

# KANSAS REGISTER

State of Kansas

**BILL GRAVES**  
Secretary of State

Vol. 7, No. 3

January 21, 1988

Pages 39-70

IN THIS ISSUE . . . . .	Page
Executive Appointments . . . . .	40
State Board of Accountancy	
Notice of Meeting . . . . .	40
State Emergency Response Commission	
Notice of Meeting . . . . .	40
Social and Rehabilitation Services	
Request for Proposals . . . . .	41
Notice to Bidders for State Purchases . . . . .	41
Attorney General	
Opinions No. 88-1 through 88-4 . . . . .	42
Legislative Bills Introduced Through January 13 . . . . .	42
Secretary of State	
Notice of Corporations Forfeited . . . . .	44
Court of Appeals Docket . . . . .	46
State Corporation Commission	
Notice of Motor Carrier Hearings . . . . .	51
Department of Transportation	
Notice to Contractors . . . . .	53
Temporary Administrative Regulations	
State Board of Polygraphists . . . . .	54
State Board of Regents . . . . .	57
Department of Administration . . . . .	60
Department on Aging . . . . .	66
State Board of Cosmetology . . . . .	66
Department of Health and Environment . . . . .	68
State Employees Health Care Commission . . . . .	69
Department of Revenue . . . . .	69

## State of Kansas

**SECRETARY OF STATE****EXECUTIVE APPOINTMENTS**

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

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

The following appointments were filed January 8 through January 14:

**Anderson County Attorney**

**Craig E. Cole**, Route 2, Garnett 66032. Effective January 12, 1988. Term expires when a successor is elected and qualifies according to law. Succeeds Herman A. Loepp.

**State Board of Regents**

**Robert A. Creighton**, 308 Main, Atwood 67730. Effective January 8, 1988. Subject to Senate confirmation. Term expires December 31, 1991. Succeeds Frank Becker.

**BILL GRAVES**  
Secretary of State

## State of Kansas

**BOARD OF ACCOUNTANCY****NOTICE OF MEETING**

The Board of Accountancy will meet at 9:30 a.m. Tuesday, January 26, in Conference Room 108, Landon State Office Building, 900 S.W. Jackson, Topeka. Persons interested in agenda items or in attending should contact the board office in Suite 907 of the Landon Building.

**GLENDIA SHERMAN**  
Board Secretary

Doc. No. 006141

## State of Kansas

**DEPARTMENT OF HEALTH  
AND ENVIRONMENT  
STATE EMERGENCY RESPONSE  
COMMISSION****NOTICE OF MEETING**

The State Emergency Response Commission will conduct a regular business meeting at 9 a.m. Tuesday, February 2, in the State Defense Building, 2800 S. Topeka Blvd., Topeka.

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

Doc. No. 006136

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**State of Kansas**  
**SOCIAL AND REHABILITATION SERVICES**

**REQUEST FOR PROPOSALS**

The Department of Social and Rehabilitation Services is accepting applications for the provision of community stability project social services to refugees for the grant period April 1, 1988 to March 31, 1989. The project area is limited to the Garden City area. Applications must be received in the Garden City area office by February 19. Applications received after that date will not be considered.

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

WINSTON BARTON  
 Secretary of Social and  
 Rehabilitation Services

Doc. No. 006139

**State of Kansas**  
**DEPARTMENT OF ADMINISTRATION**  
**DIVISION OF PURCHASES**

**NOTICE TO BIDDERS**

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

**Monday, February 1, 1988**

#27554

Department of Transportation—READY MIX  
 CONCRETE (DISTRICT I)

#27568

University of Kansas Medical Center—BLOOD  
 CULTURE BOTTLES

#72493

Department of Administration, Central Motor Pool—  
 VEHICLES

**Tuesday, February 2, 1988**

#A-5849

Department of Transportation—REROOF  
 (COMPLETE REPLACEMENT) Sub-Area Building,  
 Newton

#27130

Statewide—PRINTED PLASTIC BAGS FOR  
 "INFECTIOUS WASTE"

#27516

Statewide—MARCH (1988) MEAT PRODUCTS

#27553

Statewide—WIPING BAGS

#72502

Kansas State University—MORLEX SOLUTION

#72503

Kansas State University—GREENHOUSE COOLING  
 SYSTEM REPLACEMENT PARTS

#72517

Department of Transportation—TRIAxIAL TEST  
 SYSTEM

#72549

Department of Wildlife and Parks—NATURE GRASS  
 SEED

**Wednesday, February 3, 1988**

#A-5774

Youth Center at Beloit—INSULATING AND VINYL  
 SIDING OF WALLS, SUPERINTENDENT'S  
 RESIDENCE

#A-5848

Department of Transportation—REROOF  
 (COMPLETE REPLACEMENT), Sub-Area Building,  
 Jetmore

#27548

University of Kansas—INDUSTRIAL V-BELTS

#71501-A

Department of Social and Rehabilitation Services—  
 MEMORY BOARD

#72520

Wichita State University—CARGO VAN

#72528

Department of Social and Rehabilitation Services—  
 VOCATIONAL APTITUDE TESTING HARDWARE,  
 Salina

#72530

Department of Transportation—POTHOLE  
 PATCHER, Garden City

**Thursday, February 4, 1988**

#27763

University of Kansas—SCREEN PRINTED  
 WEARING APPAREL

#72541

Kansas State University—FREEZE-DRYER SYSTEM

#72552

University of Kansas Medical Center—  
 CONTINUOUS FORMS/LABELS

#72553

Fort Hays State University—TRACTOR

#72554

Kansas Public Employees Retirement System—  
 CONTINUOUS FORMS

#72562

Kansas State University—MOBILE FILE SYSTEM

**Friday, February 5, 1988**

#27415

Kansas State University—FERTILIZER

**Tuesday, February 9, 1988**

#27530

All agencies of the state of Kansas—  
 MICROCOMPUTER SOFTWARE

NICHOLAS B. ROACH  
 Director of Purchases

Doc. No. 006135

## State of Kansas

## ATTORNEY GENERAL

## Opinion No. 88-1

**Bonds and Warrants—Cash-Basis Law—Creating Indebtedness In Excess Of Funds Unlawful; Exceptions.**

**Aircraft and Airfields—Municipal Airports and Fields—County Airports.**

**Counties and County Officers—Miscellaneous Provisions—Disposal of Refuse; Costs; Bonds.**

**Taxation—Miscellaneous Provisions—Creation of Indebtedness In Excess Of Budget Unlawful; Exceptions.** Charles A. Peckham, Rawlins County Attorney, Atwood, Kansas, January 6, 1988.

Budgetary laws, K.S.A. 79-2925 *et seq.*, and cash-basis laws, K.S.A. 10-1101 *et seq.*, prevent diverting any budgeted fund to the use of another fund and the creation of any unbudgeted indebtedness against the county except as specifically allowed. In furtherance of the proposed improvements to the airport runway the county may use moneys budgeted in the airport fund, moneys contained in any existing revolving account established to operate the airport and moneys from the general fund not previously allocated for other uses. In order to relocate the county landfill the county may expend moneys from the budgeted landfill and general funds. Use of general fund moneys is limited to those uses which serve a valid public purpose and actions by the board are subject to continuing fiduciary duties. If expenditures exceed amounts budgeted for in the specific and general funds, the county may attempt to amend the budget and issue no-fund warrants or issue bonds. Cited herein: 3-121; 3-301 *et seq.*; 10-1101; 10-1102; 10-1116; 19-2659; 19-2661; 19-2662; 65-3410; 79-2925; 79-2929a; 79-2934; 79-2935; 79-2938. TMN

## Opinion No. 88-2

**Legislature—Claims Against the State—State Agency Heads Authorized to Pay for Certain Property Loss or Damage; Limitations.** Representative Ben Foster, 85th District, Wichita, January 8, 1988.

Under the provisions of subsection (c) of K.S.A. 46-922, the head of a state agency may pay up to \$500 to persons for loss or damage to property, where such loss or damage was caused by the negligence of the state or any agency, officer or employee thereof. Claims for personal injuries may not be paid under the provisions of the aforesaid statute. Cited herein: K.S.A. 46-922. TRH

## Opinion No. 88-3

**Laws, Journals and Public Information—Records Open to Public—Kansas Racing Commission; Applications for Licensure.** Alfred G. Schroeder, Chairman, Kansas Racing Commission, Topeka, January 8, 1988.

The application form submitted to the Kansas Racing Commission by entities and persons seeking licensure to conduct and manage parimutuel horse and greyhound races and own racetrack facilities is a public record subject to disclosure under the Kansas Open Records Act. The commission has discretion under K.S.A. 1987 Supp. 45-221(a)(4) to keep confidential the names of prospective

employees listed on the application. In addition, security information supplied with the application is exempt from mandatory disclosure under K.S.A. 1987 Supp. 45-221(a)(12). Further, the commission is prohibited from disclosing the applicants' tax returns required to be submitted with the applications. Cited herein: K.S.A. 2-1202; 16-715; 39-709b; 45-215; 45-216; 45-217; K.S.A. 1987 Supp. 45-221; K.S.A. 47-502; K.S.A. 1987 Supp. 65-436; K.S.A. 65-1831; 66-1220a; 74-8801; 74-8802; 74-8813; K.S.A. 1987 Supp. 75-4318; 79-3234; K.A.R. 112-3-7; 112-3-8; 112-3-11; 112-3-12, as proposed. RLN

## Opinion No. 88-4

**Federal Jurisdiction—Surplus Property of Federal Agencies—Surplus Property and Airport Authority, Certain Cities and Counties; Authority Constitutes Political and Taxing Subdivision.** Frank M. Rice, Attorney for the Metropolitan Topeka Airport Authority, Topeka, January 11, 1988.

The Metropolitan Topeka Airport Authority is subject to a special assessment for a water main extension project of the city of Topeka. Cited herein: K.S.A. 12-6a01; 27-330. TRH

ROBERT T. STEPHAN  
Attorney General

Doc. No. 006134

## State of Kansas

## LEGISLATURE

## LEGISLATIVE BILLS INTRODUCED

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

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

## Bills introduced through January 13:

## House Bills

**HB 2622**, by Representatives Sallee, Bryant, Eckert and Larkin: An act relating to highways; designating part of United States highway 36 as the Pony Expressway; designating bridges No. 028 and No. 029 as the Pony Expressway bridges; amending K.S.A. 68-1019 and repealing the existing section.

**HB 2623**, by Special Committee on Agriculture and Livestock, re Proposal No. 1: An act concerning noxious weeds; relating to chemicals sold by the county, township or city only to eradicate noxious weeds; amending K.S.A. 2-1318 and 2-1322 and repealing the existing sections; also repealing K.S.A. 2-1314a.

**HB 2624**, by Special Committee on Agriculture and Livestock, re Proposal No. 3: An act concerning wind-blown dust and soil erosion; relating to plants or weeds that blow; type of methods to control erosion; amending K.S.A. 2-2001, 2-2002, 2-2003, 2-2004, 2-2005, 2-2006 and 2-2009 and repealing the existing sections.

**HB 2625**, by Special Committee on Assessment and Taxation, re Proposal No. 6: An act amending the Kansas retailers' sales tax act; providing for the collection of the tax imposed thereunder; amending K.S.A. 79-3604 and repealing the existing section.

**HB 2626**, by Special Committee on Assessment and Taxation, re Proposal No. 6: An act amending the Kansas retailers' sales tax act; concerning the definition, taxation and exemption of certain sales of property and services thereunder; amending K.S.A. 79-3609 and K.S.A. 1987 Supp. 79-3602 and 79-3603 and repealing the existing sections.

**HB 2627**, by Special Committee on Assessment and Taxation, re Proposal No. 6: An act amending the Kansas compensating tax act; concerning the definition of retailer doing business in this state; amending K.S.A. 79-3702 and repealing the existing section.

**HB 2628**, by Special Committee on Energy and Natural Resources, re Proposal No. 11: An act creating the Kansas department of wildlife and parks private gifts and donations fund; amending K.S.A. 1987 Supp. 74-3323 and repealing the existing section.

**HB 2629**, by Special Committee on Energy and Natural Resources, re Proposal No. 11: An act relating to fish and game; authorizing the issuance of certain waterfowl hunting permits; amending K.S.A. 32-104a and repealing the existing section.

**HB 2630**, by Special Committee on Energy and Natural Resources, re Proposal No. 11: An act concerning the membership of the secretary of wildlife and parks on certain councils, commissions and boards; abolishing the joint council on recreation; amending K.S.A. 74-6614 and 74-7701 and repealing the existing sections; also repealing K.S.A. 74-4527 to 74-4531, inclusive.

**HB 2631**, by Special Committee on Energy and Natural Resources, re Proposal No. 11: An act relating to the nongame wildlife improvement fund; concerning the disposition of moneys received as interest; amending K.S.A. 79-3221e and repealing the existing section.

**HB 2632**, by Special Committee on Judiciary, re Proposal No. 16: An act concerning civil procedure; relating to exemptions from legal process; amending K.S.A. 40-414 and K.S.A. 1987 Supp. 60-2304 and repealing the existing sections.

**HB 2633**, by Special Committee on Judiciary, re Proposal No. 45: An act relating to motor vehicle liability insurance; concerning the duty to provide information of liability insurance and proof of financial security; amending K.S.A. 1987 Supp. 8-1604 and 40-3104 and repealing the existing sections.

**HB 2634**, by Legislative Budget Committee, re Proposal No. 19: An act relating to state finance; concerning transfers from the state general fund; amending K.S.A. 44-566a, 72-7067 and 79-2425e and K.S.A. 1987 Supp. 79-2959, 79-2964 and 79-34,147 and repealing the existing sections.

**HB 2635**, by Legislative Budget Committee, re Proposal No. 19: An act concerning the refund of certain retailers' sales taxes paid upon food; amending K.S.A. 79-3620, 79-3632, 79-3634, 79-3636 and 79-3637 and K.S.A. 1987 Supp. 79-3633 and 79-3635 and repealing the existing sections.

**HB 2636**, by Legislative Budget Committee, re Proposal No. 19: An act concerning the awarding of scholarships to certain students enrolled in or admitted to certain schools of medicine and schools of osteopathic medicine; concerning agreements for the awarding of such scholarships; amending K.S.A. 74-3266 and K.S.A. 1987 Supp. 76-375 and repealing the existing sections.

**HB 2637**, by Legislative Educational Planning Committee, re Proposal No. 23: An act concerning the Kansas training information program; relating to the performance of certain duties thereunder; amending K.S.A. 1987 Supp. 72-4451 and 72-4452, and repealing the existing sections.

**HB 2638**, by Legislative Educational Planning Committee, re Proposal No. 23: An act providing for the award of professional practice incentive grants to professional practitioners.

