Standards for persons in own home, other family home, specialized living, commercial board and room, or commercial room-only living arrangements."; and

(b) Increase the basic standard to \$7 per person for the purpose of being an energy supplement.

14. 30-4-102. Standards for persons in room, board, specialized living or care. This regulation is being amended to:

(a) Change the title of this regulation to "Standards for children in foster care.";

(b) Delete reference to the standards for board and room, room only and specialized living arrangements; and

(c) Reflect a 15 percent increase in the foster family care standards.

15. 30-4-106. General rules for consideration of resources. This regulation is being amended to expand the provision concerning the availability of a resource to recognize that a resource shall be considered temporarily unavailable when there is a legal impediment that precludes the disposal of the resource and the applicant or recipient is pursuing reasonable steps to overcome such impediment.

16. 30-4-108. Real property. This regulation is being amended to:

(a) Delete the real property exemption pertaining to any contract from the sale of property; and

(b) Clarify that in order for contiguous real property to be included as part of the home that such property be essential to the use and enjoyment of home.

17. 30-4-109. Personal property. This regulation is being amended to reflect that a contract from the sale of property is classified as other personal property and that such contract shall be exempt as personal property if the proceeds from the contract are considered as income.

18. 30-4-111. Applicable income. This regulation is being amended to allow insurance payments on equipment, vehicles, or other property as income-producing cost for self-employed persons as long as such payments are directly related to the business.

19. 30-4-112. Income exempt from consideration as income and as a cash asset. This regulation is being amended to:

(a) Exempt reimbursements received by applicants or recipients for out-of-pocket expenses in the month received or the following month;

(b) Delete the reimbursement provision contained in K.A.R. 30-4-112(q); and

(c) Restrict the exemption of VISTA income to those situations where the Director of Action determines that the value of such income, adjusted to re-

(continued)

flect the number of hours such volunteers are serving, is less than the federal minimum wage.

20. 30-4-120. Special allowances and requirements for applicants and recipients of ADC, ADC-FC, APW, GAU and GA-FC. This regulation is being amended to:

- (a) Delete the special home repair allowances; and
- (b) Restrict the job search allowance to those persons who are participating in an agency approved job club or related activity.

21. 30-4-122a. Special allowances for EA. This regulation is being amended to:

- (a) Remove the provision related to shelter allowances for evictions and potential evictions; and
- (b) Change the emergency clothing provision to provide for the replacement of clothing on an as needed basis, not to exceed \$150 per person.

22. 30-4-130. Types of payments. This regulation is being amended to:

- (a) Not require a protective payment in cases where the needs of the caretaker relative have been removed for failure to avail himself or herself of a potential resource;
- (b) Extend the review period for money mismanagement cases from quarterly to every six months; and
- (c) Require that money mismanagement cases be discontinued after a period of two years.

23. 30-4-140. Payments. This regulation is being amended to reflect technical amendments.

B. Medicaid/Medikan Program—Provider Participation, Scope of Services, Reimbursement.

1. 30-5-58. Definitions. This regulation is being amended to:

- (a) Incorporate the definitions formerly contained in K.A.R. 30-5-91, **Definitions for pharmacy services**;
- (b) Delete the definitions of "emergency admission," "obstetrical admission," and "psychiatric day treatment program";
- (c) Add definitions of "ambulance," "comparison per diem rate," "complete ownership change," "disproportionate number of low income patients with special needs," "emergency care," "health maintenance organization," "home and community based services," "ineligible provider" and "special hospital";
- (d) Clarify the definitions of "lock-in," "medical necessity," "medical necessity in psychiatric situations," "physician extender," "primary care network" and "psychiatric partial hospitalization program"; and
- (e) Change the definition of "acquisition cost."

2. 30-5-59. Provider participation in the medic-aid/medikan program. This regulation is being amended to:

- (a) Clarify the title;
- (b) Clarify that a provider may not bill medic-aid/medikan recipients with the exception of authorized spenddown, co-pay requirements, and non-covered services if the recipient has been informed in advance of the non-coverage. The only exception to this is with inpatient hospital claims which are denied payment resulting from utilization review;
- (c) Make technical changes; and

(d) Require that when a change of ownership occurs, a new provider must apply to participate in the program and enter into a provider agreement.

3. 30-5-60. Termination of a provider from the medicaid (medical assistance) program. This regulation is being amended to reflect technical changes.

4. 30-5-62. Reinstatement of a provider previously terminated from the medicaid (medical assistance) program. This regulation is being amended to reflect technical changes.

5. 30-5-63. Medical necessity. This regulation is being amended to reflect a technical change.

6. 30-5-64. Prior authorization. This regulation is being amended to:

- (a) Delete when retroactive eligibility is established, prior authorization shall be "considered," and replace it with "waived";
- (b) Replace when authorization is "approved, payment shall be made," and add that if "medical necessity is documented, payment shall be made"; and
- (c) Discontinue the requirements to have a signed authorization accompanying all claims, and the prior authorization number being placed on the claim form.

7. 30-5-65. Denial of medical claims. This regulation is being amended to:

- (a) Clarify the title; and
- (b) Add as exceptions to the filing date limitations claims which are submitted to Medicare or medic-aid/medikan within six months of the date of service, paid or denied for payment by Medicare, and subsequently submitted for payment to the medic-aid/medikan program within 30 days of the Medicare payment or denial date; or claims determined payable by reason of administrative appeals or court action.

8. 30-5-67. Disallowance of claims for services generated by providers ineligible for participation in the medicaid (medical assistance) program. This regulation is being amended to reflect technical changes.

9. 30-5-68. Fees for consultants to the medicaid (medical assistance) program. This regulation is being amended to reflect technical changes.

10. 30-5-70. Recipient eligibility for the payment of specific medical expenses. This regulation is being amended to:

- (a) Clarify the title;
- (b) Make technical changes;
- (c) Delete portions of the regulation contained in K.A.R. 30-5-64 and 30-5-65;
- (d) Clarify that payment for community mental health center services and alcohol/drug abuse services shall be limited to those provided within Kansas; and
- (e) Provide that upon providing proper notices prospective payment liability for any or all optional services may be terminated by the secretary upon a finding that insufficient appropriations are available to reimburse the affected providers for the rendering of such services.

11. 30-5-71. Co-pay requirements. This regulation is being amended to reflect technical changes.

12. 30-5-73. Medical control of services. This regulation is being amended to:

- (a) Clarify the title; and
- (b) Make technical changes.

13. 30-5-74. Social and rehabilitation services approval of treatment programs. This regulation is being revoked.

14. 30-5-81. Scope of hospital services. This regulation is being amended to:

(a) Delete the limitation on reimbursement for elective inpatient admissions from 12 a.m., Thursday, through 11:59 p.m., Saturday;

(b) Delete the requirement that after therapeutic home visits, a patient must return to the hospital for at least eight hours prior to discharge;

(c) Add the provisions that outpatient and inpatient orders shall be related specifically to the present diagnosis of the recipient, and that EPSDT participants are covered up to 45 days for substance abuse treatment;

(d) Reduce the number of days from 30 to 25 for substance abuse treatment services for non-EPSDT participants;

(e) Clarify that extended lengths of stay for psychiatric services may also be certified through utilization review; and

(f) Change the date of the CFR citation from July 20, 1982, to October 1, 1984.

15. 30-5-81b. The basis of reimbursement for hospital services. This regulation is being amended to:

(a) Add a premium to the reimbursement rate for inpatient general hospitals. The premium shall be calculated individually for each hospital by multiplying its number of Medicaid/Medikan discharges in the immediately preceding state fiscal year by a fixed percentage to its current rate. The fixed percentage shall be determined on an annual basis by the secretary;

(b) Add an additional 1 percent to the per diem rate for hospitals determined to have a disproportionate number of low income patients with special needs;

(c) Add that radiology is also exempt (with laboratory) from reasonable costs or customary charges in an outpatient setting; and

(d) Change the date of the CRF citation from July 20, 1982, to October 1, 1984.

16. 30-5-81q. Per diem rate calculations. This regulation is being amended to add the word "comparison" to the phrase "per diem rate," as defined in K.A.R. 30-5-58.

17. 30-5-81r. Per diem rate limitations. This regulation is being amended to add the word "comparison" to the phrase "per diem rate," as defined in K.A.R. 30-5-58.

18. 30-5-81s. Modification of per diem rates and day maximums for medicaid/medikan program. This regulation is being amended to:

(a) Clarify that the review committee in considering cost increases based upon declines in patient days shall only consider medicaid/medikan program days and fixed costs in making such determinations; and

(b) Provide that the review committee shall submit its recommendations to the Commissioner of Income Maintenance and Medical Services within 90 days after its receipt of the request. The commissioner shall have 10 working days from the receipt of the review

committee's recommendations to accept, modify or reject them.

19. 30-5-81t. Cost limitations on change of ownership. This regulation is being amended to:

(a) Require 60 days prior notification in writing to the agency when a hospital changes ownership. Failure to do so may result in a hospital's per diem rate being lowered to the lowest per diem rate paid to a hospital by Medicaid/Medikan, and in the new owner and affiliated providers assuming responsibility for any overpayment made to the previous owner or owners before the change;

(b) Require that a new provider application be submitted to the agency when there is a hospital change of ownership;

(c) Require that the agency be notified in writing at least 60 days before a dissolution of a business entity, change of ownership of a business entity, or a sale, exchange or gift of 5 percent or more of the depreciable assets of a business entity;

(d) Require that a new provider application be submitted to the agency by the new owner and affiliated providers if a sole proprietor not incorporated under applicable state law transfers title and property to another party;

(e) Require that a new provider application be submitted to the agency by the new owner and affiliated providers when a consolidation of two or more corporations which creates a new corporate identity occurs;

(f) Require that a new provider application be submitted to the agency by the new owner and affiliated providers when there is an addition or substitution to a partnership or any change of ownership resulting in a completely new partnership;

(g) Require that a new provider application be submitted to the agency by a new lessee and affiliated providers;

(h) Clarify that changes of ownership have not occurred when there is solely a transfer of participating provider corporate stock, solely a merger of one or more corporations with the participating provider corporation surviving, a dissolved partnership if at least one member of the original partnership remains as owner of the facility, or if a lessee of the facility purchases the facility;

(i) Require that new ownership of a hospital also requires new certification by the department of health and environment; and

(j) Reflect technical changes.

20. 30-5-84. Scope of alternate services to inpatient care. This regulation is being amended to:

(a) Clarify that these are home and community based services;

(b) Clarify the types of services available;

(c) Add that county health departments may provide home health aide services;

(d) Add that respite care facilities must be licensed by the Department of Health and Environment, registered or approved by the agency, or individually approved instead of certified;

(e) Add adult failure alarms as approved by the agency may be a covered service; and

(continued)

(f) Make technical changes.

21. 30-5-84a. Reimbursement for alternate services to inpatient care. This regulation is being amended to:

(a) Clarify that this regulation covers home and community based services;

(b) Delete the requirement that reimbursement shall be made at a negotiated rate; and

(c) Delete reference to psychiatric day treatment and partial hospitalization services.

22. 30-5-86. Scope of services by community mental health centers. This regulation is being amended to:

(a) Make technical changes;

(b) Require that outpatient treatment programs be licensed by Mental Health/Retardation Services instead of approved by the Division of Medical Programs;

(c) Require that partial hospitalization units be approved by Mental Health/Retardation Services instead of the Division of Medical Programs; and

(d) Delete that services shall be available in outpatient alcohol and drug abuse programs licensed and certified by Alcohol and Drug Abuse Services and approved by the Division of Medical Programs.

23. 30-5-86a. Reimbursement for community mental health centers. This regulation is being amended to clarify the base rate reimbursement methodology. Portions of this regulation have been moved to K.A.R. 30-5-86b, 30-5-86c, 30-5-86d, and 30-5-86e. Additionally, this regulation is being amended to:

(a) Delete reference to K.A.R. 30-10-1a, 30-10-15a and 30-10-18;

(b) Add that the base year shall be as established by the secretary;

(c) Add that the base rate shall be calculated by dividing allowable base year costs by the total rendered units of service, and that the base rate may be adjusted each July 1 by an inflation factor established by the secretary; and

(d) Add that bad debt expenses, donations and contributions, substance abuse program costs and legal expenses in actions against the agency when rulings are made against the agency are nonallowable costs.

24. 30-5-86b. Existing provider rates for community mental health centers. The secretary is promulgating a new regulation concerning existing provider rates for community mental health centers. The text of the proposed regulation is set forth below:

30-5-86b. Existing provider rates for community mental health centers. (a) For an existing provider and those providers resulting from a separation from or a division of an existing provider, the agency shall review the fee schedule retained for cost auditing and supplied annually to the agency by the provider to determine per hour rates. The rates shall be based on the patient-related costs submitted by the provider for its fiscal year ending on or before December 31, 1981, and any subsequent base years thereafter, as established by the secretary. The rate may be adjusted on or after each July 1 by an inflation factor established by the secretary. The rates shall be limited to the lesser of the computed rate, the highest fee charged to and paid by private patient resources within the catchment

area, or the range maximums established by the secretary. Under no circumstances shall a separation or division from an existing provider be considered as the establishment of a new provider, and the existing rate will be continued. A provider shall be reimbursed for recipients living outside their catchment areas at the same rate as recipients located within their catchment areas.

(b) Failure to complete and submit any required cost report or other financial data shall result in that center's new reimbursement rate being reduced to the lowest rate paid to a community health center until such time that a cost report is received and reviewed by the division of medical programs.

25. 30-5-86c. New provider rates for community mental health centers. The secretary is promulgating a new regulation concerning new provider rates for community mental health centers. The text of the proposed regulation is set forth below:

30-5-86c. New provider rates for community mental health centers. (a) Rates for the first 18 months of a new community mental health center shall be computed from projected costs. The first projection, based on 12-month projected cost data, shall apply to the first six months of operation. The second 12-month projection, based on six months' actual cost data, shall be filed within 60 days after the end of the sixth month. The projected rate shall remain in effect until a rate can be established from a cost report based on historical cost data for the last 12 months of the projection period. Failure to complete and submit the required cost report or other financial data shall result in that center's reimbursement rate being reduced to the lowest rate paid to a community mental health center.

(b) Each new provider shall file a cost report based on historical cost data for the 12-month period ending on the last day of the 18th month following licensure of the community mental health center. Retroactive adjustment of the payments made during the projection period shall be made at the end of the 18-month period after audit of the historical cost data. Settlement of an overpayment or underpayment shall be at the audited rate computed from the historical cost data reported in accordance with this paragraph, or at the highest fee charged to and paid by private patient resources within the catchment area, or at the range maximums established by the secretary, whichever is less.

(c) Rates for a new provider, subsequent to the projection period, shall be based on the historical cost data reported in accordance with subsection (b), adjusted by an inflation factor established by the secretary, to compute a rate comparable to the rates computed in K.A.R. 30-5-86b for existing providers.

26. 30-5-86d. Financial recordkeeping for community mental health centers. The secretary is promulgating a new regulation concerning financial recordkeeping for community mental health centers. The text of the proposed regulation is set forth below:

30-5-86d. Financial recordkeeping for community mental health centers. (a) Records shall be maintained by the provider to document income and expendi-

tures, hours of services provided, allocation methodologies, and fees charged to and paid by private patient resources.

(b) Each provider record used in support of costs, charges and payments, for services and supplies shall be subject to inspection and audit by the agency, the United States department of health and human services, and the United States general accounting office. Standardized definitions, accounting, statistics and reporting practices which are widely accepted in community mental health centers and related fields shall be followed.

27. 30-5-86e. Modification of prospective rates for community mental health centers. The secretary is promulgating a new regulation concerning modification of prospective rates for community mental health centers. The text of the proposed regulation is set forth below:

30-5-86e. Modification of prospective rates for community mental health centers. (a) Each community mental health center participating in the prospective payment system may request that the rate review committee set forth in paragraph (g) modify its reimbursement rate if its current medicaid/medikan program unit cost exceeds the unit reimbursement rate by at least 15%.

(b) Each rate modification request shall be in writing, shall set forth sufficient information and documentation to support the request, and shall be received by the division of medical programs prior to April 1 of each year.

(c) The review committee shall submit its recommendations to the commissioner of income maintenance and medical services within 60 days after its receipt of the request.

(d) The commissioner shall have five working days from the receipt of the review committee's recommendations to accept, modify or reject them. The recommendations of the review committee shall become final if the commissioner fails to act within 60 days of the committee's receipt of the request.

(e) The commissioner shall notify the agency or community mental health center of the disposition of its modification request within five working days of the final decision.

(f) Each approved modification shall become effective on and after July 1 of that year.

(g) The secretary shall appoint a rate review committee consisting of six members and six alternates. Three of the members and three of the alternates shall be selected in consultation with the association of community mental health centers of Kansas.

28. 30-5-88. Scope of physician services. This regulation is being amended to:

(a) Make technical changes;

(b) Delete that non-psychiatric office visits for EPSDT participants which exceed six per calendar quarter shall be excluded;

(c) Delete that inpatient procedures which are limited to outpatient coverage unless medical necessity is documented are excluded from coverage; and

(d) Delete that recertifications provided by physician extenders are excluded from coverage.

29. 30-5-89. Scope of home health services. This regulation is being amended to:

(a) Add as a service prior authorized medical attendant care for independent living; and

(b) Require that home health agencies must be licensed in order to provide services.

30. 30-5-89a. Reimbursement for home health services. This regulation is being amended to:

(a) Make technical changes;

(b) Delete that the reimbursement rate shall be negotiated;

(c) Delete that no fee shall be paid in excess of reasonable cost or charges; and

(d) Delete the reimbursement requirement for home health aide services.

31. 30-5-90. Scope of substance abuse services. This regulation is being amended to reflect technical changes.

32. 30-5-90a. Reimbursement for substance abuse services. This regulation is being revoked as the contents are set forth in K.A.R. 30-5-81a, 30-5-81b, 30-5-81q, 30-5-81r, 30-5-81s and 30-5-81t.

33. 30-5-91. Definitions for pharmacy services. This regulation is being revoked since the contents are being incorporated into K.A.R. 30-5-58.

34. 30-5-92. Scope of pharmacy services. This regulation is being amended to:

(a) Allow a separate formulary listing for EPSDT participants;

(b) Limit non-EPSDT participants to a separate formulary listing;

(c) Allow the secretary to limit the number of prescriptions a recipient may receive in a given time period; and

(d) Allow the secretary to limit selected pharmacy services to a dollar value for a given time period.

35. 30-5-94. Reimbursement for pharmacy services. This regulation is being amended to:

(a) Allow the professional fee to be limited to a rate established by the secretary; and

(b) Provide that the acquisition cost shall include an agency-determined maximum allowable cost and that the secretary may limit the acquisition cost.

36. 30-5-100. Scope of dental services. This regulation is being amended to:

(a) Provide that dental services shall be covered for EPSDT participants, and that the guideline by which decisions of utilization are made for other medicaid recipients shall be the principle of the relief of pain and suffering;

(b) Provide that prior authorization shall be required for designated services and for dental treatment plans estimated to exceed the range maximum established by the secretary;

(c) Delete that claims of an unusual nature shall be subject to review;

(d) Delete that certain services specified by the Division of Medical Programs shall be limited to EPSDT participants;

(e) Delete that services and materials required to support a prior authorization request shall be covered; and

(continued)

(f) Make technical changes.

37. **30-5-101. Scope of chiropractic services.** This regulation is being amended to delete coverage for medicaid recipients.

38. **30-5-101a. Reimbursement for chiropractic services.** This regulation is being amended to delete reimbursement for medicaid recipients.

39. **30-5-102. Scope of optometric and optical services.** This regulation is being amended to:

- (a) Limit coverage to EPSDT participants; and
- (b) Make technical changes.

40. **30-5-102a. Reimbursement for optometric examinations and optical services.** This regulation is being amended to reflect technical changes.

41. **30-5-103. Scope of podiatrist services.** This regulation is being amended to:

- (a) Limit coverage to the debridement of mycotic toenails once every 60 days; and
- (b) Make technical changes.

