

# KANSAS REGISTER



State of Kansas

**JACK H. BRIER**  
Secretary of State

Vol. 5, No. 51

December 18, 1986

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IN THIS ISSUE . . . . .	Page
<b>Attorney General</b>	
Opinion No. 86-169 . . . . .	1626
<b>Kansas Insurance Department</b>	
Notice of Hearing . . . . .	1626
<b>Mined-Land Conservation and Reclamation Board</b>	
Schedule of 1987 Board Meetings . . . . .	1627
<b>Division of Property Valuation</b>	
Notice of Personal Property Valuation Guides . . . . .	1627
<b>Department of Administration</b>	
Notice of Hearing on Proposed Administrative Regulations . . . . .	1627
<b>Notice to Bidders for State Purchases . . . . .</b>	1628
<b>Department of Transportation</b>	
Notice to Consulting Engineers . . . . .	1629
Notice to Contractors . . . . .	1629
<b>State Corporation Commission</b>	
Notices of Hearings . . . . .	1631
Notice of Motor Carrier Hearings . . . . .	1631
<b>Temporary Administrative Regulations</b>	
Kansas Real Estate Commission . . . . .	1635
State Board of Agriculture . . . . .	1639
State Board of Nursing . . . . .	1642
Social and Rehabilitation Services . . . . .	1642
<b>Kansas Facts . . . . .</b>	1646

## NOTICE

Because of the Christmas holiday, deadline for submission of items to be published in the January 1 Register will be noon Tuesday, December 23.

State of Kansas

**ATTORNEY GENERAL**

Opinion No. 86-169

**Public Health and Welfare—Atomic Energy Act of 1954—Price-Anderson Act; Indemnification and Limitation of Liability.** Randy Wetmore, Concordia City Manager, Concordia, December 10, 1986.

Although the liability for damages resulting from transportation accidents involving nuclear waste is determined by state tort law, the Price-Anderson Act, 42 U.S.C. §§ 2014, 2210, provides for reimbursement of these damages for all responsible parties. While the long-term clean-up costs are generally reimbursable through this insurance/indemnity system, the immediate, emergency response costs probably are not, and will be borne by the state or local government. Cited herein: 42 U.S.C. § 2014; 42 U.S.C. § 2210. JLM

ROBERT T. STEPHAN  
Attorney General

Doc. No. 004888

State of Kansas

**KANSAS INSURANCE DEPARTMENT****NOTICE OF HEARING**

A formal hearing will be held at 10 a.m. Monday, December 29, in the offices of the Kansas Commissioner of Insurance, 420 S.W. 9th, Topeka, to determine whether the application for the proposed acquisition of control of Life Insurance Company of Kansas, Inc., Wichita, Kansas, by United Group Insurance Company, Fort Worth, Texas, should be approved by the Commissioner of Insurance in accordance with the provisions of K.S.A. 40-3301 *et seq.*

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

FLETCHER BELL  
Commissioner of Insurance

Doc. No. 004885

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PUBLISHED BY  
JACK H. BRIER  
Secretary of State  
State Capitol  
Topeka, KS 66612



PHONE: 913/296-3489

State of Kansas  
**STATE CORPORATION COMMISSION  
 MINED-LAND CONSERVATION AND  
 RECLAMATION BOARD**

**SCHEDULE OF 1987  
 BOARD MEETINGS**

The schedule for the Mined-Land Conservation and Reclamation Board meetings for the year 1987 is as follows:

February 12, 1987	9:00 a.m.	Pittsburg Memorial Auditorium
April 9, 1987	9:00 a.m.	Pittsburg Memorial Auditorium
June 11, 1987	9:00 a.m.	Pittsburg Memorial Auditorium
August 13, 1987	9:00 a.m.	Pittsburg Memorial Auditorium
October 8, 1987	9:00 a.m.	Pittsburg Memorial Auditorium
December 10, 1987	9:00 a.m.	Pittsburg Memorial Auditorium

A special notice will be mailed on any changes in location or time of meetings. Special meetings will be at the call of the chairman of the board or upon petition of three or more board members.

Field tours, site inspections or seminars for board members are scheduled for the day preceding each scheduled meeting. Attendance is optional. All meetings are conducted in conformity with provisions of the Kansas Open Meeting Act (K.S.A. 75-4317 *et seq.*).

JOYCE STOVER  
 Executive Director

Doc. No. 004879

State of Kansas  
**DEPARTMENT OF REVENUE  
 DIVISION OF PROPERTY VALUATION**

**NOTICE OF  
 PROPERTY VALUATION GUIDES**

The Division of Property Valuation has adopted for use in estimating market value of personal property the following guides for the 1987 tax year:

- I. P.V.D. produced guides
  1. Construction Equipment Guide
  2. Special Purpose Property Guide
  3. Highway Vehicle Guide
  4. Motor Vehicle Reference Guide
  5. Oil & Gas Guide
  6. Helicopter Guide
  7. Personal Property Reference Guide
- II. Copyrighted guides which are prescribed
  1. Truck Blue Book, January 1987 Edition
  2. Abos Marine Blue Books, 1987 Edition—Set of nine books
  3. N.A.D.A. Recreation Vehicle Appraisal Guide, January-April 1987 Edition
  4. Farm Machinery and Equipment  
 No guides on farm machinery and equipment will be issued or prescribed for 1987. Valua-

tions of such items will be done by use of trending factors.

5. Directory of Aircraft Prices, January 1, 1987 Tax Assessor Edition
6. N.A.D.A. Used Car Guide, January 1987 Midwest Edition
7. N.A.D.A. Motorcycle Guide, January 1987 Edition
8. N.A.D.A. Older Used Car Guide, January-April 1987 Edition

These guides are available for public inspection during regular office hours at the Division of Property Valuation, fifth floor, Docking State Office Building, Topeka.

VIC MILLER  
 Director, Division of  
 Property Valuation

Doc. No. 004880

State of Kansas  
**DEPARTMENT OF ADMINISTRATION**

**NOTICE OF HEARING  
 ON PROPOSED  
 ADMINISTRATIVE REGULATIONS**

A public hearing will be held at 9 a.m. Tuesday, January 6, in the Old Supreme Court Room, third floor, State Capitol, Topeka, to consider the adoption of a proposed change in an existing rule and regulation of the Division of Personnel Services.

K.A.R. 1-9-6 is being amended to provide that, upon request of a permanent employee, the employee will be granted leave of absence without pay for up to 30 calendar days for the birth or adoption of a child, placement of a foster child with the employee or in order to care for a child with a serious health problem. Employees may use the 30 days of leave without pay in combination with annual or sick leave or additional leave without pay in accordance with applicable leave regulations.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Secretary of Administration, Room 263-E, State Capitol, Topeka 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit oral presentation to five minutes.

Copies of the regulation and its fiscal impact statement can be obtained from the Division of Personnel Services, Room 123-S, State Office Building, Topeka 66612, (913) 296-2140, (KANS-A-N 561-2140).

ARTHUR GRIGGS  
 Acting Secretary of Administration

Doc. No. 004893

## State of Kansas

DEPARTMENT OF ADMINISTRATION  
DIVISION OF PURCHASES

## NOTICE

**PLEASE NOTE:** The Kansas Division of Purchases has moved to Room 102, 900 Jackson, Topeka 66612. Bids being delivered other than by the U.S. Postal Service or any of the courier-type mail services should be brought to that address. Envelopes provided by the Division of Purchases need not be corrected.

## NOTICE TO BIDDERS

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

## MONDAY, DECEMBER 29, 1986

#A-0000-PR 34

Topeka State Hospital—PROVIDE DOMESTIC  
HOT WATER SYSTEMS, Perry and Biddle buildings

#A-5577

Topeka State Hospital—REPLACE DOMESTIC  
HOT WATER TANK, Slagle Building

#27238-B

Kansas Fish and Game Commission—BLANKET  
HUNTING AND FISHING LICENSE AND PERMIT  
BOND

#27432 Supplement

Statewide (Kansas State Industrial Reformatory)—  
DAIRY PRODUCTS

#27475

University of Kansas Medical Center—  
BIOMEDICAL ENGINEERING MECHANICAL  
MATERIALS

#67802

University of Kansas—PLAIN PAPER  
COPIER—150M

#67803

Wichita State University—PLAIN PAPER  
COPIER—150M

#67816

University of Kansas Medical Center—SOFTWARE

#67818

University of Kansas Medical Center—CARDIAC  
OUTPUT COMPUTER

## TUESDAY, DECEMBER 30, 1986

#A-5638

Department of Transportation—REMODELING OF  
AREA BUILDING, Wamego

#27473

Kansas State University—FERTILIZER, Fort Hays  
Experiment Station

#27474

University of Kansas Medical Center—FEBRUARY  
(1987) MEAT PRODUCTS

#27478

Kansas Correctional Industries—AMORPHOUS  
SILICA, MAGNESIUM SILICATE, CALCIUM  
CARBONATE FOR PAINT

#27479

Kansas Correctional Industries—BLENDED  
TRAFFIC PAINT THINNER

#67799

University of Kansas Medical Center—CUBICLE  
CURTAINS

#67813

Kansas State University—GRAIN

#67838

Department of Social and Rehabilitation  
Services—SEWING MACHINE

#67839

Kansas Public Employees Retirement System—IBM  
SYSTEM 38 PERIPHERAL EQUIPMENT AND  
SOFTWARE

## WEDNESDAY, DECEMBER 31, 1986

#67154-A

University of Kansas—MICROCOMPUTER—AT  
COMPATIBLE

#67814

Department of Social and Rehabilitation  
Services—CONTINUOUS FORMS

#67815

Kansas State University—AMPLIFIERS

#67828

University of Kansas—PROVIDE NEW CONCRETE  
SLABS FOR FACILITIES OPERATION

#67830

University of Kansas—LAB INTEGRATORS

#67831

University of Kansas Medical Center—NEONATAL  
MONITOR

#67832

University of Kansas—CELL SAMPLING SYSTEM

#67837

Department of Transportation—AB-SPECIAL  
AGGREGATE, Lawrence

## FRIDAY, JANUARY 2, 1987

#67793

Wichita State University—CABLE

#67794

Kansas State University—PCB TRANSFORMER  
REMOVAL

#67795

University of Kansas Medical Center—  
REPAIR/OVERHAUL OF STERILIZER

#67796

Wichita State University—ION DETECTOR/GC

#67800

University of Kansas Medical Center—FLOOR  
MACHINES

#67801

University of Kansas Medical Center—LAB COATS

#67804

Fort Hays State University—LASER PRINTER

#67805

University of Kansas Medical Center—  
WORKSTATION—NBI COMPATIBLE

#67806

Kansas State Penitentiary—ELECTRICAL  
SUPPLIES

#67809

Department of Economic Development—  
ENVELOPES FOR SADDLE-BINDING, Parsons

#67810

Department of Revenue—VEHICLE DEALER'S  
TAX STAMP

#67811

University of Kansas Medical Center—DINING  
TABLES AND CHAIRS

- #67812  
Kansas State University—LAB OSCILLOSCOPE
- #67817  
University of Kansas Medical Center—  
CARDIOGRAPH
- #67819  
Wichita State University—DEC UPGRADE
- #67820  
University of Kansas Medical Center—RIBBONS
- #67821  
University of Kansas Medical Center—  
COMPUTERIZED RADIO PAGING SYSTEM  
UPGRADE
- #67822  
Department of Social and Rehabilitation  
Services—HOME MODIFICATIONS FOR  
BATHROOM AND ADJOINING ROOM, Fairway
- #67823  
Department of Social and Rehabilitation  
Services—HOME MODIFICATION FOR  
BATHROOM AND BEDROOM, Prairie Village
- #67824  
University of Kansas Medical Center—ENGRAVING  
STOCK
- #67829  
University of Kansas Medical Center—HPLC  
SYSTEM
- TUESDAY, JANUARY 20, 1987**
- #27481  
University of Kansas Medical Center—ELEVATOR  
MAINTENANCE

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 004889

**State of Kansas**  
**DEPARTMENT OF TRANSPORTATION**  
**NOTICE TO CONSULTING ENGINEERS**

The Kansas Department of Transportation is seeking a qualified engineering firm for plan production for the following project:

**Riley—18-81 K-0711-01**—a hydraulic study of computation to verify or modify the design for flood protection at the city of Ogden, Kansas.