**HB 2639**, by Special Committee on Local Government, re Proposal No. 26: An act concerning the regulation of emergency medical services; abolishing the bureau of emergency medical services; creating the division of emergency medical services and the emergency medical services board; transferring certain powers and duties; repealing K.S.A. 19-262, 19-263, 19-263a, 19-263b, 19-2633, 19-3634, 19-3635, 19-3636, 19-3636a, 65-4302 to 65-4306, inclusive, 65-4307 to 65-4309, inclusive, 65-4314 to 65-4316, inclusive, 65-4318 to 65-4320, inclusive, 65-4322, 65-4323, 65-4326 to 65-4331, inclusive, 74-2126 to 74-2132, inclusive, 80-1423, 80-1424, 80-1426 to 80-1428, inclusive, and K.S.A. 1987 Supp. 19-261, 19-3632, 65-4301, 65-4306a, 65-4306b, 65-4306c, 65-4306d, 65-4317, 65-4321, 65-4324, 65-4325, 65-4325a, 65-4329 to 65-4348, inclusive, and 80-1425.

**HB 2640**, by Special Committee on Public Health and Welfare, re Proposal No. 28: An act eliminating the requirement of citizenship to obtain certain licenses; amending K.S.A. 47-826, 65-1455 and 65-1714 and repealing the existing sections.

**HB 2641**, by Special Committee on Public Health and Welfare, re Proposal No. 28: An act concerning state agencies; relating to approval of schools for purpose of granting licenses to certain persons; amending K.S.A. 47-824, 65-1119, 65-1426, 65-1455, 65-2003, 65-2906, 65-4207 and 75-5351 and K.S.A. 1987 Supp. 65-1152, 65-1505, 65-1631, 65-1701a, 65-5406, 65-5506, 65-5804, 74-5310 and 74-5363 and repealing the existing sections.

**HB 2642**, by Special Committee on Public Health and Welfare, re Proposal No. 29: An act concerning the state board of hearing arts; relating to civil fines for failure by medical care facilities to make certain reports to such board; amending K.S.A. 1987 Supp. 65-28, 121 and repealing the existing section.

**HB 2643**, by Special Committee on Public Health and Welfare, re Proposal No. 29: An act concerning certain health care providers; relating to regulation, risk management and peer review; amending K.S.A. 65-4216 and 65-4217 and K.S.A. 1987 Supp. 65-430, 65-4915, 65-4921, 65-4923 and 65-4930 and repealing the existing sections.

**HB 2644**, by Special Committee on Ways and Means—SRS, re Proposal No. 38: An act enacting the KanWork act; establishing the KanWork program for public assistance recipients; granting certain powers to and imposing certain duties upon the secretary of social and rehabilitation services; creating the KanWork interagency coordinating committee and providing for the duties thereof; authorizing the development of state child care centers and providing for the licensing thereof; amending K.S.A. 65-503 and 65-517 and K.S.A. 1987 Supp. 75-3307b and repealing the existing sections.

**HB 2645**, by Joint Committee on Economic Development: An act enacting the Kansas private activity bond allocation act; also repealing K.S.A. 74-5041, 74-5042 and 74-5043.

**HB 2646**, by Representative Sallee: An act concerning the Kansas juvenile offenders code; relating to jurisdiction over and time of discharge of certain juvenile offenders; amending K.S.A. 38-1604 and 38-1675 and repealing the existing sections.

**HB 2647**, by Representative Shore: An act concerning school districts; providing for the disposition of certain revenues received from the federal government as a result of the sale thereby of certain oil, gas and mineral rights; amending K.S.A. 1987 Supp. 72-7062 and repealing the existing section.

**HB 2648**, by Representative Foster: An act prohibiting collection by courts of certain information relating to tort litigation.

**HB 2649**, by Representative Foster: An act concerning civil procedure; relating to continuance of discovery conferences.

**HB 2650**, by Representatives Crumbaker, Acheson, Amos, Apt, Aylward, Baker, Barr, Beauchamp, Bideau, Braden, Brady, Brown, Bryant, Buehler, C. Campbell, K. Campbell, Christopher, Crowell, Douville, Dyck, Eckert, Empson, Flottman, Foster, Francisco, Freeman, Fry, Goossen, Graeber, Green, Gross, Guldner, Hamm, Harder, Harper, Hassler, Heinemann, Holmes, King, Kline, Knopp, Laird, Larkin, Leach, Littlejohn, Long, Lowther, Mainey, Mead, R. D. Miller, Mollenkamp, Moomaw, Neufeld, O'Neal, Ott, Pottorf, Ramirez, Rezac, Roe, Roenbaugh, Roper, Russell, Sallee, Sand, Schauf, Shallenburger, Shore, Shriver, Sifers, Smith, Sprague, Sughrue, Teagarden, Turnquist, Walker, Wells, Wilbert, Williams and Wunsch: An act relating to sales taxation; exempting purchases of seed used for certain purposes therefrom; amending K.S.A. 1987 Supp. 79-3606 and repealing the existing section.

**HB 2651**, by Committee on Taxation: An act relating to property taxation; exempting property used by community service organizations for the provision of humanitarian services; amending K.S.A. 1987 Supp. 79-201 and repealing the existing section.

**HB 2652**, by Representative Douville: An act concerning civil procedure; relating to the filing of motions; amending K.S.A. 60-206 and repealing the existing section.

**HB 2653**, by Joint Committee on Administrative Rules and Regulations: An act concerning nursing; relating to the board's rule and regulation authority; fees; concerning licensure of registered nurse anesthetists; amending K.S.A. 65-1117 and K.S.A. 1987 Supp. 65-1118 and 65-1155 and repealing the existing sections.

**HB 2654**, by Joint Committee on Administrative Rules and Regulations: An act concerning mental health technicians; fees; amending K.S.A. 65-4208 and repealing the existing section.

**HB 2655**, by Joint Committee on Administrative Rules and Regulations: An act concerning registered nurse anesthetists; amending K.S.A. 1987 Supp. 65-1152 and repealing the existing section.

**HB 2656**, by Joint Committee on Administrative Rules and Regulations: An act concerning physical therapy; relating to treatment by a physical therapist assistant; amending K.S.A. 65-2914 and repealing the existing section.

**HB 2657**, by Joint Committee on Administrative Rules and Regulations: An act concerning emergency medical services; relating to the licensure and renewal of ambulances and rescue vehicles; amending K.S.A. 65-4320 and repealing the existing section.

**HB 2658**, by Joint Committee on Administrative Rules and Regulations: An act concerning agricultural ethyl alcohol; relating to information to be filed with the department of revenue; amending K.S.A. 1987 Supp. 79-34,163 and repealing the existing section.

**HB 2659**, by Representatives Buehler, Dyck and Moomaw: An act concerning AIDS; requiring testing of persons convicted of certain crimes; providing for counseling for certain victims thereof.

**HB 2660**, by Representative Dyck (by request): An act concerning barbers; relating to course instruction; concerning teachers' certificates; amending K.S.A. 65-1810 and repealing the existing section.

**HB 2661**, by Committee on Governmental Organization: An act concerning the Kansas sunset law; continuing in existence the office of secretary of commerce and the department of commerce; amending K.S.A. 74-7264 and repealing the existing section.

## Senate Bills

**SB 443**, by Senator Frey: An act amending the uniform consumer credit code; relating to prepayment of consumer credit transactions; amending K.S.A. 1987 Supp. 16a-2-510 and repealing the existing section.

**SB 444**, by Senators D. Kerr and Morris: An act relating to drivers' licenses; providing for instruction permits for class A and class B drivers' licenses.

**SB 445**, by Senator Steineger: An act concerning public health; requiring AIDS tests under certain circumstances; granting certain powers to and imposing certain duties upon the secretary of health and environment; requiring reporting of instances of AIDS and HIV infection; directing contact tracing by public health officials; providing for confidentiality of certain information; requiring tests for sexually transmissible diseases; providing for marriage license; declaring certain acts to be crimes and providing penalties therefor.

**SB 446**, by Senator Allen: An act relating to sales taxation; exempting purchases of seed used for certain purposes therefrom; amending K.S.A. 1987 Supp. 79-3606 and repealing the existing section.

**SB 447**, by Special Committee on Agriculture and Livestock, re Proposal No. 4: An act concerning the Kansas wheat commission and grains commodity commissions; relating to the 20% credit to the state general fund; amending K.S.A. 1987 Supp. 75-3170a and repealing the existing section.

**SB 448**, by Special Committee on Agriculture and Livestock, re Proposal No. 4: An act concerning the Kansas wheat commission; relating to the mill levy excise tax; amending K.S.A. 1987 Supp. 2-2608 and repealing the existing section.

**SB 449**, by Special Committee on Agriculture and Livestock, re Proposal No. 4: An act concerning the Kansas wheat commission and grains commodity commissions; relating to the 20% credit to the state general fund; concerning market development agencies; amending K.S.A. 1987 Supp. 75-3170a and repealing the existing section.

**SB 450**, by Special Committee on Assessment and Taxation re Proposal No. 7: An act enacting the Kansas real estate transfer information act; prescribing duties for the director of property valuation and county clerks and registers of deeds relating thereto; providing for crimes and penalties for violations thereof; repealing K.S.A. 58-2223a, 58-2223b, 58-2223c, 58-2223d and 58-2223e.

**SB 451**, by Special Committee on Assessment and Taxation, re Proposal No. 7: An act relating to county appraisers; concerning duties of the director of property valuation relating to the suspension or termination thereof; amending K.S.A. 19-431 and repealing the existing section.

**SB 452**, by Special Committee on Assessment and Taxation, re Proposal No. 7: An act relating to property taxation; concerning the assessment-sales ratio study; amending K.S.A. 79-1435, 79-1436, 79-1437a, 79-1441a and 79-1443 and K.S.A. 1987 Supp. 79-1436a and 79-1437 and repealing the existing sections.

**SB 453**, by Special Committee on Assessment and Taxation, re Proposal No. 7: An act relating to property taxation; effecting statutory amendments necessary and incidental to the reappraisal and classification of property for taxation purposes; amending K.S.A. 79-304, 79-306, 79-501, 79-1439 and 79-4502 and K.S.A. 1987 Supp. 79-201d and 79-213 and repealing the existing sections; also repealing K.S.A. 79-307a, 79-307b, 79-307c, 79-307d, 79-316b, 79-316c, 79-1001, 79-1001b, 79-1001c, 79-1001d, 79-1003, 79-1004, 79-1004a, 79-1004b and 79-1005 and K.S.A. 1987 Supp. 79-216, 79-217, 79-218 and 79-1001a.

**SB 454**, by Special Committee on Assessment and Taxation, re Proposal No. 10: An act relating to income taxation; excluding interest on obligations of the state of Kansas and its political subdivisions from adjusted gross income; amending K.S.A. 1987 Supp. 79-32,117 and repealing the existing section.

**SB 455**, by Special Committee on Energy and Natural Resources, re Proposal No. 12: An act enacting the environmental contamination response act; prescribing authorities and duties for the secretary of health and environment relating thereto; providing for crimes and penalties for violations thereof; repealing K.S.A. 65-171w, 65-3452 to 65-3455, inclusive, and 65-3457 and K.S.A. 1987 Supp. 65-3456.

**SB 456**, by Special Committee on Federal and State Affairs, re Proposal No. 13: An act concerning the Kansas parole board; relating to membership and officers; amending K.S.A. 22-3709 and K.S.A. 1987 Supp. 22-3707 and repealing the existing sections.

**SB 457**, by Special Committee on Federal and State Affairs, re Proposal No. 13: An act concerning community correctional services programs; relating to funding therefor; amending K.S.A. 75-52,105 and K.S.A. 1987 Supp. 75-52,104 and repealing the existing sections; also repealing K.S.A. 1987 Supp. 75-52,109.

**SB 458**, by Special Committee on Judiciary, re Proposal No. 18: An act concerning Kansas code of procedure for municipal courts; authorizing the establishment of municipal courts for certain counties; amending K.S.A. 12-4102, 12-4103, 12-4104, 12-4105, 12-4107, 12-4108, 12-4109, 12-4110, 12-4111, 12-4201, 12-4203, 12-4204, 12-4206, 12-4207, 12-4208, 12-4211, 12-4304, 12-4401, 12-4506, 12-4509, 12-4510, 12-4511, 12-4512, 12-4513, 12-4514, 12-4515, 12-4516, 12-4517, 12-4518, 12-4519, 12-4520, 12-4521, 12-4522, 12-4523, 12-4524, 12-4525, 12-4526, 12-4527, 12-4528, 12-4529, 12-4530, 12-4531, 12-4532, 12-4533, 12-4534, 12-4535, 12-4536, 12-4537, 12-4538, 12-4539, 12-4540, 12-4541, 12-4542, 12-4543, 12-4544, 12-4545, 12-4546, 12-4547, 12-4548, 12-4549, 12-4550, 12-4551, 12-4552, 12-4553, 12-4554, 12-4555, 12-4556, 12-4557, 12-4558, 12-4559, 12-4560, 12-4561, 12-4562, 12-4563, 12-4564, 12-4565, 12-4566, 12-4567, 12-4568, 12-4569, 12-4570, 12-4571, 12-4572, 12-4573, 12-4574, 12-4575, 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12-5131, 12-5132, 12-5133, 12-5134, 12-5135, 12-5136, 12-5137, 12-5138, 12-5139, 12-5140, 12-5141, 12-5142, 12-5143, 12-5144, 12-5145, 12-5146, 12-5147, 12-5148, 12-5149, 12-5150, 12-5151, 12-5152, 12-5153, 12-5154, 12-5155, 12-5156, 12-5157, 12-5158, 12-5159, 12-5160, 12-5161, 12-5162, 12-5163, 12-5164, 12-5165, 12-5166, 12-5167, 12

74-5048, 74-8001, 74-8002, 74-8010, 74-8101, 74-8102, 74-8103, 74-8104, 74-8106, 74-8107, 74-8109, 74-8110, 74-8201, 74-8202, 74-8203, 74-8204, 74-8206, 74-8302, 74-8303, 74-8306, 74-8307, 74-8308, 74-8310, 74-8401, 74-8402, 74-8405, 79-32, 154, 79-32, 159b and 79-32, 159c, and repealing the existing sections.

**SB 471**, by Joint Committee on Economic Development: An act concerning state agencies; relating to the adoption thereby of administrative rules and regulations; amending K.S.A. 77-416 and K.S.A. 1987 Supp. 77-421, and repealing the existing sections.

**SB 472**, by Joint Committee on Economic Development: An act establishing the Kansas water pollution control revolving fund and providing for the uses, administration and management thereof; imposing certain powers, functions and duties with respect thereto upon the secretary of health and environment.