42. **30-5-103a. Reimbursement for podiatrist services.** This regulation is being amended to reflect technical changes.

43. **30-5-104. Scope of psychologists services.** This regulation is being amended to:

- (a) Make a technical change in the title;
- (b) Make technical changes;
- (c) Limit coverage to EPSDT participants; and
- (d) Delete the provision for adult care home visits currently limited to testing and evaluation.

44. **30-5-105. Scope of services for the hard of hearing.** This regulation is being amended to:

- (a) Make technical changes; and
- (b) Limit coverage to EPSDT participants.

45. **30-5-105a. Reimbursement for services for the hard of hearing.** This regulation is being amended to reflect technical changes.

46. **30-5-106. Scope of ambulance services.** This regulation is being amended to:

- (a) Add that prior authorization is required for non-emergency transportation of a recipient between the residence and the medical facility; and
- (b) Make technical changes and for clarity.

47. **30-5-107. Scope of non-ambulance medical transportation services.** This regulation is being amended to reflect technical changes.

48. **30-5-108. Scope of services for durable medical equipment, medical supplies, orthotics, and prosthetics.** This regulation is being amended to reflect a technical change.

49. **30-5-108a. Reimbursement for durable medical equipment, medical supplies, orthotics, and prosthetics.** This regulation is being amended to reflect technical changes.

50. **30-5-110. Scope of psychiatric partial hospitalization programs.** This regulation is being amended to reflect technical changes.

51. **30-5-110a. Reimbursement for psychiatric partial hospitalization programs.** This regulation is being amended to cross-reference K.A.R. 30-5-86a through 30-5-86e (community mental health center services reimbursement), and to make technical changes.

52. **30-5-111. Screening, evaluation and referral services for persons ineligible to participate in the**

medicaid/medikan program. This regulation is being amended to reflect a technical change and for clarity.

53. **30-5-151. Scope of hospital services for adult medikan program recipients.** This regulation is being amended to:

- (a) Make technical changes;
- (b) Add that inpatient psychiatric services shall be limited to acute psychiatric diagnoses as defined by the secretary and to a specific number of days per admission as defined by the Division of Medical Programs unless there is prior authorization for more prior to the last day of the limit, or an extended length of stay has been certified through utilization review process approved by the agency; and
- (c) Delete the requirement that after therapeutic home visits a patient must return to the hospital for at least eight hours prior to discharge.

54. **30-5-156. Scope of physician services for adult medikan program recipients.** This regulation is being amended to reflect a technical change.

55. **30-5-160. Scope of chiropractic services for adult medikan program recipients.** This regulation is being amended to delete coverage of chiropractic services for adult medikan recipients.

56. **30-5-161. Scope of podiatrist services for adult medikan program recipients.** This regulation is being amended to:

- (a) Make a technical change in the title; and
- (b) Limit coverage to the debridement of mycotic toenails once every 60 days for adult medikan recipients.

57. **30-5-162. Scope of psychologist services for adult medikan program recipients.** This regulation is being amended to make a technical change in the title and to delete coverage of psychological services to adult medikan program recipients.

58. **30-5-169. Scope of psychiatric partial hospitalization programs for adult medikan program recipients.** This regulation is being amended to:

- (a) Make a technical change;
- (b) Delete that coverage shall be limited to services provided by a general hospital; and
- (c) Add that services shall be provided by a community mental health center as approved by the agency.

C. Medicaid/Medikan Program—Client Eligibility.

1. **30-6-39. Responsibilities of applicants and recipients.** This regulation is being amended to extend the client responsibility to report changes in circumstances from five days to 10 calendar days.

2. **30-6-50. Determined eligibles; general eligibility factors.** This regulation is being amended to reflect a technical change.

3. **30-6-55. Cooperation.** This regulation is being amended to:

- (a) Require that an applicant or recipient for medical assistance provide a social security number as a condition of eligibility; and
- (b) Require the applicant or recipient to cooperate with the agency in establishing the paternity of a child for whom assistance is claimed, and in obtaining medical support for the applicant or recipient, and for

the child for whom assistance is claimed. Failure to cooperate shall render the applicant or recipient ineligible for assistance unless the individual demonstrates good cause for the failure.

4. 30-6-56. Assignment or transfer of property. This regulation is being amended to:

(a) Restrict the \$500 allowable transfer amount to non-SSI and to SSI for persons in independent living arrangements or in the home- and community-based service program;

(b) Increase the allowable transfer amount for SSI for persons in institutional living arrangements from \$500 to \$1,300;

(c) Grant adequate consideration if the compensation received is equal to or greater than 75 percent of the market value of the property;

(d) Change the way in which the period of ineligibility is calculated for non-SSI and for SSI for persons in independent living arrangements or in the home- and community-based service program. Under this change, the uncompensated value of the property transferred will be divided by \$500 to determine the number of months of ineligibility. The period of ineligibility will commence with the month in which the property was transferred for applicants and no later than the second month following the month of transfer for recipients giving timely and adequate notice; and

(e) Change the way in which the period of ineligibility is calculated for SSI for persons in institutional living arrangements. Under this change, the uncompensated value of the property transferred will be divided by \$1,300 to determine the number of months of ineligibility. The period of ineligibility will commence with the month in which the property was transferred for applicants and no later than the second month following the month of transfer for recipients giving timely and adequate notice.

5. 30-6-57. Job search requirements. This regulation is being amended to replace the five attempts per month provision with a requirement that the client sign an agreement to seek and accept available employment.

6. 30-6-63. Assignment of rights to medical support or other third party payments. The secretary is promulgating a new regulation to require that an applicant or recipient assign to the secretary any accrued, present, or future rights to medical support or other third party payments the individual may have in his or her own behalf or in behalf of any other person for whom the applicant or recipient is applying for or receiving assistance.

7. 30-6-65. Automatic eligibles. This regulation is being amended to:

(a) Require that in order to continue to be automatically eligible for medical assistance, an applicant or recipient must cooperate in obtaining any medical support for the applicant or recipient and for the child for whom assistance is claimed. Failure to cooperate shall render the applicant or recipient ineligible for medical assistance unless the individual demonstrates good cause for the failure. In addition, the applicant or recipient must assign to the secretary any accrued, present, or future rights to medical support or other

third party payments the individual may have in his or her own behalf or in behalf of any other person for whom the applicant or recipient is applying for or receiving assistance. Such assignment shall automatically become effective upon the date of approval for medical assistance;

(b) Provide automatic eligibility for medical assistance to a person who is ineligible for ADC due to the provisions of K.A.R. 30-4-62, 30-4-71, or 30-4-75; and

(c) Provide automatic eligibility to a child born to a mother eligible for and receiving medicaid on the date of the child's birth for a period of one year so long as the child is a member of the mother's household and the mother remains eligible for medicaid.

8. 30-6-73. Deprivation in ADC. This regulation is being amended to reflect technical changes.

9. 30-6-74. Persons whose needs are to be considered with the needs of the ADC child. This regulation is being amended to exclude caretaker relatives from participation in the MAcrADC program.

10. 30-6-78. Medicaid (title XIX) determined eligibles—eligibility factors specific to aid to pregnant women (APW). This regulation is being amended to delete the requirement that there be apparent eligibility for ADC in the month in which the child is expected to be born.

11. 30-6-103. Determined eligibles; protected income levels. This regulation is being amended to:

(a) Increase the protected income level for one person in an independent living arrangement from \$325 to \$341;

(b) Increase the protected income level for two persons in an independent living arrangement from \$425 to \$442;

(c) Increase the protected income levels for three and four persons in an independent living arrangement to maintain an upward progression; and

(d) Delete the provision that the protected income level for additional persons shall not be less than \$445.

12. 30-6-105. Determined eligibles; resources. This regulation is being amended to reflect a technical change.

13. 30-6-106. General rules for consideration of resources, including real property, personal property, and income. This regulation is being amended to:

(a) Expand the provision concerning the availability of a resource to recognize that a resource shall be considered temporarily unavailable when there is a legal impediment that precludes the disposal of the resource and the applicant or recipient is pursuing reasonable steps to overcome such impediment;

(b) Clarify that a husband and wife shall not be considered as living together when one or both enter into a care situation, including a home- and community-based services (HCBS) care arrangement; and

(c) Clarify that when one or both spouses enter a care situation, their income will only be considered available to each other in the month the care arrangement begins.

14. 30-6-107. Property exemption. This regulation is being amended to:

(a) Modify the nonexempt resource standards so

(continued)

that they are based not only on the number of persons in the assistance plan but also the number of legally responsible persons in the family group who are not included in the plan; and

(b) Increase the allowable nonexempt resource standards from \$1,600 to \$1,700 for one person and from \$2,400 to \$2,550 for two or more persons.

15. 30-6-108. Real property. This regulation is being amended to:

(a) Adopt the 12-month temporary absence provision specified for SSI for persons entering institutional living situations;

(b) Delete the real property exemption pertaining to any contract from the sale of property; and

(c) Clarify that in order for contiguous real property to be included as part of the home that such property be essential to the use and enjoyment of the home.

16. 30-6-109. Personal property. This regulation is being amended to reflect that a contract from the sale of property is classified as other personal property and that such contract shall be exempt as personal property if the proceeds from the contract are considered as income.

17. 30-6-110. Income. This regulation is being amended to clarify that intermittent income is to be averaged by dividing it by the proper number of months to establish a monthly amount and that intermittent income is to be considered beginning with the eligibility base period in which it is received.

18. 30-6-111. Applicable income. This regulation is being amended to:

(a) Apply the SSI income disregards for persons in independent living to persons in the home- and community-based services program; and

(b) Allow insurance payments on equipment, vehicles, or other property as an income-producing cost for self-employed persons as long as such payments are directly related to the business.

19. 30-6-112. Income exempt from consideration as income and as a cash asset. This regulation is being amended to:

(a) Exempt reimbursements received by applicants or recipients for out-of-pocket expenses in the month received or in the following month;

(b) Delete the reimbursement provision contained in K.A.R. 30-6-112(p);

(c) Restrict the exemption of VISTA income to those situations where the Director of Action determines that the value of such income, adjusted to reflect the number of hours such volunteers are serving, is less than the federal minimum wage; and

(d) For SSI, delete the three month time limitation for exempting proceeds from any bona fide and legal loan requiring repayment.

20. 30-6-113. Income exempt as applicable income. This regulation is being amended to:

(a) Apply the exemption for tax refunds and rebates to both non-SSI and SSI; and

(b) For SSI, exempt child support collected by the agency and paid as a \$50 or less child support pass-through.

21. 30-6-140. Payment amounts. This regulation is being amended to reflect a technical change.

D. Complaints, Appeals and Fair Hearings

1. 30-7-30. Dismissal of request for fair hearing. This regulation is being amended to clarify that a request for fair hearing shall be dismissed if:

(a) The appellant fails to request an available pre-appeal administrative review within the time period set forth in the corresponding notifying the appellant of such opportunity; and

(b) The request concerns a decision to refer a matter for criminal prosecution or civil litigation.

2. 30-7-35. Prehearing discovery. This regulation is being amended to provide that discovery shall be with the approval and under the direction of the hearing officer and that at the discretion of the hearing officer discovery may be either informal or in accordance with the rules of civil procedure.

3. 30-7-40. Telephone hearings. This regulation is being amended to indicate that the hearing officer may conduct the fair hearing by telephone or other electronic means if each participant in the hearing has an opportunity to participate in the entire proceeding while the proceeding is taking place. A party may be granted a face to face hearing if good cause can be shown that a fair and impartial hearing could not be conducted by telephone or other electronic means.

4. 30-7-54. Notice to recipients of intended action. This regulation is being amended to add an additional provision whereby the agency may dispense with timely notice when the agency takes action because of information the recipient furnished in a monthly status report or because the recipient has failed to submit a complete or a timely monthly status report without good cause.

E. Medicaid/Medikan Program—Adult Care Homes.

1. 30-10-1a. Adult care home program definitions. This regulation is being amended to add definitions for "swing beds," "24-hour nursing care" and "representative."

2. 30-10-1b. Adult care home facilities. This regulation is being amended to make technical changes and for clarification.

3. 30-10-1c. Provider agreement. This regulation is being amended to show medicaid/medikan instead of medicaid (medical assistance).

4. 30-10-1e. Bond. This regulation is being revoked.

5. 30-10-7. Certification and recertification by physicians. This regulation is being amended to remove the reference to medical programs.

6. 30-10-9. Utilization review of adult care homes. This regulation is being amended to remove the reference to medical programs.

7. 30-10-11. Personal needs fund. This regulation is being amended to:

(a) Indicate that receipts shall be signed by the resident, legal guardian, conservator or responsible party for all transactions;

(b) Provide that for a resident's personal funds that a facility has received and that are deposited in an account outside the facility, the facility, upon request or upon the resident's transfer or discharge, must within 30 business days return to the resident, the

legal guardian, or representative payee the balance of these funds;

(c) Provide that upon the death of a resident, the facility shall provide the executor or administrator of a resident's estate with a written accounting of the resident's personal funds within 30 business days of a resident's death;

(d) Provide that the facility shall purchase a surety bond or employee indemnity bond, or may submit a letter of credit or individual or corporate surety to guarantee the security of resident's funds when the amount is in excess of \$100. The guarantee requirement shall not exceed the highest quarterly balance from the previous year;

(e) Make technical changes; and

(f) Incorporate the material previously adopted by reference on May 1, 1985, except the following:

(1) "The facility must keep these records in accordance with the American Institute of Certified Public Accountant's Generally Accepted Accounting Standards . . ."

(2) "For patients eligible for Supplemental Security Income or medical assistance, the difference between the ending balance and the applicable benefits eligibility level."

(3) "Upon sale of the facility or other transfer of ownership, the facility must provide the new owner with a written accounting, prepared by a certified public accountant in accordance with the American Institute of Certified Public Accountants, Generally Accepted Auditing Procedures, of all patient funds being transferred, and obtain a written receipt for those funds from the new owner."

(4) "The facility must purchase a surety bond to guarantee the security of patients funds retained in the facility. Facilities of less than 60 beds must purchase a surety bond only when the amount of patient's money it is holding in the facility exceeds \$5,000.00."

(5) "The quarterly statement must reflect any resident funds which the facility has deposited in an interest-bearing or a non-interest bearing account as well as any resident funds held by the facility in a petty cash account."

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

(a) Clarify that amended cost reports shall be required when the error or omission is material in amount and results in a change in the provider's rate of \$.10 or more per patient day. Amended cost reports shall also be permitted when the error or omission affects the current or future accounting periods of the provider;

(b) Provide that cost reports from each provider with more than one facility shall be filed on the same date;

(c) Provide that untimely requests for an extension of the due date of a cost report shall not be accepted;

(d) Provide that a second extension may be granted by the secretary when the cause for further delay is beyond the control of the provider;

(e) Provide that a provider who requests an extension of time for filing a cost report to delay the effective date of the new rate, which is lower than the

provider's current rate, shall have the current rate reduced to the amount of the new rate. The reduced rate shall be effective with the date that the new rate would have been effective if the cost report had been received on the last day of the filing period without the extension;

(f) Clarify that the projection period shall end on the last day of a calendar month for providers required to file a projected cost report in accordance with subsections (c), (d), or (e)(2) of K.A.R. 30-10-18, and that providers shall use the last day of the month nearest the end of the 12-month period specified in subparagraph (A) or the end of their fiscal year when that period ends not more than one month before or after the end of the 12-month report period; and

(g) Clarify that the projection period shall not be less than 11 months or more than 13 months and that the cost data reported shall be for the full period reported if that period is less than 12 months or the latest consecutive 12-month period if the report period is extended beyond 12 months to meet this requirement.

9. 30-10-18. Rates of reimbursement. This regulation is being amended to:

(a) Clarify the period of time allowed for requesting an administrative review of audit adjustments to their cost report.

(b) State that providers have 30 days from the date of the audit report cover letter to request an administrative review of the audit adjustments that result in an overpayment or underpayment.

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

(a) Indicate that reimbursement shall not be made to reserve a bed in a swing bed hospital when an adult care home will be reimbursed for the same day to reserve a bed for the recipient's return from the hospital; and

(b) Reflect technical changes.

11. 30-10-24. Compensation of owners, spouses, related parties and administrators. This regulation is being amended to:

(a) Change the title and text to also include related parties;

(b) State that in no case shall the limitation exceed the highest salary limit on the civil service based chart;

(c) Delete the provision that the agency may also establish a minimum, reasonable amount to be allowed for owner or owner's spouse compensation; and

(d) Reflect technical changes.

12. 30-10-26. Interest expense. This regulation is being amended to state that necessary and proper interest on working and capital indebtedness shall be an allowable cost, but this does not include interest on real estate mortgages that is covered by the real and personal property fee in accordance with K.A.R. 30-10-25.

F. Services for the Blind.

1. 30-12-16. Definitions. This regulation is being amended to indicate that the term "visual impair-

(continued)

ment" means a sight condition documented by medical evidence that constitutes a substantial handicap to employment.

2. 30-12-22. Vocational rehabilitation services. This regulation is being amended to delete the material dealing with the limitations on allowable tuition expenses, attendant care and travel expenses. In addition, the material related to the priority in which applicants or recipients receive services is being deleted.

G. Licensing of Psychiatric Hospitals and Community Mental Health Centers; Funding of Community Mental Health Centers and Facilities for the Mentally Retarded and Facilities for Handicapped Persons.

1. 30-22-10. Application for state financing. This regulation is being amended to enable the secretary to distribute state aid to the centers based on audited eligible income reported for the second preceding fiscal year. The audits used for this purpose shall be those conducted by auditors of the department.

H. Licensing of Non-Medical Community Based Agencies Providing Services to Handicapped Adults.

1. 30-41-1. Definitions. This regulation is being amended to specify that independent living programs do not include centers for independent living.

2. 30-41-6b. Personnel policies. This regulation is being amended to:

(a) Require staff health documentations every three years;

(b) Specify a staff/client ratio of 1/12 in the following programs: adult day care, adult life skills training, work activity, vocational evaluation, work adjustment, and group living;

(c) Require at least one staff person be certified in first aid to each facility;

(d) Exclude daily attendance records and staff training records from being maintained in each staff member's personnel file;

(e) Eliminate the requirement for a staff development plan;

(f) Specify the qualifications of the chief executive officer of an agency offering a single program; and

(g) Specify that the qualifications of a program director or coordinator do not apply if that person is also the chief executive officer of an agency.

3. 30-41-6d. Health policies. This regulation is being amended to:

(a) Require the following of proper technique of asepsis and isolation during illness; and

(b) Require a three-day supply of food to meet the planned menus.

4. 30-41-6e. Insurance policies. This regulation is being amended to eliminate the requirement for professional liability coverage.

5. 30-41-6h. Client policies. This regulation is being amended to:

(a) Indicate that a client shall be involuntarily transferred or discharged from a facility only for med-

ical or behavioral reasons, for the welfare of the client or others, or for nonpayment of the rates; and

(b) Provide that the agency shall make client policies available to each client within 30 days of admission, and that for sightless clients these policies must be available in braille.

6. 30-41-7b. Buildings, general. This regulation is being amended to:

(a) Require the timely submission of an acceptable plan of correction to the state fire marshal for life safety code deficiencies;

(b) Require programs serving mobility impaired clients to be conducted in an accessible area; and

(c) Include persons designated in K.S.A. 31-137 as able to issue fire life safety code reports.

7. 30-41-7h. Grounds. This regulation is being amended to require a handicapped parking area at each facility which serves physically handicapped clients.

I. Support Enforcement.

1. 30-44-1. Fees for support enforcement and establishment services rendered to persons not receiving aid to families with dependent children. This regulation is being revoked.