Firms expressing interest in these projects must respond in writing and complete the Consulting Engineers Qualification Questionnaire (if not already prequalified) by January 7, 1987.

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 record.

JOHN B. KEMP  
Secretary of Transportation

Doc. No. 004873

**State of Kansas**  
**DEPARTMENT OF TRANSPORTATION**

**NOTICE TO CONTRACTORS**

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m., C.D.T., January 15, 1987, and then publicly opened:

**DISTRICT ONE—Northeast**

**Chase/Lyon—50-106 K-3094-01**—U.S. 50 in Chase and Lyon counties, 8.7 miles, overlay. (State Funds)

**Douglas—56-23 K-2719-01**—U.S. 56, from the junction of U.S. 56 and U.S. 59 east to Douglas-Johnson county line, through Baldwin City, 11.8 miles, overlay. (State Funds)

**Johnson—46 K-2670-01**—Firearm range west of weigh station south of Olathe, firearm range. (State Funds)

**Johnson—435-46 K-2699-01—I-435**, west of I-435 and U.S. 69 intersection east to Kansas-Missouri state line, 5.7 miles, signing. (Federal Funds)

**Johnson/Wyandotte—106 K-3078-01—K-12** in Johnson County and K-32 in Wyandotte County, 5.8 miles, overlay. (State Funds)

**Leavenworth—24-52 K-2125-01—U.S. 24**, Douglas-Leavenworth county line northeast to the west junction of U.S. 24 and K-16, 9.4 miles, overlay. (State Funds)

**Leavenworth—24-52 K-2713-01—U.S. 24**, west junction of K-16 north and east to 0.7 mile west of Leavenworth-Wyandotte county line, 9.6 miles, overlay. (State Funds)

**Lyon—130-56 K-2715-01—K-130**, north city limits of Hartford north to north of Neosho Rapids, 5.5 miles, recycling. (State Funds)

**Osage—70 K-3084-01—K-31, K-276 and K-368** in Osage County, 5.2 miles, overlay. (State Funds)

**Shawnee—75A-89 K-2892-01—U.S. 75 Alternate**, 9th Street south to 11th Street in Topeka, 0.4 mile, intersection improvement. (State Funds)

**Wyandotte—35-105 K-2909-01—I-35**, 0.3 mile south of the Johnson-Wyandotte county line northeast to K-12, lighting. (Federal Funds)

**Wyandotte—105 U-0979-01—Roe Lane bridge** over Turkey Creek in Kansas City, 0.1 mile, bridge replacement. (Federal Funds)

**Wyandotte—70-105 M-1434-01—I-70**, bridges 96, 167 and 189 at the junction of I-70 and K-32, bridge repair. (State Funds)

**DISTRICT TWO—Northcentral**

**Republic—81-79 M-1461-01—U.S. 81**, Rose Creek bridge 24, 10.5 miles north of U.S. 36, bridge repair. (State Funds)

**Saline—4-85 K-2088-01—K-4**, Dry Creek bridge 107, 1.8 miles northeast of the north junction of I-135, bridge replacement. (Federal Funds)

**Washington—15W-101 K-2680-01—K-15W**, Ash Creek bridge 23, 4.8 miles north of K-9, bridge repair. (Federal Funds)

(continued)

**DISTRICT THREE—Northwest**

**Cheyenne**—27-12 K-2730-01—K-27, from the west junction of U.S. 36 north to the Kansas-Nebraska state line, 21.1 miles, overlay. (State Funds)

**Decatur/Norton/Sheridan**—106 K-3049-01—various locations on K-9, K-123 and K-223 in Decatur County; K-9 in Norton County; K-9, K-123, and K-223 in Sheridan County, 37.9 miles, conventional seal. (State Funds)

**Sheridan**—23-90 K-2736-01—K-23, from U.S. 24 in Hoxie north and west to U.S. 83, 18.5 miles, recycling. (State Funds)

**Sherman**—91 K-3051-01—K-27 and U.S. 24B in Sherman County, 12.7 miles, surfacing. (State Funds)

**DISTRICT FOUR—Southeast**

**Allen**—1 K-3075-01—U.S. 54 and U.S. 169 in Allen County, 14.1 miles, recycling. (State Funds)

**Allen**—1 M-1460-01—U.S. 169, bridge 33 and U.S. 54 bridges 2, 3, 4, 5 and 6, milling. (State Funds)

**Allen**—54-1 K-2762-01—U.S. 54, concrete pavement east of LaHarpe east to U.S. 59, 6.5 miles, overlay. (State Funds)

**Anderson**—2 K-3076-01—U.S. 59, U.S. 169 and U.S. 169B in Anderson County, 22.1 miles, recycling. (State Funds)

**Bourbon**—31-6 X-0795-02—Crossing of K-31 (Spruce Street) and Burlington Northern Railroad in Fulton, grading and surfacing. (Federal Funds)

**Coffey**—57-16 M-1399-01—K-57, Neosho River bridge 42, 0.8 mile west of LeRoy, bridge repair. (State Funds)

**Coffey/Greenwood**—106 K-3077-01—K-57 in Coffey County; K-57 and K-249 in Greenwood County, 20.5 miles, overlay. (State Funds)

**Greenwood**—54-37 K-2681-01—U.S. 54, Bachelor Creek bridge 6, 2.8 miles east of the west junction of K-99, bridge repair. (Federal Funds)

**Greenwood**—99-37 K-2752-01—K-99, east junction of U.S. 54 north to the south junction of K-57, 21.3 miles, overlay. (State Funds)

**Montgomery**—169-63 K-1797-01—U.S. 169, state line to the south city limits of Coffeyville, 0.6 mile, grading surfacing. (Federal Funds)

**DISTRICT FIVE—Southcentral**

**Sedgwick**—2-87 K-2590-01—K-2, Spring Creek bridge 168, 5.4 miles northeast of K-49, bridge replacement. (Federal Funds)

**Sedgwick**—81-87 K-2841-01—U.S. 81, from the junction of U.S. 81 and FAS 602 south of Haysville, intersection improvement. (State Funds)

**Sedgwick**—87 C-1944-01—County road, 2.0 miles east of Maize, then north, 3.9 miles, surfacing. (Federal Funds)

**Stafford**—93 C-1234-01—County road, 10.0 miles north of St. John and U.S. 281, then east, 2.0 miles, surfacing. (Federal Funds)

**DISTRICT SIX—Southwest**

**Morton**—51-65 K-3055-01—K-51, Colorado-Kansas state line east to the south junction of K-27, and from

the north junction of K-27 east and south to U.S. 56, 25.4 miles, conventional seal. (State Funds)

**Morton**—56-65 K-3024-01—U.S. 56, 4.9 miles east of FAS 1488 north and east to Morton-Stevens county line, 8.0 miles, overlay. (State Funds)

**Seward**—83-88 K-2953-01—U.S. 83, 0.9 mile north of the junction of K-51 northeast to the south junction of U.S. 160, 8.0 miles, recycling. (State Funds)

**Seward**—83-88 K-2954-01—U.S. 83, Kansas-Oklahoma state line northwest to the south city limits of Liberal, 2.4 miles, overlay. (State Funds)

**Stanton**—160-94 K-2798-01—U.S. 160, Kansas-Colorado state line east to the south junction of K-27, 16.8 miles, overlay. (State Funds)

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

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

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

**JOHN B. KEMP**  
Secretary of Transportation

Doc. No. 004894

State of Kansas  
STATE CORPORATION COMMISSION

NOTICE OF HEARING

Enron Liquids Pipeline Company, in docket number 152,968-R, has filed an application for a certificate of convenience and authority to transport natural gas liquids by pipeline between Bushton, Conway, Hutchinson and Wichita.

This application has been set for hearing and will be heard before the State Corporation Commission at 10 a.m. Wednesday, January 14, in the commission's hearing room, fourth floor, Docking State Office Building, Topeka.

The commission's rule provides that anyone who has an interest may appear and represent himself or herself; however, an organization or corporation must be represented by an attorney who is a resident of Kansas and regularly admitted to practice in the courts of record of this state or by an attorney sponsored by Kansas counsel.

Copies of the application are on file with the State Corporation Commission in its offices in Topeka. Questions regarding the application may be directed to V. L. Wenger, Rate Supervisor, (913) 296-4334.

MICHAEL LENNEN  
Chairman

Doc. No. 4891

State of Kansas  
STATE CORPORATION COMMISSION

NOTICE OF HEARING

The State Corporation Commission will hold technical hearings in docket no. 152,510-R on the issues of Trailways Lines, Inc. bus abandonment of Kansas routes. The hearing will begin at 10 a.m. Tuesday, January 6, at the commission's office, fourth floor, Docking State Office Building, Topeka.

Trailways has asked permission to abandon five of its major routes throughout the state effective April 1, 1987:

1. Runs 3210, 3204, 3205, 3219  
(Wichita, Kansas—Lincoln, Nebraska)
2. Runs 1807, 1803, 1804, 1808  
(Kansas City—Denver, Colorado)
3. Runs 5503, 5505, 5506, 5508  
(Wichita, Kansas—Pueblo, Colorado)
4. Runs 6806, 6815  
(Wichita, Kansas—Joplin, Missouri)
5. Runs 8913, 8905, 8914, 8924  
(Kansas City—Tulsa via Joplin)

Anyone wishing to participate in this hearing shall follow the commission's intervention regulation, K.A.R. 82-81-225. For further information regarding the application or the hearing, contact Mary Wettig, Assistant General Counsel, (913) 296-3361.

JUDITH McCONNELL  
Executive Secretary

Doc. No. 004890

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, fourth floor, Topeka, unless otherwise noticed.