**SB 473**, by Joint Committee on Economic Development: An act relating to economic development incentives; concerning tax credits for investments in Kansas Venture Capital, Inc., certified Kansas venture capital companies, and certified local seed capital pools; amending K.S.A. 1987 Supp. 74-8205, 74-8206, 74-8304 and 74-8401 and repealing the existing sections.

**SB 474**, by Senator Hayden: An act concerning school districts; providing for the disposition of certain revenues received from the federal government as a result of the sale thereby of certain oil, gas and mineral rights; amending K.S.A. 1987 Supp. 72-7062 and repealing the existing section.

**SB 475**, by Senator Talkington: An act relating to fish and game; concerning the hunting of deer on licensed game bird controlled shooting areas.

**SB 476**, by Senator Vidricksen: An act changing the name of the Kansas technical institute to the Kansas college of technology; amending K.S.A. 72-4331, 72-4331a, 72-4332, 72-4337, 72-7403, 74-3209, 74-3210a, 74-3229, 76-156a, 76-6a01 and 76-711 and K.S.A. 1987 Supp. 65-1626, 72-4341, 72-4342, 72-4343, 72-4344, 74-8103, 76-6a13, 76-751, 76-754 and 76-756 and repealing the existing sections.

**SB 477**, by Senator Allen: An act relating to the state fair board; concerning the secretary and treasurer; designating the general manager; amending K.S.A. 1987 Supp. 74-521 and repealing the existing section.

**SB 478**, by Joint Committee on Administrative Rules and Regulations: An act relating to rules and regulations; concerning the filing thereof; providing for the transfer of certain rules and regulation files; amending K.S.A. 2-2606, 16a-6-405, 16a-6-406, 17-1282, 32-185, 32-507, 34-101d, 40-2308, 44-573, 45-404, 46-224, 46-1211, 46-1501, 47-1215, 65-1630, 65-1825, 65-2703, 65-2865, 72-7514b, 74-3214, 74-4909, 75-430, 75-431, 75-3504, 76-168, 76-1927, 77-416, 77-417, 77-418, 77-419, 77-424, 77-428, 77-430a, 77-432a, 77-435, 77-436, 79-3297a, 79-3385, 82a-816, 82a-923 and 83-147 and K.S.A. 1987 Supp. 74-8710, 77-420, 77-421, 77-422, 77-425 and 77-426 and repealing the existing sections; also repealing K.S.A. 1987 Supp. 77-439.

**SB 479**, by Joint Committee on Administrative Rules and Regulations: An act relating to polygraphists; exempting them from licensure as a private investigator; amending K.S.A. 75-7b03 and repealing the existing section.

**SB 480**, by Joint Committee on Administrative Rules and Regulations: An act concerning alcoholic liquor; concerning certain sales and deliveries; amending K.S.A. 1987 Supp. 41-306, 41-306a, 41-701 and 41-1101 and repealing the existing sections.

**SB 481**, by Joint Committee on Administrative Rules and Regulations: An act concerning alcoholic beverages; amending K.S.A. 1987 Supp. 41-102, 41-311, 41-728, 41-2601, 41-2605, 41-2623, 41-2641, 41-2643, 41-2701, 41-2702, 41-2703 and 41-2704 and repealing the existing sections.

**SB 482**, by Senator D. Kerr: An act relating to the state fair; concerning the special cash fund; amending K.S.A. 1987 Supp. 2-220 and repealing the existing section.

**SB 483**, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1988, for the attorney general and attorney general — Kansas bureau of investigation; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

**SB 484**, by Senator Doyen: requiring tests for alcohol and drugs in the blood of certain victims of fatal accidents.

### House Resolutions

**HCR 5033**, by Joint Committee on Economic Development: A concurrent resolution endorsing the recommendations of Kansas, Inc. with respect to expenditures from the state economic development initiatives fund and urging Legislatures convened in sessions subsequent to the 1988 session to give careful consideration to such recommendations.

**HCR 5034**, by Representatives Knopp and Barkis: A concurrent resolution providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor.

**HCR 5035**, by Representatives Knopp and Barkis: A concurrent resolution relating to the 1988 regular session of the legislature; providing for an adjournment of the House of Representatives and the Senate and the consent of both houses thereto.

**HR 6001**, by Representatives Knopp and Barkis: A resolution relating to the organization of the House of Representatives.

**HR 6002**, by Representatives Knopp and Barkis: A resolution relating to assignment of seats of the House of Representatives.

**HR 6003**, by the entire House of Representatives: A resolution honoring Frank Neuhauer on his many years of service to the Kansas House of Representatives.

**HR 6004**, by Representatives Branson, Charlton, Freeman and Solbach: A resolution congratulating and commending the Lawrence High School football team and its coach, Bill Freeman, on winning the 1987 Class 6A State Football Championship in Kansas.

### Senate Resolutions

**SCR 1613**, by Legislative Educational Planning Committee re Proposal No. 22: A proposition to revise article 6 of the constitution of the state of Kansas, relating to education.

**SCR 1614**, by Senators Talkington, Burke and Johnston: A concurrent resolution relating to a committee to inform the governor that the two houses of the legislature are duly organized and ready to receive communications.

**SR 1801**, by Senators Talkington and Johnston: A resolution relating to the organization of the Senate.

Doc. No. 006138

## State of Kansas

## SECRETARY OF STATE

### NOTICE OF FORFEITURE

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the state of Kansas and the authority of the following foreign corporations to do business in the state of Kansas were forfeited December 15, 1987 for failure to file an annual report and pay the annual franchise tax, as required by the Kansas general corporation code.

#### Domestic Corporations

A-A, Inc., Salina, KS.  
 A & C Industrial Services, Inc.,  
 Shawnee Mission, KS.  
 Acme Truck Line of Oklahoma, Inc., Casper, WY.  
 American Management & Investments, Inc.,  
 Liberal, KS.  
 Anderson Group, Inc., Overland Park, KS.  
 Applied Technology and Instruction, Incorporated,  
 Olathe, KS.  
 Avanti Custom Interiors, Inc., Overland Park, KS.  
 B-F-P, Incorporated, Wichita, KS.  
 Beeman, Inc., Manhattan, KS.  
 Benetar/Santa Fe, Inc., Olathe, KS.  
 Best-Built Custom Construction, a Limited  
 Partnership, Topeka, KS.  
 Calibogue Kansas Corporation, Topeka, KS.  
 Christ in Action, Inc., Coffeyville, KS.  
 Chrysalis Flotation Tanks, Inc., Overland Park, KS.  
 Circle Energies Corporation, Garden City, KS.  
 Circle Energies, L. P., Wichita, KS.  
 Circle Financial Services Corporation, Wichita, KS.  
 Communications Sytems Management,  
 Incorporated, Lawrence, KS.  
 David J. Schneider Investments, Inc., Stockton, KS.  
 Denim Depot, Inc., Chanute, KS.  
 Dennis Vanlerberg Foundations, Inc., DeSoto, KS.  
 Diamond B Club, Inc., Ogden, KS.  
 Doubleday Coffee Company, Kansas City, KS.  
 E and J Properties, Inc., Olathe, KS.  
 E. S. Webb Co., Maize, KS.  
 First Church of God at Fort Scott, Kansas, Inc.,  
 Fort Scott, KS.  
 Frank Wille Company, Inc., Wichita, KS.  
 G. Davis Construction Co., Inc., Overland Park, KS.  
 Haworth Contracting Corporation, Ottawa, KS.  
 Healthcomm Information, Inc., Prairie Village, KS.  
 Holiday Development Co., Inc., Memphis, TN.  
 Inter-Pro Associates, Inc., Overland Park, KS.  
 International Manufacturing Company, Inc.,  
 Kansas City, MO.  
 Investment Properties, Inc., Overland Park, KS.  
 Ira I. Neufeld, D.M.D., P.A., Olathe, KS.  
 Jess H. Van Winkle, Inc., Junction City, KS.  
 Kansas Wine and Spirits Wholesalers Association,  
 Inc., Topeka, KS.  
 KBJ, Inc., Goodland, KS.  
 Keg's of Junction City, Inc., Clay Center, KS.  
 Kenneth O. Laney, D.D.S., P.A.,  
 Shawnee Mission, KS.

Koehler Equipment Company, Inc., Seneca, KS.  
 Kramer Farms, Inc., Wichita, KS.  
 KWB Enterprises, Inc., Lawrence, KS.  
 L. B. Miller Farms, Inc., Brewster, KS.  
 Lesco, Inc., Wichita, KS.  
 Logo Specialties, Inc., Hutchinson, KS.  
 Lorene Curtin, CPA, Chartered, Colby, KS.  
 Los Company, Inc., Wichita, KS.  
 M & S Copeland, Inc., Topeka, KS.  
 Martec Investments, Limited, Overland Park, KS.  
 Martin Services, Inc., Augusta, KS.  
 McKelso, Sturm and Association, Wichita, KS.  
 Michael C's, Inc., Shawnee, KS.  
 Midwest Waterbed Works, Inc., Manhattan, KS.  
 Mike Roach, Chartered, Wichita, KS.  
 Nanco, Inc., Coffeyville, KS.  
 National Fire-Chem Corporation,  
     Shawnee Mission, KS.  
 Neosho Valley Brittany Club, Toronto, KS.  
 Norm Hill Enterprises, Inc., Grandview, WA.  
 Oilfield Financial Services, Inc., McPherson, KS.  
 Peden Properties, Inc., Wichita, KS.  
 Plaza Travelogues, Ltd., Prairie Village, KS.  
 Pleasanton Activities Association, Inc., Topeka, KS.  
 Plumbing by Owen, Inc., Topeka, KS.  
 Protection Systems Inc., Wichita, KS.  
 R T D Management Co., Olathe, KS.  
 Residential Concepts, Inc., Westwood Hills, KS.  
 Robert Vanlerberg Foundations, Inc., Shawnee, KS.  
 Ron Brooks Corp., Buhler, KS.  
 Set Computer Services, Inc., Overland Park, KS.  
 Shockley Implement, Inc., Hiawatha, KS.  
 Situs, Inc., Leoti, KS.  
 Sky Touch Systems, Inc., Kansas City, MO.  
 Smith Roofing Contractors, Inc., Shawnee, KS.  
 Solar Apartments, Inc., Kansas City, KS.  
 Specialty Marketing Corporation,  
     Shawnee Mission, KS.  
 Spice of Life, Inc., Wichita, KS.  
 Splatball Games, Inc., Kansas City, KS.  
 Stagecoach Charters, Inc., Dodge City, KS.  
 Stanley Penner, M.D., P.A., Olathe, KS.  
 Stardust Skate Center, Inc., Hays, KS.  
 Sunflower Fireworks, Inc., Lawrence, KS.  
 Sunflower Pipeline Company, Denver, CO.  
 Sunshine Rooms of Wichita, Inc., Wichita, KS.  
 T. D., Inc., Wichita, KS.  
 T & T Electronics, Inc., Wichita, KS.  
 T K Cattle Co., Inc., Dodge City, KS.  
 T. W. Associates, Inc., Leawood, KS.  
 T-T Distributors, Inc., Erie, KS.  
 Tayco Corporation, Olathe, KS.  
 The Color Services Corporation,  
     Shawnee Mission, KS.  
 Trackwork Services, Inc., Grove, OK.  
 Traffic Control Devices Inc., Topeka, KS.  
 Tyco, Inc., Iola, KS.  
 Wayne Holmes Earth Homes & Basement  
     Contracting Co., Salina, KS.  
 Yale's of Wichita, Inc., Wichita, KS.  
 Z and M Corporation, Pittsburg, KS.

## Foreign Corporations

Acme Hearing Center, Inc., Kansas City, MO.  
 B & D Wholesale Floral Supply, Inc., Willar, MO.  
 Banner Drilling Company, Scotts Bluff, NE.  
 Buccaneer Petroleum, Inc., Tonkawa, OK.  
 Buckner, Inc., Littleton, CO.  
 Clearwater Constructors, Inc., Greeley, CO.  
 CSH-Multi Hotel Limited Partnership, Topeka, KS.  
 Dewitt and Associates, Inc., Springfield, MO.  
 Duane W. Gagle Company, Inc.,  
     Broken Arrow, OK.  
 Dusch Refrigeration Co., Inc., Kansas City, MO.  
 Ellison Appraisal Service, Inc., Austin, TX.  
 Energy International Overseas Corp.,  
     Islington, Ontario, Canada.  
 Envirotech Corporation, Wilmington, DE.  
 Evans Box Manufacturing Corp., Tulsa, OK.  
 Ewing Investments, Inc., Kansas City, MO.  
 Freks Corporation Ltd., Reno, NV.  
 Gene Newman Cattle Co., San Angelo, TX.  
 Hensel Phelps Construction Co., Greeley, CO.  
 Heritage Car Care, Inc., Cedar Rapids, IA.  
 Hillcrest Stock Farms, Inc., Iowa Falls, IA.  
 Jones Intercable, Inc., Englewood, CO.  
 Lajet Petroleum Company, Abilene, TX.  
 Michael Curran & Associates, Inc., Houston, TX.  
 Mid-State Kansas Property Partners,  
     Overland Park, KS.  
 Mountain States Paving, Inc., Arvada, CO.  
 Nano'ltext, Inc., Boulder City, NV.  
 National Mortgage Insurance Corporation,  
     Olathe, KS.  
 Resource Enterprises, Inc., Little Rock, AR.  
 R & R Heating & Cooling, Inc., Kansas City, MO.  
 Sam Brown Company, Kansas City, KS.  
 Seats Incorporated, Reedsburg, WI.  
 T. J. Cinnamons, Ltd., Kansas City, MO.  
 The Martins Quality Construction, Inc.,  
     Platte City, MO.  
 Tracer Service Company, Inc., Edmond, OK.  
 Tri-W Corporation, Denver, CO.  
 Waffle House, Inc., Norcross, GA.  
 Winchester Inns of Garden City Kansas, Inc.,  
     Monticello, MN.  
 Winchester Inns, Inc., Monticello, MN.

BILL GRAVES  
 Secretary of State

Doc. No. 006110

State of Kansas

**OFFICE OF JUDICIAL ADMINISTRATION  
COURT OF APPEALS DOCKET**

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

Kansas Court of Appeals  
Division No. 5 Courtroom, Wyandotte County Courthouse  
Kansas City, Kansas

Before Abbott, C.J.; Larson, J.; and Position No. 9.

Wednesday, January 27, 1988

9:30 a.m.