J. Youth Services.

1. 30-45-1. Adoption—genetic and medical history of parents. The secretary is promulgating a new regulation concerning adoption—genetic and medical history of parents. The text of the proposed regulation is set forth below:

30-45-1. Adoption—genetic and medical history of parents. Each person, other than a stepparent, filing a petition to adopt a minor, shall file with the petition a statement relative to: (a) The history of significant illnesses or hospitalizations of the genetic parents; and

(b) the indication of any conditions, ailments, maladies, handicaps, genetically transmitted or communicable diseases which are known to exist within the parent or their family background which might affect the health or development of the child.

2. 30-45-2. Adoption—medical history of child. The secretary is promulgating a new regulation concerning adoption—medical history of child. The text of the proposed regulation is set forth below:

30-45-2. Adoption—medical history of child. The medical history of the child filed with the adoption petition shall include the following information and facts about the child's birth and health history: (a) The date, time, place of the birth of the child and the name of the attending physician;

(b) whether the child was full-term or premature;

(c) the child's weight and length at birth;

(d) type of delivery;

(e) whether there were any complications during pregnancy or at birth;

(f) a history of any childhood diseases;

(g) a history of immunizations and tests;

(h) a history of any significant illnesses or hospitalizations since birth;

(i) a history of any chronic health problems, diseases or disabilities affecting the child;

(j) the date of birth and sex of any of the child's siblings, if known; and

(k) a record of the child's developmental milestones.

3. 30-45-3. Adoption—social history. The secretary is promulgating a new regulation concerning adoption—social history. The text of the proposed regulation is set forth below:

30-45-3. Adoption—social history. The following information shall be filed with the petition as the social history of the biological parents on forms prescribed by the secretary: (a) Each parent's religious background;

(b) each parent's educational background;

(c) each parent's ethnic background;

(d) each parent's tribal membership, if applicable; and

(e) each parent's employment history.

4. 30-45-4. Adoption—procedures for updating histories. The secretary is promulgating a new regulation concerning adoption—procedures for updating histories. The text of the proposed regulation is set forth below:

30-45-4. Adoption—procedures for updating histories. (a) The person filing the petition to adopt shall provide written notification to the biological parent of the process for notifying social and rehabilitation services of any new genetic or medical information which might affect the child.

(b) The person filing the petition to adopt shall advise the adoptive family in writing that genetic and medical information is permanently filed with social and rehabilitation services.

ROBERT C. HARDER
Secretary of Social
and Rehabilitation Services

Doc. No. 004087

State of Kansas

BOARD OF AGRICULTURE

PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1986)

Article 2.—AGRICULTURAL SEED

4-2-8. Methods of analyses. The methods of analyses shall be those published in "Rules for Testing Seed—Association of Official Seed Analysts," October 1984 edition, a copy of which is on file in the office of the state board of agriculture, Topeka, Kansas. (Authorized by K.S.A. 2-1427; implementing K.S.A. 2-1423; effective January 1, 1966; amended May 1, 1982; amended May 1, 1983; amended May 1, 1986.)

4-2-16. (Authorized by K.S.A. 2-1427; effective Jan. 1, 1966; revoked May 1, 1986.)

Article 4.—COMMERCIAL FERTILIZERS

4-4-2. Inspection fee. The inspection fee for com-

mercial fertilizers shall be \$.15 per ton of 2,000 pounds. The fee shall apply to fertilizer sold on and after July 1, 1986. (Authorized by and implementing K.S.A. 2-1205; effective, T-83-35, Nov. 10, 1982; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986.)

Article 7.—MILK AND DAIRY PRODUCTS

4-7-213. Adoption by reference. (a) Except for sections 1 through 6, inclusive of subpart A, the definitions found in subparagraphs (a), (b), (t) and (u) of section B 2 of subpart B, and sections F 2.1 through 2.6, inclusive, of subpart F, in the United States department of agriculture recommended requirements regarding milk for manufacturing purposes and its production and processing, as published in the federal register on April 7, 1972, are hereby adopted by reference except as provided in subsection (b). Copies of the pertinent portions of this regulation shall be available from the inspections division of the Kansas state board of agriculture.

(b) From and after July 1, 1986, whenever the figure of 1,500,000 somatic cells per ml. appears in section C11, that figure shall be reduced to 1,000,000 somatic cells per ml. (Authorized by K.S.A. 75-1401; implementing K.S.A. 65-701; effective, E-81-24, Aug. 27, 1981; effective May 1, 1981; amended May 1, 1986.)

4-7-716. Adoption by reference. (a) Except for sections 1(X), 2, 9, 15, 16, 17, and 18, the grade A pasteurized milk ordinance, recommended for adoption and contained in the 1978 "recommendations of the public health service and the food and drug administration," as amended effective on January 1, 1982, to include the provisions for aseptic processing and the recommended changes made by the national conference of interstate milk shippers both in 1979 and 1981, is hereby adopted by reference except as provided in subsection (b). Copies of the pertinent portions of this regulation shall be available from the inspections division of the Kansas state board of agriculture.

(b) From and after July 1, 1986, the standard for somatic cell count for individual producer milk found in section 7 shall be reduced from 1,500,000 per ml., to 1,000,000 per ml. (Authorized by K.S.A. 65-737a; implementing K.S.A. 65-737a; effective May 1, 1980; amended May 1, 1983; amended May 1, 1986.)

Article 8.—NOXIOUS WEEDS

4-8-14. Definitions. (a) "2,4-D" shall mean (2,4-dichlorophenoxy)acetic acid.

(b) "Fenac" shall mean (2,3,6-trichlorophenyl)acetic acid.

(c) "Picloram" shall mean 4-amino-3,5,6-trichloropicolinic acid.

(d) "Dicamba" shall mean 3,6-dichloro-o-anisic acid.

(e) "Glyphosate" shall mean N-(phosphonomethyl)glycine.

(f) "Fosamine" shall mean ethyl hydrogen (amino-carbonyl)phosphonate.

(continued)

(g) "Prometon" shall mean 2,4-bis(isopropylamino)-6-methoxy-s-triazine.

(h) "Bromacil" shall mean 5-bromo-3sec-butyl-6-methyluracil.

(i) "MSMA" shall mean monosodium methanearsonate.

(j) "Infested area" shall mean all land actually infested with noxious weeds and all land within one rod of any visible growth of noxious weeds on the visible boundary of the infestation.

(k) "LV" shall mean low volatile.

(l) "Oust" shall mean methyl 2[[[4,6-dimethyl-2-pyrimidinyl)amino]carbonyl]amino]sulfonyl]benzoate. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1982; amended May 1, 1984; amended May 1, 1986.)

4-8-16. Field bindweed. (a) Approved chemicals. The chemicals approved for use on field bindweed shall be 2,4-D, fenac, picloram, dicamba, fosamine, and glyphosate.

(b) Use of 2,4-D amine or 2,4-D LV ester. 2,4-D amine or 2,4-D LV ester shall be applied at a rate of not less $\frac{3}{4}$ pound nor more than two pounds acid equivalent per acre. These chemicals shall be applied in the spring when the plant is in the bud stage and in the fall when the plant exhibits 12 inches of new growth.

(c) Use of fenac. Fenac shall not be applied to cropland. Fenac shall be applied to the plant during its growing season at a rate of at least 15 pounds and not more than 20 pounds active ingredient per acre.

(d) Use of picloram. Picloram shall not be applied to cropland. Picloram shall be applied to the plant during its growing season at a rate of two pounds of acid equivalent per acre.

(e) Use of dicamba. Dicamba shall be applied when the plant is actively growing. Dicamba shall be applied as a spot application to fallow land and wheat stubble at a rate of at least one pound and not more than two pounds acid equivalent per acre.

(f) Use of dicamba with 2,4-D LV ester or 2,4-D amine. A tank mix of $\frac{1}{2}$ pound of dicamba and one pound of 2,4-D LV or 2,4-D amine ester per acre shall be applied when the plant is actively growing.

(g) Use of fosamine. Fosamine shall not be applied to cropland. Fosamine shall be applied when the plant is beginning to bloom, at a rate of at least eight pounds and not more than 12 pounds active ingredient per acre.

(h) Use of glyphosate. Glyphosate shall be applied when the plant is actively growing in August, September and October at a rate of three pounds acid equivalent per acre.

(i) Use of picloram with 2,4-D LV ester or 2,4-D amine. A tank mix of at least $\frac{1}{8}$ pound and not more than $\frac{1}{4}$ pound acid equivalent of picloram and at least $\frac{1}{2}$ pound and not more than two pounds acid equivalent of 2,4-D LV ester or 2,4-D amine shall be applied, when bindweed is actively growing, to cropland between crops of small grains. The same rates shall be applied to non-cropland. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1982; amended May 1, 1986.)

4-8-20. Bur ragweed. (a) Approved chemicals. The chemicals approved for use on bur ragweed shall be 2,4-D LV ester, fenatrol, dicamba and picloram.

(b) Use of 2,4-D LV ester. 2,4-D LV ester shall be applied at early bud stage at the rate of two pounds acid equivalent per acre.

(c) Use of fenatrol. Fenatrol shall not be applied to cropland. Fenatrol shall be applied during the growing season at a rate of at least 15 and not more than 20 pounds acid equivalent per acre.

(d) Use of dicamba. Dicamba shall be applied to cropland at a rate not less than one nor more than two pounds acid equivalent per acre. Dicamba shall be applied to pastures, rangeland and non-cropland at a rate of at least two and not more than six pounds active ingredient per acre. Dicamba shall be applied when the plant is at early bud stage or in the fall prior to the first killing frost.

(e) Use of picloram. Picloram shall not be applied to cropland. Picloram shall be applied during the growing season at a rate of two pounds acid equivalent per acre. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1982; amended May 1, 1986.)

4-8-21. Canada thistle. (a) Approved chemicals. The chemicals approved for use on Canada thistle shall be 2,4-D, fenatrol, picloram, dicamba and glyphosate.

(b) Use of 2,4-D. 2,4-D shall be applied in the spring at early bud stage and in the fall when plants are actively growing at a rate of not less than one and not more than two pounds acid equivalent per acre.

(c) Use of fenatrol. Fenatrol shall not be applied to cropland. Fenatrol shall be applied during the growing season at a rate of not less than 15 and not more than 20 pounds active ingredient per acre.

(d) Use of picloram. Picloram shall not be applied to cropland. Picloram shall be applied during the growing season at a rate of at least two and not more than three pounds acid equivalent per acre.

(e) Use of dicamba. Dicamba shall be applied to cropland at a rate of at least one and not more than two pounds acid equivalent per acre. Dicamba shall be applied on pastures, rangeland and non-cropland at a rate of at least two and not more than four pounds acid equivalent per acre. Dicamba shall be applied at early bud stage in the spring and at rosette stage in the fall.

(f) Use of glyphosate. Glyphosate shall be applied at a rate of 2.25 pounds of acid equivalent per acre. Glyphosate shall be applied at pre-bud to bud stage in the spring and when plants are actively growing in the fall. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1982; amended May 1, 1986.)

4-8-23. Quackgrass. (a) Approved chemicals. The chemicals approved for use on quackgrass shall be amitrole and glyphosate.

(b) Use of glyphosate. Glyphosate shall be applied at a rate of at least 1.5 pounds and not more than 2.25 pounds acid equivalent per acre in the spring and fall when the plants are at least eight inches in height. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1982; amended May 1, 1986.)

4-8-26. Kudzu. (a) Approved chemicals. The

chemicals approved for use on kudzu shall be dicamba, picloram, and glyphosate.

(b) Use of dicamba. Dicamba shall not be applied to cropland. Dicamba shall be applied in the spring in granular form only, at a rate of at least two and not more than eight pounds acid equivalent per acre when new growth from the crown starts. Dicamba shall be applied in the summer and fall when plants are fully developed and until plants become dormant.

(c) Use of picloram. Picloram shall not be applied to cropland. Picloram shall be applied in the spring in the granular form only, at a rate of at least two and not more than five pounds acid equivalent per acre when new growth from the crown starts.

(d) Use of glyphosate. Glyphosate shall be applied when plants are actively growing and most are at or beyond the early to full bloom stage at a rate of three pounds acid equivalent per acre. (Authorized by K.S.A. 2-1315; implementing K.S.A. 2-1315; effective May 1, 1982; amended May 1, 1986.)

Article 10.—ANHYDROUS AMMONIA

4-10-1. Definitions. (a) "Tank" or "container" means any vessel designed and constructed for the storage and handling of anhydrous ammonia.

(b) "Gas" means anhydrous ammonia in either the gaseous or liquefied state.

(c) "Designed pressure" means "maximum allowable working pressure."

(d) "Appurtenances" means all devices that are used in connection with a container including safety devices, liquid level gauging devices, valves, pressure gages, fittings and metering or dispensing devices.

(e) "System" means an assembly of equipment consisting essentially of the container or containers, appurtenances, pumps, compressors, and interconnecting piping.

(f) "Capacity" means the total volume of a container measured in standard U.S. gallons of 231 cubic inches, unless otherwise specified.

(g) "Filling density" means the percent ratio of the weight of gas in a container to the weight of water the container will hold at 60° F.

(h) "F." means Fahrenheit.

(i) "Code" means the unfired pressure vessel code of the American society of mechanical engineers (section VIII of the ASME boiler construction code), as published in 1952, 1956, 1959, 1962, 1965, 1968, and 1971 editions, the joint code of the American petroleum institute or the American society of mechanical engineers (API-ASME Code), 1951 edition, as the context requires.

(j) "D.O.T. regulations" means the U.S. department of transportation regulations for transportation of explosives and other dangerous articles by land and water in rail freight service and by motor vehicle (highway) and water, including specifications for shipping containers, specifically parts 171 through 179, inclusive, of title 49 of the code of federal regulations published as of January 1, 1985.

(k) "ANSI" means the American national standards institute.

(l) "PSIG" means pounds per square inch gauge pressure.

(m) "ASME" means American society of mechanical engineers.

(n) "API-ASME" means American petroleum institute and the American society of mechanical engineers.

(o) "Implement of husbandry" means a farm wagon-type vehicle or application unit which has an anhydrous ammonia container mounted on it and which is used for transporting anhydrous ammonia from a source of supply to farms or fields, or from one farm or field to another.

(p) "Public assembly area" means any building, structure, or area used by a gathering of persons for civic, political, travel, religious, recreational or education purposes, or for the involuntary detention of persons. (Authorized by and implementing K.S.A. 2-1212, effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1973; amended May 1, 1986.)

4-10-2. Basic rules. (a) Approval of equipment and systems.

(1) Before installing or relocating a stationary anhydrous ammonia container or permanent unloading facility, the owner shall submit to the secretary a detailed diagram showing:

(A) the location of the container or facility in relation to boundary lines of the property on which the container or facility is to be located;

(B) any source of drinking water within 50 feet of the container;

(C) any facility storing petroleum products within 50 feet of the container;

(D) each public assembly area, hospital, nursing home or home for the aged within 1,000 feet of the stationary container or permanent unloading facility.

(2) No person shall install or use any system for supplying anhydrous ammonia unless the system is safe and adequate, and unless the tank, system and appurtenances comply with K.A.R. 4-10-1 *et seq.*

(3) No person shall fill a container with anhydrous ammonia unless the container bears a manufacturer's name plate showing that it is a code container and complies with K.A.R. 4-10-1 *et seq.*

(4) No person shall transfer or deliver any anhydrous ammonia into a container having defects which are plainly apparent.

(5) No person shall deliver or transfer anhydrous ammonia into any container without the consent of the owner of the container.

(b) Requirements for construction and testing of containers, including skid systems, other than refrigerated storage tanks.

(1) Each container used with a system that is subject to K.A.R. 4-10-4, 4-10-5, 4-10-6 or 4-10-7 shall be constructed and tested in accordance with the 1971 edition of the unfired pressure vessel code of the ASME, except that construction under table UW-12 at a basic joint efficiency of under 80% is not authorized.

Each container built according to this ASME code need not comply with paragraphs UG 125 to UG 128 inclusive, and paragraphs UG 132 and UG 133.

(continued)

(2) Each container exceeding 36 inches in diameter or a 250 gallon capacity shall:

(A) be stress-relieved after fabrication in accordance with the code;

(B) use cold-formed heads that have been stress-relieved; or

(C) use hot-formed heads.

(3) Each container, except refrigerated storage tanks with a design pressure of less than 15 psig, constructed as required by K.A.R. 4-10-1 *et seq.*, shall be inspected by a person having a current certificate of competency from the national board of boiler and pressure vessel inspectors.

(4) The provisions of K.A.R. 4-10-2 (b)(1) shall not prohibit the continued use or reinstallation of containers constructed and maintained in accordance with the 1949, 1950, 1952, 1956, 1959, 1962, 1965, and 1968 editions of the unfired pressure vessel code of the ASME in effect at the time of fabrication.

(5) A pressure test of storage tanks and tanks mounted on implements of husbandry shall be conducted after any accident involving structural damage to the pressure vessel.

(c) Markings on containers and systems.

(1) Each container or system that is subject to K.A.R. 4-10-4, 4-10-5, 4-10-6 or 4-10-7 shall be marked:

(A) With a statement that the container complies with the code under which the container was constructed and any other marks required by that code;

(B) With a notation as to whether the system is designed for underground or aboveground installation, or both;

(C) With the name and address of the supplier of the system or the trade name of the system, and date of manufacture;

(D) With the water capacity of the container in pounds or U.S. standard gallons;

(E) With the working pressure, in pounds per square inch, for which the container is designed;

(F) With the wall thickness of the shell and heads;

(G) With a notation of the maximum level to which the container may be filled with liquid at liquid temperatures between 20° F. and 100° F. Such a notation shall not be required for containers provided with fixed maximum level indicators, or for containers which are filled by weighing. Markings shall be in increments of not more than 20° F.; and

(H) With outside surface area in square feet. Each required mark shall be on the container itself or on a nameplate permanently affixed thereto.

(2) All main operating valves on permanently installed containers having a capacity of over 3,000 water gallons shall be identified to show whether the valve is in liquid or vapor service. The method of identification may be by legend or color code and shall be placed within 12 inches of the valve by means of a stencil, tag, or decal.

(d) Location of containers.

(1) Containers shall be located outside of buildings other than those buildings specifically constructed for this purpose. Permanent storage containers shall be located:

(A) outside of densely populated areas;

(B) at a distance not less than 50 feet from either the line of any property upon which a building may be erected or from a source of drinking water, or both;

(C) at a distance not less than 1,000 feet from any public assembly area; and

(D) at a distance not less than 1,000 feet from any hospital, nursing home, or home for the aged. The plant site shall be large enough to permit an easy flow of traffic in and out of the plant, storage of implements of husbandry and adequate access for emergency personnel.

(2) Stationary containers used for the storage of anhydrous ammonia shall be located not less than 50 feet from containers of petroleum products.

(3) From and after May 1, 1986, each new permanent storage container or unloading facility shall be located outside of municipalities or other densely populated areas unless the location has been approved by the appropriate local governing body. Each existing permanent storage container or unloading facility located in a municipality or densely populated area shall not be relocated within the municipality or densely populated area without first obtaining approval from the appropriate local governing body.

(e) Container valves and appurtenances.

(1) All shut-off valves and appurtenances shall be suitable for use with anhydrous ammonia and designed for not less than the maximum pressure to which they will be subjected. Valves which may be subjected to container pressures shall have a rated working pressure of at least 250 psig, except that valves for refrigerated storage tanks shall have a rated working pressure at least equal to the maximum pressure to which they may be subjected.

(2) All connections to containers, except safety relief connections and gauging devices, shall have manually operated shut-off valves located as close to the container as practicable.

(3) Liquid level gauging devices which are so constructed that outward flow of the container's content does not exceed that passed by a No. 54 drill size opening shall not be required to be equipped with excess flow valves.

(4) Openings from the container or through fittings attached directly on the container to which pressure gauge connection is made need not be equipped with excess flow valve if such openings are protected by an opening not larger than a No. 54 drill size opening.

(5) All excess flow valves shall be plainly and permanently marked with the name or trademark of the manufacturer, the catalog number, and the rated capacity.