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

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

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

Applications set for January 8, 1987

*Application for Certificate of Convenience and Necessity:*

Reliable Freight Lines, ) Docket No. 152,958 M  
Inc. )  
Route 1 )  
Abilene, KS 67410 )

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

*Hay, grain, dry feed, dry feed ingredients, dry fertilizer and seeds,*

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

*Iron and steel articles, fabricated metal articles, construction and fencing materials and heavy and cumbersome commodities,*

Between points and places in Reno, Sedgwick, Ellsworth, Saline, Cloud, Dickinson, Riley, Lyon, Shawnee, Leavenworth, Wyandotte, Johnson and Crawford 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.

\*\*\*\*\*

*Application for Contract Carrier Permit:*

H.B. Gibson ) Docket No. 152,957 M  
Route 1 )  
Wellsville, KS 66092 )

Applicant's Attorney: None

(continued)

*Ice milk mix,*

Between all points and places in Miami County, Kansas, on the one hand, and all points and places in Wyandotte, Johnson, Franklin and Anderson counties, Kansas, on the other. Under contract with Roberts Dairy, of Omaha, Nebraska.

\*\*\*\*\*

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

Kendal D. Zahn ) Docket No. 152,950 M  
Route 2, Box 6C )  
WaKeeney, KS 67672 )

Applicant's Attorney: None

*Feeds, seeds, grain and fertilizer,*

Between all points and places in and west of Smith, Osborne, Russell, Barton, Stafford, Pratt and Barber counties, Kansas.

\*\*\*\*\*

**Application for Contract Carrier Permit:**

Russell D. Griffin and ) Docket No. 152,963 M  
Robert R. Griffin, dba )  
Rdean Services )  
3221 S.W. Randolph, )  
Apt. D )  
Topeka, KS 66611 )

Applicant's Attorney: Robert Tilton, 1324 Topeka Blvd., Topeka, KS 66612

*Boxes, containers food, and food products, sundries and tobacco products,*

To, from and between the following counties in Kansas: Chase, Coffey, Dickinson, Douglas, Geary, Greenwood, Jackson, Jefferson, Leavenworth, Lyon, Marion, Morris, Osage, Pottawatomie, Riley, Shawnee and Wabaunsee. Under contract with Hagman's Wholesale, Inc., of Topeka, Kansas.

\*\*\*\*\*

Applications set for January 13, 1987

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

Pro-Chem, Inc. ) Docket No. 152,959 M  
P.O. Box 62 )  
Great Bend, KS 67530 )

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

*Grain, feed, feed ingredients, iron and steel products, construction machinery and equipment, and oil field equipment, materials and supplies,*

Between all points and places in the Kansas counties of Decatur, Norton, Phillips, Smith, Jewell, Republic, Washington, Sheridan, Graham, Rooks, Osborne, Mitchell, Cloud, Clay, Gove, Trego, Ellis, Russell, Lincoln, Ottawa, Dickinson, Lane, Ness, Rush, Barton, Ellsworth, Saline, Rice, McPherson, Marion, Finney, Hodgeman, Pawnee, Stafford, Reno, Harvey, Butler, Gray, Ford, Edwards, Kiowa, Pratt, Kingman, Sedgwick, Meade, Clark, Comanche, Barber, Harper, Sumner and Cowley.

Also,

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

\*\*\*\*\*

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

H & R Enterprises, Inc. ) Docket No. 152,960 M  
P.O. Box 325 )  
Haysville, KS 67060 )

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

*Construction and fencing materials, iron and steel articles, fabricated metal products, pipe, grain, hay, dry feed, dry feed ingredients, dry fertilizer and salt,*

Between points and places in Wyandotte, Johnson, Shawnee, Ellsworth, Saline, Dickinson, Morris, Lyon, Barton, Rice, McPherson, Marion, Chase, Stafford, Reno, Harvey, Pratt, Kingman, Sedgwick, Butler, Barber, Harper, Sumner and Cowley counties.

Also,

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

\*\*\*\*\*

**Application for Contract Carrier Permit:**

Larry J. Feldkamp ) Docket No. 152,961 M  
Rocky Ford Trailer Court )  
No. 4 )  
Manhattan, KS 66502 )

Applicant's Attorney: None

*Dry mineral mixture for livestock and poultry feeding, dry animal and poultry feed and insecticides OTA in containers, livestock and poultry feeders and equipment, advertising matter and premiums relating to preceding products when moved in mixed shipments with such products,*

From all points and places in Riley and Pottawatomie counties, Kansas, to all points and places in Smith, Osborne, Russell, Barton, Jewell, Mitchell, Lincoln, Ellsworth, Rice, Republic, Cloud, Ottawa, Saline, McPherson, Washington, Clay, Dickinson, Marion, Chase, Marshall, Pottawatomie, Wabaunsee, Lyon, Nemaha, Jackson, Shawnee, Osage, Coffey, Brown, Doniphan, Atchison, Jefferson, Douglas, Franklin, Leavenworth, Johnson, Miami, Riley, Geary, Morris, and Wyandotte counties, Kansas. Under contract with Moorman Mfg. Co., Manhattan Division, of Manhattan, Kansas.

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

Richman Trucking, Inc. ) Docket No. 152,964 M  
Route 1 )  
Burlingame, KS 66413 )

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



*Grain, hay, feed and feed ingredients,*  
Between points and places in Kansas.

*Livestock,*

Between points and places in the Kansas counties of Osage, Coffey, Lyon, Wabaunsee, Shawnee, Douglas, Franklin and Miami.

Also,

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

*Salt,*

Between points in the Kansas counties of Reno, Lyon and Rice, on the one hand, and on the other, points in Kansas.

*Building materials,*

Between points and places in Kansas lying on and east of U.S. 81, on the one hand, and on the other, points in Kansas.

\*\*\*\*\*

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

Archie G. Cooley ) Docket No. 152,962 M  
Route 1, Box 47A )  
Healy, KS 67850 )

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

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

Between points and places in Cheyenne, Rawlins, Norton, Phillips, Sherman, Thomas, Graham, Rooks, Osborne, Wallace, Logan, Gove, Trego, Ellis, Greeley, Wichita, Scott, Lane, Ness, Barton, Hamilton, Kearny, Finney, Hodgeman, Stafford, Stanton, Grant, Gray, Ford, Kiowa, Pratt, Morton, Stevens, Barber, Meade and Comanche counties, Kansas.

Also,

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

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**Applications set for January 15, 1987**

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

Delores I. Richman ) Docket No. 32,788 M  
Route 1 )  
Burlingame, KS 66413 ) MC ID No. 100322

TO:

Helstrom Housemovers, Inc.  
Route 1  
Burlingame, KS 66413

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

***Frame houses and frame buildings,***

Between all points and places in Osage, Shawnee, Jefferson, Douglas, Lyon, Wabaunsee, Franklin and Jackson counties.

***Houses and buildings, granaries, garages and machine shops, except those of masonry products,***

Between all points and places in the counties of Chase, Lyon, Coffey, Anderson, Linn, Miami, Franklin, Osage, Morris, Geary, Wabaunsee, Shawnee, Douglas, Johnson, Wyandotte, Leavenworth, Jefferson, Jackson, Pottawatomie, Riley, Marshall, Nemaha, Brown, Atchison and Doniphan, Kansas.

Also,

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

***Houses and buildings,***

Between points and places in Allen, Woodson, Bourbon, Wilson, Neosho and Crawford counties, Kansas.

Also,

Between points and places in Allen, Woodson, Bourbon, Wilson, Neosho and Crawford counties, Kansas, on the one hand, and points and places in the state of Kansas, on the other.

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***Application for Extension of Certificate of Convenience and Necessity to Redescribe the Authority:***

Helstrom Housemovers, ) Docket No. 32,788 M  
Inc. )  
Route 1 )  
Burlingame, KS 66413 )

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

***Houses and buildings,***

Between points and places in Kansas.

\*\*\*\*\*

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

Maser Enterprises, Inc. ) Docket No. 153,382 M  
624 Kansas Ave. )  
Box 991 )  
Great Bend, KS 67530 )

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

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

Between points and places in Rush, Pawnee, Edwards, Ford, Ellis, Russell, Barton, Stafford, Pratt, Kingman, Reno, Rice, Ellsworth, Butler, Saline, McPherson, Harvey, Kiowa, Sumner and Sedgwick counties.

Also,

Between points and places in the above named

*(continued)*

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

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

Marty K. Kolman, dba ) Docket No. 153,383 M  
Elk Creek Trucking )  
Route 1, Box 25 )  
Agenda, KS 66930 )

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

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

Between points and places in Wyandotte, Shawnee, Phillips, Smith, Jewell, Republic, Washington, Rooks, Osborne, Mitchell, Cloud, Clay, Ottawa, Ellis, Russell, Lincoln, Ellsworth, Saline, Dickinson, Rush, Barton, Rice, McPherson, Marion, Reno, Harvey and Sedgwick counties.

Also,

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

\*\*\*\*\*

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

Lackey Tank Service, Inc. ) Docket No. 153,381 M  
Route 1, Box 58 )  
Sterling, KS 67579 )

Applicant's Attorney: None

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

Between all points and places in Sheridan, Graham, Rooks, Osborne, Trego, Ellis, Russell, Ellsworth, Saline, Dickinson, Barton, Rice, McPherson, Marion, Reno, Harvey, Kingman and Sedgwick counties, Kansas.

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

Leroy Hudson, dba ) Docket No. 152,965 M  
L. Hudson Trucking )  
845 Golden )  
Topeka, KS 66607 )

Applicant's Attorney: None

*Junk car bodies,*

Between points and places in Wyandotte, Shawnee, Johnson, Jefferson and Douglas counties, Kansas.

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

Larry A. Graham, dba ) Docket No. 153,384 M  
Graham's Automotive and )  
Body Repair )  
205 W. Williams )  
Williamsburg, KS 66095 )

Applicant's Attorney: None

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

Between all points and places on and east of U.S. 281.

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**Applications set for January 20, 1987**

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

Paul F. Jacobson, dba ) Docket No. 136,937 M  
Jacobson Trucking )  
Route 1 )  
Waterville, KS 66548 ) MC ID No. 110664

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

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

Between points in Republic, Washington, Marshall, Nemaha, Brown, Doniphan, Atchison, Jackson, Pottawatomie, Riley, Clay, Cloud, Ottawa, Saline, Dickinson, Geary, Wabaunsee, Lyon, Shawnee, Jefferson, Leavenworth, Wyandotte, Reno and Sedgwick counties, Kansas, on the one hand, and on the other, all points and places in Kansas.

\*\*\*\*\*

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

Wick Grain Company ) Docket No. 153,385 M  
Box 65 )  
Shields, KS 67874 )

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

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

Between points in Kearny, Finney, Gray, Ford, Hodgeman, Ness, Lane, Scott, Wichita, Logan, Gove and Trego counties, Kansas, on the one hand, and on the other, all points and places in Kansas.