Case No.	Case Name	Attorney	County
60,727	Wells National Services Corp., Appellant, v. University of Kansas and University of Kansas College of Health Sciences and Hospital, Appellees.	Robert P. Numrich David F. Oliver  Steven Ruddick	Wyandotte
60,487	Larry Miller Const. Co., Appellant, v. Southwestern Bell Telephone Co., Appellee.	Paul G. Schepers Mark Gunnison David Barr Ruth Sears	Wyandotte
60,993	Paul Magney, <i>et al.</i> , Appellees, v. Richard and Ivy Hiscott, <i>et al.</i> , v. James Parker, Appellant.	William T. Smith  Joseph H. McDowell Mark S. Gunnison	Wyandotte
1:30 p.m.			
60,578	Raymond G. Murphy, Appellant,  v. Michael E. Walker and Kansas City Concrete Pipe Co., Inc., Appellees.	Edward M. Boyle Susan Baker Joseph Amick  Dennis L. Horner Richard Enochs Leland Shurin	Wyandotte
60,695	Annalisa Zapien Pina, Appellee, v. Shamrock Self Service Storage, Appellant.	Patrick H. Donahue  Edward M. Boyle	Wyandotte
60,955	John J. Munkers, Appellant, v. Peter C. Pomeranke and Alliance Mutual Insurance Co., Inc., Appellees.	John H. Fields  Martin M. Meyers Mark Corder Barry E. Warren Jeffrey Lauersdorf	Wyandotte
60,821	In the Interest of L.A.T.	Nancy A. Roe Dee Tiday Paul Serrano, Jr. Kathleen Stannard, Assistant District Attorney Craig Lubow, Gdn. A/L	Wyandotte



Thursday, January 28, 1988

9:30 a.m.

Case No.	Case Name	Attorney	County
60,758	Wyandotte County Commission, Appellee, v. C. G. Adkins, <i>et al.</i> , Appellants, v. Roy B. Phillips and Jean Phillips, Appellees.	John M. Duma  George E. Mallon  Hylton Harman	Wyandotte
60,701	Susan Trager Pittman, Appellant, v. McDowell, Rice & Smith, Chtd., and Donald E. Bucher, Appellees.	Gerald N. Jeserich  Steven Ruse Pete Peterson	Wyandotte
61,060	Warren R. Gish and Bonnie Gish, Appellants, v. William S. Turner, <i>et al.</i> , Appellees.	Fred W. Phelps, Jr.  Dennis E. Mitchell	Wyandotte

## Summary Calendar—No Oral Arguments

(60,513) (60,514)	State of Kansas, Appellee, v.  Donald K. Devore, Appellant.	Geary Gorup, Assistant District Attorney Mona Furst, Assistant District Attorney Attorney General  Benjamin C. Wood Martha J. Coffman	Sedgwick
60,805	State of Kansas, Appellee, v.  Johnell Baskin, Appellant.	Jerome Gorman, Assistant District Attorney Nick A. Tomasic  Benjamin C. Wood	Wyandotte
60,860	Andrew Brown, Jr., Appellant, v. State of Kansas, Appellee.	Brad Keil Benjamin C. Wood Nick A. Tomasic, District Attorney	Wyandotte
60,393	State of Kansas, Appellee, v.  Isaiah T. Straughter, Appellant.	Geary Gorup, Assistant District Attorney Attorney General  Benjamin C. Wood Jessica R. Kunen	Sedgwick

Kansas Court of Appeals  
Courtroom No. 1, Room 300, Johnson County Courthouse  
Olathe, Kansas

Before Briscoe, P.J.; Davis, J.; and Floyd H. Coffman,  
District Judge Retired, assigned.

Wednesday, January 27, 1988

9:30 a.m.

Case No.	Case Name	Attorney	County
60,644	Gary L. Vincent, Appellant, v. Carletta M. Vincent, Appellee.	Jay H. Vader  James F. Foster	Wyandotte

(continued)

60,745	Beverly Balfour Kraemer and Barbara Balfour Derby, Appellants, v. Panhandle Eastern Pipe Line Co. and H. R. Rose, Appellees.	Park McGee  Lee M. Smithyman,	Johnson
61,048	Angele T. Warwick, Appellant, v. Robert Joseph Carl Gluck, Appellee.	Patrick D. McAnany  David K. Martin	Johnson
1:30 p.m.			
61,094	Alfred Johnson, Appellant, v. Herb Maschner, <i>et al.</i> , Appellees.	Terri L. Harris  Timothy Freeden Charles Simmons	Leavenworth
61,019	Paul F. Miller and Mary Lou Miller, Appellees, v. Emil F. Wiley and Donna R. Wiley, Appellants.	Eugene C. Riling  Emil F. Wiley and Donna R. Wiley, <i>pro se</i>	Leavenworth
60,834	Margaret G. Moore, Appellant, v. James D. Moore, Appellee.	Frederick C. Cross  M. Dean Burkhead	Leavenworth
60,583	Edward Stephen Weser, Appellant, v. Herb Maschner, <i>et al.</i> , Appellees.	Edward S. Weser, <i>pro se</i>  Tim Madden	Leavenworth

Thursday, January 28, 1988

9:30 a.m.

Case No.	Case Name	Attorney	County
59,522	State of Kansas, Appellee, v. Darryl A. Danner, Appellant.	Joseph Cosgrove, Assistant District Attorney Attorney General Robert E. McRorey	Johnson
60,974	Richard L. Lucas, Appellant, v. Mark Jeffers, Appellee.	Richard L. Lucas, <i>pro se</i>  Mark Jeffers	Johnson
60,492	Roger L. Porter and Mary E. Porter, dba Cable Car Auction Co., Appellants, v. James E. Green, Carl J. Howe, and G. & H Properties, Inc., Appellees.	John P. Biscanin  James Hubbard Kenneth C. Jones	Johnson
60,655	Brenda Sue Grudzinski, Appellee, v. Richard James Grudzinski, Appellant.	Robert J. Bednar  Gary L. Sloan	Atchison
Summary Calendar—No Oral Arguments			
60,737	State of Kansas, Appellee, v. Ronald Clemens Woodson, Appellant.	Jerome Gorman, Assistant District Attorney Attorney General  Carl E. Cornwell	Wyandotte
60,819	State of Kansas, Appellee, v. Gerald Mein, Appellant.	John McNish, County Attorney Attorney General Robert C. Johnson	Dickinson
60,696	State of Kansas, Appellee, v. Larry D. Braun, Appellant.	Willis Musick Attorney General Glenn R. Braun	Ellis

60,631	In the Interest of R.B., T.B., and T.B., Minors.	David A. Brace, County Attorney. Lynn Perkins, Gdn. A/L Marla Foster Ware	Elk
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**Kansas Court of Appeals**  
**Courtroom 304, Saline County Courthouse**  
**300 W. Ash, Salina, Kansas**

Before Six, P. J.; Brazil and Elliott, JJ.

Wednesday, January 27, 1988

10:30 a.m.

Case No.	Case Name	Attorney	County
(60,533) (60,534)	State of Kansas, Appellee, v. Booker T. Cartwright, Appellant.	Gene Porter, County Attorney Attorney General Benjamin C. Wood Steven R. Zinn	Barton
60,423	State of Kansas, Appellee, v. Dean A. Mortimer, Appellant.	Gene Porter, County Attorney Attorney General Benjamin C. Wood	Barton
60,574	State of Kansas, Appellee, v. Harold Wayne Wilson, Appellant.	Gene Porter, County Attorney Attorney General Rosanne Piatt	Barton
1:30 p. m.			
60,641	State of Kansas, Appellee, v. Lori Ann Culver, Appellant.	Mickey Mosier, County Attorney Attorney General  Benjamin C. Wood Lucille Marino	Saline
60,356	State of Kansas, Appellee, v. Russell Wayne Disney, Appellant.	Mickey W. Mosier, County Attorney Julie McKenna, Assistant County Attorney Attorney General	Saline
59,921	Gary L. McArthur, Claimant, v. Glass King. Mfg. Inc. and Aetna Life & Casualty, Appellees, Workers' Compensation Fund, Appellant.	Benjamin C. Wood Lisa Nathanson  Turner & Boisseau Brock R. McPherson	Barton
60,495	Vernon Wondra, Appellee, v. Western Testing Co. and Tri-State Insurance Co., Appellants, and Workers' Compensation Fund.	Richard Boeckman  Jerry M. Ward Brock R. McPherson	Barton
60,168	Farmers & Merchants State Bank, Appellant, v. David Walter, Appellee.	William W. Jeter  Richard A. Boeckman	Barton

(continued)

Thursday, January 28, 1988

9:00 a. m.

Case No.	Case Name	Attorney	County
60,851	State of Kansas, Appellee, v.	Charles Prather, Assistant County Attorney Attorney General	McPherson
60,751	Gregory W. George, Appellant. State of Kansas, Appellee, v.	William S. Mills Charles Prather, Assistant County Attorney Attorney General	McPherson
59,644	Troy D. Collins, Appellant. Vernon W. Dewerff and Marian K. Dewerff, Appellants, v.	Tim R. Karstetter Robert L. Peter	Barton
60,673	Leroy G. Schartz, Dale E. Schartz, and Joseph Schermuly and Barton County Commission, Appellees. State of Kansas, Appellant, v.	Larry E. Keenan Robert L. Bates Gene Porter John Taylor, Assistant County Attorney Attorney General	Geary
60,628	Moses Sanders, Appellee. State of Kansas, Appellee, v. Arnold Lamborn, Appellant	Michael P. McKone John McNish Attorney General Allen B. Angst	Dickinson
<b>Summary Calendar—No Oral Argument</b>			
60,919	James D. Beard, Appellee, v.	John K. Shaffer	Reno
60,706 S.C.	Edwina L. Beard, Appellant. State of Kansas, Appellee, v. Alvin Rankin, Appellant.	Melvin L. Howell Steven L. Opat, County Attorney Attorney General Benjamin C. Wood	Geary

LEWIS C. CARTER  
Clerk of the Appellate Courts

Doc. No. 006126

**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, Docking 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 February 9, 1988**

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

Joe Vopat, dba ) Docket No. 158,916 M  
J. V. Trucking )  
Route 1 )  
Hamilton, KS 66853 )

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

*Livestock, hay, grain, dry feed ingredients, dry fertilizer, salt, seeds, construction and building materials, fencing materials and iron and steel articles,*

Between points and places in Kansas on and east of U.S. 81.

Also,

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

\*\*\*\*\*

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

Rainbow Trucking, Inc. ) Docket No. 19,224 M  
Hwy. 281 South )  
P.O. Box 2027 )  
Great Bend, KS 67530 ) MC ID No. 120563

Applicant's Attorney: Bob Storey, 5863 S.W. 29th, Shadow Wood Office Park, Topeka, KS 66614

*Salt water,*

Between points and places within the counties of Barton, Russell, Rush, Stafford, Rice, Edwards, Ellis, Rooks, Morton, Stanton, Haskell and Stevens.

*Fresh water,*

Between points and places within the counties of Barton, Rush, Rice, Stafford, Rooks, Trego, Ellis, Barber, Edwards, Kiowa, Comanche, Harper, Kingman, Morton, Stanton, Haskell, Finney, Scott, Stevens, Greeley, Hamilton, Sheridan, Kearny, Wichita, Wallace, Logan, Gove, Lane, Hodgeman, Ness, Ford, Meade, Clark and Grant.

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

BJ Trucking Co. ) Docket No. 158,914 M  
South Star Route )  
Box 20 )  
Rolla, KS 67954 )

Applicant's Attorney: None

*Grain, seed, feed, feed ingredients, salt, fertilizer (except anhydrous ammonia) and building materials,*

Between all points in Kansas.

\*\*\*\*\*

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

Total Lease Service, Inc. ) Docket No. 158,373 M  
112 Fern St. )  
Victoria, KS 67671 )

Applicant's Attorney: Robert Tilton, P.O. Box 1337, 1324 Topeka Blvd., Topeka, KS 66601-1337

*Oil field equipment, heavy machinery, materials and supplies,*

To, from and between all points and places west of U.S. 77.

\*\*\*\*\*

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

Jerry D. Arb, dba ) Docket No. 158,915 M  
Jerry Arb Trucking )  
Box 182 )  
Melvern, KS 66510 )

Applicant's Attorney: None

*Livestock, grain and dry fertilizer,*

Between points in Kansas on and east of U.S. 77 and on and north of U.S. 54.

Also,

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

\*\*\*\*\*

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

James R. Schonherr, dba ) Docket No. 158,374 M  
Jim's Garage )  
106 W. Lake )  
McLouth, KS 66054 )

Applicant's Attorney: None

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

Between all points and places in Atchison, Jackson, Jefferson, Leavenworth, Johnson, Douglas and Shawnee counties, Kansas.

\*\*\*\*\*

(continued)

Applications set for February 11, 1988

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

Chambers Trucking, Inc. ) Docket No. 25,828 M  
214 Centennial Center )  
Hays, KS 67601 ) MC ID No. 100136  
TO:

CTI Livestock Express, Inc.  
Route 3, Box 14  
Phillipsburg, KS 67661

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

*Livestock,*

Between all points and places in Kansas, within a 50-mile radius of Atwood, Kansas.

Also,

Between any points or places within a 50-mile radius of Atwood, Kansas, on the one hand, and the markets at Topeka, Wichita or Kansas City, Kansas, and the community sales at Oakley, Goodland, Norton, Hill City, WaKeeney, Quinter, Sharon Springs, Natoma, Plainville, Syracuse, Dodge City, Scott City, Smith Center, Osborne and Dighton, Kansas, on the other.

Also,

Between points and places in Norton County, Kansas.

Also,

Between points and places in Norton County, Kansas, on the one hand, and points and places in the state of Kansas, on the other hand.

Also,

Between all points and places within a 35-mile radius of St. Francis, Kansas.

Also,

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

*Livestock, grain and farm produce,*

Between all points and places in Kansas within a 50-mile radius of Atwood, Kansas.

*Grain,*

Between points and places in Norton County, Kansas.

Also,

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

*Grain, dry feed and dry feed ingredients,*

Between points and places in Decatur County.

Also,

Between points and places in Decatur County, on the one hand, and points and places in the state of Kansas, on the other hand.

Restricted, however, to provide no transportation of feed or feed ingredients to or from Wichita or Dundee, Kansas.

*Dry feed and dry feed ingredients,*

Between points and places in Norton County.

Also,

Between points and places in Norton County, on the

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

Restricted, however, to provide no transportation of feed or feed ingredients to or from Wichita or Dundee, Kansas.

*Processed mill feeds, building material and farm machinery,*

Between all points and places within a 50-mile radius of Atwood, Kansas.

Restricted, to minimum loads of not less than 5000 pounds, when moving from town to town.

Also,

Between points and places within a 35-mile radius of St. Francis, Kansas.

Also,

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

*Unprocessed hay, grain and farm products; irrigation pumps, pipe and equipment, new and used; dry fertilizer in bags and containers; salt and salt products for livestock; prefabricated building and grain bins, knocked down, in sections; and emigrant farm movables, when moving from farm to farm, farm to town or town to farm,*

Between all points and places within a 35-mile radius of St. Francis, Kansas.