(6) Excess flow valves required by these regulations shall close automatically at the rated flows of vapor or liquid as specified by the manufacturer. The connections and line, including valves and fittings, protected by one or more excess flow valves shall have a greater capacity than the rated flow of these excess flow valves so that these valves will close in case of failure at any point in the line or fittings.

(7) Excess flow and back pressure check valves shall be located inside the container or at an outside point where the line enters the container. In the latter

case, installation shall be made in such a manner that any undue strain beyond the excess flow or back pressure check valve will not cause breakage between the container and such valve. An excess flow valve shall be installed in any pipe with a diameter which is smaller than the pipe to which it is attached on the end leading from the container. A backflow check valve or a properly sized excess flow valve shall be located at the point where attachment is made to fill the container.

(8) Each excess flow valve shall be designed with a by-pass, not to exceed a No. 60 drill size opening, to allow equalization of pressures.

(f) Piping, tubing, and fittings.

(1) All fittings subjected to container pressure shall be made of materials specified for use with anhydrous ammonia and shall be designed for a minimum working pressure of 250 psig. Fittings for refrigerated storage tanks shall have a rated working pressure at least equal to the maximum pressure to which they may be subjected. No cast iron bushings, plugs, or pipe fittings shall be allowed in the lines or connections.

(2) Galvanized pipe shall not be used. Screwed joints may be used only with extra heavy (schedule 80) pipe. Black steel or iron pipe of at least 800 psig minimum bursting pressure (schedule 40) may be used provided pipe joints are welded or joined by means of welding type flanges. However, pipes carrying refrigerated anhydrous ammonia shall have a wall thickness as determined under the applicable portions of the May, 1962 American standards association refrigeration piping code (ASA B-31, 5-1962). Pipe joint compounds shall be resistant to ammonia.

(3) All pipe lines shall be installed as nearly as possible in a straight line with a minimum amount of pipe, and shall not be restricted by an excessive number of elbows and bends. Where nipples are used, they shall be of extra-heavy, seamless type.

(4) Rigid connections or all-metal flexible connections with a bursting pressure of 1,000 psig, shall be used for permanent installations. Other types of flexible connections may be used for temporary installations.

(5) Provisions shall be made for expansion, contraction, jarring, vibration and for settling. Short sections of flexible connections may be used for this purpose.

(6) Adequate provisions shall be made to protect all exposed piping from physical damage that might result from moving machinery, the presence of automobiles or trucks, or any other undue strain that may be placed upon the piping.

(7) After assembly, all piping and tubing shall be tested at a pressure not less than the normal operating pressure of the system to establish that no leaks exist.

(g) Hose specifications and assemblies.

(1) Each hose and each hose connection shall be fabricated of materials that are resistant to the action of anhydrous ammonia.

(2) Each hose subject to container pressure shall be designed for a minimum working pressure of 350 psig and a minimum burst pressure of 1750 psig. Hose

assemblies shall be capable of withstanding a test pressure of 500 psig.

(3) Hose and hose connections located on the low pressure side of flow control or pressure-reducing valves or devices discharging to atmospheric pressure shall be designed for a minimum working pressure of 60 psig. All connections shall be designed, constructed and installed so that there will be no leakage when connected.

(4) If a liquid transfer hose is not drained of liquid upon completion of a transfer operation, the hose shall be equipped with an approved shut-off valve at the discharge end. Provisions shall be made to prevent excessive hydrostatic pressure in the hose.

(5) On all hoses that are at least 1/2 inch in diameter and which are used in ammonia service and subject to container pressure, the following information shall be etched, cast or impressed at five foot intervals: "Anhydrous Ammonia, XXX psig (Maximum Working Pressure), manufacturer's name or trademark, year of manufacture."

(6) Except as specified below, each hose shall be replaced prior to or upon the expiration of the manufacturer's recommended service life for that hose. Service life commences on the date the hose is installed. Ammonia hoses made with the following reinforcement materials shall be replaced as follows:

(A) rayon—within two years from the date of installation;

(B) nylon—within four years from the date of installation;

(C) kevlar—within four years from the date of installation;

(D) stainless steel—within six years from the date of installation.

(7) Hoses shall be removed from service if a visual examination reveals:

(A) cuts exposing reinforcing fabric;

(B) soft spots or bulges in the hose;

(C) a blistering or loose outer covering;

(D) any unusual abuse including kinking or flattening by a vehicle;

(E) indications that the hose may have been stretched; or

(F) slippage at any coupling.

(8) Hoses shall have either ASME schedule 80 factory-installed ends or reusable ASME schedule 80 hose ends designed for use with anhydrous ammonia.

(h) Safety devices.

(1) Each container used with systems subject to K.A.R. 4-10-4, 4-10-5, 4-10-6, or 4-10-7 shall be provided with one or more safety relief valves of a spring-loaded type or a valve of an equivalent type.

(2) Container safety relief valves shall be set to start-to-discharge as follows, with relation to the design pressure of the container:

| Containers | Minimum | Maximum |
|---|---------|---------|
| ASME code 1950, 1952, 1956, 1959, 1962, 1965, 1968, and 1971 editions | 95% | 100% |
| ASME code 1946 and 1949 editions, Par. U-200 and U-201 | 95% | 100% |

(continued)

| | | |
|----------------------------|---------------------------------------|------|
| API-ASME code— | | |
| all editions | 95% | 100% |
| ASME code 1949 and earlier | | |
| editions, Par. U-68 and | | |
| U-69 | 110% | 125% |
| DOT | In accordance with DOT specifications | |

(3) Safety relief valves used on containers or systems shall be constructed to discharge before the pressure exceeds 120 percent of the maximum referred to in K.A.R. 4-10-2(h)(2).

(4) Safety relief valves shall be arranged to minimize the possibility of tampering. If the pressure setting or adjustment is external, the relief valves shall be provided with a satisfactory means for sealing adjustment.

(5) Shut-off valves shall not be installed between the safety relief valves and the container, except that a shut-off valve may be used when the valve is arranged in a manner that affords full required capacity flow through the relief valve.

(6) The discharge from safety relief devices shall not terminate in or beneath any building or other confined area.

(7) All safety relief valve discharge openings shall have suitable raincaps that will allow free discharge of the vapor and prevent the entrance of water. The flow capacity of the safety relief valve shall not be restricted by any connection to it on either the upstream or downstream side.

(i) Filling densities.

(1) Anhydrous ammonia containers shall not be filled to more than 85 percent of their capacity by volume.

(2) All containers filled according to liquid level by any gauging method, other than a fixed-length dip tube gage, shall have a thermometer well so that the internal liquid temperature can be easily determined and the amount of liquid and vapor in the container can be easily corrected to a 60° F. basis.

(j) Transfer of liquids.

(1) At least one attendant shall supervise the transfer of liquids from the time the connections are first made until they are finally disconnected.

(2) Containers shall be gauged and charged only in the open air or in buildings especially provided for that purpose.

(3) Pumps used for transferring anhydrous ammonia shall be recommended and labeled for anhydrous ammonia service by the manufacturer.

(A) Liquid pumps shall be designed for 250 psig working pressure.

(B) Positive displacement pumps shall have installed at the discharge port, a constant differential relief valve discharging through a line of sufficient size to carry the full capacity of the pump at the relief valve setting. The relief valves shall be installed and set according to the pump manufacturer's recommendation.

(C) A fully operational pressure gauge graduated from 0 to 400 psi shall be installed on the discharge side of the pump and before the relief valve line.

(D) Shut-off valves shall be installed within three feet of the inlet of the pump and within two feet of the discharge.

(4) Compressors used for transferring or refrigerating anhydrous ammonia shall be recommended and

labeled for anhydrous ammonia service by the manufacturer.

(A) Compressors may be of the reciprocating or rotary type and shall be designed for 250 psig working pressure.

(B) Plant piping shall contain shut-off valves which shall be located as close as is practical to the compressor connections.

(C) A relief valve large enough to discharge the full capacity of the compressor shall be connected to the discharge before any shut-off valve. The discharging pressure of this valve shall not exceed 300 psig.

(D) Compressors shall have pressure gauges graduated from 0-400 psi at suction and discharge.

(E) Adequate means to minimize the entry of liquid into the compressor, such as a drainable liquid trap, shall be provided on the compressor suction.

(5) In addition to the excess flow valves in the liquid and vapor connections of the storage container and the tank car or truck, an excess flow valve or backflow check valve shall be installed in the piping connecting the storage container with the tank car or truck, close to the point where the piping and hose are joined.

(6) Flammable gases or gases which will react with anhydrous ammonia, such as air, shall not be used to unload tank cars or transport trucks.

(k) Tank car and transport truck unloading points and operations.

(1) The track of tank car siding shall be substantially level.

(2) A sign reading "Stop—Tank Car Connected" shall be displayed at the active end or ends of the siding while the tank car is connected for unloading.

(3) While cars are on a side track for unloading, the wheels at both ends shall be blocked on the rails.

(4) Tank cars and transport trucks shall be unloaded only through a permanently installed loading point and into a permanently located bulk storage tank. No anhydrous ammonia shall be unloaded directly from a railroad tank car into a transport truck or other portable container.

(5) Loading and unloading systems shall be protected by suitable devices to prevent emptying of the storage container or the container being loaded or unloaded in the event of severance of the hose. Backflow check valves or properly sized excess flow valves shall be installed where necessary to provide such protection. If such valves are not practical, remotely operated shut-off valves may be installed.

(6) Tank cars and transport trucks shall be unloaded into a permanent, approved unloading site that discharges into a portable acid-fertilizer conversion unit producing liquid fertilizer when:

(A) the conversion unit is approved for use by the Kansas department of health and environment pursuant to K.S.A. 65-3001 *et seq.*; and

(B) approved air-operated valves which normally are closed are used in the line connecting the source of anhydrous ammonia and the conversion unit.

(1) Liquid level gauging device.

(1) Each container, except containers filled by weight, shall be equipped with a liquid level gauging device of approved design.

(2) Each gauging device shall be arranged so that

the maximum liquid level to which the container may be filled is readily determinable.

(3) Each gauging device that requires bleeding of the product to the atmosphere shall be so designed that the bleed valve maximum opening is not larger than a No. 54 drill size, unless provided with an excess flow valve. This requirement shall not apply to containers subject to K.A.R. 4-10-7.

(4) Gauging devices shall have a design pressure at least equal to the design pressure of the storage tank on which they are used.

(5) Fixed liquid level gauges shall be so designed that the maximum volume of the container filled by liquid shall not exceed 85 percent of its water capacity. The coupling into which the fixed liquid level gauge is threaded shall be placed at the 85 percent level of the container. If located elsewhere, the dip tube of this gauge shall be installed in such a manner that it cannot be readily removed, such as by the use of a nipple attached directly to the coupling or to a multiheaded valve.

(6) Gauge glasses of the columnar type shall be restricted to bulk storage installations. Gauge glasses shall be equipped with valves having metallic handwheels, with excess flow valves, and with extra heavy glass adequately protected with a metal housing applied by the gauge manufacturer. Such gauge glasses shall be shielded against the direct rays of the sun.

(m) Painting. The reflective surfaces of each above ground container shall be maintained in good condition. Surfaces which require paint shall be painted with white or any other light-reflecting color.

(n) Reports. Any accident involving anhydrous ammonia shall be reported in writing to the secretary as soon as possible so that an investigation may be made before the area is disturbed.

(o) Railroad tank cars. Railroad tank cars shall not be used for the storage of anhydrous ammonia unless they are retested and meet the requirements of these regulations.

(p) Welding on containers. Non-code welding, if necessary, shall be made only on saddles or brackets originally welded to the container by the manufacturer. Non-code welding directly to the container or any parts subject to pressure shall not be permitted.

(q) Use of containers for other service. Anhydrous ammonia containers of 3,000-gallon water capacity or under shall not be used for any other commodity. (Authorized by and implementing K.S.A. 2-1212, effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1973; amended May 1, 1986.)

4-10-3. (Authorized by K.S.A. 1970 Supp. 2-1212; effective Jan. 1, 1966; amended Jan. 1, 1971; revoked May 1, 1986.)

4-10-4. Stationary, pier, skid-mounted, or underground non-refrigerated storage installations. Each stationary, pier, skid-mounted, or underground non-refrigerated storage installations shall meet the following requirements.

(a) Design pressure of containers. Each container shall be constructed in accordance with K.A.R. 4-10-2(b) and shall have a minimum design pressure of 250 psig.

(b) Installation of storage containers.

(1) Each container installed aboveground shall be provided with substantial reinforced concrete footings and foundations, or structural steel supports mounted on reinforced concrete foundations. The reinforced concrete foundations or footings shall extend below the established frost line and shall be constructed with sufficient width and thickness to support adequately the total weight of the containers and their contents. If the tank is equipped with bottom withdrawal, the tank's foundation shall maintain the lowest point of the tank at not less than 18 inches above ground level. If the load-bearing surface of a skid assembly has sufficient area to properly support the skid-mounted tank, reinforced concrete footings or foundations are not required.

(2) Each horizontal aboveground container shall be mounted on its foundation in such a manner as to permit expansion and contraction. Each container shall be adequately supported so as to prevent the concentration of excessive loads on the supporting portion of the shell. Suitable corrosion prevention measures shall be utilized on any portion of the container which is in contact with either the foundation or saddles.

(3) Secure anchorage or adequate pier height shall be provided to prevent container flotation during high flood water.

(c) Container valves and appurtenances.

(1) All containers shall be equipped with a fixed, liquid level gauge.

(2) Each container shall be equipped with a pressure indicating gauge with a dial graduated from 0-400 psig.

(3) Each filling connection shall be fitted with an approved combination back pressure check valve and excess flow valve.

(4) Each container shall be equipped with an approved vapor return valve.

(5) Except for safety relief valves and those connections specifically exempted by K.A.R. 4-10-2(e)(2) and K.A.R. 4-10-2(e)(4), each vapor or liquid connection shall be equipped with either approved excess flow valves or with approved quick-closing internal valves which shall remain closed except during periods of operation.

(d) Safety devices. Each container shall be provided with one or more spring-loaded or equivalent safety relief valves. Each container shall also comply with the following requirements:

(1) The discharge from each safety relief valve shall be directed upward and away from the container and shall flow in an unobstructed manner into the open air from a height of at least seven feet above the working area.

(2) Vent pipes shall not be restricted or smaller in size than the relief valve outlet connection. All relief valve discharges shall have suitable rain caps. Suitable provision shall be made to drain any accumulated condensate.

(3) Vent pipes from two or more safety relief devices located on the same container, or similar lines from two or more different containers, may be con-

(continued)

nected and channeled into a common header, if the cross-sectional area of the header is at least equal to the sum of the cross-sectional areas of each of the individual vent pipes.

(e) Marking of containers.

(1) Each tank or group of tanks shall be marked on at least two sides with the words "caution ammonia" in sharply contrasting colors with letters not less than six inches high.

(2) The name of the storage facility and the name and telephone number of individuals to be contacted in case of an emergency shall be posted on the storage facility.

(f) Capacity of containers. Individual storage container capacity shall be limited only by good engineering practice.

(g) Protection of tank appurtenances.

(1) All container appurtenances shall be protected from tampering and mechanical damage and shall also be protected during transportation of containers. Manually controlled valves which, if open, would allow gas to discharge into the atmosphere, shall be kept locked when the installation is unattended.

(2) Storage containers shall be grounded.

(3) All areas occupied by storage installations shall be kept free of dry grass and other readily ignitable materials.

(4) Containers and appurtenances shall be protected from damage by vehicles.

(h) Testing of damaged containers. Damaged containers shall be tested by a person certified as required by K.A.R. 4-10-2(b)(3).

(i) Safety. All stationary plants shall have readily available the following equipment for emergency and rescue purposes:

(1) An approved gas mask which covers the entire face and ammonia canisters;

(2) One pair of rubber or suitable plastic protective gloves;

(3) One pair of rubber or suitable plastic protective boots;

(4) One rubber or suitable plastic protective slicker or pairs of rubber or suitable plastic protective pants and jacket, or both;

(5) An easily accessible shower or a container of clean water of sufficient size to immerse or cleanse an individual; and

(6) A flexible fitting, splash proof pair of goggles or one full face shield.

(j) Electrical equipment.

(1) The conduit system and electrical equipment for use at ammonia storage installations may be general purpose, dusttight, or weather-resistant as appropriate.

(2) Electrical systems shall be installed and grounded in a manner approved by state or local ordinance.

(3) Electrical switches for each pump shall be installed at a remote distance from the pump.

(k) Venting Procedure.

(1) Anhydrous ammonia shall be vented into an adequate portable supply of water. Any aqueous am-

monia solution resulting from the venting process shall be disposed of safely and properly.

(2) Anhydrous ammonia shall not be vented into the air. Each transport truck unloading point at an anhydrous ammonia facility shall have a valve for venting purposes installed in the piping at or near the point where the piping and the hose from the transport truck are connected. In the alternative, anhydrous ammonia from any transport truck hose shall be vented into an adequate portable supply of water. Any aqueous ammonia solution resulting from the venting process shall be disposed of properly. (Authorized by and implementing K.S.A. 2-1212; effective Jan. 1, 1966; amended Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1973; amended May 1, 1986.)

4-10-5. Tank trucks, semi-trailers and trailers for transportation of anhydrous ammonia. Each tank truck, semi-trailer and trailer, except implements of husbandry, used for transportation of anhydrous ammonia shall meet the following requirements:

(a) Design pressure of containers.

(1) Each container shall be constructed in accordance with K.A.R. 4-10-2(b) and shall have a minimum design pressure of 250 psig.

(2) The shell or head thickness of each container shall not be less than $\frac{3}{16}$ of an inch.

(3) Baffles shall not be required for any cargo tank which is designed so that the container is loaded to capacity and discharged at one unloading point. All other containers having a capacity in excess of 500 gallons shall be equipped with suitable, baffle plates.

(4) Except for safety relief valves, liquid level gauging devices and pressure gauges, all container openings shall be labeled to designate whether they communicate with liquid or vapor space. Labels may be located on valves.

(b) Mounting containers on truck.

(1) The container shall be attached to the cradle, frame or chassis of a vehicle in a manner designed to withstand, in any direction, that amount of static loading which is equal to twice the weight of the container when filled and the attachments thereto. The safety factor used shall be not less than four and shall be based on the ultimate strength of the material to be used.

(2) "Hold-down" devices, when used, shall anchor the container to the cradle, frame or chassis in a suitable and safe manner that will not introduce an undue concentration of stresses.

(3) Whenever any vehicle is designed and constructed so that cargo tanks constitute, in whole or in part, the stress member used in lieu of a frame, the cargo tanks shall be designed to withstand the stresses thereby imposed.

(4) All connections, including hose installed in the bottom of a container, shall not be lower than the lowest horizontal edge of the trailer axle.

(5) While in transit, both ends of each transfer hose shall be secured.

(6) When the cradle and the container are not welded together, a suitable material shall be used between them to eliminate metal-to-metal friction.

(c) Container valves and appurtenances.

(1) Each container shall be equipped with a fixed liquid level gauge.

(2) Each container shall be equipped with a pressure-indicating gauge which has a dial graduated from 0-400 psi.

(3) Non-recessed container fittings and appurtenances shall be protected against damage.

(4) Filling connections shall be provided with approved automatic valves to prevent back flow whenever the filling connection is broken.

(5) Except for safety relief valves and those connections specifically exempted by K.A.R. 4-10-2(e)(2) and K.A.R. 4-10-2(e)(4), all connections to containers shall be provided with approved excess-flow valves.

(6) All containers shall be equipped with an approved vapor return valve.

(d) Safety devices.

(1) The discharge from each safety relief valve shall be directed upward and away from the container and shall flow in an unobstructed manner into the atmosphere. Loose fitting rain caps shall be used.

(2) Each unloading line shall be provided with an excess-flow valve at the point where the hose leaves the truck.

(e) Marking of containers. Each side and the rear of every container shall be conspicuously and legibly marked on a background of sharply contrasting color with the words "anhydrous ammonia" in letters at least four inches high and shall be placarded in compliance with applicable D.O.T. regulations.