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WILLIAM E. GREEN  
Administrator  
Transportation Division

Doc. No. 004892

## State of Kansas

**REAL ESTATE COMMISSION**  
**TEMPORARY ADMINISTRATIVE**  
**REGULATIONS**

## Article 1.—EXAMINATION AND REGISTRATION

**86-1-3. Expiration of licenses.** The expiration date of each license shall be determined by the first letter of the licensee's last name, as established in the following chart:

First letter of last name:	Expiration Date:
(a) "B"	December 31 of each even-numbered year
(b) "C"	February 28 of each odd-numbered year
(c) "D" and "E"	April 30 of each odd-numbered year
(d) "F" and "G"	June 30 of each odd-numbered year
(e) "H"	August 31 of each odd-numbered year
(f) "I", "J", "K" and "L"	October 31 of each odd-numbered year
(g) "M"	December 31 of each odd-numbered year
(h) "N", "O" and "P"	February 28 of each even-numbered year
(i) "Q" and "R"	April 30 of each even-numbered year
(j) "S"	June 30 of each even-numbered year
(k) "T", "U" and "V"	August 31 of each even-numbered year
(l) "W", "X", "Y", "Z" and "A"	October 31 of each even-numbered year

(Authorized by K.S.A. 74-4202(b), implementing K.S.A. 1985 Supp. 58-3045(a), as amended by L. 1986, Ch. 209, Sec. 7, effective Jan. 1, 1966; amended, E-73-30, Sept. 28, 1973; amended Jan. 1, 1974; amended, E-81-18, July 16, 1980; amended May 1, 1981; amended, T-87-32, Nov. 19, 1986.)

**86-1-4. Renewal of license.** (a) All original licenses shall be issued for the period of time remaining until the expiration date determined by the schedule contained in K.A.R. 86-1-3.

(b) The effective date of each renewed license shall be the calendar day following the expiration date. The renewal date shall be the due date of the renewal application, which is 30 days prior to the license expiration date. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 1985 Supp. 58-3045, as amended by L. 1986, Ch. 209, Sec. 7, effective January 1, 1966; amended, E-81-18, July 16, 1980; amended May 1, 1981; amended, T-87-32, Nov. 19, 1986.)

**86-1-5. Fees.** (a) Each applicant shall pay a fee in an amount equal to the actual cost of the examination and the administration thereof to the testing service designated by the commission.

(b) The commission shall collect the following fees:

(1) For an original salesperson's license, an amount, based on an annual amount of \$25.00, prorated to the nearest whole month for the period of time from date of licensure until the expiration date determined by the schedule contained in K.A.R. 86-1-3.

(2) For an original broker's or associate broker's license, an amount, based on an annual amount of \$40.00, prorated to the nearest whole month for the period of time from date of licensure until the expira-

tion date determined by the schedule contained in K.A.R. 86-1-3.

(3) For renewal of a salesperson's license, an amount, based on an annual amount of \$25.00;

(4) For renewal of a broker's or associate broker's license, an amount, based on an annual amount of \$40.00;

(5) For reinstatement of a license which has been deactivated or which has been canceled pursuant to K.S.A. 58-3047(d), and amendments thereto, or by reason of termination of a salesperson or associate broker, an amount of \$15.00; and

(6) For reinstatement of all licenses canceled pursuant to K.S.A. 58-3047(e), and amendments thereto, an amount of \$15.00 for each license canceled or \$100.00 for all licenses canceled, whichever is less. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 1985 Supp. 58-3063 and 58-3045(b), as amended by L. 1986, Ch. 209, Sec. 7; effective Jan. 1, 1966; amended, E-73-30, Sept. 28, 1973; amended Jan. 1, 1974; amended, E-74-50, Sept. 13, 1974; amended May 1, 1975; amended, E-81-18, July 16, 1980; amended May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-86-10, May 1, 1985; amended May 1, 1986; amended, T-87-32, Nov. 19, 1986.)

**86-1-10. Approval of courses of instruction; procedure.** (a) As used in this regulation, "school" means an institution, school, association, agency, or organization which offers courses of education approved by the commission to meet any requirement of K.S.A. 58-3046a and amendments thereto.

(b) Request for course approval; notification of approval or disapproval; changes; correspondence courses. To request commission approval of a course of education required by K.S.A. 58-3046a, and amendments thereto, each school shall:

(1) Appoint a coordinator to supervise the course; and

(2) submit all information required by the commission for course approval at least 45 days prior to the first scheduled class session. The information shall include the following:

(A) A completed application for course registration form which has been obtained from the commission;

(B) an application for real estate instructor, completed in accordance with section (c) of this regulation; and

(C) the procedure for keeping of attendance records; proposed dates and times of the course offering; total amount of attendance fee; total number of class sessions; time spent per session; total hours in the course; and

(D) a course syllabus, including a detailed course outline and course objectives.

Within 15 working days of receipt of request for approval, the commission shall notify the school, in writing, of its decision to approve or disapprove the course. Each notice of approval of a course shall stipulate the number of hours of credit to be given for attending the course. If the commission requires ad-

(continued)

ditional time to reach a decision, the commission shall notify the school, in writing, that the course is under review. The notice shall state the date by which the commission expects to complete its review.

Each school shall notify the commission, in writing, at least 15 days prior to a significant change in a course approved by the commission. Such changes include changes in coordinator, instructor, name or location of school, dates and times the course is offered, and fees charged to students.

Nothing in this regulation shall preclude the commission from approving substitution of an instructor to teach an approved course, if the instructor meets the qualifications in subsection (c) of this regulation.

Each school offering a correspondence course shall, to the extent applicable, meet all other standards prescribed by the commission and shall require that at least 50 per cent of the passing grade of its corresponding students be based on scores obtained by proctored examinations.

(c) Request for instructor approval; notification of approval or disapproval. Each individual desiring to teach a course approved by the commission shall submit an application for instructor approval obtained from the commission. The application shall contain a resume, outlining the applicant's specialized preparation, training and experience which qualifies the applicant to instruct the course. Each instructor shall be required to show evidence both of knowledge of the curriculum and ability to effectively instruct.

(1) Knowledge of the subject matter shall be shown by meeting at least one of the following requirements:

(A) Holding a college degree in real estate or a college degree in law, business or another academic area directly related to the course which the applicant intends to instruct;

(B) having at least three years of experience in the professional area of real estate directly related to the course which the applicant intends to instruct; or

(C) passing an instructor's examination approved by the commission.

(2) Ability to effectively instruct shall be shown by meeting at least one of the following requirements:

(A) Completion, within the preceding two years, of a commission-approved course of study for instructors designed to develop ability to communicate;

(B) holding a current teaching certificate issued by a state department of education or an equivalent agency in another jurisdiction;

(C) holding a four-year college or university degree in the field of education; or

(D) having successfully demonstrated the ability to teach in schools, seminars or in an equivalent setting.

Within 15 working days of receipt of an application for instructor approval, the commission shall notify the school coordinator, in writing, of its decision to approve or disapprove the instructor. If the commission requires additional time to reach a decision, the commission shall notify the school coordinator, in writing, that the application is under review. The notice shall state the date by which the commission expects to complete its review.

(d) Registration of approved courses; application for renewal. Registration of courses approved by the commission shall expire at the end of the calendar year. The commission shall notify each school by November 1 that an application for renewal of courses and instructors is due and send the necessary forms to the school.

(e) Responsibilities of coordinator. The coordinator appointed by each school shall be responsible for regular and consistent evaluation of courses and instructors. When a school uses an instructor to teach an approved course for the first time, the coordinator shall ask each student in the course to complete an instructor evaluation form. Both student and coordinator evaluations shall be submitted to the commission.

Subsequent evaluations of instructors may be completed at the discretion of the coordinator and may be used to measure any changes in the quality of the instructor.

The coordinator shall supply additional student and coordinator evaluations of specific instructors upon request of the commission.

(f) (1) Issuance of certificates; maintenance of records. Each school shall issue a certificate of completion to each student who successfully completes a course approved by the commission and shall give or mail the certificate to the student. Each school shall use certificate forms approved by the commission.

(2) A certificate shall not be issued to any student who was absent more than 10 per cent of the classroom hours scheduled for any course required under subsection (a), (b), (d)(1) or (d)(2) of K.S.A. 58-3046a and amendments thereto.

(3) A certificate shall not be issued to any student who was absent during any portion of the classroom hours scheduled for any course required under subsection (c) and (d)(3) of K.S.A. 58-3046a and amendments thereto.

(g) Each school shall maintain, at their business address, records of students successfully completing a course approved by the commission for a minimum of three years. Attendance records shall be kept current and available for inspection by commission representatives upon request.

(h) Advertising. Schools shall not advertise a course as meeting the educational requirements of the Kansas Real Estate Brokers' and Salespersons' License Act prior to placing verification of commission approval on file at the school. Schools shall not advertise that an instructor will teach a course approved by the commission prior to placing verification of approval of the instructor for the course on file at the school. Schools, or agents of schools, shall not guarantee that successful completion of a course will result in the student's passing of a real estate licensing examination. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 1985 Supp. 58-3046a, as amended by L. 1986 Ch. 209, Sec. 8; effective, T-83-32, Oct. 25, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-86-31, Sept. 24, 1985; amended May 1, 1986; amended, T-87-32, Nov. 19, 1986.)

**86-1-11. Minimum curricula and standards for course.** (a) Each school offering a course approved by the commission under subsection (a) of K.S.A. 58-3046a, and amendments thereto, shall use a course syllabus provided by the commission and shall register such course under the title "Principles of Real Estate."

(b) Each school offering a course approved by the commission under subsection (b) of K.S.A. 58-3046a, and amendments thereto, shall use a course syllabus provided by the commission and shall register such course under the title "Broker Pre-License Course."

(c) Additional instruction required by subsection (c) of K.S.A. 58-3046a and amendments thereto shall be courses approved by the commission and may include instruction in real estate finance, real estate law, real estate appraisal, real estate investment, and real estate management. Courses dealing with other subject matters may be approved by the commission. Total instruction time of approved courses shall be not less than four hours.

(d) Instruction required by subsection (d) of K.S.A. 58-3046a and amendments thereto shall include 24 hours of instruction designated by the commission as required hours and 26 elective hours selected by the licensee from courses approved by the commission under subsection (c) of this regulation. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 1985 Supp. 58-3046a, as amended by L. 1986, Ch. 209, Sec. 8; effective, T-86-31, Sept. 24, 1985; effective May 1, 1986; amended, T-87-32, Nov. 19, 1986.)

**86-1-14.** (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 58-3046a, as amended by 1985 SB 107; effective, T-86-31, Sept. 24, 1985; effective May 1, 1986; revoked, T-87-32, Nov. 19, 1986.)

**86-1-15. Change of last name.** (a) Within 10 days of a change of last name of a licensee, the licensee shall notify the commission in writing of the change. With the notification, the supervising broker or branch broker shall return the license for cancellation and reinstatement for the period of time remaining until the expiration date determined by the schedule contained in K.A.R. 86-1-3.