Also,

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

\*\*\*\*\*

**Application for Sale of Corporate Stock of a Certificate of Convenience and Necessity:**

Carol J. Werner, Stockholder) Docket No. 25,828 M  
of CTI Livestock Express, )  
Inc. )  
Route 3, Box 14 )  
Phillipsburg, KS 67661 ) MC ID No. 100136  
TO:

Allen L. Stapel  
617 1st St.  
Phillipsburg, KS 67661

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

\*\*\*\*\*

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

CTI Livestock Express, Inc. ) Docket No. 25,828 M  
Route 3, Box 14 )  
Phillipsburg, KS 67661 ) MC ID No. 100136

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

*Livestock, grain, hay, dry feed, dry feed ingredients, dry fertilizer, building and construction material, fencing materials, iron and steel articles,*

Between points in Kansas on and west of U.S. 81 and I-135 and on and north and west of U.S. 56.

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:**

Roger Dee Bales, dba ) Docket No. 159,918 M  
 R. B.'s Mobile Transporting )  
 Coats Street, Box 27 )  
 Sawyer, KS 67134 )

Applicant's Attorney: None

*Mobile homes,*

Between all points and places in Edwards, Stafford, Reno, Kiowa, Pratt, Kingman, Sedgwick, Comanche, Barber, Harper, Ford, Clark, Meade, Gray, Haskell, Seward, Stevens, Grant, Horton, Stanton, Finney, Hodgeman and Pawnee counties, Kansas, on the one hand, and on the other, all points and places in the state of Kansas.

\*\*\*\*\*

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

Central States Motor ) Docket No. 158,919 M  
 Freight, Inc. )  
 614 Scott St. )  
 Kansas City, KS 66105 )

Applicant's Attorney: None

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

Between points in Kansas on and east of U.S. 281.

\*\*\*\*\*

ALFONZO A. MAXWELL  
 Administrator  
 Transportation Division

Doc. No. 006137

**State of Kansas**

**DEPARTMENT OF TRANSPORTATION**

**NOTICE TO CONTRACTORS**

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.S.T. February 18, 1988, and then publicly opened:

**DISTRICT ONE—Northeast**

**Johnson—46 U-1150-01—85th and State Line Road in Leawood, traffic signal. (Federal Funds)**

**Johnson—69-46 K-2933-01—U.S. 69, from K-150 north to the junction of U.S. 69 and U.S. 169, 1.0 mile, overlay. (State Funds)**

**Johnson—169-46 K-2933-02—U.S. 169, from the junction of U.S. 69 and U.S. 169 north to I-435, 2.4 miles, overlay. (State Funds)**

**Lyon—99-56 K-2932-01—K-99, 3.9 miles north of I-35 north and east to the junction of K-99 and K-170, 6.8 miles, overlay. (State Funds)**

**Marshall—36-58 X-1301-02—Missouri Pacific crossing of U.S. 36 at Home City, grading and surfacing. (Federal Funds)**

**Marshall—58 C-2090-01—County road, 2.0 miles north and 2.3 miles west of Waterville, then west, 0.3 mile, bridge replacement. (Federal Funds)**

**Osage—70 K-3418-01—K-31 and U.S. 75, 16.8 miles, overlay. (State Funds)**

**Pottawatomie/Riley—106 K-3417-01—K-13 and K-16, 26.7 miles, overlay. (State Funds)**

**Pottawatomie/Shawnee—24-106 K-3419-01—U.S. 24, 17.8 miles, overlay. (State Funds)**

**Riley—77-81 K-2931-01—U.S. 77, 1.5 miles south of K-16 north to the Riley-Marshall county line, 10.6 miles, recycling. (State Funds)**

**Shawnee—470-89 K-2366-01—I-470, bridges over 37th Street in Topeka, bridge replacement. (Federal Funds)**

**Wyandotte—35-105 K-2698-01—I-35, 0.3 mile south of the Johnson-Wyandotte county line, northeast to the Kansas-Missouri state line, 4.0 miles, signing. (Federal Funds)**

**DISTRICT TWO—Northcentral**

**Dickinson/Geary—106 K-3406-01—K-15/18, from the west junction of K-15 and K-18 east to U.S. 77, 18.3 miles, overlay. (State Funds)**

**Dickinson—4-21 K-2354-01—K-4, Lime Creek Bridge 48, 1.0 mile east of the junction of K-4 and K-218, bridge replacement. (Federal Funds)**

**Dickinson/Ottawa—18-106 K-3405-01—K-18, 22.5 miles, recycling. (State Funds)**

**Jewell—36-45 K-3105-01—U.S. 36, from the Smith-Jewell county line east to the west junction of K-28, 10.5 miles, overlay. (State Funds)**

**Mitchell—24-62 K-2980-01—U.S. 24, from the Osborne-Mitchell county line east to Glen Elder, 9.2 miles, recycling. (State Funds)**

**Mitchell—62 C-2306-01—County road, 9.8 miles east of Hunter, then east, 3.0 miles, surfacing. (Federal Funds)**

**Ottawa/Saline—81-106 K-3408-01—U.S. 81, 16.2 miles, recycling. (State Funds)**

(continued)

Washington—36-101 K-2981-01—U.S. 36, from the junction of K-15W, east to the east city limits of Washington, 6.6 miles, overlay. (State Funds)

#### DISTRICT THREE—Northwest

Sheridan—90 C-1796-01—County road, 5.4 miles north and 10.5 miles east of Hoxie, then east, 0.2 mile, bridge replacement. (Federal Funds)

#### DISTRICT FOUR—Southeast

Coffey—16 C-2144-01—County road, 3.0 miles south of Hartford, then south, 2.1 miles, surfacing. (Federal Funds)

Elk—160-25 K-3000-01—U.S. 160, from the Elk-Cowley county line east to the west junction of K-99, 13.7 miles, overlay. (State Funds)

Elk—25 C-2636-01—County road, from the junction of U.S. 160 in Oak Valley, then west, bridge repair. (Federal Funds)

Miami—61 C-1837-01—County road, from Hillsdale, then west, 0.4 mile, grading and surfacing. (Federal Funds)

Montgomery—166-63 K-2230-01—U.S. 166, from the south junction of U.S. 75 east to 4.3 miles east of the east city limits of Tyro, 10.6 miles, overlay. (State Funds)

Neosho—59-67 K-3147-01—U.S. 59, Neosho River bridge 4, 2.4 miles north of K-57, bridge repair. (State Funds)

Wilson—47-103 K-2437-01—K-47, from the junction of U.S. 75 east to the Wilson-Neosho county line, 7.2 miles, overlay. (State Funds)

Wilson—103 C-2278-01—County road, 4.0 miles north and 4.5 miles east of Altoona, then east, 0.3 mile, bridge replacement. (Federal Funds)

Woodson—54-104 X-1278-02—Missouri Pacific crossing of U.S. 54 near Piqua, grading and surfacing. (Federal Funds)

#### DISTRICT FIVE—Southcentral

Barton—5 U-1036-01—Frey Street, 20th to 21st in Great Bend, 0.1 mile, bridge replacement. (Federal Funds)

Butler/Greenwood—106 K-3414-01—U.S. 54 in Butler and Greenwood counties and K-196 in Butler County, 31.2 miles, recycling. (State Funds)

Cowley—160-18 K-3009-01—U.S. 160, east city limits of Burden east to the Cowley-Elk county line, 13.5 miles, overlay. (State Funds)

Cowley—18 C-2377-01—County road, 0.5 mile west of Burden, then west, 3.0 miles, surfacing. (Federal Funds)

Kingman/Reno—17-106 K-3412-01—K-17, 7.3 miles, conventional seal. (State Funds)

Kingman—48 C-2233-01—County road, from Spivey, then north, 6.9 miles, surfacing. (Federal Funds)

Reno—17-78 K-3004-01—K-17, 3.0 miles north of the Kingman-Reno county line then north to the junction of K-96, 13.5 miles, recycling. (State Funds)

Sedgwick—135-87 K-2391-01—I-135, northbound bridge 291, Wichita Viaduct, 2.3 miles, bridge overlay. (Federal Funds)

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

#### DISTRICT SIX—Southwest

Finney—156-28 U-1126-01—K-156, (Kansas Avenue) Main and 8th Street intersections in Garden City, intersection improvement. (Federal Funds)

Haskell—41 C-2069-01—County road, 8.0 miles east and 5.0 miles north of Sublette, then north, 1.0 mile, surfacing. (Federal Funds)

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

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

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

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

HORACE B. EDWARDS  
Secretary of Transportation

Doc. No. 006140

#### State of Kansas

### BOARD OF POLYGRAPHISTS

### TEMPORARY ADMINISTRATIVE REGULATIONS

#### Article I.—LICENSE REQUIRED

**112-1-1. License required; polygraph examination defined.** A polygraph examination shall consist of the following: the examinee interview; the question preparation; the question administration while the polygraph instrument is attached to the examinee; and the post test interview, if a post test interview is done. Each polygraph examination shall produce at least two relevant charts on the same issue. However, if an examinee requests that an examination be terminated after only one relevant chart has been administered, the test process will be considered a polygraph examination.

No person shall conduct a polygraph examination or do the following without being licensed as a poly-



graphist or polygraphist intern: (a) use or attempt to use any instrumentation or mechanical device for the purpose of detecting deception, verifying truthfulness or reporting a diagnostic opinion regarding deception or truthfulness; or

(b) advertise or offer the service of detecting deception, verifying truthfulness or reporting a diagnostic opinion regarding deception or truthfulness through instrumentation or mechanical devices. (Authorized by L. 1987, Ch. 283, Sec. 3(b); implementing L. 1987, Ch. 283, Sec. 5(a); effective, T-88-50, Dec. 16, 1987.)

## Article 2.—STANDARDS OF PRACTICE

**112-2-1. Standards of practice.** (a) The examiner shall obtain the written consent of all examinees undergoing a polygraph examination. The consent form shall include the examiner's and examinee's names and shall verify the following:

(1) The examinee is aware that taking the examination is a voluntary act on the examinee's part.

(2) The examinee is aware of the option to decline to take the examination and the option to stop the examination at any time.

(3) The examinee consents to disclosing the results of the examination and specifies to whom the results shall be given.

(4) The examinee is aware of both the right to file a complaint with the Kansas board of polygraphists and the address of the board.

(b) The examiner shall not conduct an examination on any person whom the examiner believes, through observation or any other credible evidence, to be physically or psychologically unfit for such an examination at that time.

(c) The examiner may terminate an examination for any reason or purpose. An examiner shall, immediately upon the request of the examinee, terminate an examination in progress. The fact that the examinee requested that the examination be terminated shall be noted in the written report of the examination.

(d) The examiner shall not conduct a polygraph examination without first reviewing with the examinee the issues to be covered during the examination and the general content of the questions to be asked during the examination.

(e) The examiner shall not render a conclusive verbal or written decision, based on chart analysis, as to the truthfulness or deception of the examinee without having administered two or more polygraph charts covering the same relevant issue.

(f) The examiner shall mark on the chart the point where the question stimulation began, the point where the question stimulation ended and the point of answer. A minimum of 15 seconds shall pass between the beginning of one question and the beginning of the next question. At least 10 seconds shall pass between the end of one question and the beginning of the next. Each question shall conform to the numbering on the question sheet. The question sheet shall contain the exact wording of each relevant and control question asked on the test. Positive and negative re-

sponses shall be clearly noted. No answer mark need appear if the examinee failed to answer the question. The question sheet shall be made part of the examinee's file.

(g) The examiner shall note on the chart at the time of occurrence any nonessential movements or talking by the examinee, extraneous noises or examiner errors.

(h) Each polygraph chart shall contain the examinee's name, the examiner's name, the date of the examination, the chart number, the name or description of the test technique, the time the chart began or ended, the sensitivity settings of each of the electronic components of the instrument, the amount of pressurization readings in millimeters of mercury pressure, and the signature of the examinee. The charts shall be marked in consecutive order beginning with the first chart and including any stimulation charts administered.

(i) The examiner shall not, unless professionally qualified to do so, include in any written report any statement purporting to be a medical, legal, psychiatric or psychological opinion. This shall not preclude the examiner from describing the appearance or behavior of the examinee, if this is pertinent to the examination.

(j) The examiner shall not knowingly issue, or permit an employee to issue, a polygraph examination report which is misleading, biased, or falsified in any way. Each report shall be a factual, impartial, and objective account of the pertinent information developed during the examination and the examiner's professional conclusion, based on analysis of the polygraph charts.

(k) It shall be the duty of every examiner to report to the board of polygraphists any action or misconduct on the part of another examiner which would be in violation of the provisions of Kansas statutes regarding polygraph examinations or these rules and regulations. (Authorized by L. 1987, Ch. 283, Sec. 3(b); implementing L. 1987, Ch. 283, Sec. 5(f); effective, T-88-50, Dec. 16, 1987.)

## Article 3.—APPLICATIONS

**112-3-1. Transcript and references required.** In addition to submitting a completed application, each applicant also shall submit to the board: (a) an official transcript to verify any educational credit; and

(b) verification of any practical experience for which credit is claimed. (Authorized by L. 1987, Ch. 283, Sec. 3(b); implementing L. 1987, Ch. 283, Sec. 6; effective, T-88-50, Dec. 16, 1987.)

**112-3-2. Notification of change of address.** Each applicant or licensee shall notify the board of any change of business address of the licensee within 30 days of the address change. (Authorized by L. 1987, Ch. 283, Sec. 3(b); implementing L. 1987, Ch. 283, Sec. 6; effective, T-88-50, Dec. 16, 1987.)

**112-3-3. Perceptor trained examiners.** An individual who has not completed a course of study approved

(continued)

by the board, but who has administered polygraph examinations for at least five years immediately preceding application for licensure, shall be considered a perceptor trained examiner.

An applicant claiming to be a perceptor trained examiner must provide sufficient, reliable documentation of experience to the board when applying.

The board shall waive the internship requirement and shall issue a polygraphist license to perceptor trained examiners who have conducted polygraph examinations in this state for at least one year immediately preceding July 1, 1987, and who pass the written and practical examinations required by K.A.R. 112-6-1 and 112-6-2.

If the applicant fails the written or practical examination, the applicant may be licensed as an intern without paying an additional fee. (Authorized by L. 1987, Ch. 283, Sec. 3(b); implementing L. 1987, Ch. 283, Sec. 6(i); effective, T-88-50, Dec. 16, 1987.)