(f) Piping, tubing and fittings.

(1) All piping, tubing, and metering or dispensing devices shall be securely mounted and shall be protected against damage.

(2) Threaded pipe shall be extra heavy and comply with ASME schedule 80. Standard weight pipe which complies with ASME schedule 40 may be used when the joints are welded.

(g) Electrical equipment and lighting. Tank trucks, tank trailers, and tank semi-trailers shall not be equipped with any artificial light other than electric light. Electric lighting circuits shall have suitable overcurrent protection.

(h) Trailers and semi-trailers.

(1) Each trailer or semi-trailer shall be equipped with a reliable system of brakes which comply with D.O.T. regulations.

(2) Each trailer or semi-trailer shall have lights which comply with D.O.T. regulations.

(i) Safety equipment. All tank trucks, trailers, and semi-trailers shall be equipped with the following:

(1) An approved gas mask which covers the entire face and ammonia canisters;

(2) One pair of rubber or suitable plastic protective gloves;

(3) One pair of rubber or suitable plastic protective boots;

(4) One rubber or suitable plastic protective slicker, or rubber or suitable plastic protective pants and jacket, or both;

(5) A pair of flexible fitting, splash proof goggles or one full face shield; and

(F) A container of not less than five gallons of clean water.

(j) Transfer of liquids.

(1) Each container shall be loaded by:

(A) weight;

(B) a suitable liquid level gauging device; or

(C) a suitable meter.

(2) Pumps or compressors which are designed and installed in accordance with K.A.R. 4-10-2(j) and properly protected against physical damage may be mounted on ammonia tank trucks and trailers.

(k) Protection against collision. Each end-fitted tank truck and each semi-trailer shall be provided with properly attached steel bumpers or chassis extension to protect the tank, piping, valves and fittings in case of collision.

(l) Conversion from other service to anhydrous ammonia. Tanks used for the transporting or storage of materials other than anhydrous ammonia shall be emptied of the material previously hauled and the pressure in the tank shall be reduced to atmospheric pressure. If the material previously hauled in the container will be harmful to the anhydrous ammonia, then the tank shall be purged prior to being placed in anhydrous ammonia service, and all appurtenances shall be changed to comply with these regulations.

(m) Mobile containers. Mobile containers shall be unloaded only at approved locations.

(n) Parking. Except in emergencies, tank trucks, semi-trailers or trailers transporting anhydrous ammonia shall not be parked in cities or in densely populated areas.

(o) Conversion of tanks from anhydrous ammonia to other service. Tanks used for the transportation of anhydrous ammonia shall be emptied and purged. Ammonia vapor shall be vented into an adequate portable supply of water and not into the atmosphere. The aqueous ammonia solution resulting from the purging process shall be disposed of properly. (Authorized by and implementing K.S.A. 2-1212; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1973; amended May 1, 1986.)

4-10-6. Systems mounted on implements of husbandry for the transportation of anhydrous ammonia. Each system that is mounted on an implement of husbandry, and that is used for transporting anhydrous ammonia, shall meet the following requirements:

(a) Design pressure of containers. (1) Each container shall be constructed in accordance with K.A.R. 4-10-2(b) and shall have a minimum design pressure of 250 psig.

(2) The shell or head thickness of any container shall not be less than $\frac{3}{16}$ of an inch.

(3) Each container having a capacity in excess of 500 gallons capacity shall be equipped with suitable semi-rigid baffle plates.

(b) Mounting containers.

(1) A suitable "stop" or "stops" shall be mounted on the vehicle or on the container to prevent the container from being dislodged from its mounting when the vehicle stops suddenly.

(continued)

(2) A suitable "hold down" device shall anchor the container to the vehicle at one or more places on each side of the container.

(3) Containers mounted on four-wheel trailers shall have their weight distributed evenly over both axles.

(4) If the cradle and the tank are not welded together, suitable material shall be used between them to eliminate metal-to-metal friction.

(c) Container valves and appurtenances.

(1) Each container shall be equipped with a fixed liquid level gauge.

(2) Each container which has a capacity in excess of 250 water gallons shall be equipped with a pressure indicating gauge having a dial graduated from 0-400 psi.

(3) Each filling connection shall be fitted with an approved combination back-pressure check valve and excess-flow valve or an internal excess-flow valve.

(4) Each container which has a capacity of at least 250 gallons shall be equipped with an approved vapor return valve.

(5) Except for safety relief valves and those devices and openings specifically exempted by K.A.R. 4-10-2(e)(3) and K.A.R. 4-10-2(e)(4), each vapor or liquid connection shall be equipped with an approved excess-flow valve.

(6) Fittings shall be adequately protected from physical damage.

(7) Each hose and each connection installed in the bottom of a container shall not be lower than the lowest horizontal edge of the vehicle axle.

(8) The entire length of each hose shall be secured during transit in such a manner to prevent damage to any portion of the hose or to the connections.

(9) When hoses are removed, fittings shall be capped to prevent accidental discharge of ammonia.

(d) Marking of container.

(1) Each side and the rear of every container shall be marked with the words "caution ammonia" on a background of sharply contrasting colors in letters at least four inches high. In addition, the following information shall appear on each implement of husbandry:

(A) the owner's name;

(B) the owner's place of business;

(C) the phone number of a person to contact in an emergency; and

(D) an alphabetical or numerical identification symbol on the implement of husbandry.

(2) Each anhydrous ammonia container shall also have applied thereon a decal giving the following information:

**CAUTION
ANHYDROUS AMMONIA
(UNDER PRESSURE)
READ CAREFULLY**

(A) Keep away from pop-off valve marked ↑. This is a safety device and shall not be tampered with or adjusted.

(B) Stand "upwind" when working around equipment.

(C) Wear goggles and rubber gloves when transferring product and "bleeding" hoses.

(D) Do not fill tank in excess of 85% full.

(E) Never place any part of body in line with valve or hose openings. Use extreme care in handling hoses. Never lift a hose by the valve wheel.

(F) Slowly "bleed" hoses after transferring product.

(G) Close valves firmly but do not "wrench."

(H) Do not permit children near this equipment.

(I) Park equipment away from buildings or any possible fire hazards. Never allow tanks to be subjected to extreme heat.

(J) Do not attempt any repairs of this equipment. In event of any failure, call your dealer immediately.

(K) Do not operate this equipment until you have received instructions from your dealer.

(3) All valves shall be labeled or color coded as liquid or vapor valves.

(e) Safety attachment, construction, water, speed, and limitation on implements of husbandry. (1) Each implement of husbandry shall meet the following requirements: (A) Each implement of husbandry shall be securely attached to the pulling vehicle by a safety pin or ball of proper size. The safety pin or ball shall be of proper size for the weight pulled. The safety pin or ball shall be supplemented by suitable welded safety chains. The links of the safety chain shall be made of steel and shall:

(i) be at least $\frac{5}{16}$ inch in diameter when the tank capacity is not more than 1,000 gallons;

(ii) be at least $\frac{3}{8}$ inch in diameter when the tank capacity exceeds 1,000 gallons; or

(iii) have a breaking strength that exceeds the gross weight of the pulled vehicle. The safety chain shall be tied off to the pulling vehicle, and to the tongue of the pulled vehicle.

(B) Each implement of husbandry shall be constructed to follow substantially in the path of the pulling vehicle. The towed vehicle shall not swerve dangerously from side to side.

(C) A five gallon container of water shall be carried on all tanks containing anhydrous ammonia. When the temperature is near or below freezing, five gallons of water shall be carried inside the pulling vehicle.

(2) No person shall pull a tank containing anhydrous ammonia at a speed faster than is reasonable and safe under existing conditions.

(3) No person shall pull more than one implement of husbandry which is designed to contain anhydrous ammonia.

(4) Except in an emergency, no person shall park any implement of husbandry designed to contain anhydrous ammonia on any public street or other thoroughfare. (Authorized by and implementing K.S.A. 2-1212; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1973; amended May 1, 1986.)

4-10-7. Systems mounted on implements of husbandry for the application of anhydrous ammonia. Each system utilizing containers mounted on implements of husbandry for the application of anhydrous ammonia shall meet the following requirements.

(a) Design pressure of containers.

(1) Each container shall be constructed in accordance with K.A.R. 4-10-2(b) and shall have a minimum design pressure of 250 psig.

(2) The shell or head thickness of any container shall not be less than $\frac{3}{16}$ of an inch.

(b) Mounting of containers. All containers and flow-control devices shall be securely mounted.

(c) Container valves and appurtenances.

(1) Each container shall have a fixed liquid level gauge.

(2) The filling connection shall be fitted with either an approved combination back pressure check valve or a positive shut-off valve in conjunction with either an internal back pressure check valve or an internal excess flow valve.

(3) An excess flow valve shall not be required in the vapor connection whenever the valve is hand-operated and the diameter of the controlled orifice does not exceed $\frac{7}{16}$ inch.

(4) Pressure regulation equipment may be connected directly to the tank coupling or flange, by utilizing a flexible connection between regulation equipment and the remainder of the liquid withdrawal system. Pressure regulation equipment not so installed shall be flexibly connected to the container shut-off valve.

(5) No excess flow valve shall be required in the liquid withdrawal service line between the contents of the container and the outlet of the shut-off valve whenever the diameter of the controlling orifice does not exceed $\frac{7}{16}$ inch.

(6) Each container shall be equipped with an operational pressure-indicating gauge having a dial graduated from 0-400 psi.

(d) Vehicles used for application of anhydrous ammonia shall not be used for transportation of the product on roads or highways.

(e) A five gallon container for water shall be carried on all tanks containing anhydrous ammonia. When temperature is near or below freezing, five gallons of water shall be carried inside the pulling vehicle.

(f) Marking of container. (1) Each side and the rear of every container shall be marked with the words "Caution Ammonia" or "Anhydrous Ammonia" on a background of sharply contrasting colors in letters at least four inches high. The name of the tank's owner, the place of business, and the phone number of a person to be contacted in an emergency shall be posted on the tank. Each implement of husbandry shall be identified by a sequential alphabetical or numerical figure affixed thereto.

(2) Each valve shall be labeled or color coded to designate liquid or vapor.

(3) Each anhydrous ammonia container shall have a decal, at least eight inches by ten inches in size, giving substantially the following information:

(A)

**CAUTION
ANHYDROUS AMMONIA
(UNDER PRESSURE)
READ CAREFULLY**

(B) Keep away from pop-off valve marked ↑. This

is a safety device and should not be tampered with or adjusted.

(C) Stand "up-wind" when working around equipment.

(D) Wear goggles and rubber gloves when transferring product and "bleeding hoses."

(E) Do not fill tank in excess of 85% full.

(F) Never place any part of body in line with valve or hose openings. Use extreme care in handling hoses. Never lift a hose by the valve wheel.

(G) Slowly "bleed" hoses after transferring product.

(H) Close valves firmly but do not "wrench."

(I) Do not permit children near this equipment.

(J) Park equipment away from buildings or any possible fire hazards. Never allow tanks to be subjected to extreme heat.

(K) Do not attempt any repairs of this equipment. In event of any failure, call your dealer immediately.

(L) Do not operate this equipment until you have received instructions from your dealer. (Authorized by and implementing K.S.A. 2-1212; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1973; amended May 1, 1986.)

4-10-8 and 4-10-9. (Authorized by K.S.A. 1970 Supp. 2-1212; effective January 1, 1966; amended January 1, 1971; revoked May 1, 1986.)

4-10-16. Reactor units for production of ammoniated solutions. (a) Reactor units shall operate only at sites approved by the secretary.

(b) When removing anhydrous ammonia from tank cars or trucks to manufacture ammoniated solutions, portable reactor units shall be equipped with approved safety devices. These safety devices shall include:

(1) Approved air operated or manually operated remote controlled shut-off devices located both on the tank car connection immediately preceding the hose attachment and on the discharge side of the pump; and

(2) a back check pressure valve on the inlet for the portable reactor.

(c) When anhydrous ammonia is transported to a stationary reactor unit in an implement of husbandry, the implement of husbandry shall be equipped with a manually operated remote controlled shut-off device on the discharge valve immediately preceding any hose attachments, and a back check pressure valve installed in the rigid piping leading to the reactor unit at the point of connection for the transfer hose. The implement of husbandry shall be monitored at all times during the manufacturing process. The transfer hose shall be disconnected from the reactor unit when the reactor unit is not operating.

(d) The required air-operated or manually operated remote controlled shut-off device shall be tested prior to each production run of ammoniated solutions and at least once every 24 hours during the production run.

(e) The operator of a portable reactor unit shall notify the secretary in writing of each location where a portable reactor will be operating at least 72 hours prior to its operation.

(continued)

(f) No person shall operate any reactor unit that does not comply with these regulations.

(g) Safety equipment. Each reactor unit shall have on hand the following equipment for emergency and rescue purposes:

- (1) an approved, full-face type gas mask with ammonia canisters;
- (2) a container or hydrant of clean water of sufficient size to immerse or cleanse an individual's body;
- (3) one pair of gloves made of rubber or other suitable protective material;
- (4) one pair of suitable rubber or plastic boots;
- (5) one suitable rubber or plastic slicker or suitable rubber or plastic pants and jacket; and
- (6) flexible, fitted, splash proof goggles or full-face shield. (Authorized by and implementing K.S.A. 2-1212; effective May 1, 1986.)

Article 13.—PESTICIDES

4-13-30. Dealer recordkeeping requirements. (a) Each pesticide dealer shall maintain records regarding sales of restricted use pesticide products. These records shall be made available during reasonable business hours to the secretary or the secretary's authorized representative for purposes of inspection and copying. Each record shall be kept for a minimum of two years after the date of the sale.

(b) The records shall contain the following information:

- (1) The name and address of the residence or principal place of business of each person to whom the restricted use pesticide product has been sold;
- (2) The name and address of the residence or principal place of business of the individual to whom the restricted use pesticide product has been delivered or made available if different from the purchaser;
- (3) The certification number of applicator's certificate;
- (4) The name of the state issuing the certificate;
- (5) The expiration date of the certificate;
- (6) If the applicator is a certified commercial applicator of pesticides, the categories and subcategories, if applicable, in which the applicator is certified;
- (7) The registered name of the restricted use pesticide product, its EPA registration number and the state special local need registration number, if any;
- (8) The quantity of the restricted use pesticide product sold; and
- (9) The date of the transaction.

(c) If the pesticide dealer makes a restricted use pesticide product available to an uncertified person for use by a certified applicator, the following additional records shall be kept:

- (1) The name and address of the residence or principal place of business of the uncertified person to whom the restricted use pesticide product has been made available; and
 - (2) The name and address of the residence or principal place of business of the certified applicator who will use the restricted use pesticide product.
- (d) For the purpose of this regulation, general use pesticide products sold for household application or

use shall only include those general use pesticide products which are labeled only for application or use to control pests on or inside the house or residence.

(e) Each pesticide dealer shall submit an annual report for each restricted use pesticide product sold. The report shall include:

- (1) the registered name of the restricted use pesticide product, its EPA registration number and the state special local need registration number, if any; and
- (2) the quantity sold of the restricted use pesticide product. (Authorized by K.S.A. 2-2467a; implementing L. 1985, Ch. 12; section 2; effective, T-86-27, Aug. 19, 1985; effective May 1, 1986.)

4-13-31. Certificates of registration. Each pesticide dealer shall display that dealer's current certificate of registration in a prominent location which can be seen by the general public. (Authorized by K.S.A. 2-2467a; implementing L. 1985, Ch. 12; section 2, effective, T-86-27, Aug. 19, 1985; effective May 1, 1986.)

4-13-32. Report of address change by pesticide dealers. Each pesticide dealer shall notify the secretary of any change in its business address or business name by the tenth day of the month following the month in which the change occurred. (Authorized by K.S.A. 2-2467a; implementing L. 1985, Ch. 12, section 2; effective T-86-27, Aug. 19, 1985; effective May 1, 1986.)

Article 16.—MEAT AND MEAT PRODUCTS INSPECTION

4-16-1. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 65-6a18, 65-6a30; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended, E-71-18, April 28, 1971; amended Jan. 1, 1972; amended, E-73-10, Feb. 16, 1973; amended Jan. 1, 1974; amended May 1, 1975; amended May 1, 1982; revoked May 1, 1986.)

4-16-1a. Definitions. (a) Each reference to "the act or act" in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1c shall mean K.S.A. 65-6a18 *et seq.*

(b) Each reference to "secretary" or to "administrator" in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1c shall mean the secretary of the state board of agriculture.

(c) Each reference to any "form," either by number or by any other designation, in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1c shall mean a form supplied by the meat and poultry inspection division of the state board of agriculture.

(d) Each reference to "U.S. or the United States" in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1c shall mean Kansas or the state of Kansas as appropriate.

(e) Each reference to "program" in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1c shall mean division unless appropriate.

(f) Each reference to "not for sale," when used in

the context of labeling product produced in a custom plant, in the portions of the code of federal regulations adopted by reference in K.A.R. 4-16-1c shall mean custom—not for sale. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 65-6a20, 65-6a21, 65-6a22, 65-6a23, 65-6a25 and 65-6a30; effective May 1, 1982; amended May 1, 1986.)

4-16-1b. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 65-6a20, 65-6a21, 65-6a22, 65-6a23, 65-6a25 and 65-6a30; effective May 1, 1982; amended May 1, 1985; revoked May 1, 1986.)

4-16-1c. Adoption by reference. (a) The following sections of title 9 of the code of federal regulations, revised as of September 9, 1985, are hereby adopted by reference:

- (1) All of part 301 except subparagraphs s, iii and kkk of part 301.2;
- (2) All of part 302 except section 302.2;
- (3) All of part 303;
- (4) All of parts 304 through 306 inclusive;
- (5) All of part 307 except section 307.6;
- (6) All of parts 308 through 311 inclusive;
- (7) All of part 312 except sections 312.7 and 312.8;
- (8) All of parts 313 through 316 inclusive; and
- (9) All of part 317 except section 317.7;
- (10) All of parts 318 through 320 inclusive;
- (11) All of part 325 except section 325.3;
- (12) All of part 329 except 329.8 and 329.9.

(b) All of part 381 of title 9 of the code of federal regulations revised as of January 1, 1985 except sections 381.10, 381.185, 381.186, 381.195 through 381.209 inclusive and 381.220 through 381.236 inclusive are adopted by reference.

(c) Copies of this material or the pertinent portions thereof are available from the division of inspections of the state board of agriculture, Topeka, Kansas. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 65-6a20, 65-6a21, 65-6a22, 65-6a23, 65-6a25 and 65-6a30; effective May 1, 1986.)

4-16-2. (Authorized by K.S.A. 65-6a30, 65-6a44; implementing K.S.A. 65-6a30; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended May 1, 1982; revoked May 1, 1986.)

4-16-3. (Authorized by K.S.A. 1972 Supp. 65-6a30; effective, E-70-4, Dec. 1, 1970; effective Jan. 1, 1971; amended, E-71-18, April 28, 1971; amended Jan. 1, 1972; amended Jan. 1, 1973; revoked May 1, 1986.)

4-16-4. (Authorized by K.S.A. 1970 Supp. 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

4-16-6. (Authorized by K.S.A. 1970 Supp. 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

4-16-7. (Authorized by K.S.A. 65-6a26, 65-6a30, 65-6a32, 65-6a44; effective Jan. 1, 1971; amended, E-80-25, Dec. 12, 1979; amended May 1, 1980; revoked May 1, 1986.)

4-16-7a. Overtime work by inspection personnel. The operator of an establishment which requires the

services of a division employee on any Saturday, Sunday or holiday, or for any interval of more than four or eight regularly assigned hours on any other day, shall request in advance that the inspector supply inspection service during the overtime period. The operator of that establishment shall pay the division for overtime services at the rate of \$14 per hour to reimburse the agency for the cost of the inspection services. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 65-6a26; effective May 1, 1986.)