(b) If the change in last name results in a later expiration date of the license, the licensee shall pay a fee, based on an annual amount of \$25 for a salesperson's license or \$40 for a broker's license, prorated for the number of months by which the expiration date is extended.

(c) If the change in last name results in an earlier expiration date of the license, the commission shall refund to the licensee an amount, based on an annual amount of \$25 for a salesperson's license or \$40 for a broker's license, prorated for the number of months by which the expiration date is shortened.

(d) The hours of instruction required by subsection (c) of K.S.A. 58-3046a, and amendments thereto, shall not be required at the first renewal date of the new license if that date is less than 12 months after the last renewal date of the license that is canceled.

(e) The hours of instruction required by subparts (1), (2) and (3) of subsection (d) of K.S.A. 58-3046a, and

amendments thereto, shall be determined by the commission on an individual basis for a licensee whose expiration date is changed during the period of time that such requirements are applicable to the licensee. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 1985 Supp. 58-3045, as amended by L. 1986, Ch. 209, Sec. 7, and 58-3046a, as amended by L. 1986, Ch. 209, Sec. 8; effective, T-87-32, Nov. 19, 1986.)

## Article 2.—AUTHORITY OF COMMISSION; PROCEDURE

**86-2-5. Summary adjudicative proceedings.** (a) Each summary adjudicative proceeding shall conform to the provisions of the Kansas administrative procedure act, K.S.A. 77-537 to 77-541, inclusive, and amendments thereto.

(b) A summary adjudicative proceeding may be used when an application for a license or renewal of a license has been filed with the proper form and fee and the commission refuses to issue or renew the license for one of the following reasons:

(1) The applicant failed to meet the education requirements of K.S.A. 58-3046a and amendments thereto;

(2) the applicant failed to submit the application within the time period prescribed by subsection (d) of K.S.A. 58-3039 and amendments thereto or subsection (b) of K.S.A. 58-3045 and amendments thereto;

(3) the applicant failed to meet the experience requirement for a broker's license as provided by subsection (c) of K.S.A. 58-3039 and amendments thereto;

(4) the applicant made a false statement of material fact on the application;

(5) the applicant failed to provide proof that the applicant's reputation is one of honesty, trustworthiness, integrity and competence to transact the business of broker or salesperson in a manner that safeguards the public interest; or

(6) other matters considered by the commission as provided by K.S.A. 58-3043 and amendments thereto.

(c) A summary adjudicative proceeding may be used to suspend or revoke a license when the fee for issuance, renewal or reinstatement of the license was paid by an insufficient fund check.

(d) A summary adjudicative proceeding may be used to suspend a license if a licensee does not pay an assessment as provided by subsection (b) of K.S.A. 58-3066, as amended by L. 1986, ch. 210, Sec. 1. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 1985 Supp. 77-513, as amended by L. 1986, Ch. 362, Sec. 3; effective, T-86-31, Sept. 24, 1985; effective May 1, 1986; amended, T-87-32, Nov. 19, 1986.)

## Article 3.—PERSONS HOLDING LICENSES; DUTIES

**86-3-6a. Offices.** (a) A primary office may be in the supervising broker's residence. A branch office may be in the branch broker's residence. An office shall not be maintained in the residence of a sales associate.

(b) Office space shall be sufficient to maintain the

(continued)

records relating to the broker's real estate business and to allow examination or inspection by the commission pursuant to K.S.A. 58-3061 and amendments thereto without interference by other users of the property. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 58-3060, as amended by L. 1986, ch. 209, Sec. 12; effective, E-81-18, July 16, 1980; effective May 1, 1981; amended, T-87-32, Nov. 19, 1986.)

**86-3-15. Reporting of information.** (a) Each licensee shall report any of the following circumstances to the commission, in writing and within 10 days of the date of occurrence:

(1) Any litigation involving the sale of real estate or payment of a commission in which the licensee or the licensee's real estate company is named as a plaintiff or defendant. The report shall include the nature of the allegations, or the licensee shall furnish a copy of the petition;

(2) disposition of litigation reported pursuant to this regulation;

(3) any tax lien, mechanic's lien or court judgment filed against the licensee or the licensee's real estate company;

(4) any voluntary or involuntary petition in bankruptcy filed by or against the licensee or the licensee's real estate company;

(5) any discharge of a bankrupt;

(6) any charge of, arrest or indictment for, plea of guilty or nolo contendere to, or conviction of:

(A) forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any similar offense;

(B) a crime involving moral turpitude; or

(C) any felony;

(7) any change in the licensee's name;

(8) any change in the licensee's residence address;

(9) any change relative to a trust account maintained by the licensee pursuant to subsection (b) of K.S.A. 58-3061 and amendments thereto;

(10) any rejection by another state of an application made by the licensee for a broker or salesperson license; or

(11) any suspension or revocation of a broker or salesperson license held by the licensee in another state.

(b) Each supervising broker for a partnership, association or corporation whose members or officers are licensed pursuant to subsection (b) of K.S.A. 58-3042 shall be responsible for reporting the information required by this regulation as it relates to the partnership, association or corporation.

(c) Each supervising broker and branch broker shall report to the commission any information pursuant to paragraph (a)(6) of this regulation, applicable to an associated or employed salesperson or associate broker. This report shall be made in writing within 10 days of the date that knowledge of the information comes to the attention of the broker.

(d) Each supervising broker for a partnership or corporation whose members or officers are licensed pursuant to subsection (b) of K.S.A. 58-3042 shall notify the commission of the name and office of each

officer of the corporation or the name of each partner, by completing a partnership or corporation report form obtained from the commission. The supervising broker shall notify the commission within 10 days of any change in the information, by completing a revised report. (Authorized by K.S.A. 74-4202(b), implementing K.S.A. 1985 Supp. 58-3041(a), K.S.A. 58-3042(b), K.S.A. 1985 Supp. 58-3050, as amended by L. 1986, ch. 209, Sec. 10; K.S.A. 58-3061(b), as amended by L. 1986, Ch. 209, Sec. 13; effective Jan. 1, 1974; amended, E-81-18, July 16, 1980; amended May 1, 1981; amended May 1, 1984; amended, T-87-32, Nov. 19, 1986.)

**86-3-16, 86-3-17.** (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 58-3061; effective May 1, 1975; amended, E-81-18, July 16, 1980; amended May 1, 1981; revoked, T-87-32, Nov. 19, 1986.)

**86-3-21. Trust account exemption.** To request exemption from the requirement to maintain a trust account provided by subsection (f)(D) of K.S.A. 58-3061, and amendments thereto, a broker shall complete a request form, obtained from the commission. If the request is approved by the commission for the reason that the broker does not act as escrow agent for real estate transactions and receives no trust funds other than earnest money checks payable to the escrow agent named in the purchase contract, the broker shall:

(a) Unless otherwise specifically provided by written agreement of all parties to the purchase contract, deliver the purchase contract and earnest money deposit to the escrow agent named in the purchase contract within five business days after the purchase contract is signed by all parties; and

(b) Obtain and keep in the transaction file a receipt from the escrow agent showing date of delivery of the purchase contract and earnest money deposit. (Authorized by K.S.A. 74-4202(b), implementing K.S.A. 58-3061, as amended by L. 1986, Ch. 209, Sec. 13, effective, T-87-32, Nov. 19, 1986.)

E. W. YOCKERS  
Director

Doc. No. 004882

## State of Kansas

## BOARD OF AGRICULTURE

TEMPORARY ADMINISTRATIVE  
REGULATIONS

## Article 13.—PESTICIDES

**4-13-11. Categories and subcategories of commercial applicator certification.** (a) Category 1—agricultural pest control. This category shall include commercial applicators using or supervising the use of restricted use pesticides in the production of agricultural crops and animals.

(1) Subcategory 1a—agricultural plant pest control. This subcategory shall include commercial applicators using or supervising the use of restricted use pesticides on grasslands and non-crop agricultural lands and in production of agricultural crops, including tobacco, peanuts, cotton, feed grains, soybeans and forage, vegetables, small fruits, tree fruits and nuts.

(2) Subcategory 1b—agricultural animal pest control. This subcategory shall include commercial applicators using or supervising the use of restricted use pesticides for places on or in which animals are confined and on animals, including beef cattle, dairy cattle, swine, sheep, horses, goats, poultry, and livestock. Doctors of veterinary medicine who apply pesticides for hire, publicly hold themselves out as pesticide applicators, or engage in large-scale use of pesticides shall be included in the agricultural animal pest control category.

(3) Subcategory 1c—wildlife damage control. This subcategory shall include commercial applicators using or supervising the use of restricted use pesticides for the management and control of wildlife in rangeland and agricultural areas. Wildlife shall mean non-domesticated vertebrate species which hinder agricultural and rangeland production.

(b) Category 2—forest pest control. This category shall include commercial applicators using or supervising the use of restricted use pesticides in forests, forest nurseries, and forest seed-producing areas.

(c) Category 3—ornamental and turf pest control. This category shall include commercial applicators using or supervising the use of restricted use pesticides to control pests in the maintenance and production of ornamental trees, shrubs, flowers, and turf.

(1) Subcategory 3a—ornamental pest control. This subcategory shall include commercial applicators using or supervising the use of restricted use pesticides to control pests in the maintenance and production of ornamental trees, shrubs and flowers.

(2) Subcategory 3b—turf pest control. This subcategory shall include commercial applicators using or supervising the use of restricted use pesticides to control pests in the maintenance and production of turf.

(d) Category 4—seed treatment. This category shall include commercial applicators using or supervising the use of restricted use pesticides on seeds.

(e) Category 5—aquatic pest control. This category shall include commercial applicators using or super-

vising the use of any restricted use pesticide purposefully applied to standing or running water. Applicators engaged in public health-related activities included under subsection h shall be excluded.

(f) Category 6—right-of-way pest control. This category shall include commercial applicators using or supervising the use of restricted use pesticides in the maintenance of public roads, electric powerlines, pipelines, railway rights-of-way or other similar areas. Applicators engaged in regulatory activities under subsection i shall be excluded.

(g) Category 7—industrial, institutional, structural and health-related pest control. This category shall include commercial applicators using or supervising the use of restricted use pesticides for the protection of stored, processed or manufactured products and in, on, or around food-handling establishments, human dwellings, institutions, schools and hospitals, industrial establishments, including warehouses and grain elevators, and any other structures and adjacent areas, public or private.

(1) Subcategory 7a—wood-destroying pest control. This subcategory shall include commercial applicators using or supervising the use of restricted use pesticides in the control of termites, powder post beetles, wood borers, wood rot fungus and any other wood-destroying pest.

(2) Subcategory 7b—stored products pest control. This subcategory shall include commercial applicators using or supervising the use of restricted use pesticides in the control of pests in stored grain and food products.

(3) Subcategory 7c—industrial weed control. The subcategory shall include commercial applicators using or supervising the use of restricted use pesticides in the control of pest weeds.