#### Article 4.—APPROVED SCHOOLS

**112-4-1. Approved schools.** The board will provide information on board recognized or approved colleges, universities and other educational institutions upon request. Any person or institution seeking board recognition or approval of a college, university or other educational institution should provide the board with sufficient appropriate information regarding the college, university or educational institution. (Authorized by L. 1987, Ch. 283, Sec. 3(b); implementing L. 1987, Ch. 283, Sec. 6(e), effective T-88-50, Dec. 16, 1987.)

#### Article 5.—INTERNSHIP

**112-5-1. Internship required.** Each individual applying for a license shall be considered an applicant for a license as an intern until that individual has successfully completed an internship in accordance with these rules and regulations. When the board is notified in accordance with K.A.R. 112-5-4 that an individual has completed the internship, that individual's application shall then be considered as an application for a license as a polygraphist. The individual shall not be required to pay an additional fee for upgrading the license, except as required for renewal applications. Nothing in this regulation shall be construed to waive the annual renewal requirements of these rules and regulations. (Authorized by L. 1987, Ch. 283, Sec. 3(b); implementing L. 1987, Ch. 283, Sec. 6(g); effective, T-88-50, Dec. 16, 1987.)

**112-5-2. Intern supervisor.** Each intern shall have a supervisor who shall be a licensed polygraphist approved by the board. A board member shall not serve as a supervisor. (Authorized by L. 1987, Ch. 283, Sec. 3(b); implementing L. 1987, Ch. 283, Sec. 6(g); effective, T-88-50, Dec. 16, 1987.)

**112-5-3. Intern responsibilities.** Each intern shall contact the assigned supervisor and establish a schedule of meetings. Each intern shall complete at least 100 polygraph examinations during the internship. Credit toward the 100 examinations requirement shall

be given for examinations conducted prior to January 1, 1988. At least 10 of the required examinations shall be specific issue examinations. (Authorized by L. 1987, Ch. 283, Sec. 3(b); implementing L. 1987, Ch. 283, Sec. 6(g); effective, T-88-50, Dec. 16, 1987.)

**112-5-4. Supervisor responsibilities.** Each supervisor shall review at least 50 of the intern's examinations. The supervisor shall notify the board in writing when the intern has completed the internship requirements. (Authorized by L. 1987, Ch. 283, Sec. 3(b); implementing L. 1987, Ch. 283, Sec. 6(g); effective, T-88-50, Dec. 16, 1987.)

#### Article 6.—EXAMINATIONS

**112-6-1. Written examinations.** Each applicant for a polygraphist license required by the board to take the examinations shall successfully complete a written examination prior to scheduling a practical examination. (Authorized by L. 1987, Ch. 283, Sec. 3(b); implementing L. 1987, Ch. 283, Sec. 6(f); effective, T-88-50, Dec. 16, 1987.)

**112-6-2. Practical examination.** Each applicant for a polygraphist license required by the board to take the examinations shall pass a practical examination to qualify for licensure. The practical examination shall consist of the applicant's submission of a specified number of charts to the board for review. (Authorized by L. 1987, Ch. 283, Sec. 3(b); implementing L. 1987, Ch. 283, Sec. 6(f); effective, T-88-50, Dec. 16, 1987.)

**112-6-3. Examination dates.** Written examinations shall be given at least twice a year. Notice of written examination dates shall be provided to all applicants, and upon request. Applicants shall pre-register for a written examination at least two weeks prior to the scheduled examination date.

Practical examinations shall be given during board meetings. Notice of board meetings shall be provided upon request. Applicants shall pre-register for the practical examination at least one week before the date of the board meeting. (Authorized by L. 1987, Ch. 283, Sec. 3(b); implementing L. 1987, Ch. 283, Sec. 6(f); effective, T-88-50, Dec. 16, 1987.)

**112-6-4. Reexamination.** Any applicant who fails either the written or practical examination will be allowed to retake both examinations upon payment of a reexamination fee. Reexaminations are scheduled in the same manner as initial examinations under K.A.R. 112-6-3. (Authorized by L. 1987, Ch. 283, Sec. 3(b); implementing L. 1987, Ch. 283, Sec. 6(f); effective, T-88-50, Dec. 16, 1987.)

**112-6-5. Failure to appear at an examination.** Any applicant who has pre-registered for a written or practical examination shall notify the board at least three days before the examination date if the applicant is unable to appear at the examination. Failure to properly notify the board shall result in forfeiture of the examination fee unless the applicant proves to the board's satisfaction that the failure to appear was justified by exceptional and excusable circumstances. If the board finds the failure to appear excusable, the

examination fee shall be applied to the next scheduled examination. (Authorized by L. 1987, Ch. 283, Sec. 3(b); implementing L. 1987, Ch. 283, Sec. 6(f); effective, T-88-50, Dec. 16, 1987.)

#### Article 7.—FEES

**112-7-1. Fees.** The board shall charge the following fees:

Polygraphist or intern application fee . . . . .	\$500.00
Renewal application fee . . . . .	\$500.00
Reciprocal application fee . . . . .	\$500.00
Examination fee . . . . .	\$100.00
Reexamination fee . . . . .	\$ 20.00
Late renewal fee . . . . .	\$250.00
(in addition to renewal application fee)	

Licenses shall be effective from January 1 of each year unless otherwise stated on the license. (Authorized by L. 1987, Ch. 283, Sec. 3(b); implementing L. 1987, Ch. 283, Sec. 4 and Sec. 6; effective, T-88-50, Dec. 16, 1987.)

**112-7-2. Prorating fees.** Each new applicant applying for a polygraphist or intern license after June 30 of any year shall pay one-half of the license application fee. Applicants for renewal are not eligible for prorated fees. (Authorized by L. 1987, Ch. 283, Sec. 3(b); implementing L. 1987, Ch. 283, Sec. 6; effective, T-88-50, Dec. 16, 1987.)

**112-7-3. Deadlines for fees.** Each applicant shall submit the appropriate fee with the application form. No personal checks or cash shall be accepted.

Examination and reexamination fees are due when the applicant pre-registers for an examination. The examination fee shall cover admission to both the written and practical examination. (Authorized by L. 1987, Ch. 283, Sec. 3(b); implementing L. 1987, Ch. 283, Sec. 6; effective, T-88-50, Dec. 16, 1987.)

**112-7-4. Expiration dates for licenses.** All polygraphist and intern licenses expire each year on December 31. Renewal applications and renewal fees shall be submitted to the board on or before December 1 of each year. (Authorized by L. 1987, Ch. 283, Sec. 3(b); implementing L. 1987, Ch. 283, Sec. 6(b); effective, T-88-50, Dec. 16, 1987.)

#### Article 8.—COMPLAINTS

**112-8-1. Complaints.** Any person wishing to submit a complaint about any licensed interns or polygraphists shall submit the complaint in writing to the board. (Authorized by L. 1987, Ch. 283, Sec. 3(b); implementing L. 1987, Ch. 283, Sec. 7; effective, T-88-50, Dec. 16, 1987.)

MARY BETH MUDRICK  
Executive Director

Doc. No. 006111

#### State of Kansas

### BOARD OF REGENTS

#### TEMPORARY ADMINISTRATIVE REGULATIONS

#### Article 8.—KANSAS CAREER WORK-STUDY PROGRAM

**88-8-1. Definitions.** Terms used herein are defined as follows: (a) "Employment" means the opportunity of an eligible student to provide, on a part-time basis and for compensation, services to or on behalf of an employer which complement and enhance the educational preparation of the eligible student's career. The services performed shall be subject to the supervision and control of the employer.

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

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

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

**88-8-2. Applicant eligibility.** Each eligible institution shall determine the eligibility of each student to participate in the program and the number of hours which each student may work. To be eligible for program funds, each applicant shall demonstrate to the satisfaction of the eligible institution that the applicant: (a) is a resident of the state of Kansas according to the residency statutes and administrative regulations applicable to each eligible institution;

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

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

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

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

(continued)

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

**88-8-4. Contractual agreement.** Each eligible institution shall require the use of a uniform contractual agreement with the employer and the eligible student. The contract shall be prepared by the state board and shall include provisions which: (a) provide a brief description of the work to be performed by each eligible student;

(b) set forth the hourly rate of pay;

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

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

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

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

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

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

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

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

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

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

**88-8-6. Employee displacement.** Each eligible institution shall determine the eligibility of each employer to participate in the program. Each employer

seeking employment of an eligible student pursuant to the program shall provide a statement which shall: (a) Be notarized;

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

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

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

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

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

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

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

#### Article 14.—COMMUNITY RESOURCE PROGRAM

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

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

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

(b) **Terms.** Initially, two members shall be appointed for terms of one year each, two members shall be appointed for terms of two years each, and three members shall be appointed for terms of three years each. Thereafter, all terms shall be for three years. No

member who has served a full three year term shall be reappointed;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TED D. AYRES  
General Counsel

Doc. No. 006112

## State of Kansas

## DEPARTMENT OF ADMINISTRATION

TEMPORARY ADMINISTRATIVE  
REGULATIONS

## Article 2.—DEFINITIONS

**1-2-25. Compensatory time credits.** Compensatory time credits are: (a) leave credits given to employees who work on holidays and who are compensated for such holiday work by receiving time off at a later date, at the rate of one and a half hours off for one hour worked; or

(b) time off in lieu of monetary payment for over-time worked given pursuant to K.A.R. 1-5-24.

(c) This regulation shall take effect on and after May 1, 1988. (Authorized by K.S.A. 1986 Supp. 75-3747; implementing K.S.A. 1986 Supp. 75-3746; effective May 1, 1979; amended, T-86-17, June 17, 1985; amended, T-86-36, December 11, 1985; amended May 1, 1986; amended, T-87-11, May 1, 1986; amended May 1, 1987; amended, T-89-1, May 1, 1988.)

## Article 5.—COMPENSATION

**1-5-13. Salary of employee appointed to a higher class.** (a) When an employee is promoted or when an employee is appointed on a conditional basis to a class with a higher salary range, the appointing authority shall notify the director of the salary increase to be made.

(b) (1) If the promotion or conditional appointment is from one classified position to another classified position, the appointing authority:

(A) shall pay the employee at the same step of the range for the new class as the step on which the employee was being paid in the lower class;

(B) shall pay the employee at any lower step of the range for the new class which gives the employee an increase in pay;

(C) shall pay the employee at the step at which it makes original appointments in the class when a higher step in the range has been established as the starting salary for appointments in the class pursuant to K.A.R. 1-5-8; or

(D) may, with the approval of the director of personnel services, pay the employee at a higher step in the range, if the employee to be appointed has exceptional qualifications. Each request for approval of appointment to a higher step shall include information concerning the employee's education, training, experience, and other qualifications.

(2) An employee who has been demoted or reemployed at a lower range, and who is promoted within one year following the demotion or reemployment, shall not be paid at a higher step of the range than one step above the step at which the employee was being paid immediately prior to the demotion or layoff. This requirement may be waived or modified by the director if the promotion is to a class with a range lower than the range of the class from which the employee was demoted.

(c) If the promotional appointment to the higher

class is due to reallocation of the position in which the employee was serving at time of reallocation, the salary shall be determined as in paragraph (b)(1) of this regulation.

(d) Nothing in this regulation authorizes a salary above the maximum step of the range.

(e) If an employee is promoted from an unclassified position to a classified position, the salary upon promotion shall be determined pursuant to K.A.R. 1-5-12.

(f) Each employee who is promoted or who is appointed on a conditional basis to a class with a higher salary range shall also receive a salary step increase on the same date, if eligible for such an increase.

(g) The pay increase date for any person appointed to a higher class shall be governed by the time-on-step requirement of the step to which appointed.

(h) This regulation shall take effect on and after May 1, 1988. (Authorized by K.S.A. 1986 Supp. 75-3747; implementing K.S.A. 75-2938, K.S.A. 1986 Supp. 75-3746; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1983; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987; amended T-89-1, May 1, 1988.)

Article 9.—HOURS; LEAVES;  
EMPLOYEE-MANAGEMENT RELATIONS

**1-9-6. Leave without pay.** (a) Requests for leave without pay shall be made to the appointing authority in such form and at such time as prescribed by the appointing authority. The appointing authority shall determine whether approval of each request is for the good of the service, and shall approve or disapprove the request. The appointing authority may require use of accumulated vacation leave and compensatory time credits, and, if appropriate, accumulated sick leave, before approval of leave without pay.

(b) A probationary or conditional employee, excluding those on temporary or emergency appointments, may be granted leave without pay for a period not to exceed 60 calendar days for childbearing, illness, temporary disabilities, the birth of the employee's child, the adoption of a child by the employee, the initial placement of a foster child in the home of the employee, in order to care for a family member who has a serious health condition, or other good and sufficient reason, when the appointing authority deems leave to be in the best interest of the service. When an appointing authority determines that granting a longer leave of absence without pay than prescribed in this subsection is in the best interest of the service, the appointing authority may request the director of personnel services to approve a longer leave, or an extension of a leave, provided the total duration of leave shall not exceed six months. Any leave granted under this subsection that exceeds 30 calendar days shall be reported to the director of personnel services.

(c) A permanent employee may be granted leave without pay for a reasonable period of time consistent with the effective fulfillment of the agency's duties, but not to exceed one year, for childbearing, illness,

temporary disabilities, the birth of the employee's child, the adoption of a child by the employee, the initial placement of a foster child in the home of the employee, in order to care for a family member who has a serious health condition, or other good and sufficient reason, when the appointing authority deems such leave to be in the best interest of the service. Any leave that exceeds 30 calendar days shall be reported to the director of personnel services.

(d) A permanent employee may be granted leave of absence without pay from the employee's classified position to enable the employee to take an appointive position in the unclassified service, if the granting of this leave is considered by the appointing authority to be in the best interest of the service. Leave for this purpose shall not exceed one year, but the appointing authority may grant extensions of up to one year, and the appointing authority may determine the number of extensions. Any leave, or extension, that exceeds 30 days shall be reported to the director of personnel services.

(e) Desire of an employee to accept employment not in the state service shall be considered by the appointing authority as insufficient reason for approval of a leave of absence without pay, except under unusual circumstances.

(f) If the interests of the service make it necessary, the appointing authority may terminate a leave of absence without pay by giving written notice to the employee at least two weeks prior to the termination date. With the approval of the appointing authority, an employee may return from leave on an earlier date than originally scheduled.

(g) When an employee returns at the expiration of an approved leave without pay or upon notice by the appointing authority that a leave without pay has been terminated, the employee shall be returned to a position in the same class as the position which the employee held at the time the leave was granted, or in another class in the same salary range for which the employee meets the qualifications.

(h) Failure to return to work at the expiration of an authorized leave of absence, or upon notice by the appointing authority that a leave has been terminated, shall be deemed a resignation. Such resignation shall be reported by the appointing authority to the director of personnel services in the manner provided by the director. Before terminating an employee for failure to return from leave, the appointing authority shall make a reasonable effort to contact the employee, and a summary of the steps taken to try to contact the employee shall be submitted to the director of personnel services with the resignation.