4-16-99. (Authorized by K.S.A. 1970 Supp. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

4-16-100. (Authorized by K.S.A. 1972 Supp. 65-6a21, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1973; revoked May 1, 1986.)

4-16-101 and 4-16-102. (Authorized by K.S.A. 1970 Supp. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

4-16-103. (Authorized by K.S.A. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1974; revoked May 1, 1986.)

4-16-104. (Authorized by K.S.A. 1972 Supp. 65-6a21, 65-6a22, 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1973; revoked May 1, 1986.)

4-16-134. (Authorized by K.S.A. 1970 Supp. 65-6a18, 65-6a24, 65-6a25, 65-6a28, 65-6a29, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

4-16-135. (Authorized by K.S.A. 65-6a18, 65-6a24, 65-6a25, 65-6a28, 65-6a29, 65-6a44; implementing K.S.A. 65-6a24 and 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended, E-73-10, Feb. 16, 1973; amended Jan. 1, 1974; amended May 1, 1975; amended May 1, 1982; revoked May 1, 1986.)

4-16-136. (Authorized by K.S.A. 1970 Supp. 65-6a18, 65-6a24, 65-6a25, 65-6a28, 65-6a29, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

4-16-138 through 4-16-140. (Authorized by K.S.A. 1970 Supp. 65-6a18, 65-6a24, 65-6a25, 65-6a28, 65-6a29, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

4-16-141. (Authorized by K.S.A. 65-6a18, 65-6a24, 65-6a25, 65-6a28, 65-6a29, 65-6a44; implementing K.S.A. 65-6a24, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended, E-73-10, Feb. 16, 1973; amended Jan. 1, 1974; amended May 1, 1975; amended May 1, 1982; revoked May 1, 1986.)

4-16-142. (Authorized by K.S.A. 1970 Supp. 65-6a29; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

(continued)

4-16-143 through 4-16-148. (Authorized by K.S.A. 1970 Supp. 65-6a18, 65-6a24, 65-6a25, 65-6a28, 65-6a29, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

4-16-150 through 4-16-154. (Authorized by K.S.A. 1970 Supp. 65-6a18, 65-6a22, 65-6a23, 65-6a24, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

4-16-155. (Authorized by K.S.A. 65-6a18, 65-6a22, 65-6a23, 65-6a24, 65-6a44; implementing K.S.A. 65-6a24 and 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1972; amended May 1, 1975; amended May 1, 1982; revoked May 1, 1986.)

4-16-157 through 4-16-159. (Authorized by K.S.A. 1970 Supp. 65-6a18, 65-6a22, 65-6a23, 65-6a24, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

4-16-160 and 4-16-161. (Authorized by K.S.A. 1970 Supp. 65-6a18, 65-6a22, 65-6a23, 65-6a24, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1974; revoked May 1, 1986.)

4-16-162 through 4-16-164. (Authorized by K.S.A. 1970 Supp. 65-6a18, 65-6a22, 65-6a23, 65-6a24, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

4-16-170. (Authorized by K.S.A. 1970 Supp. 65-6a18, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

4-16-170a. (Authorized by K.S.A. 65-6a18, 65-6a44; implementing K.S.A. 65-6a24, 65-6a44; effective May 1, 1982; revoked May 1, 1986.)

4-16-171. (Authorized by K.S.A. 65-6a18, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1973; amended Jan. 1, 1974; revoked May 1, 1986.)

4-16-171a. (Authorized by K.S.A. 65-6a18, 65-6a44; effective Jan. 1, 1973; amended Jan. 1, 1974; revoked May 1, 1986.)

4-16-172. (Authorized by K.S.A. 65-6a18, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1973; amended Jan. 1, 1974; revoked May 1, 1986.)

4-16-173 and 4-16-174. (Authorized by K.S.A. 1970 Supp. 65-6a18, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

4-16-174a. (Authorized by K.S.A. 65-6a18, 65-6a44; implementing K.S.A. 65-6a24, 65-6a44; effective May 1, 1982; revoked May 1, 1986.)

4-16-175. (Authorized by K.S.A. 1971 Supp. 65-6a18, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1972; revoked May 1, 1986.)

4-16-176 through 4-16-179. (Authorized by K.S.A. 1970 Supp. 65-6a18, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

4-16-180. (Authorized by K.S.A. 65-6a18, 65-6a44, and K.S.A. 1981 Supp. 65-6a44a; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1974; amended, E-82-15, Aug. 12, 1981; amended May 1, 1982; revoked May 1, 1986.)

4-16-181. (Authorized by K.S.A. 1970 Supp. 65-6a18, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

4-16-182. (Authorized by K.S.A. 65-6a18, 65-6a44; implementing K.S.A. 65-6a24, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1972; amended May 1, 1982; revoked May 1, 1986.)

4-16-183 through 4-16-185. (Authorized by K.S.A. 1971 Supp. 65-6a18, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1972; revoked May 1, 1986.)

4-16-186. (Authorized by K.S.A. 65-6a18, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1974; revoked May 1, 1986.)

4-16-187 and 4-16-188. (Authorized by K.S.A. 1971 Supp. 65-6a18, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1972; revoked May 1, 1986.)

4-16-191 through 4-16-193. (Authorized by K.S.A. 1970 Supp. 65-6a18, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

4-16-193a. (Authorized by K.S.A. 65-6a18, 65-6a44; implementing K.S.A. 65-6a24, 65-6a44; effective May 1, 1982; revoked May 1, 1986.)

4-16-194 through 4-16-208. (Authorized by K.S.A. 1970 Supp. 65-6a18, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

4-16-209. (Authorized by K.S.A. 1971 Supp. 65-6a18, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1972; revoked May 1, 1986.)

4-16-209a. (Authorized by K.S.A. 65-6a18, 65-6a44; effective Jan. 1, 1974; revoked May 1, 1986.)

4-16-210 through 4-16-219. (Authorized by K.S.A. 1970 Supp. 65-6a18, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

4-16-220. (Authorized by K.S.A. 65-6a18, 65-6a44; implementing K.S.A. 65-6a24, 65-6a44; effective May 1, 1982; revoked May 1, 1986.)

4-16-225 through 4-16-230. (Authorized by K.S.A. 1970 Supp. 65-6a28, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

4-16-231 through 4-16-233. (Authorized by K.S.A. 1970 Supp. 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

4-16-233a. (Authorized by K.S.A. 65-6a18, 65-6a44; implementing K.S.A. 65-6a33, 65-6a44; effective May 1, 1982; revoked May 1, 1986.)

4-16-234. (Authorized by K.S.A. 1970 Supp. 65-6a28, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

4-16-235. (Authorized by K.S.A. 65-6a23, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; amended Jan. 1, 1974; amended May 1, 1975; revoked May 1, 1986.)

4-16-236 through 4-16-239. (Authorized by K.S.A. 65-65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

4-16-240 through 4-16-245. (Authorized by K.S.A. 1970 Supp. 65-6a37, 65-6a44; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

4-16-246. (Authorized by K.S.A. 1970 Supp. 65-6a29; effective, E-70-4, Dec. 1, 1969; effective Jan. 1, 1971; revoked May 1, 1986.)

Article 20.—CHEMIGATION

4-20-3. Records and reports. (a) Each person using a chemigation process shall keep records regarding each application of any chemical other than water. The records shall contain the following information:

- (1) the type of chemical used;
- (2) the amount of active ingredient used;
- (3) the date of use;
- (4) the legal description of the location of the water supply or the point of diversion of the water supply; and
- (5) the EPA registration number for each pesticide applied. Records required under this section shall be retained by the holder of the chemigation user permit for a period of not less than two years from the date of application.

(b) Each application for renewal of a chemigation user permit shall be accompanied by a report on a form supplied by the secretary. The report shall include:

- (1) the name and address of the permit holder;
- (2) the name and total quantity of each chemical applied during the chemigation process during the preceding year; and
- (3) the total number of acres treated by means of chemigation.

(c) Each chemigation permit holder shall report immediately both to the secretary of the board of agriculture and to the secretary of health and environment all spills, accidents, system malfunctions, or other situations involving actual or potential contamination of either ground water or surface water. (Authorized by L. 1985, Ch. 5, section 9; implementing L. 1985, Ch. 5, section 3; effective, T-86-27, Aug. 19, 1985; effective May 1, 1986.)

4-20-4. Permits. (a) No individual having a chemigation user permit shall supervise more than 10 operating chemigation units at one time.

(b) Each individual possessing a chemigation user permit shall be responsible for insuring that those persons who work under his or her direct supervision and who handle pesticides:

- (1) are knowledgeable in the use of the pesticide;
- (2) are knowledgeable concerning the proper calibration methods for the pesticide;
- (3) are knowledgeable regarding the injection devices and anti-pollution devices being used in the system;
- (4) follow all applicable directions on the pesticide's label; and
- (5) use all safety precautions pertaining to that pesticide. (Authorized by L. 1985, Ch. 5, section 9; implementing L. 1985, Ch. 5, section 6; effective, T-86-27, Aug. 19, 1985; effective May 1, 1986.)

4-20-5. Waterline check valves. Each functional waterline check valve shall be constructed and installed in accordance with K.A.R. 5-3-5c. (Authorized by L. 1985, Ch. 5, section 9; implementing L. 1985, Ch. 5, section 5; effective, T-86-27, Aug. 19, 1985; effective May 1, 1986.)

4-20-6. Injection equipment. The injection equipment used shall be constructed and maintained in a manner which insures application of pesticides within label recommendations and application of fertilizers within the planned application rate. Injection equipment shall be calibrated before each chemigation application. (Authorized by L. 1985, Ch. 5, section 9; implementing L. 1985, Ch. 5, section 5; effective, T-86-27, Aug. 19, 1985; effective May 1, 1986.)

HARLAND E. PRIDDLE
Secretary of Agriculture

Doc. No. 003990

State of Kansas

OFFICE OF JUDICIAL ADMINISTRATION

COURT OF APPEALS DOCKET

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

Kansas Court of Appeals
 Court of Appeals Courtroom
 2nd Floor, Kansas Judicial Center
 301 W. 10th, Topeka, Kansas

Before Abbott, C.J., Briscoe and Davis, JJ.

Monday, April 28, 1986

9:00 a.m.

| Case No. | Case Name | Attorney | County |
|----------------|---|---|-----------|
| 58,229 | State of Kansas, appellee, | James Flory, District Attorney Gerald E. Wells, Assistant District Attorney Attorney General | Douglas |
| | v. | | |
| 58,546 | Gregory Lee Murphy, appellant. State of Kansas, appellee, | David J. Berkowitz James E. Flory, District Attorney Attorney General | Douglas |
| | v. | | |
| 58,559 | Larry King, appellant. State of Kansas, appellee, | Debra L. Barnett Steven R. Zinn James E. Flory, District Attorney Attorney General | Douglas |
| | v. | | |
| 58,886 | David L. Jones, appellant. State of Kansas, appellee, | Steven R. Zinn Ted Baird, Assistant District Attorney Attorney General | Wyandotte |
| | v. | | |
| | John Edward Sanders, appellant. | Steven R. Zinn Benjamin C. Wood Donna Asher | |
| 1:30 p.m. | | | |
| 58,630 S.C. | State of Kansas, appellee, | Geary Gorup, Assistant District Attorney Attorney General | Sedgwick |
| | v. | | |
| 58,616 | Gregory L. Miller, appellant. James P. Johnson, appellant, | Jessica R. Kunen Steven R. Zinn Benjamin C. Wood Steven R. Zinn | Sedgwick |
| | v. | | |
| 58,668 | State of Kansas, appellee, State of Kansas, appellee, | Geary Gorup, Assistant District Attorney Attorney General Willis K. Musick, County Attorney Attorney General | Ellis |
| | v. | | |
| | Roger M. Prigmore, appellant. | Benjamin C. Wood Steven R. Zinn | |

| | | | |
|--------|---|---|-------|
| 58,835 | Andrew Wilson, appellant, v. State of Kansas, appellee. | Bejamin G. Wood Steven R. Zinn | Geary |
| 58,187 | State of Kansas, appellee, v. Larry Fondren, appellant. | Lloyd Graham, Assistant County Attorney Attorney General Lloyd R. Graham, Assistant County Attorney Attorney General Charles R. Clack | Geary |

Tuesday, April 29, 1986
9:00 a.m.

| Case No. | Case Name | Attorney | County |
|----------|---|--|--------------|
| 58,829 | City of Ottawa, appellee, v. Janet Roush, appellant. | John R. Dowell | Franklin |
| 58,200 | Greg Winner and Colleen Winner, appellees, v. Roger Flory, d/b/a Commerce Plaza, appellant. | Gerald F. Powers D. Richard White | Douglas |
| 58,258 | State of Kansas, appellee, v. Alvin Matzke, appellant. | Thomas E. Wright Bradley C. Ralph Henry Otto III, Assistant County Attorney Attorney General John Sparks, County Attorney | Pottawatomie |
| 58,295 | In the Matter of the Suspension of the License of Larry L. Furthmyer. | Alvin Matzke, <i>pro se</i> Michael S. Holland | Russell |
| 58,870 | In the Matter of the Suspension of the License of James K. Stull. | Brian Cox | |

1:30 p.m.

| | | | |
|--------|---|--|------------|
| 58,195 | State of Kansas, appellee, v. Robert Cremeans, appellant. | Sharon Stice, County Attorney Attorney General David K. Markham | Labette |
| 57,924 | North Central Kansas Prod. Credit Assoc., appellant, v. Odell Farmers Co-Op Elevator Co., appellee. | Don W. Noah Richard D. Heeney | Washington |
| 58,866 | Mid States Port Authority, appellee, v. Jackson Trak Group, Inc., appellant. | T. L. Green Wyatt A. Hoch Darrell L. Warta | Phillips |
| 58,610 | Carlton Smith, appellee, v. Gatewood Ford-Mercury, Inc., d/b/a/ Gateway Motors, appellant. | Craig J. Altenhofen Charles Harper John J. Jurcyk David P. Troup | Geary |
| 58,459 | Timothy L. Nuzum, <i>et al.</i> , appellants, v. David Shawn Waggoner, <i>et al.</i> , appellees. | J. David Farris David and Deborah Waggoner, <i>pro se</i> Otis and Linda Langley, <i>pro se</i> | Doniphan |

(continued)

Wednesday, April 30, 1986

9:00 a.m.

| Case No. | Case Name | Attorney | County |
|----------|--|--|-----------|
| 57,545 | Delores I. Mullen and Leo M. Mullen, appellants, v. Board of County Commissioners of Jefferson County, <i>et al.</i> | Charles M. Tuley | Jefferson |
| 58,495 | Dawn F. Fillpot, appellee, v. IBP, Inc., appellant, Kansas Workers' Compensation Fund. | Michael C. Hayes John K. Bork E. L. Kinch | Lyon |
| 58,259 | Federal Land Bank of Wichita, appellee, v. Donald H. Herpich, <i>et al.</i> , appellants. | Michael W. Merriam Derek J. Shafer John D. Conderman Donald H. Herpich, <i>pro se</i> | Morris |

Kansas Court of Appeals
11th Floor Courtroom
Sedgwick County Courthouse
525 N. Main, Wichita, Kansas

Before Parks, P.J., Rees, J., and David F. Brewster,
District Judge, Assigned

Monday, April 28, 1986

1:30 p.m.

| Case No. | Case Name | Attorney | County |
|-----------------------------|---|--|----------|
| 58,644 | William D. Martin, Sr., appellee, v. Excel Corporation, appellant, and Kansas Workers' Compensation Fund. | James P. Johnston | Sedgwick |
| 58,102 | Grainland Farms, Inc., appellant, v. Arkansas Louisiana Gas Co., Div. of ARKLA Inc., and Three Star Const. Co. Inc., appellees. | Frederick L. Haag Vincent L. Bogart Otis Morrow | Cowley |
| 58,536 | Edward L. Jaerger and Joann Jaerger, appellants, v. City of Andover, appellee. | Stuart R. Collier Stuart R. Collier | Butler |
| 56,432 58,320 (Cons.) | Universal Modular Structures Inc., appellant, v. Mary K. Forrest, appellee. | Norman G. Manley Daniel C. Bachmann Stuart R. Collier | Sedgwick |
| 58,125 | Universal Modular Structures, Inc., appellant, v. Johnnie Darr, Sedgwick County Sheriff, appellee. M. D. Williams and Air Capitol Contractors, Inc., appellees, v. Total Petroleum, Inc.; Robert Vickers; Rod Vickers; Carl Vickers; Lincoln Street APCO; Midwest Petroleum Inc.; and Gerald Rice, aka Rick Calloway, aka Jerry Rice, appellants. | Quentin Kurtz Randall E. Fisher David Blakemore William L. Fry Calvin McMillan | Sedgwick |

Tuesday, April 29, 1986
9:00 a.m.

| Case No. | Case Name | Attorney | County |
|-----------|---|---|----------|
| 58,568 | Lynn Caro Devins, appellee, v. Patrick P. Simpson, appellant. | Ted L. Peters | Sedgwick |
| 58,117 | Eugene C. Cook II, appellant, v. Citizens State Bank, appellee. | G. Gordon Atcheson Ervin E. Grant | Butler |
| 58,959 | State of Kansas, appellant, v. William L. Weston, appellee. | John K. Pearson William H. Zimmerman, Jr. D. Michael Case Morris, Hecker Kuder & Parrish | Woodson |
| 58,720 | State of Kansas, appellee, v. Jim Coffman, appellant. | Leo T. Gensweider, County Attorney Attorney General William N. Lacy Leo T. Gensweider, County Attorney Attorney General Melissa Kelly Benjamin Wood | Woodson |
| 1:30 p.m. | | | |
| 58,531 | State of Kansas, appellee, v. Bret L. Crater, appellant. | Morgan Metcalf, County Attorney Attorney General Dennis L. Phelps | Butler |
| 58,254 | St. Paul Fire and Marine Ins., appellant, v. Capital Recovery and Investigations, Inc., appellees. | Arthur S. Chalmers James Howard, <i>pro se</i> | Sedgwick |
| 58,255 | Freda Beckner, appellee, v. St. Francis Regional Medical Center, appellant. | David M. Bryan Arthur S. Chalmers | Sedgwick |
| 58,128 | Stephen F. Barton, appellee, v. Gilda Z. Barton, appellant. | Alan L. Rupe Stephen J. Blaylock | Sedgwick |
| 58,358 | Karen Sue Riggan, appellee, v. Steven Ross Riggan, appellant. | Andrew B. Fletcher Steven Ross Riggan, <i>pro se</i> | Sedgwick |

Wednesday, April 30, 1986
9:00 a.m.

| Case No. | Case Name | Attorney | County |
|----------|---|--|----------|
| 58,508 | Jerry Wayne Smith, appellant, v. State of Kansas, appellee. | Linda C. McMaster Geary Gorup, Assistant District Attorney Attorney General | Sedgwick |
| 58,374 | State of Kansas, appellee, v. Edward Poncil, appellant. | Geary Gorup, Assistant District Attorney Attorney General Eric A. Stahl | Sedgwick |

(continued)

| | | | |
|--------|---|---|-----------|
| 58,363 | State of Kansas, appellee, | Geary Gorup, Assistant District Attorney Attorney General | Sedgwick |
| | v. | | |
| 58,040 | Bradley V. Burgardt, appellant. State of Kansas, appellee, | Roberta R. Johnson Geary Gorup, Assistant District Attorney Attorney General | Sedgwick |
| | v. | | |
| 58,099 | William S. Hicks, appellant. State of Kansas, appellee, | Kiehl Rathbun Geary Gorup, Assistant District Attorney Attorney General | Sedgwick |
| | v. | | |
| | Robert E. Tucker II, appellant. | William Cather | |
| | | 1:30 p.m. | |
| 58,554 | Bluestem Corporation, appellant, | Frank C. Beyerl | Greenwood |
| | v. | | |
| | Toronto Oil and Gas Co., <i>et al.</i> , appellees. | John N. Sherman | |
| 58,316 | David G. Faust and Jennifer Faust, appellants, | David G. Crockett David A. Gripp | Sedgwick |
| | v. | | |
| | Jerry D. Owsley and L. Sue Owsley, appellees, John Charles and Jerry D. Owsley, | Robert Kaplan Ronald A. Lyon Janet Helsel | |
| | v. | | |
| | Barbara Charles, appellee. | | |