(4) Subcategory 7d—health-related pest control. This subcategory shall include commercial applicators using or supervising the use of restricted use pesticides in health programs for the management and control of pests having medical and public health significance.

(5) Subcategory 7e—structural pest control. This subcategory shall include commercial applicators using or supervising the use of restricted use pesticides in structures for control of any pest not covered in paragraph (g)(1) of this regulation.

(6) Subcategory 7f—wood preservation and wood products treatment. This subcategory shall include commercial applicators using or supervising the use of restricted use pesticides to extend the life of wooden poles, posts, crossties and other wood products to preserve or protect them from damage by insects, fungi, marine organisms, weather deterioration or other wood-destroying agents.

(h) Category 8—public health pest control. This category shall include state, federal, or other governmental employees using or supervising the use of restricted use pesticides in public health programs for the management and control of pests having medical and public health significance.

(i) Category 9—regulatory pest control. This cate-

(continued)

gory shall include state, federal, or other governmental employees who use or supervise the use of restricted use pesticides in the control of federal and state regulated pests.

(1) Subcategory 9a—noxious weed control. This subcategory shall include state or other governmental employees who use or supervise the use of restricted use pesticides in the control of weed pests regulated under the Kansas noxious weed law.

(2) Subcategory 9b—regulated pest control. This subcategory shall include state, federal or other governmental employees who use or supervise the use of restricted use pesticides in the control of federal or state regulated pests not covered by paragraph (i)(1).

(j) Category 10—demonstration and research pest control. This category shall include:

(1) individuals who demonstrate to the public the proper techniques for application and use of restricted use pesticides or who supervise such a demonstration. Such individuals shall include extension specialists, county agents, commercial representatives demonstrating pesticide products, and those individuals demonstrating methods used in public programs; and

(2) persons who use or supervise the use of restricted use pesticides in conducting field research which involves the use of pesticides. Such persons shall include state, federal, and commercial employees and other persons conducting field research regarding or utilizing restricted use pesticides; and

(3) qualified laboratory personnel using restricted use pesticides while engaged in pesticide research in areas where environmental factors beyond their control, such as wind, rain or similar factors, can affect the safe use of the pesticide or cause it to have an adverse impact on the environment. Such personnel listed in paragraphs (j)(2) and (3) shall not be considered exempt from certification under the provisions of K.S.A. 2-2441(d). (Authorized by K.S.A. 2-2467a; implementing K.S.A. 2-2444a and 2-2467a; effective, E-78-26, Sept. 7, 1977; effective May 1, 1978; amended May 1, 1985; amended T-87-39, Nov. 19, 1986.)

**4-13-13. Commercial applicator examination.** (a) Examinations for commercial applicator certification shall test the applicant's knowledge in the following subjects in addition to those subjects set out in K.S.A. 2-2443a (a) through (h).

(1) Each examination shall test the applicant's practical knowledge of pesticide application including:

(A) The general format and terminology of pesticide labels and labeling, the instructions, warnings, symbols and other information appearing on pesticide labels, the classification designation on pesticide labels and the necessity of using each pesticide in a manner which is consistent with information and instructions on its label;

(B) safety factors, including pesticide toxicity, types and causes of pesticide accidents, precautionary measures which are necessary to guard against injury to the applicator and other individuals, symptoms of pesticide poisoning, first aid and other procedures to follow in case of a pesticide accident, and proper

identification, storage, transportation of, mixing and handling of pesticides;

(C) the potential for damage to the environment from use and misuse of pesticides as influenced by such factors as types of terrain, soil and other substrata and drainage patterns;

(D) pest development and biology as it may be relevant to pest identification and control;

(E) types of pesticides and pesticide formulations used, compatibility, synergism, persistence and animal and plant toxicity of pesticides, practices that cause pesticide resistance and dilution procedures.

(F) types of equipment used and the limitations of each, equipment use, maintenance and calibration.

(G) proper application techniques for various pesticides and formulations of pesticide in given situations, relationship of placement of pesticides to proper use, unnecessary pesticide use and pesticide misuse, and prevention of pesticide loss into the environment through drift and other means; and

(H) requirements which must be met by a certified applicator in supervising non-certified applicators of restricted pesticides, including practical knowledge of federal and state supervisory requirements; requirements found on labeling; requirements regarding verifiable instruction of such non-certified applicator and availability of certified applicator during application; and any added restrictions which may be imposed for specific pesticides through labeling including the required physical presence of the supervising applicator during the application.

(2) Each examination shall test the applicant's practical knowledge of the category and subcategory of applicator certification in which the applicant wishes to be certified.

(A) Agricultural pest control.

(i) Each examination for agricultural plant pest control applicators shall test the applicant's practical knowledge of the crops grown in Kansas and the specific pests commonly associated with these crops, potential soil and water damage, preharvest intervals, re-entry intervals, phytotoxicity, environmental contamination, non-target injury and potential adverse effects on the community which are related to the use of restricted pesticides in agricultural areas.

(ii) Each examination for agricultural animal pest control applicators shall test the applicant's practical knowledge of Kansas agricultural animals and their pests, specific pesticide toxicity levels, residue potential and relative hazards associated with various pesticide formulations, application techniques, ages of animals, stress and extent of treatment.

(iii) Each examination for wildlife damage control applicators shall test the applicant's practical knowledge of vertebrate species pests and damage associated with each, methods useful in damage prevention, products used in damage control, the potential for direct poisonings of nontarget species, the potential for secondary poisonings, effects upon threatened and endangered species, specific pesticide toxicity and residue levels, and methods of application necessary to minimize hazards to humans, environment, pets, and domestic animals.



(B) Forest pest control. Each examination for forest pest control applicators shall test the applicant's practical knowledge of types of forests, forest nurseries and forest seed production in Kansas and of the pests associated with them, pest cycles and population dynamics as they influence control programming, biotic agents and their relative vulnerability to pesticides, and proper use of specialized equipment as it relates to adjacent land use.

(C) Ornamental and turf pest control.

(i) Each examination for ornamental pest control applicators shall test the applicant's practical knowledge of pest and pesticide problems associated with the production of ornamental trees, shrubs and flowers in Kansas, potential phytotoxicity problems related to the large variety of plants in treated areas, pesticide persistence beyond the intended period of control, and the application methods which minimize hazards to humans, pets and domestic animals.

(ii) Each examination for turf pest control applicators shall test the applicant's practical knowledge of pest and pesticide problems associated with the production of turf in Kansas, potential phytotoxicity problems related to the wide variety of plants in treated areas, pesticide persistence beyond the intended period of control and application methods which minimize hazards to humans, pets and domestic animals.

(D) Seed treatment. Each examination for seed treatment applicators shall test the applicant's practical knowledge of the types of seeds that require protection against pests, factors which may affect germination, including seed coloration, carriers and surface active agents, hazards associated with handling, storing, mixing and misuse of treated seeds and proper disposal of unused treated seeds.

(E) Aquatic pest control. Each examination for aquatic pest control applicators shall test the applicant's practical knowledge of secondary effects caused by improper application rates, incorrect formulations, and faulty aquatic pesticide applications, knowledge of various water use situations and the potential of downstream effects, and knowledge of potential effects on plants, fish, birds, beneficial insects and other organisms in the aquatic environment and of the principles of limited area application.

(F) Right-of-way pest control. Each examination for right-of-way pest control applicators shall test the applicant's practical knowledge of the wide variety of environments crossed by rights-of-way, problems of runoff, drift and excessive foliage destruction, the nature of herbicides, the need for containment of herbicides within the right-of-way area and the impact of applicator's activities on adjacent areas and communities.

(G) Industrial, institutional, structural and health related pest control.

(i) Each examination for wood-destroying pest control applicators shall test the applicant's practical knowledge of wood-destroying pests, their life cycles, pesticide formulations appropriate for their control, methods of application that avoid exposure of people and pets and specific factors which may lead to haz-

ardous conditions, including continuous exposure to the pesticide use.

(ii) Each examination for stored products pest control shall test the applicant's practical knowledge of pests found in stored grain and food processing areas, their life cycles, pesticide formulations appropriate for their control, methods of application that avoid contamination of food products and exposure of people, and specific factors which may lead to a hazardous condition, including continuous exposure.

(iii) Each examination for industrial weed control applicators shall test the applicant's practical knowledge of weed pests found in industrial areas, pesticide formulations appropriate for their control, methods of application that avoid contamination of habitat and exposure of people and pets, and environmental conditions particularly related to this activity.

(iv) Each examination for health-related pest control applicators shall test the applicant's practical knowledge of vector-disease transmission as it relates to and influences application programs, pests which adversely affect public health, their life cycles and habitats and the variety of environments in which they are encountered.

(v) Each examination for structural pest control applicators shall test the applicant's practical knowledge of the wide variety of pests found in buildings, including their life cycles; types of pesticide formulations appropriate for their control and methods of application that avoid contamination of food, damage and contamination of habitat and exposure of people and pets; specific factors which may lead to a hazardous condition, including continuous exposure in the various situations encountered in this category; and environmental conditions particularly related to this activity.

(vi) Each examination for wood preservation and wood-products treatment applicators shall test the applicant's practical knowledge of pest problems and pests associated with wood degradation, including their life cycles, types of pesticide formulations appropriate for their control, methods of application, application hazards and safety, proper means of container storage, container and waste disposal, procedures to contain spills and to avoid contamination and exposure of the environment including people, domestic animals and wildlife.

(H) Public health pest control. Each examination for public health pest control applicators shall test the applicant's practical knowledge of vector-disease transmission as it relates to and influences application programs, pests which adversely affect public health, their life cycles and habitats, the variety of environments in which they are encountered and the importance of such non-chemical control methods as sanitation, waste disposal and drainage.

(I) Regulatory pest control.

(i) Each examination for noxious weed control applicators shall test the applicant's practical knowledge of pest weeds as regulated by the Kansas noxious weed law, the potential impact on the environment of restricted use pesticides used in suppression and

(continued)

eradication programs, and factors influencing introductions, spread, and population dynamics of those pest weeds.

(ii) Each examination for regulated pest control applicators shall test the applicant's practical knowledge of federal and state-regulated pests, applicable laws relating to quarantine and other regulations regarding pests, the potential impact on the environment of restricted use pesticides used in suppression and eradication programs, factors influencing introductions, spread and population dynamics of relevant pests.

(J) Demonstration and research pest control. Each examination for demonstration and research pest control applicators shall test the applicant's practical knowledge of the many different pest problems encountered in the course of activities associated with demonstration, field research and method improvement work, pesticide-organism interactions and the importance of integrating pesticide use with control methods. Such applicators shall meet the examination requirements for application in the other categories which are applicable to their particular activity.

(b) Any emergency examination administered to applicants for temporary commercial applicator permits under K.S.A. 2-2442 shall be the same examination as is required under K.S.A. 2-2443 and the preceding portions of this regulation.