(i) An employee currently serving a probationary period from a promotional certification or reinstatement may be granted leave without pay under the same conditions as a permanent employee, provided the employee had permanent status in the class in which the employee was employed prior to the employee's promotional appointment or reinstatement. The employee's probationary period shall be continued effective with the employee's return from leave

until the total probation time actually served equals the time required under K.A.R. 1-7-4.

(j) This regulation shall take effect on and after May 1, 1988. (Authorized by K.S.A. 1986 Supp. 75-3747; implementing K.S.A. 75-2947; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1983; amended, T-88-9, April 21, 1987; amended, T-89-1, May 1, 1988.)

**1-9-8. Jury duty; other required appearance before a court or other public body.** (a) (1) Each permanent, probationary, or conditional employee in the classified service, excluding employees appointed on a temporary or emergency basis, shall be granted leave of absence with pay by their appointing authority for:

(A) required jury duty; or

(B) in order to comply with a subpoena as a witness before the civil service board, the Kansas commission on civil rights, the United States equal employment opportunity commission, or a court.

(2) An employee is not entitled to leave of absence with pay in circumstances where the employee is called as a witness on the employee's own behalf in an action in which the employee is a party.

(b) Leave with pay may be granted to any permanent, probationary, or conditional employee for an appearance before a court, a legislative committee, or other public body, if the appointing authority considers the granting of leave with pay to be in the best interest of the state.

(c) When any employee travels for a required appearance before a court, or a legislative committee, or other public body, in a state vehicle, the employee shall turn over to the state any mileage expense payments received.

(d) Each employee granted leave under this section who receives pay or fees for a required appearance, excluding jury duty, shall turn over to the state the pay or fees in excess of \$50.00. The employee may retain any amount paid to the employee for expenses in traveling to and from the place of the jury duty or required appearance, except as provided in subsection (c) of this regulation.

(e) This regulation shall take effect on and after May 1, 1988. (Authorized by K.S.A. 1986 Supp. 75-3747; implementing K.S.A. 1986 Supp. 75-3746; effective May 1, 1979; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985; effective May 1, 1986; amended, T-87-17, July 1, 1986; amended May 1, 1987; amended, T-89-1, May 1, 1988.)

#### Article 14.—LAYOFF PROCEDURES AND ALTERNATIVES TO LAYOFF

**1-14-11. Furlough leave without pay.** (a) Whenever an agency head desires to deviate from the standard workday or standard workweek as provided in K.A.R. 1-9-1 in order to implement a furlough plan, such action shall be taken in accordance with this regulation.

(b) In accordance with subsection (c) of this regula-

(continued)

tion, whenever an appointing authority deems it necessary by reason of shortage of funds, the appointing authority may furlough without pay all employees in the classified service in designated classes, organizational units, geographical areas, or any combination thereof unless specific funding sources necessitate exceptions. "Furlough" shall be defined as leave without pay for a preset number of hours each pay period covered by the furlough plan. An employee's social security and retirement contributions will be affected under a furlough, but all other benefits, including the accrual of annual and sick leave, will continue; notwithstanding other regulations to the contrary. Such a furlough shall not affect the employee's continuous service, length of service, pay increase anniversary date or eligibility for authorized holiday compensation.

(c) Not less than twenty calendar days prior to the date a furlough is to be implemented, the appointing authority shall submit a furlough plan to the director specifying:

- (1) the purpose of the furlough;
  - (2) the classes, organizational units, geographical areas, funding sources or combinations thereof to be affected;
  - (3) the criteria used to select the classes, organizational units, geographical areas, funding sources or combinations thereof to be included in the furlough;
  - (4) the duration of the furlough;
  - (5) the amount of hours by which the standard workday or workweek will be reduced;
  - (6) the estimated cost savings generated by the furlough; and
  - (7) any other information requested by the director.
- (d) Furloughs shall begin and end in the same fiscal year, except as otherwise approved by the director.

(e) Furlough plans recommended for approval by the director shall be submitted to the secretary of administration for the secretary's consideration and approval. Upon request of the appointing authority, the director or the secretary's initiative, the secretary of administration may modify, approve as modified, or may reject any furlough plan.

(f) After approval of a furlough plan by the secretary of administration, the appointing authority shall notify employees by posting the plan on the official bulletin boards in the agency at least 10 calendar days prior to the furlough plan implementation date.

(g) In no case shall this regulation be used as a disciplinary action against an employee.

(h) This regulation shall take effect on and after May 1, 1988. (Authorized by K.S.A. 75-5514; implementing K.S.A. 75-5505; effective, T-88-5, Feb. 11, 1987; amended, T-89-1, May 1, 1988.)

#### Article 16.—TRAVEL REIMBURSEMENT

**1-16-15. Reduced allowances.** (a) Except as provided in subsection (d) of K.A.R. 1-16-18, an agency that desires to pay a reduced meals allowance or lodging expense shall obtain the prior approval of the secretary of administration. Agencies desiring to obtain this approval shall submit a request therefor on a

form which may be obtained from the division of accounts and reports.

(b) The following instances of reduced allowances have been approved by the secretary of administration and the use of the approval form shall not be necessary:

(1) If an agency is not requiring the employee to undertake the travel in question and the agency desires to not pay subsistence, or desires to pay a specified reduced rate, and this is stated to the employee in advance of the travel, the agency may handle subsistence payments as stated to the employee.

(2) If the cost of meals is included within the cost of a registration fee or other fees and charges paid by the agency, an agency shall pay the applicable reduced subsistence allowance set forth in subsection (d) of K.A.R. 1-16-18 and any amendments to it.

(3) If both meals and lodging will be provided at no cost to the traveling employee, an agency is authorized to not pay any subsistence for this travel.

(4) If the traveling employee requests a specified reduced subsistence amount, the requested amount may be paid.

(c) Requests for approval of reduced subsistence allowances shall be based on reducing quarter-day meal allowances and lodging expenses in multiples of a half dollar, and this reduced subsistence shall in all other respects be paid in accordance with regulations and accounting procedures. (Authorized by and implementing K.S.A. 75-3207; effective Jan. 1, 1966; amended, E-69-18, Aug. 14, 1969; amended Jan. 1, 1970; amended May 1, 1979; amended May 1, 1982; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended, T-87-26, Oct. 1, 1986; amended May 1, 1987; amended, T-89-1, Jan. 7, 1988.)

**1-16-18. Subsistence allowance; rates.** (a) General provisions.

(1) Except as otherwise specifically provided by law, subsistence allowances for in-state and out-of-state travel shall be paid on the basis of a quarter-day rate for meal expenses and the actual cost of lodging expenses incurred within the lodging expense limits set forth in this regulation. The subsistence rates for meal expenses shall be paid on a per diem basis at the appropriate rate for any fraction of a quarter-day in which the official travel begins and for each full quarter-day thereafter. For purposes of this regulation, a day shall commence at 12:01 a.m. No quarter-day allowance shall be paid for any fractional quarter-day in which the traveler returns to the traveler's official station or domicile.

(2) Reimbursement for lodging shall be made on the basis of actual single-rate lodging expenses incurred, including taxes, and shall be supported by the original official receipt of the lodging place or other suitable evidential matter. Reimbursement for lodging expenses shall be limited to the lodging place's lowest available rate for normal single occupancy on the day or days the lodging expense was incurred.

(3) Subject to the approval of the secretary of administration, the director of accounts and reports may designate any city in a state bordering or near Kansas



as a "border city." All meals allowances and lodging expense limitations shall be at the appropriate in-state rate for travel by state personnel to a border city.

(b) Meals allowance. The quarter-day meals allowance shall be:

In-state	\$ 4.00
Out-of-State	\$ 4.50
Designated high cost geographic area— out-of-state	\$ 5.50

(c) Lodging expense limitations. The lodging expense limitations shall be:

In-state, exclusive of designated high cost geographic areas	\$40.00
In-state, designated high cost geographic area	\$50.00
Out-of-state, exclusive of designated high cost geographic areas	\$60.00
Out-of-state, designated high cost geographic area	\$85.00
Borough of Manhattan and the District of Columbia	\$98.00
International Travel	actual

Specific exceptions to the dollar limitation on lodging expenses may be made pursuant to provisions in K.S.A. 75-3207a as amended by L. 1987, Ch. 337, Sec. 1. As used in this paragraph, "international travel" means travel outside the fifty states and the District of Columbia.

(d) If the cost of meals is included within the cost of registration fees or other fees and charges paid by the agency or supplied without cost by another party, the meal expenses shall be reduced as follows:

In-State Travel:	Amount
For each breakfast provided	\$ 3.50
For each lunch provided	\$ 4.50
For each dinner provided	\$ 8.00
Out-of-State Travel:	
For each breakfast provided	\$ 4.00
For each lunch provided	\$ 5.00
For each dinner provided	\$ 9.00
Travel to High Cost Geographic Areas and International Travel:	
For each breakfast provided	\$ 5.00
For each lunch provided	\$ 6.00
For each dinner provided	\$11.00

(Authorized by and implementing K.S.A. 75-3207a, as amended by L. 1987, Ch. 337, Sec. 1; effective, E-80-10, July 11, 1979; effective May 1, 1980; amended, E-81-14, June 12, 1980; amended May 1,

1981; amended, E-82-14, July 1, 1981; amended May 1, 1982; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended May 1, 1985; amended, T-87-26, Oct. 1, 1986; amended May 1, 1987; amended, T-89-1, Jan. 7, 1988.)

**1-16-18a. Designated high cost geographic areas.**

(a) For official travel to and from, or within, any high cost geographic area designated in subsection (c), in which the traveler is required to sleep away from home, the applicable subsistence allowance rate for that designated high cost geographic area may be paid. However, reimbursement on this basis shall not be allowable when such an area is only an intermediate stopover at which no official duty is performed, or when the subsistence expenses incurred relate to relocation, travel to seek residence quarters or to report to new permanent duty station or to temporary quarters.

(b) Reimbursement for travel in high cost geographic areas shall be at the prescribed high cost geographic rate unless the agency establishes a reduced rate as provided in K.A.R. 1985 Supp. 1-16-15. When an out-of-state trip is to two or more destination cities, and when one of these cities is designated as a high cost geographic area, the subsistence allowance rate shall change from the high cost geographic area rate to the regular rate, or from the regular rate to the high cost geographic area rate, subject to and on application of the appropriate quarter-day allowance as determined by the time of arrival at the second destination city.

(c) The boundaries of designated high cost geographic areas include all locations within the corporate limits of the cities listed, unless otherwise specified. The designated high cost geographic areas are:

**IN-STATE HIGH COST GEOGRAPHIC AREAS**

Kansas City (all locations within Johnson and Wyandotte County)  
Topeka (all locations within Shawnee County)  
Wichita (all locations within Sedgwick County)

**OUT-OF-STATE HIGH COST GEOGRAPHIC AREAS**

Afton, Oklahoma (Shangri-La Resort)  
Alexandria, Virginia  
Anaheim, California  
Anchorage, Alaska  
Arlington, Virginia (all locations within Arlington County)  
Aspen, Colorado (all locations within Pitkin County)  
Atlanta, Georgia (all locations within Clayton, DeKalb, Fulton and Cobb Counties)  
Atlantic City, New Jersey (all locations within Atlantic County)  
Avon, Colorado (all locations within Eagle County)  
Barrow, Alaska  
Beaver Creek, Colorado (all locations within Eagle County)  
Bethesda, Maryland

(continued)

- Boca Raton, Florida  
 Boston, Massachusetts (all locations within Middlesex, Norfolk and Suffolk Counties)  
 Cambridge, Massachusetts  
 Carmel, California (all locations within Monterey County)  
 Chicago, Illinois (all locations within Du Page, Lake and Cook counties)  
 Corpus Christi, Texas (all locations within Nueces County)  
 Danvers, Massachusetts  
 Fairbanks, Alaska  
 Fairfax, Virginia (all locations within Fairfax County)  
 Hershey, Pennsylvania  
 Hilton Head Island, South Carolina (all locations within Beaufort County)  
 Honolulu, Oahu, Hawaii (all locations on the Island of Oahu)  
 Juneau, Alaska  
 Kaanapali Beach, Maui, Hawaii  
 Kailau-Kona, Hawaii  
 Kaunakakai, Molokai, Hawaii  
 Keystone, Colorado (all locations within Routt County)  
 Kodiak, Alaska  
 Lake Buena Vista, Florida  
 Los Angeles, California (all locations within Los Angeles, Kern, Orange and Ventura Counties)  
 Manchester, New Hampshire (all locations within Hillsborough County)  
 Martha's Vineyard, Massachusetts (all locations within Dukes and Nantucket Counties)  
 Miami, Florida (all locations within Dade and Monroe Counties)  
 Minneapolis, Minnesota (all locations within Anoka, Hennepin, Ramsey and Rosemont Counties)  
 Monterey, California (all locations within Monterey County)  
 Mystic, Connecticut  
 Nantucket, Massachusetts (all locations within Dukes and Nantucket Counties)  
 Newark, New Jersey (all locations within Bergen, Essex, Hudson, Morris, Passaic and Union Counties)  
 New Haven, Connecticut (all locations within New Haven County)  
 Newport, Rhode Island (all locations within Newport County)  
 New York, New York (except as provided in K.A.R. 1-16-18, subsection (c), all locations within the boroughs of the Bronx, Brooklyn, Manhattan, Queens and Staten Island and the Counties of Nassau and Suffolk)  
 Nome, Alaska  
 Norfolk, Virginia (the Cities of Norfolk, Portsmouth, Hampton, Newport News, Chesapeake and all locations within York County)  
 Oakland, California (all locations within San Francisco, Alameda, Contra Costa and Marin Counties)  
 Ocean City, Maryland (all locations within Worcester County)  
 Palm Springs, California (all locations within Riverside County)  
 Philadelphia, Pennsylvania  
 Princeton, New Jersey (all locations within Mercer County)  
 Prudhoe Bay, Alaska  
 St. Paul, Minnesota (all locations within Anoka, Hennepin, Ramsey and Rosemont Counties)  
 San Diego, California (all locations within San Diego County)  
 San Francisco, California (all locations within San Francisco, Alameda, Contra Costa and Marin Counties)  
 San Jose, California (all locations within Santa Clara County)  
 San Juan, Puerto Rico  
 San Mateo, California (all locations within San Mateo County)  
 Santa Barbara, California (all locations within Santa Barbara County)  
 Santa Cruz, California (all locations within Santa Cruz County)  
 Seattle, Washington (all locations within King County)  
 Snowbird, Utah  
 South Padre Island, Texas  
 Stamford, Connecticut  
 Sun Valley, Idaho  
 Tom's River, New Jersey (all locations within Ocean County)  
 Trenton, New Jersey (all locations within Mercer County)  
 Vail, Colorado (all locations within Eagle County)  
 Virginia Beach, Virginia  
 Wailea, Maui, Hawaii  
 Washington, D.C. (Cities of Alexandria, and Falls Church; and the County of Loudoun in Virginia; and the Counties of Montgomery and Prince Georges in Maryland) (Washington, D.C., as provided in K.A.R. 1-16-18, subsection (c), is a special high cost area within the corporate limits of the District of Columbia)  
 White Plains, New York (all locations within Westchester County)  
 All cities in countries located outside the borders of the United States  
 All areas approved as high cost areas pursuant to subsection (d)
- (d) State agencies may request the director of accounts and reports to conduct a study of subsistence costs in any area not designated as a high cost area in subsection (c). If the study findings of an area justify such action, the director of accounts and reports may recommend to the secretary of administration that the area be added to the list of high cost geographic areas. If the secretary approves the addition of that area, subsistence payments for travel to the area may be made at the rate designated for high cost geographic areas. (Authorized by and implementing K.S.A. 75-3207a; as amended by L. 1987, Ch. 337, Sec. 1; effective, E-80-10, July 11, 1979; effective May 1, 1980;

amended May 1, 1981; amended, E-82-14, July 1, 1981; amended May 1, 1982; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended May 1, 1985; amended, T-87-26, Oct. 1, 1986; amended May 1, 1987; amended, T-89-1, Jan. 7, 1988.)