**Kansas Court of Appeals
Johnson County Courthouse, Div. 1, Courtroom 301
Olathe, Kansas**

**Before Brazil, P.J., Meyer, J., and Donald L. White,
District Judge, Assigned**

**Monday, April 28, 1986
1:00 p.m.**

| Case No. | Case Name | Attorney | County |
|----------------|---|--|---------|
| 58,659 S.C. | State of Kansas, appellee, | Bruce Beye, Assistant County Attorney Attorney General | Johnson |
| | v. | | |
| 57,986 | Donald Mark Provence. State of Kansas, appellee, | David R. Gilman Bruce Beye, Assistant District Attorney Attorney General | Johnson |
| | v. | | |
| 58,465 | Marvin L. Dickerson, appellant. State of Kansas, appellee, | Robert L. Morse Steve Tatum, Assistant District Attorney Attorney General | Johnson |
| | v. | | |
| 57,819 | J. D. Scherer, appellant. John E. Dick, appellant, | Thomas F. McGraw III Clem W. Fairchild John C. Eisele | Johnson |
| | v. | | |
| | Broderson Mfg. Corp., appellees. | Frank D. Menghini | |

| | | | |
|--------|--|--|---------|
| 58,527 | Johnathan B. Stehli, a minor, by his natural mother and next friend Pamela Jo Stehli, appellee, v. Hal R. Younglove, M.D., <i>et al.</i> , appellants. | Michael E. Callen Richard D. Simpson Mark Beam-Ward Laurence R. Tucker James L. Eisenbrandt Kenneth Holm Michaela M. Nicholarsen Thomas W. Wagstaff | Johnson |
|--------|--|--|---------|

Tuesday, April 29, 1986
9:00 a.m.

| Case No. | Case Name | Attorney | County |
|----------------|--|---|-----------|
| 58,115 S.C. | In the Matter of the Marriage of Richard D. Harman and LaDoris Y. Harman. | James P. Lugar David W. Boal | Wyandotte |
| 58,070 | Mose G. Chandler and Janet F. Chandler, appellants, v. David L. Cochran and Vicky D. Cochran. | R. Owen Watchous Paul R. Mudd Robert L. Morse | Johnson |
| 57,743 | Overland Park State Bank and Trust Co., appellee, v. Royal Asphalt and Const. Co., <i>et al.</i> , appellants. | John P. Bennett Robert L. Morse | Johnson |
| 58,069 | Gunter Alberti, appellant, v. Tildie M. Alberti, appellee, | Thomas Britt Nichols George A. Lowe | Miami |
| 1:00 p.m. | | | |
| 58,522 | State of Kansas, appellee. v. Audie Darnell Suber, appellant. | Peggy Carr, Assistant District Attorney Attorney General Ruben Jorge Krisztal | Wyandotte |
| 58,109 | Patrons Mutual Ins. Assoc., appellant, v. Charles P. Viscek, appellee. | Allen R. Slater Scott Harrison Kreamer | Johnson |
| 58,233 | Gene Wuellner, appellee, v. Greek Food, Ltd., appellant. | Eldon J. Shields David W. Beaver John P. Connor | Johnson |
| 58,520 | Ben Carrero, appellant, v. Brockman Equipment Leasing, <i>et al.</i> , appellees. | Gordon M. Rock, Jr. Robert F. Rowe, Jr. | Johnson |
| 58,450 | City of Overland Park, appellee, v. Michael W. Black, appellant. | Karen Arnold-Burger David R. Gilman James F. Vano | Johnson |

(continued)

Wednesday, April 30, 1986
9:00 a.m.

| Case No. | Case Name | Attorney | County |
|-----------|--|---|------------|
| 58,354 | John W. Jones, appellant, v. AIFAM Enterprises and St. Paul Fire and Marine Ins. Co., appellees. | Rex Henoch H. Wayne Powers | Johnson |
| 57,794 | In the Matter of the Estate of Lawrence Winn, Deceased. Marion L. Winn, appellant, Twin City State Bank, appellee. | James R. Orr Larry Winn III John H. Fields Thomas M. Higgins, Jr. | Johnson |
| 58,297 | In the Interest of C.F., a Child under 18 years of Age. | Susan Stolle, Assistant District Attorney Attorney General Michael Schwartz, Gdn. A/L James F. Vano William A. Cleaver Edward L. Bigus | Johnson |
| 58,339 | Peoples National Bank and Trust Co., appellee, v. Coffeyville Packing Co., Inc., et al., appellants. | Morris D. Hildreth M. Doug Bell Glenn E. Casebeer III Calvin K. Williams | Montgomery |
| 58,504 | State of Kansas, appellee, v. Christopher Hackelman, appellant. | Kate Foster, Assistant District Attorney Attorney General Carl E. Cornwell | Wyandotte |
| 1:00 p.m. | | | |
| 57,958 | Charles E. Hammond and Judy B. Hammond, appellants v. Larry Young, d/b/a/ Young Construction, appellees. | Charles Hammond, <i>pro se</i> Beth Hartsook Robert A. Andrews William A. Cleaver | Johnson |
| 57,909 | Warren R. Gish and Substituted Party Bonnie Gish, appellant, v. William S. Turner, et al., appellees. | Timothy J. Evans Dennis E. Mitchell | Wyandotte |
| 57,724 | Hartford Ins. Co., appellant, v. Overland Body Tow, Inc. and Gordon Gault, appellees. | Paul Hasty, Jr. Ronald P. Wood | Johnson |
| 57,918 | Robert L. Ward II, appellant, v. Superior Die Set Corp., et al., appellees. | Lonnie A. Hamilton Keith Martin | Johnson |

LEWIS C. CARTER
Clerk of the Appellate Courts

Doc. No. 004105

(Published in the KANSAS REGISTER, April 17, 1986.)

SENATE BILL No. 571

AN ACT concerning libraries; relating to tax levies for support thereof; amending K.S.A. 12-1247 and repealing the existing section.

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

Section 1. K.S.A. 12-1247 is hereby amended to read as follows: 12-1247. (a) Except as provided by subsection (b), the directors of said the library district, as the governing body thereof, shall, and in the same manner as required by law applying to other taxing units, shall levy annually levy a tax not to exceed one and one-half (1½) 1.5 mills on each dollar assessed tangible valuation for the property of such the library district, for the maintenance and support of a free public library, to be levied and collected in like manner with other taxes, which levy said. The library board shall ~~cause to be certified~~ certify the levy on or before August 25th of each year to the county clerk who is hereby authorized and required to place the same on the tax rolls of said the county to be collected by the treasurer of said the county and to be paid over by him or her the county treasurer to the treasurer of such the library district.

(b) The directors of the library district shall have the authority to increase the mill levy authorized by subsection (a) in an amount not to exceed 3 mills on each dollar assessed tangible valuation for the property of the library district for the acquisition, maintenance and support of a free public library by adoption of a resolution. Such resolution shall be published once each week for two consecutive weeks in a newspaper of general circulation in the library district. If within 30 days after the last publication of the resolution, a petition signed by not less than 5% of the qualified electors in the library district is filed in the office of the county election officer requesting an election thereon, no levy in an amount exceeding 1.5 mills shall be made unless the question is submitted to and approved by a majority of the voters of the library district voting at an election. Such election shall be called and held in the manner provided under the general bond law. If the question is approved, the levy shall be certified and placed on the tax rolls in the same manner provided by subsection (a).

Sec. 2. K.S.A. 12-1247 is hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body February 26, 1986.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE April 1, 1986.

MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED April 9, 1986.

JOHN CARLIN
Governor.

STATE OF KANSAS
Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 9th day of April, 1986.

(SEAL)

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 17, 1986.)

Substitute for HOUSE BILL No. 2646

AN ACT concerning the Kansas pesticide law; concerning the filing of reports relating to damage from pesticide application; and repealing K.S.A. 2-2457.

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

Section 1. (a) Because pesticides have short residual life, a person damaged from pesticide application shall file with secretary, within 60 days after the date the damage was discovered, a written statement, on a form prescribed by the secretary, claiming that the person has been damaged. The statement shall contain, but shall not be limited to, the name of the person responsible for the application of the pesticide, if known, the name of the owner or lessee of the land on which the pesticide was being applied at the time the alleged damage occurred, if known, and the name of the owner or lessee of the land on which it is alleged that the damage occurred.

(b) The secretary shall prepare a form to be furnished to persons for use in such cases and such forms shall contain such other information as the secretary may deem proper. The secretary shall send a duplicate copy of this statement to the person responsible for the application of the pesticide, if known, and to the owner or lessee of the land to which the pesticide was being applied at the time the alleged damage occurred, if known, or other person who may be charged with the responsibility for the alleged damage.

(c) The failure to file a report pursuant to this section:

(1) Shall create a rebuttable presumption that the alleged damage did not result from the pesticide application;

(2) shall not preclude the maintenance of any criminal or civil action; and

(3) shall not constitute a violation of the Kansas pesticide law.

(d) This section shall be part of and supplemental to the Kansas pesticide law.

Sec. 2. K.S.A. 2-2457 is hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 12, 1986.

MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

Passed the SENATE March 26, 1986.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

APPROVED April 4, 1986.

JOHN CARLIN
Governor.

STATE OF KANSAS

Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 4th day of April, 1986.

(SEAL)

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 17, 1986.)
HOUSE BILL No. 3129

AN ACT concerning public moneys; relating to deposits and investments by governmental subdivisions; amending K.S.A. 1985 Supp. 9-1401, 9-1402, 9-1403, 9-1405, 9-1406, 12-1675, 12-1676 and 17-5002 and K.S.A. 1985 Supp. 9-1402, as amended by section 2 of this act and repealing the existing sections; also repealing K.S.A. 1984 Supp. 9-1402, as amended by section 2 of chapter 58 of the 1985 Session Laws of Kansas.

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

Section 1. K.S.A. 1985 Supp. 9-1401 is hereby amended to read as follows: 9-1401. (a) The governing body of any municipal corporation or quasi-municipal corporation shall designate by official action recorded upon its minutes the state and national banks, trust companies, state and federally chartered savings and loan associations and federally chartered savings banks *with home offices located in the state of Kansas* which shall serve as depositories of its funds and the officer and official having the custody of such funds shall not deposit such funds other than at such designated banks, trust companies, *state or federally chartered* savings and loan associations and federally chartered savings banks. The state and national banks, trust companies, state and federally chartered savings and loan associations and federally chartered savings banks which have *home offices located* in the county or counties in which all or part of such municipal corporation or quasi-municipal corporation is located shall be designated as such official depositories if the municipal or quasi-municipal corporation can obtain satisfactory security therefor, *and such official depositories have a home office located in the state of Kansas.*

(b) Every officer or person depositing public funds shall deposit all such public funds coming into such officer or person's possession in their name and official title as such officer. If the governing body of the municipal corporation or quasi-municipal corporation fails to designate an official depository or depositories, the officer thereof having custody of its funds shall deposit such funds with one or more state or national banks, trust companies, state or federally chartered savings and loan associations or federally chartered savings banks which have *home offices located* in the county or counties in which all or part of such municipal corporation or quasi-municipal corporation is located if satisfactory security can be obtained therefor and if not then elsewhere, but upon so doing shall serve notice in writing on the governing body showing the names and locations of such banks, trust companies, *state or federally chartered* savings and loan associations and federally chartered savings banks where such funds are deposited, and upon so doing the officer having custody of such funds shall not be liable for the loss of any portion thereof except for official misconduct or for the misappropriation of such funds by such officer.

(c) As used in this section and K.S.A. 9-1402, 9-1403 and 9-1405, and amendments thereto, ~~to such sections,~~ "municipal corporation or quasi-municipal corporation" includes each investing governmental unit under K.S.A. 12-1675, and amendments thereto.

Sec. 2. K.S.A. 1985 Supp. 9-1402 is hereby amended to read as follows: 9-1402. (a) Before any deposit of public moneys or funds shall be made by any municipal corporation or quasi-municipal corporation of the state of Kansas with any state or national bank, trust company, state or federally chartered savings and loan association or federally chartered savings bank, such municipal or quasi-municipal corporation shall obtain security for such deposit in one of the following manners prescribed by this section.

(b) Such bank, trust company, *state or federally chartered* savings and loan association or federally chartered savings bank may give to the municipal corporation or quasi-municipal corporation a personal bond in double the amount which may be on deposit at any given time.

(c) Such bank, trust company, *state or federally chartered* savings and loan association or federally chartered savings bank may give a corporate surety bond of some surety corporation authorized to do business in this state, which bond shall be in an amount equal to the public moneys or funds on deposit at any given time and such bond shall be conditioned that such deposit

shall be paid promptly on the order of the municipal corporation or quasi-municipal corporation making such deposits.

(d) Any state or national bank, trust company, state or federally chartered savings and loan association or federally chartered savings bank may deposit, maintain, pledge and assign for the benefit of the governing body of the municipal corporation or quasi-municipal corporation in the manner provided in this act, securities the market value of which is equal to 100% of the total deposits at any given time, and such securities shall consist of:

(1) Direct obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency thereof and obligations and securities of United States sponsored corporations which under federal law may be accepted as security for public funds;

(2) bonds of any municipal corporation or quasi-municipal corporation of the state of Kansas which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States of America;

(3) bonds of the state of Kansas;

(4) general obligation bonds of any municipal corporation or quasi-municipal corporation of the state of Kansas;

(5) revenue bonds of any municipal corporation or quasi-municipal corporation of the state of Kansas if approved by the state bank commissioner in the case of banks and by the savings and loan commissioner in the case of savings and loan associations or federally chartered savings banks;

(6) negotiable promissory notes which are not in default together with first lien real estate mortgages on real estate located within the state of Kansas securing payment of such notes;

(7) temporary notes of any municipal corporation or quasi-municipal corporation of the state of Kansas which are general obligations of the municipal or quasi-municipal corporation issuing the same;

(8) warrants of any municipal corporation or quasi-municipal corporation of the state of Kansas the issuance of which is authorized by the state board of tax appeals and which are payable from the proceeds of a mandatory tax levy;

(9) bonds of either a Kansas not-for-profit corporation or of a local housing authority that are rated at least Aa by Moody's Investors Service or AA by Standard & Poor's Corp.;

(10) bonds issued pursuant to K.S.A. 12-1740 *et seq.*, and amendments thereto, that are rated at least MIG-1 or Aa by Moody's Investors Service or AA by Standard & Poor's Corp.; or

(11) notes of a Kansas not-for-profit corporation that are issued to provide only the interim funds for a mortgage loan that is insured by the federal housing administration.

(e) No state or national bank, trust company, state or federally chartered savings and loan association or federally chartered savings bank may deposit and maintain for the benefit of the governing body of a municipal or quasi-municipal corporation of the state of Kansas, any securities which consist of:

(1) Bonds secured by revenues of a utility which has been in operation for less than three years; or

(2) bonds issued under K.S.A. 12-1740 *et seq.*, and amendments thereto, unless such bonds have been refunded in advance of their maturity as provided in subsection (d) or such bonds are rated at least Aa by Moody's Investors Service or AA by Standard & Poor's Corp.

(f) Whenever a bond is authorized to be pledged as a security under this section, such bond shall be accepted as a security if (1) in the case of a certificated bond, it is assigned, delivered or pledged to the holder of the deposit for security; (2) in the case of an uncertificated bond, registration of a pledge of the bond is authorized by the system and the pledge of the uncertificated bond is registered; or (3) in a form approved by the attorney general, which assures the availability of the bond proceeds pledged as a security for public deposits.

(g) Any expense incurred in connection with granting approval of revenue bonds shall be paid by the applicant for approval.

(h) All negotiable promissory notes secured by first lien mortgages on real estate pledged and assigned as security shall be valued pursuant to rules and regulations which have been adopted by both the state bank commissioner and the savings and loan commissioner after having first being submitted to and approved by both the state banking board under K.S.A. 9-1713, and amendments thereto, and the savings and loan board. Such rules and regulations shall be published in only one place in the Kansas administrative regulations as directed by the state rules and regulations board. All such notes shall be approved by the governing body of such municipal corporation or quasi-municipal corporation before the same shall be accepted as security. Negotiable promissory notes secured by first lien mortgages on real estate shall be taken at their value for not more than 75% of the security required under the provisions of this act.

Sec. 3. On July 1, 1986, K.S.A. 1985 Supp. 9-1402, as amended by section 2, is hereby amended to read as follows: 9-1402. (a) Before any deposit of public moneys or funds shall be made by any municipal corporation or quasi-municipal corporation of the state of Kansas with any state or national bank, trust company, state or federally chartered savings and loan association or federally chartered savings bank, such municipal or quasi-municipal corporation shall obtain security for such deposit in one of the following manners prescribed by this section.

(b) Such bank, trust company, state or federally chartered savings and loan association or federally chartered savings bank may give to the municipal corporation or quasi-municipal corporation a personal bond in double the amount which may be on deposit at any given time.

(c) Such bank, trust company, state or federally chartered savings and loan association or federally chartered savings bank may give a corporate surety bond of some surety corporation authorized to do business in this state, which bond shall be in an amount equal to the public moneys or funds on deposit at any given time and such bond shall be conditioned that such deposit shall be paid promptly on the order of the municipal corporation or quasi-municipal corporation making such deposits.

(d) Any state or national bank, trust company, state or federally chartered savings and loan association or federally chartered savings bank may deposit, maintain, pledge and assign for the benefit of the governing body of the municipal corporation or quasi-municipal corporation in the manner provided in this act, securities the market value of which is equal to 100% of the total deposits at any given time, and such securities shall consist of:

(1) Direct obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency thereof and obligations and securities of United States sponsored corporations which under federal law may be accepted as security for public funds;

(2) bonds of any municipal corporation or quasi-municipal corporation of the state of Kansas which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States of America;

(3) bonds of the state of Kansas;

(4) general obligation bonds of any municipal corporation or quasi-municipal corporation of the state of Kansas;

(5) revenue bonds of any municipal corporation or quasi-municipal corporation of the state of Kansas if approved by the state bank commissioner in the case of banks and by the savings and loan commissioner in the case of savings and loan associations or federally chartered savings banks;

(6) negotiable promissory notes which are not in default together with first lien real estate mortgages on real estate located within the state of Kansas securing payment of such notes;

(7) (6) temporary notes of any municipal corporation or quasi-municipal corporation of the state of Kansas which are general obligations of the municipal or quasi-municipal corporation issuing the same;

(8) (7) warrants of any municipal corporation or quasi-municipal corporation of the state of Kansas the issuance of which is

authorized by the state board of tax appeals and which are payable from the proceeds of a mandatory tax levy;

(9) (8) bonds of either a Kansas not-for-profit corporation or of a local housing authority that are rated at least Aa by Moody's Investors Service or AA by Standard & Poor's Corp.;

(10) (9) bonds issued pursuant to K.S.A. 12-1740 *et seq.*, and amendments thereto, that are rated at least MIG-1 or Aa by Moody's Investors Service or AA by Standard & Poor's Corp.; or

(11) (10) notes of a Kansas not-for-profit corporation that are issued to provide only the interim funds for a mortgage loan that is insured by the federal housing administration.

(e) No state or national bank, trust company, state or federally chartered savings and loan association or federally chartered savings bank may deposit and maintain for the benefit of the governing body of a municipal or quasi-municipal corporation of the state of Kansas, any securities which consist of:

(1) Bonds secured by revenues of a utility which has been in operation for less than three years; or

(2) bonds issued under K.S.A. 12-1740 *et seq.*, and amendments thereto, unless such bonds have been refunded in advance of their maturity as provided in subsection (d) or such bonds are rated at least Aa by Moody's Investors Service or AA by Standard & Poor's Corp.