(c) A grade of 70% correct answers shall be required to pass any commercial applicator examination. (Authorized by K.S.A. 2-2467a; implementing K.S.A. 2-2443a and 2-2467a; effective, E-78-26, Sept. 7, 1977; effective May 1, 1978; amended May 1, 1985; amended T-87-39, Nov. 19, 1986.)

#### Article 25.—ANNUAL REPORT FEE

**4-25-1. Annual report fee.** (a) The fee for the annual report of the state board of agriculture shall be \$5.00 per copy.

(b) Upon request, the fee prescribed in subsection (a) may be waived for the first copy requested by a potential supplier of agricultural data.

(c) For the purposes of this regulation, a potential supplier of agricultural data shall include:

(1) any person who owns or operates a farm, ranch or feedlot located in Kansas;

(2) any person who buys farm products in an amount of \$1,000.00 or more directly from farms or ranches located in Kansas;

(3) any person who sells directly to farmers or ranchers operating in Kansas equipment or supplies directly necessary for the production of food and fiber; or

(4) any state, county or federal agency which supplies data used in the annual report of the state board of agriculture.

(Authorized by and implementing L. 1986, Ch. 24, section 2; effective T-87-39, Nov. 19, 1986.)

SAM BROWBACK  
Secretary of Agriculture

Doc. No. 004883

### State of Kansas

## BOARD OF NURSING

### TEMPORARY ADMINISTRATIVE REGULATIONS

#### Article 13.—REGISTERED NURSE ANESTHETIST

**60-13-101. Payment of fees.** Payment of fees for registered nurse anesthetists shall be as follows:

(a) Initial application for authorization-registered nurse anesthetist .....	\$75.00
(b) Biennial renewal of authorization as registered nurse anesthetist .....	40.00
(c) Application for reinstatement of lapsed authorization-registered nurse anesthetist ..	40.00
(d) Application for temporary authorization to practice as a registered nurse anesthetist ...	35.00
(e) Certified copy of authorization to practice as a registered nurse anesthetist .....	20.00

(Authorized by and implementing L. 1986, ch. 183, Sec. 4; effective, T-87-38, Nov. 19, 1986.)

DR. LOIS RICH SCIBETTA  
Executive Administrator

Doc. No. 004881

### State of Kansas

## SOCIAL AND REHABILITATION SERVICES

### TEMPORARY ADMINISTRATIVE REGULATIONS

#### Article 4.—PUBLIC ASSISTANCE PROGRAM

**30-4-57. Job search requirements.** (a) Each recipient, unless exempted, shall be required to participate, if assigned, in an agency-approved job club or related activity. Any recipient may volunteer to participate in an agency-approved job club or related activity. If a person is not assigned to an agency-approved job club or related activity and does not qualify for an exemption under subsection (b), the person shall be required to sign and abide by an agreement that the person will seek and accept available employment. A person shall not be required to spend more than 320 hours per year in job search activities.

(b) Exemptions. The persons listed below shall be exempt from the job search requirement:

(1) Persons registered for the work incentive program;

(2) for ADC and ADC-FC, any child who is under age 16 or attending school full time; or for GA, any child under age 16, or any child between the ages of 16 and 18 who is attending school full-time. The definition of full-time is the same as for ADC eligibility;

(3) any person who is ill or injured. The illness or injury shall be of a nature which temporarily prevents entry into employment and shall be established by medical information from an official source;

(4) any person who is incapacitated. There shall be a medically determined physical or mental impairment which by itself, or in conjunction with age, prevents employment and which is expected to con-

tinue at least 30 days. A person shall meet one of the following criteria to be considered physically or mentally incapacitated under this provision:

(A) The incapacity shall be established by eligibility for OASDI or SSI benefits based on disability.

(B) The incapacity shall be established by a written or oral statement of a psychologist, optometrist or a person licensed by the board of healing arts, within the scope of that person's professional competence, or by a written, team-diagnostic evaluation from an agency, including the veteran's administration, vocational rehabilitation, or a mental health clinic. When an individual claims exempt status due to incapacity, but medical verification is needed to establish the incapacity, the individual shall be regarded as temporarily exempt for a period not to exceed 30 days while the individual's status is being verified. If verification is not provided because of a legitimate delay in obtaining an examination by or a consultation with a medical practitioner, the temporary exemption period shall be extended for a period not to exceed 15 days;

(5) any person who is age 65 or over;

(6) any person who is too remote from potential employers. The criterion of remoteness is met when potential employers are located two miles or more from the person's home and when transportation is not available. If the person has transportation available, round trip travel time of more than two hours (exclusive of time required to transport a child to and from a child care facility) qualifies as too remote;

(7) any person whose presence is required at home because of a verified, medically determined condition of another member of the home whose condition does not permit self-care, and when the care is not available from another person in the home;

(8) any woman who is at least six months pregnant;

(9) any parent or other relative personally providing care for a child under six years of age with only brief and infrequent absences from the child, except when the absence is for the purpose of employment or an agency-approved, work-related activity;

(10) for ADC, any parent or other caretaker of a child who is deprived for a reason other than the unemployment of a parent when another adult relative in the plan is actively seeking employment;

(11) for ADC-UP, any parent if the other parent is the principal wage earner and is actively seeking employment;

(12) any person who is employed full-time or any person who has a physical or mental impairment and who is working to that person's capacity. Full-time is determined as at least 30 hours per week, with gross earnings, or adjusted gross earnings for the self-employed, that are equal to or in excess of \$100.00 per week;

(13) any person who is attending high school full-time;

(14) any person who is residing in a licensed or certified alcohol and drug abuse facility;

(15) any person participating in vocational rehabilitation program training; and

(16) any person for whom searching for employment is inconsistent with home responsibilities. When

a person who has responsibility for care and supervision of children states that the person cannot meet the requirement because of home responsibilities, the agency shall consider the effect of searching for employment on necessary care and supervision of the children. This exemption shall not apply if it is established that adequate and satisfactory plans can be developed for providing care and supervision of the children during periods of absence from the home.

(c) Job search reimbursement. Any person who is assigned to and who participates in an agency-approved job club or related activity on either a mandatory or voluntary basis shall be reimbursed for job-seeking transportation and day care expenses pursuant to K.A.R. 30-4-120(a)(2).

(d) Penalty. A first-time failure of a nonexempt ADC or ADC-FC person to meet the job search requirements, without good cause, shall render the individual ineligible for assistance for three months and a subsequent failure shall result in ineligibility for six months. A first time failure of a nonexempt GA person, or a principal wage earner in ADC-UP, to meet the job search requirements without good cause shall render the individual, and all persons for whom that individual is legally responsible, ineligible for three months and a subsequent failure shall result in ineligibility for six months. If the person becomes exempt during the penalty period, the penalty shall not be delayed or waived. The effective date of this regulation shall be December 1, 1986. (Authorized by and implementing K.S.A. 1985 Supp. 39-708c; effective May 1, 1981; amended, E-82-19, Oct. 29, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-33, Dec. 1, 1986.)

**30-4-62. Community work experience program requirements.** Each adult recipient, unless exempt, shall be required to participate in a community work experience program (CWEP). The purpose of the CWEP program is to provide work experience for the recipients to enhance their ability to obtain employment. Any exempt recipient may volunteer for participation in a CWEP project. The secretary shall designate the geographic areas in the state and the public assistance programs in which the CWEP requirements are to be enforced. (a) Exemptions. The persons listed below shall be exempt from the requirements of this provision:

(1) Any person who is ill or injured pursuant to K.A.R. 30-4-57(b)(3);

(2) any person who is incapacitated pursuant to K.A.R. 30-4-57(b)(4);

(3) any person who is age 65 or over;

(4) any person who is too remote. The criterion of remoteness is met when the CWEP project is located two miles or more from the person's home and transportation is not available. If the person has transportation available, round trip travel time of more than two hours (exclusive of time required to transport a child to and from a child care facility) shall qualify as too remote;

(continued)

(5) any person whose presence is required at home because of a verified, medically determined condition of another member of the household whose condition does not permit self care, and when care is not available from another person in the home. The duration of the exemption shall coincide with the need for care of the other family member;

(6) any parent or other relative personally providing care for a child under the age of six with only brief and infrequent absences from the child, except when the absence is for the purpose of employment;

(7) any woman who is at least six months pregnant;

(8) any parent or other caretaker of any child who is deprived for a reason other than the unemployment of a parent when another adult relative in the plan is participating in CWEP;

(9) any spouse when another adult relative in the plan is participating in CWEP;

(10) for ADC-UP, a parent, if the other parent is the principal wage earner and is participating in CWEP;

(11) for ADC and ADC-UP, any person who is employed 80 hours or more per month and who, if such employment is subject to the federal minimum wage, is earning the federal minimum wage or more, and for GA, any person who is employed full time;

(12) any person who has a physical or mental impairment and who is working to that person's capacity;

(13) any person who is residing in a licensed or certified alcohol and drug abuse facility;

(14) any person who is attending high school full-time;

(15) any person who is participating in vocational rehabilitation program training;

(16) any person who is required to participate, but for whom an appropriate project is not available;

(17) any person who is required to participate, but whose assignment would be less than three days;

(18) any person who is actively participating in a job club or related activity approved by the agency; and

(19) any person for whom participation is inconsistent with home responsibilities. When a person who has responsibility for care and supervision of children states that the person cannot complete the assignment because of home responsibilities, the agency shall consider the effect of possible assignment on necessary care and supervision of the children. This exemption shall not apply if it is established that adequate and satisfactory plans can be developed for providing care and supervision of the children during periods of absence from the home.

(b) CWEP project requirements. CWEP projects shall not subsidize private enterprise and shall only be developed with public-funded organizations and with private not-for-profit corporations providing assistance to needy persons. Each project shall meet certain requirements which shall be covered in a written agreement between the area manager and the CWEP project and approved by the secretary. The agreement shall provide that the project:

(1) Serves a useful public purpose;

(2) does not result in the displacement of persons currently employed or in the filling of established, unfilled position vacancies;

(3) is not in any way related to political, electoral, or partisan activities;

(4) is not in violation of applicable health and safety standards. The project shall provide reasonable work conditions; and

(5) does not interfere with or will not be in response to a bona fide labor dispute. The project shall not violate any existing labor agreements.

(c) Participant protection. The agency shall provide medical and subsistence assistance for all project participants who are injured on a project, or if they become ill or incapacitated as the result of participation. The participant shall be referred to vocational rehabilitation and shall continue to receive financial and medical assistance as needed.

(d) Participant information. Each person assigned to a project shall be informed in writing at the time of assignment of the number of hours to be worked, when the assignment will begin, where the work project is located, when the person will be expected to complete the assignment, of the necessity to cooperate with the agency and the project, of the consequences if the person does not complete the assignment, and of the person's right to have time to seek other employment.

(e) Work required to be performed. The work shall be within the ability of the person to perform and shall take into consideration, to the extent possible, the prior training, proficiency, experience and skills of each participant. Project participation shall not be construed as work performed for compensation.