(f) Whenever a bond is authorized to be pledged as a security under this section, such bond shall be accepted as a security if (1) in the case of a certificated bond, it is assigned, delivered or pledged to the holder of the deposit for security; (2) in the case of an uncertificated bond, registration of a pledge of the bond is authorized by the system and the pledge of the uncertificated bond is registered; or (3) in a form approved by the attorney general, which assures the availability of the bond proceeds pledged as a security for public deposits.

(g) Any expense incurred in connection with granting approval of revenue bonds shall be paid by the applicant for approval.

(h) All negotiable promissory notes secured by first lien mortgages on real estate pledged and assigned as security shall be valued pursuant to rules and regulations which have been adopted by both the state bank commissioner and the savings and loan commissioner after having first being submitted to and approved by both the state banking board under K.S.A. 9-1713, and amendments thereto, and the savings and loan board. Such rules and regulations shall be published in only one place in the Kansas administrative regulations as directed by the state rules and regulations board. All such notes shall be approved by the governing body of such municipal corporation or quasi-municipal corporation before the same shall be accepted as security. Negotiable promissory notes secured by first lien mortgages on real estate shall be taken at their value for not more than 75% of the security required under the provisions of this act.

Sec. 4. K.S.A. 1985 Supp. 9-1403 is hereby amended to read as follows: 9-1403. (a) During the periods of peak deposits occurring at tax paying time and tax distributing time and continuing for a period of not to exceed 60 continuous days at any given time and not to exceed 120 days in any calendar year the amount of security for the deposit of public moneys as required under K.S.A. 9-1402, and amendments thereto, shall may be reduced by not more than 1/2 in an amount thereof.

(b) The provisions of this section shall apply only to the deposits of all municipal corporations and quasi-municipal corporations, but the custodian of the funds of each of such municipal corporations or quasi-municipal corporations together with an officer of the depository state or national bank, trust company, state or federally chartered savings and loan association or federally chartered savings bank shall designate may enter into an agreement which designates in writing the beginning of each such sixty-day period, and a copy thereof, fully executed, shall be kept on file in the office of the governing body of such municipal corporation or quasi-municipal corporation and in the files of such bank, trust company, state or federally chartered savings and loan association or federally chartered savings bank.

Sec. 5. K.S.A. 1985 Supp. 9-1405 is hereby amended to read as follows: 9-1405. (a) All bonds and securities given by any bank, trust company, state or federally chartered savings and

(continued)

loan association or federally chartered savings bank to secure public moneys of the United States or any board, commission or agency thereof, shall be deposited as required by the United States government or any of its designated agencies.

(b) All bonds and securities pledged to secure the deposits of any municipal corporation or quasi-municipal corporation shall be deposited with a Kansas state or national bank or trust company having adequate modern facilities for the safekeeping of securities or the federal home loan bank of Topeka, and a joint custody receipt taken therefor with one copy going to the municipal corporation or quasi-municipal corporation making the public deposit and one copy going to the bank, trust company, *state or federally chartered* savings and loan association or federally chartered savings bank which has secured such public deposits. No bonds or securities pledged to secure public deposits shall be left for safekeeping in any safe deposit vault owned or controlled directly or indirectly by the bank, trust company, *state or federally chartered* savings and loan association or federally chartered savings bank securing such public deposits.

(c) All such bonds and securities shall be deposited under a joint custody receipt issued by a bank within the state of Kansas or the federal reserve bank of Kansas City or the federal home loan bank of Topeka. All bonds or securities held by any depository and for which a joint custody receipt has been issued shall be retained by such depository and not released except upon consent of both the municipal corporation or quasi-municipal corporation making the deposit and the bank, trust company, *state or federally chartered* savings and loan association or federally chartered savings bank taking or securing such deposit. In every report required to be published by any bank, trust company, *state or federally chartered* savings and loan association or federally chartered savings bank it shall show in full all of the assets pledged or deposited as security for public moneys.

(d) A bank, trust company, *state or federally chartered* savings and loan association or federally chartered savings bank which fails to pay according to its terms any deposit of public moneys of any municipal or quasi-municipal corporation shall immediately take such actions as are required to enable bonds and securities pledged to secure such deposit to be sold to satisfy its obligation to the municipal or quasi-municipal corporation.

Sec. 6. K.S.A. 1985 Supp. 9-1406 is hereby amended to read as follows: 9-1406. No public officer nor the sureties upon such officer's bond shall be liable for any loss sustained by the failure or default of any designated depository or depositories after a deposit or deposits have been made in an officially designated bank, trust company, *state or federally chartered* savings and loan association or federally chartered savings bank as provided in this act. This exemption from liability shall apply even though other statutes shall require the furnishing of a bond or other securities by the designated depositories of public moneys.

Sec. 7. K.S.A. 1985 Supp. 12-1675 is hereby amended to read as follows: 12-1675. (a) The governing body of any county, city, township, school district, area vocational-technical school, community college, firemen's relief association, community mental health center, community facility for the mentally retarded or any other governmental entity, unit or subdivision in the state of Kansas having authority to receive, hold and expend public moneys or funds may invest any moneys which are not immediately required for the purposes for which the moneys were collected or received, and the investment of which is not subject to or regulated by any other statute.

(b) Such moneys shall be invested only in:

(1) Temporary notes or no-fund warrants issued by such investing governmental unit;

(2) time deposit, open accounts or certificates of deposit: (A) In commercial banks or trust companies which have home offices located in such investing governmental unit; or (B) if the home office of no commercial bank or trust company is located in such investing governmental unit, then in commercial banks or trust companies which have home offices located in the county or counties in which all or part of such investing governmental unit is located; or (C) if such appropriate eligible commercial banks or trust companies cannot or will not make deposits

available to the investing governmental unit at interest rates equal to or greater than: (i) the average yield before taxes received on ninety-one day United States treasury bills as determined by the federal reserve banks, as fiscal agents of the United States, at its most recent public offering of such bills prior to the inception of such deposit contract; or (ii) the maximum rates such banks or trust companies may pay on such deposits under applicable law or regulation, whichever is lower, then in commercial banks or trust companies which have home offices located within in the county or in the counties of the state of Kansas adjacent to the county or counties in which all or part of such investing governmental unit is located;

(3) in time certificates of deposit: (A) With *state or federally chartered* savings and loan associations or federally chartered savings banks which have home offices located in such investing governmental unit; or (B) if the home office of no *state or federally chartered* savings and loan association or federally chartered savings bank is located in such governmental unit, then with *state or federally chartered* savings and loan associations or federally chartered savings banks which have home offices located in the county or counties in which all or part of such investing governmental unit is located; or (C) if such appropriate eligible *state or federally chartered* savings and loan associations or federally chartered savings banks cannot or will not make such deposits available to the investing governmental unit at interest rates equal to or greater than: (i) the average yield before taxes received on ninety-one day United States treasury bills as determined by the federal reserve banks, as fiscal agents of the United States, at its most recent public offering of such bills prior to the inception of such deposit contract; or (ii) the maximum rates such savings and loan associations or federally chartered savings banks may pay on such deposits under applicable law or regulation, whichever is lower, then with *state or federally chartered* savings and loan associations or federally chartered savings banks which have home offices located within in the county or in the counties of the state of Kansas adjacent to the county or counties in which all or part of such investing governmental unit is located;

(4) repurchase agreements with: (A) Commercial banks, trust companies, *state or federally chartered* savings and loan associations or federally chartered savings banks which have home offices located in such investing governmental unit, for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof; or (B) (i) if the home office of no commercial bank, trust company, *state or federally chartered* savings and loan association or federally chartered savings bank is located in such investing governmental unit; or (ii) if no commercial bank, trust company, *state or federally chartered* savings and loan association or federally chartered savings bank has a home office located in such investing governmental unit is willing to enter into such an agreement with the investing governmental unit at an interest rate equal to or higher than a rate equal to two percentage points below the average yield before taxes received on ninety-one day United States treasury bills as determined by the federal reserve banks, as fiscal agents of the United States, at its most recent offering of such bills prior to the inception of such contract, then such repurchase agreements may be entered into with commercial banks, trust companies, *state or federally chartered* savings and loan associations or federally chartered savings banks which have home offices located in the county or counties in which all or part of such investing governmental unit is located; or (C) if no bank, trust company, *state or federally chartered* savings and loan association or federally chartered savings bank which has its home office located in such county or counties is willing to enter into such an agreement with the investing governmental unit at an interest rate equal to or higher than a rate equal to two percentage points below the average yield before taxes received on ninety-one day United States treasury bills as determined by the federal reserve banks, as fiscal agents of the United States, at its most recent offering of such bills prior to the inception of such contract then such repurchase agreements may be entered into with commercial banks, trust companies, *state or federally chartered* savings and loan associations or federally chartered

savings banks which have home offices located in the state of Kansas; or

(5) United States treasury bills or notes with maturities as the governing body shall determine, but not exceeding six months.

(c) The investment authorized in ~~clause paragraph~~ (5) of subsection (b) shall be utilized only if the appropriate eligible commercial banks or trust companies, which have home offices located in the investing governmental unit or in the county or counties in which all or a part of such investing governmental unit is located if no such bank or trust company has a home office which is located within such governmental unit, or the appropriate eligible *state or federally chartered* savings and loan associations or federally chartered savings banks, which have home offices located in the investing governmental unit or in the county or counties in which all or a part of such investing governmental unit is located if no such *state or federally chartered* savings and loan association or federally chartered savings bank has a home office which is located within such governmental unit, cannot or will not make the investments authorized in ~~clause paragraph~~ (2) or ~~clause~~ (3) of subsection (b) available to the investing governmental unit at interest rates equal to or greater than: (A) the average yield before taxes received on ninety-one day United States treasury bills as determined by the federal reserve banks as fiscal agents of the United States at its most recent public offering of such bills prior to the inception of such deposit contract; or (B) the maximum rates such commercial banks, trust companies, savings and loan associations or federally chartered savings banks may pay on the investments authorized in ~~clause~~ (2) or ~~clause~~ (3) of subsection (b) under applicable law or regulation, whichever is lower.

(d) In selecting a depository pursuant to paragraph (2) or (3) of subsection (b), if a commercial bank, trust company, *state or federally chartered savings and loan association or federally chartered savings bank* has an office located in the investing governmental unit and such financial institution will make such deposits available to the investing governmental unit at interest rates equal to or greater than the average yield before taxes received on ninety-one day United States treasury bills as determined by the federal reserve banks as fiscal agents of the United States, at its most recent public offering of such bills prior to the inception of such deposit contract, and such financial institution otherwise qualifies for such deposit, the investing governmental unit shall select one or more of such financial institutions for deposit of funds pursuant to this section. If no such financial institution qualifies for such deposits, the investing governmental unit shall select for such deposits one or more commercial banks, trust companies, *state or federally chartered savings and loan associations or federally chartered savings banks which have offices in the county or counties in which all or a part of such investing governmental unit is located* which will make such deposits available to the investing governmental unit at interest rates equal to or greater than the average yield before taxes received on ninety-one day United States treasury bills as determined by the federal reserve banks as fiscal agents of the United States, at its most recent public offering of such bills prior to the inception of such deposit contract, and which otherwise qualify for such deposits. If no such financial institution qualifies for such deposits, the investing governmental unit may select for such deposits one or more commercial banks, trust companies, *state or federally chartered savings and loan associations or federally chartered savings banks which have offices in the county or counties of the state of Kansas adjacent to the county or counties in which all or a part of the investing governmental unit is located.*

Sec. 8. K.S.A. 1985 Supp. 12-1676 is hereby amended to read as follows: 12-1676. Except as otherwise provided in K.S.A. 12-1678a, and any amendments thereto, the provisions of this act authorizing the investment of moneys shall not apply to moneys collected or received by a county for apportionment, credit or distribution to the state or any political subdivision thereof. Interest paid by commercial banks or trust companies on time deposit, open accounts and certificates of deposit of investing governmental units and by *state or federally chartered* savings and loan associations or federally chartered savings banks on

time certificates of deposit of investing governmental units shall be at rates agreed upon by the governmental units and the banks, trust companies, *state or federally chartered* savings and loan associations or federally chartered savings banks.

Sec. 9. K.S.A. 1985 Supp. 17-5002 is hereby amended to read as follows: 17-5002. (a) Administrators, executors, conservators, trustees, insurance companies and other financial institutions, charitable, educational, eleemosynary corporations and organizations are authorized, in addition to investments now authorized by law, to invest funds which they are authorized by law to invest, in shares or savings deposits of federally insured savings and loan associations or federally chartered savings banks with home offices in the state of Kansas and in credit unions which are, in whole or in part, insured with an insurer or guarantee corporation as required under K.S.A. 17-2246, and amendments thereto, and such investment shall be deemed and held to be legal investments for such funds.

(b) The governing body of any municipal corporation or quasi-municipal corporation, county, township, school district, area vocational-technical school, community college, firemen's relief association, community mental health center, community facility for the mentally retarded or any other governmental entity, unit or division in the state of Kansas having authority to receive, hold and expend public moneys or funds may invest the same in state or federally chartered savings and loan associations or federally chartered savings banks with home offices in the state of Kansas subject to and as provided by K.S.A. 9-1401, 9-1402, 9-1405, 9-1407, 12-1675 and 12-1676 and amendments to such sections.

Sec. 10. K.S.A. 1985 Supp. 9-1401, 9-1402, 9-1403, 9-1405, 9-1406, 12-1675, 12-1676 and 17-5002 are hereby repealed.

Sec. 11. On July 1, 1986, K.S.A. 1985 Supp. 9-1402, as amended by section 2 of this act and K.S.A. 1984 Supp. 9-1402, as amended by section 2 of chapter 58 of the 1985 Session Laws of Kansas are hereby repealed.

Sec. 12. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 28, 1986.

MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

Passed the SENATE April 3, 1986.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

APPROVED April 14, 1986.

JOHN CARLIN
Governor.

STATE OF KANSAS
Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 14th day of April, 1986.

(SEAL)

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 17, 1986.)
SENATE BILL No. 764

AN ACT relating to the issuance of general obligation bonds by certain unified school districts; validating and confirming certain proceedings for the issuance of such bonds and any bonds issued thereunder.

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

Section 1. Any unified school district which, prior to the effective date of this act, has authorized, pursuant to the provisions of K.S.A. 72-6761, and amendments thereto, the issuance of general obligation bonds of the school district in the amount of \$2,500,000 for the purpose of paying a portion of the costs of improving the school facilities of the district by building, equipping and furnishing new elementary schools at Parker and La-Cygne, purchasing a site for such school at Parker, and remodeling, equipping and furnishing the existing elementary school at Fontana is hereby authorized to issue and sell such bonds in the manner provided by law without approval by election and without executing a nonlitigation certificate required by K.S.A. 10-108a, and amendments thereto. All proceedings for the issuance of such bonds and all bonds issued pursuant thereto are hereby validated and confirmed. The total amount of bonds issued under authority of this act shall not exceed the amount of \$2,500,000.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body April 10, 1986.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE April 11, 1986.

MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED April 12, 1986.

JOHN CARLIN
Governor.

STATE OF KANSAS
Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 14th day of April, 1986.

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 17, 1986.)
SENATE BILL No. 765

AN ACT relating to the issuance of general obligation bonds by certain unified school districts; validating and confirming certain proceedings for the issuance of such bonds and any bonds issued thereunder.

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

Section 1. Any unified school district which, prior to the effective date of this act, has authorized, pursuant to the provisions of K.S.A. 72-6761, and amendments thereto, the issuance of general obligation bonds of the school district in the amount of \$525,000 for the purpose of improving sites and equipping, furnishing, repairing and remodeling buildings used for school district purposes is hereby authorized to issue and sell such bonds in the manner provided by law without approval by election and without executing a nonlitigation certificate required by K.S.A. 10-108a, and amendments thereto. All proceedings for the issuance of such bonds and all bonds issued pursuant thereto are hereby validated and confirmed. The total

amount of bonds issued under authority of this act shall not exceed the amount of \$525,000.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body April 10, 1986.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE April 11, 1986.

MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED April 12, 1986.

JOHN CARLIN
Governor.

STATE OF KANSAS
Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 14th day of April, 1986.

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 17, 1986.)
SENATE BILL No. 766

AN ACT relating to the issuance of general obligation bonds by certain unified school districts; validating and confirming certain proceedings for the issuance of such bonds and any bonds issued thereunder.

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

Section 1. Any unified school district which, prior to the effective date of this act, has authorized, pursuant to the provisions of K.S.A. 72-6761, and amendments thereto, the issuance of general obligation bonds of the school district in the amount of \$3,200,000 for the purpose of making modifications of, additions to, and equipping certain existing structures known as Eisenhower elementary school and Roosevelt elementary school is hereby authorized to issue and sell such bonds in the manner provided by law without approval by election and without executing a nonlitigation certificate required by K.S.A. 10-108a, and amendments thereto. All proceedings for the issuance of such bonds and all bonds issued pursuant thereto are hereby validated and confirmed. The total amount of bonds issued under authority of this act shall not exceed the amount of \$3,200,000.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body April 10, 1986.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE April 11, 1986.

MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED April 12, 1986.

JOHN CARLIN
Governor.

STATE OF KANSAS
Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 14th day of April, 1986.

(SEAL)

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 17, 1986.)

SENATE BILL No. 767

AN ACT relating to the issuance of general obligation bonds by certain unified school districts; validating and confirming certain proceedings for the issuance of such bonds and any bonds issued thereunder.

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

Section 1. Any unified school district which, prior to the effective date of this act, has authorized, pursuant to the provisions of K.S.A. 72-6761, and amendments thereto, the issuance of general obligation bonds of the school district in the amount of \$2,500,000 for the purpose of constructing, furnishing and equipping a new high school building and remodeling the existing high school gymnasium is hereby authorized to issue and sell such bonds in the manner provided by law without approval by election and without executing a nonlitigation certificate required by K.S.A. 10-108a, and amendments thereto. All proceedings for the issuance of such bonds and all bonds issued pursuant thereto are hereby validated and confirmed. The total amount of bonds issued under authority of this act shall not exceed the amount of \$2,500,000.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body April 10, 1986.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE April 11, 1986.

MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED April 12, 1986.

JOHN CARLIN
Governor.

STATE OF KANSAS
Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 14th day of April, 1986.

(SEAL)

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 17, 1986.)

SENATE BILL No. 769

AN ACT relating to the issuance of general obligation bonds by certain cities; validating and confirming certain proceedings for the issuance of such bonds and any bonds issued thereunder.

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

Section 1. The governing body of any city which, prior to the effective date of this act, has authorized, pursuant to the provisions of K.S.A. 12-1302, and amendments thereto, the issuance of general obligation bonds of the city in the amount of \$75,000 for the purpose of swimming pool and other park improvements is hereby authorized to issue and sell such bonds in the manner provided by law without approval by election and without executing a nonlitigation certificate required by K.S.A. 10-108a, and amendments thereto. All proceedings for the issuance of such bonds and all bonds issued pursuant thereto are hereby validated and confirmed. The total amount of bonds issued under authority of this act shall not exceed the amount of \$75,000.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body April 11, 1986.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE April 12, 1986.

MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED April 14, 1986.

JOHN CARLIN
Governor.

STATE OF KANSAS
Office of Secretary of State

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 14th day of April, 1986.

(SEAL)

JACK H. BRIER
Secretary of State.

KANSAS REGISTER
Secretary of State
State Capitol
Topeka, Kansas 66612-1594

Second Class
postage paid
at
Topeka, Kansas

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

_____ One-year subscriptions @ \$47.50 ea.

TOTAL ENCLOSED _____
(Make checks payable to Kansas Register)

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

Zip code must be included

**THIS SPACE FOR REGISTER OFFICE
USE ONLY, PLEASE**

CODE _____ REC. NO. _____
EXPIRES _____ ENTERED BY _____

Mail order, WITH PAYMENT, to: Kansas Register; Secretary of State; State Capitol; Topeka, KS. 66612-1594.

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

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

Indicate change or correction of name or address
here:

MAIL TO. Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612-1594