(f) Hours to be worked. The number of hours to be worked shall be determined by dividing the amount of assistance paid, excluding special allowances, by the federal minimum wage. A recipient shall not be required to work longer in any month than is necessary to work out assistance received in that month. The recipient shall not be required to work more than 15 full eight-hour days in any month. A participant shall be assured the equivalent of one working day each week to seek employment.

(g) Participant reimbursement. Participants shall be reimbursed for work-related transportation, day care and other expenses approved by the agency pursuant to K.A.R. 30-4-120(a)(1).

(h) Failure to participate. Any nonexempt person who fails to complete a work assignment without good cause or who is terminated from a project with good cause shall be ineligible. The period of ineligibility for a first time failure to complete the assignment shall be three months and a subsequent failure shall result in ineligibility for six months. In ADC, the penalty shall apply to the assigned individual. For GA, and for the principal wage earner in ADC-UP, the penalty shall apply to the assigned individual and all persons for whom the individual is legally responsible. If the person becomes exempt during the penalty period, the penalty shall not be delayed or waived. The effective date of this regulation shall be December 1, 1986. (Authorized by and implementing K.S.A. 1985 Supp. 39-708c; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-33, Dec. 1, 1986.)

**30-4-120. Special allowances and requirements for applicants and recipients of ADC, ADC-FC, APW, GAU, TGA and GA-FC.** (a) Special allowances. The following special allowances shall be issued to otherwise eligible recipients under the conditions as specified.

(1) Community work experience program. An allowance standard for work-related transportation expenses shall be issued in an amount of \$20.00 for assignments of less than 10 days and \$30.00 for assignments of 10 days or more in which the person is scheduled to work. When excess work transportation expenses are documented by any person, the \$20.00 standard shall be increased to cover actual costs up to, but not in excess of, \$30.00. Additional allowances shall be issued based on an agency-approved plan for day care and other expenses related to participation.

(2) Job search. An allowance standard for job-seeking transportation expenses shall be issued in the amount of \$15.00 to each person who is assigned to, and who participates in, an agency-approved job club or related activity. When excess job-seeking transportation expenses are documented by any person, the \$15.00 standard shall be increased to cover actual costs, which shall not exceed \$25.00. An additional allowance for day care expenses shall be issued based on an agency-approved plan.

(b) Special requirements. The following special requirements shall be added to the basic and shelter standards set forth in K.A.R. 30-4-100 to compute the budgetary requirements for applicants and recipients under the conditions as specified.

(1) Moving expense. The cost of moving to a new location to take employment, in an amount not to exceed \$100.00, shall be allowed if other funds are not available to meet the costs and the recipient has employment which meets at least 75% of the family's basic and shelter standards. Moving costs shall include transportation costs of moving household goods for the individual and family to the job location.

(2) Temporary out-of-home care for children. The cost of temporary out-of-home care may be allowed if:

(A) The child is temporarily absent from the home due to the illness of another member of the household, or the incarceration of the caretaker relative;

(B) the temporary absence is only for a portion of a calendar month; and

(C) there is an approved service plan. The amount to be allowed shall be the foster care standard.

(3) Clothing for persons entering care facilities (not applicable to ADC-FC or GA-FC foster family care). The cost of an initial clothing supply, in an amount not to exceed \$150.00, shall be allowed if the applicant or recipient is being placed in a care facility on a permanent basis and the person requires an initial clothing supply.

(4) Travel and subsistence to and from child care facilities. If there is an approved service plan, the costs of travel and subsistence shall be allowed for the applicant or recipient and the person providing the transportation for a replacement visit, admission or home visit, or for the relatives who are required to

visit a child. The transportation shall not be related to discharge from a state institution.

(5) Home visits from a child care facility. The costs of a visit to a relative's home or foster family home on a planned trial basis shall be allowed based on an approved service plan. The amount and the length of the visit allowed shall be established in the social service plan.

(6) Special requirements related to ADC-FC and GA-FC. Certain special requirements for various costs for children in ADC-FC and GA-FC shall be allowed based on an approved service plan.

(7) Conservator or personal representative expense. The fee of the legally appointed conservator for conservatorship or the personal representative fee for service shall be allowed if:

(A) The conservator or personal representative charges for those services; and

(B) the conservator or personal representative is not the spouse, parent, or child of the incapacitated person. The amount allowed by the court, or the charge made by the conservator or personal representative, to a maximum of 5% of the person's cash payment or \$8.00, whichever is greater, shall be allowed. The effective date of this regulation shall be December 1, 1986. (Authorized by K.S.A. 1985 Supp. 39-708c; implementing K.S.A. 1985 Supp. 39-708c, 39-709, as amended by L. 1986, Ch. 137, Sec. 23; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-33, Dec. 1, 1986.)

ROBERT C. HARDER  
Secretary of Social and  
Rehabilitation Services

Doc. No. 004884

## KANSAS FACTS

### Kansas rich in natural resources

Kansas lies at the heart of the nation. The geographic center of the contiguous 48 states is near Lebanon in Smith County in northcentral Kansas. A site in Osborne County, about 40 miles southeast of the geographic center, is the controlling point for all land surveys in the United States, Canada and Mexico.

A 208-mile by 411-mile rectangle, Kansas ranks 14th among the states in geographic size with a total of 82,264 square miles. It is bounded by Oklahoma to the south, Colorado to the west, Nebraska to the north and Missouri to the east. Although most of the state lies within the region known as the Great Plains, Kansas has a rich variation of climate, terrain, soil and native plants and animals.

The average annual temperature is 55 degrees. The state averages about 27 inches of rain a year, ranging from about 40 inches in the southeast to less than 20 inches in the west. More than 70 percent of the annual precipitation falls between April 1 and September 30. The western half of the state has as many as 300 clear or partly clear days. There are about 275 such days in the eastern half. Kansas is a windy state; an average wind speed of 14 mph makes Dodge City the windiest city in the country.

Kansas has five river systems and more than 50,000 streams large enough to be named. The Missouri, Kaw and Arkansas rivers are considered navigable, although the Missouri is the only river in the state on which there is a considerable amount of traffic. There are 25 federal reservoirs in Kansas and 48 state fishing lakes. Osage County is the only county in the nation with two federal reservoirs, Melvern and Pomona.

Among the state's unique topographical features is the Flint Hills, a bluestem or tallgrass prairie in the east-central part of the state. The prairie once stretched from Canada to Oklahoma and Kansas to Indiana. Today, the Flint Hills, which is about 50 miles wide, is the only extensive, unplowed tract of bluestem or true prairie remaining in the United States. It has not been widely cultivated because of the characteristic steep slopes and shallow upland soils. The prairie was a natural habitat for the buffalo or American Bison, whose numbers were once estimated at 60 to 75 million. In 1871, Major Richard Irving Dodge reported traveling at least 25 miles through one immense buffalo herd. The herd, he said, "was about five days passing a given point, or not less than 50 miles deep." The buffalo provided food, shelter, clothing and fuel for Indians of the Great Plains. Even some war material could be made from the buffalo carcass. In later years, market hunters slaughtered buffaloes for their hides, often leaving the carcasses to rot.

Chalk beds containing some of the world's most extensive specimens of pre-historic fossils are found in Logan and Gove counties. The fossils include fish, bat-like reptiles, the sea serpents called mosasaurs and toothed swimming birds. Kansas chalk beds are also famous for the pinnacles, spires and odd-shaped

masses formed by chalk remnants. Particularly notable are Monument Rocks and Castle Rock in Gove County and the chalk bluffs along the Smoky Hill River in Logan, Gove and Trego counties.

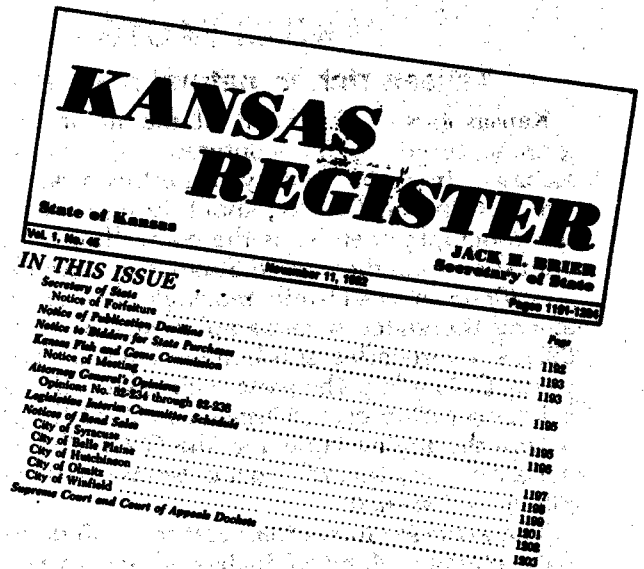
Kansas leads the nation in the production of helium, ranks fifth in the production of natural gas and is eighth nationally in petroleum production. Helium is recovered from the natural gas of the Otis-Albert field and other smaller fields in Rush County and adjacent counties. Natural gas is found in huge quantities at the Hugoton Gas Area. One of the world's most important gas fields, it encompasses Finney, Grant, Hamilton, Haskell, Kearny, Morton, Seward, Stanton and Stevens counties. Leading mineral resources in Kansas by total dollar value of production are: petroleum, natural gas, propane and helium, cement, salt, coal, building stone, sand and gravel, and clay and shale. Limestone is an especially important resource in Kansas. Used extensively in the past to construct buildings and fenceposts, today it is the basis for a large cement manufacturing industry.

Kansas is graced with an abundance of wildflowers, from native ferns in the moist eastern woods to the yucca plant and tumbleweed or Russian thistle in the arid west. Many of the wildflowers are prairie flowers that root deeply to withstand the weather's swings from wet to dry and hot to cold. Wildflowers were a source of medicine, food, charms and dyes for the early settlers. The Kansas Wildflower Society, headquartered at the Mulvane Art Center in Topeka, is dedicated to developing public awareness of Kansas wildflowers, their use in landscaping and their place in our ecology.

Kansas sportsmen hunt a wide selection of game within the state. Kansas boasts the largest flock of prairie chickens on the North American Continent. Pheasants are Kansas' staple game bird. Annual harvest always approaches, and sometimes exceeds, one million birds, placing Kansas consistently in the top three pheasant harvest states in the nation. The harvest of bobwhite quail usually tops two million, also one of the best in the nation. Mourning dove, turkey, duck, geese, coyote, deer, rabbit and squirrel are also plentiful. Fur trapping is permitted for beaver, bobcat, raccoon, opossum, skunk, muskrat, mink, badger, fox and coyote. The Kansas Fish and Game Commission manages 69 wildlife areas, encompassing more than 200,000 acres, where public hunting is permitted. Another eight wildlife areas are managed by the federal government. Fishing is also bountiful. Large-mouth bass, crappie, channel catfish, white bass, bluegill, flathead catfish, Kentucky or spotted bass, striped bass, walleye and wipers are among the species found in Kansas lakes and streams.

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