**Article 18.—MAXIMUM ALLOWANCE  
FOR MILEAGE FOR USE OF A  
PRIVATELY OWNED CONVEYANCE  
FOR PUBLIC PURPOSES**

**1-18-1a. Mileage rates.** (a) Subject to the provisions of subsection (d), each employee who has been authorized to use a privately-owned conveyance to engage in official business for an agency shall be entitled to reimbursement for use of that conveyance at the following rates:

- (1) 10¢ per mile for the use of a privately-owned motorcycle;
- (2) 21¢ per mile for the use of a privately-owned automobile;
- (3) 34¢ per mile for the use of a privately-owned airplane; or
- (4) 34¢ per mile for the use of a specially equipped van for the physically handicapped.

(b) In addition to the mileage allowance authorized under subsection (a) of this regulation, the employee may be reimbursed for:

- (1) parking fees when on an official trip;
- (2) toll road and toll bridge costs; and
- (3) airplane landing and tie-down fees.

(c) When an employee travels by privately-owned airplane, reimbursement may be made for one round trip in a privately-owned automobile or taxi fares charged in travel:

- (1) between the official station or domicile and the airport in the city in which the official station or domicile is located; and
- (2) between the airport in the destination city and the place of official business.

(d) Exceptions to the mileage rates prescribed in subsection (a) shall be as follows:

(1) When a mode of transportation is available and is less costly than transportation by privately-owned conveyance, mileage payments for use of a privately-owned conveyance shall be limited to the cost of that other mode of transportation.

(2) An agency may pay a specified mileage rate that is lower than prescribed by subsection (a) when an employee's travel is not required by the agency and the employee is informed of the specified rate in advance of the travel.

(e) This regulation shall take effect on and after July 1, 1988. (Authorized by and implementing K.S.A. 1986 Supp. 75-3203, K.S.A. 75-3203a; effective May 1, 1979; amended, E-80-10, July 11, 1979; amended May 1, 1980; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, T-83-19, July 1, 1982; amended May 1, 1983; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended, T-85-46, Dec. 19, 1984; amended, T-86-7, April 1, 1985; amended May 1, 1985; amended, T-86-7, May 1, 1985;

amended, T-86-17, June 17, 1985; amended May 1, 1986; amended, T-89-1, July 1, 1988.)

**Article 24.—PAYROLL DEDUCTIONS  
FOR CHARITABLE CONTRIBUTIONS**

**1-24-1. Written authorization.** (a) Each state employee who desires to participate in the payroll deduction plan authorized by K.S.A. 75-5531 *et seq.* for the purpose of making contributions to united way organizations shall enroll in the plan by completing a written authorization on the form prescribed or approved by the director of accounts and reports.

(b) The completed and signed authorization form shall be submitted to the united way organization solicitor or agent, who shall forward one copy to the agency for the agency records.

(c) For each employee who elects during the annual "united way" drive to contribute by payroll deduction, the employee's agency shall prepare and process an employee data sheet form to effect the payroll deduction.

(d) Any employee not electing to participate during the annual calendar year "united way" drive may participate at any time thereafter, subject to the other provisions of this regulation and preparation and processing of the employee data sheet prior to the established cut-off date for the issuance of the payroll payment from which the first deduction is to be made.

(e) Unless changed or canceled, the deductions shall continue through the calendar year. If a participating employee decides to cancel or change the united way contribution by payroll deduction, the employee shall file written notice of such authorization with the designated agency official. The agency official shall cause the appropriate employee data sheet to be processed to effect the change in the payroll deduction prior to the next established cut-off date for issuance of the next payroll payment.

(f) This regulation shall take effect on and after May 1, 1988. (Authorized by K.S.A. 75-5534; implementing K.S.A. 75-5532; effective May 1, 1981; amended, T-89-1, May 1, 1988.)

**1-24-2.** This revocation shall take effect on and after May 1, 1988. (Authorized by K.S.A. 1980 Supp. 75-5534; implementing K.S.A. 1980 Supp. 75-5532; effective May 1, 1981; revoked, T-89-1, May 1, 1988.)

H. EDWARD FLENTJE  
Secretary of Administration

Doc. No. 006129

## State of Kansas

**DEPARTMENT ON AGING**  
**TEMPORARY ADMINISTRATIVE**  
**REGULATIONS**

**Article 2.—GRANTS AND CONTRACTS**

**26-2-3. Reporting requirements.** (a) Each grantee or contractee of the department shall submit program and financial reports to comply with federal and state requirements. The reports shall be submitted by the due dates on forms prescribed by the secretary.

(b) Each grantee or contractee shall be responsible for obtaining and reporting necessary information from those sub-grantees and service providers with whom the grantee or contractee has sub-grants or contracts.

(c) Each grantee shall submit Title III final financial reports to the department on or before December 15th following the end of the grant period on September 30. The grantee shall submit a consolidated final financial report for each program component. These reports shall be accompanied and supported by copies of the area agency's subgrantee reports. Each grantee shall have received services and goods ordered and shall have liquidated corresponding obligations prior to submission of the final financial reports.

(d) If a grantee revises or modifies its final financial report, the grantee shall adhere to the following conditions and criteria.

(1) A revised final financial report received by the department on or before December 31st of the calendar year in which the grant period ended shall be considered as a final financial report.

(2) A revised final financial report received by the department after December 31st but on or before April 15th of the year following the end of the grant shall be considered a final financial report only if accompanied by a CPA audit report which confirms accuracy of the revised financial report.

(3) A revised final financial report received after April 15th of the calendar year following the end of the grant period shall not be considered a final financial report.

(e) Calculation of unearned funds shall be based upon the final financial report submitted as of the date the computation began. Final financial reports received after the issuance of unearned funds on a notification of grant award shall be used to adjust the unearned funds only if such report results in an increase or decrease of .5% or more in federal or state funds earned or both.

(f) Each grantee who submits revised final financial reports, as defined in subsection (d), shall adhere to the following:

(1) With an increase in unearned funds of .5% or more, the grantee shall either submit a check payable to the Kansas department on aging for the amount of the increase in unearned funds or submit a request for a reduction in the allocation of the next grant year funds.

(2) With an increase in unearned funds of less than .5%, the grantee may take no action at the time the revised final financial report is submitted.

(3) With a decrease in unearned funds, the grantee shall absorb the cost which results in the decrease in unearned funds.

(g) Each grantee or contractee of the department and the area agencies shall comply with the audit requirements included within the department's policy manual 86-1, dated April 8, 1986. (Authorized by and implementing K.S.A. 75-5908; effective, T-85-47, Dec. 19, 1984; effective May 1, 1985; amended, T-86-48, Dec. 18, 1985; amended May 1, 1986; amended May 1, 1987; effective T-88-66, Dec. 30, 1987.)

ESTHER V. WOLF  
Secretary of Aging

Doc. No. 006131

## State of Kansas

**BOARD OF COSMETOLOGY**  
**TEMPORARY ADMINISTRATIVE**  
**REGULATIONS**

**Article 3.—SCHOOLS**

**69-3-23. Application for opening an electrology school.** (a) Each applicant for licensure as a school of electrology shall submit a written notarized application to the board of cosmetology at least ninety days before the proposed date of opening.

(b) A license to operate a school of electrology shall be granted upon written application filed with the state board of cosmetology setting forth the following:

(1) The name of the applicant and the name of the owner of the school;

(2) the applicant's educational qualifications in electrology and prior experience;

(3) a financial statement which shows the applicant or owner to be financially able to purchase and provide the facilities and equipment required to operate a school of electrology for at least one year;

(4) the location of the proposed school and a descriptive floor plan of the premises showing the square footage, the floor space available for instructional purposes, the number of rooms, and the location and names of the instructional equipment to be located within each room; and

(5) an inventory of all instructional equipment to be provided and used in the operation of the school. (Authorized by and implementing K.S.A. 65-1093; as amended by L. 1987, Ch. 238, Sec. 3; effective, T-88-60, Dec. 28, 1987.)

**69-3-24. Physical requirements for an electrology school.** All schools of electrology shall provide and maintain at all times minimum premises as follows:

(a) The premises must contain not less than 1,000 square feet of useable floor space and must be completely segregated and separated from any other place of business, other than a school of cosmetology, by solid floor-to-ceiling walls.

(b) The school shall provide sufficient heat, light and ventilation to maintain safe, sanitary and healthful surroundings.

(c) The building shall contain at least two rooms; one for classroom study and one for practical work and instruction.

(d) The rooms for classroom study and instruction shall be large enough to provide for the required desks or tables, chairs, blackboard, bulletin board, slide projectors, film projectors, and all equipment required in teaching theory, and shall contain the following minimum equipment at all times:

- (1) One blackboard not less than 3 × 5 feet; and
- (2) suitable charts showing the muscles, nerves and circulatory systems of the face, head and neck and the hair shaft, follicle, root and other relevant components of hair.

(e) The room for clinical instruction shall be adequate in size to provide space for the following minimum equipment:

(1) One F.C.C. approved electrolysis machine, operator stool, and one lamp for each two students enrolled. This equipment shall be spaced at least four feet apart;

(2) a closed cabinet for clean sanitary linen for treatment tables;

(3) a sufficient number of both wet and dry heat sterilizers to accommodate enrollment. These sterilizers shall contain suitable sterilizing agents;

(4) restroom facilities for students;

(5) one standard textbook and one work kit for each student enrolled; and

(6) dispensary or supply room. (Authorized by and implementing K.S.A. 65-1903; as amended by L. 1987, Ch. 238, Sec. 3; effective, T-88-60, Dec. 28, 1987.)

**69-3-25. School curriculum.** Each school of electrology shall provide a course of training for the profession of electrologists. Training classes shall be scheduled no more than eight hours per day nor more than five days a week. The course of study shall include a minimum of 500 hours in the following:

- (a) Theoretical and practical training in:
  - (1) Ethics and professional conduct;
  - (2) shop management;
  - (3) consultations; and
  - (4) miscellaneous, optical, state laws, history.
- (b) Theory covering:
  - (1) physiology;
  - (2) dermatology;
  - (3) trichology;
  - (4) peripheral vascular or capillary system;
  - (5) sensory nervous system;
  - (6) electricity;
  - (7) electrology; and
  - (8) thermology.
- (c) Theory and practice of electrolysis and thermology:
  - (1) Sanitation and sterilization as applied to electrology;
  - (2) bacteriology and hygiene;
  - (3) patron protection;
  - (4) use of the electrical currents;

- (5) use of the equipment and instruments;
- (6) insertion of needles;
- (7) precautionary measures to observe;
- (8) before and after treatment;
- (9) immediate after care;
- (10) destruction of the papilla; and
- (11) observation including demonstration and its result.

TOTAL HOURS: 500

(Authorized by and implementing K.S.A. 65-1903; as amended by L. 1987, Ch. 238, Sec. 3; effective, T-88-60, Dec. 28, 1987.)

### Article 11.—FEES

**69-11-1. Fees.** The following fees shall be charged:

Cosmetology license renewal (2 yr.) _____	\$20.00
Delinquent cosmetology fee _____	4.00
Cosmetology technician license (2 yr.) _____	14.00
Delinquent cosmetology technician fee _____	4.00
Three-year senior cosmetology license _____	30.00
Manicurist license renewal (2 yr.) _____	14.00
Delinquent manicurist fee _____	4.00
Electrologist license renewal (2 yr.) _____	20.00
Delinquent electrologist fee _____	4.00
Apprentice license _____	10.00
Additional training license _____	10.00
Student examination fee _____	15.00
Out-of-state applicant _____	30.00
New school license _____	100.00
School license renewal _____	25.00
Delinquent school license fee _____	10.00
New beauty salon license _____	25.00
Beauty salon license renewal _____	15.00
Delinquent beauty salon license fee _____	6.00
Transfer of beauty salon license _____	10.00
New Manicuring salon license _____	25.00
Manicuring salon license renewal _____	15.00
Delinquent manicuring salon license fee _____	6.00
Transfer of manicuring salon license _____	10.00
New electrology clinic license _____	25.00
Electrology clinic license renewal _____	15.00
Delinquent electrology clinic license fee _____	6.00
Transfer of electrology clinic license _____	10.00
Out-of-state affidavit _____	2.00
Any duplicate license _____	2.00

(Authorized by and implementing K.S.A. 65-1904 as amended by L. 1987, Ch. 238, Sec. 4; effective, E-76-44, Sep. 5, 1975; effective Feb. 15, 1977; amended May 1, 1987; amended May 1, 1981; amended May 1, 1982; amended, T-83-21, June 21, 1982; amended May 1, 1983; amended May 1, 1984; effective, T-88-60, Dec. 28, 1987.)

HENRI FOURNIER  
Executive Director

Doc. No. 006132

## State of Kansas

DEPARTMENT OF HEALTH  
AND ENVIRONMENTTEMPORARY ADMINISTRATIVE  
REGULATIONSArticle 65.—EMERGENCY PLANNING  
AND RIGHT-TO-KNOW

## A. General Regulations

**28-65-1. General Provisions.** (a) Any reference of these rules and regulations to standards, procedures or requirements of 40 CFR Parts 300 and 355 inclusive as in effect on July 1, 1987, and 40 CFR Part 370 as in effect on October 15, 1987, shall constitute a full adoption by reference of the part, subpart and paragraph so referenced, including any notes and appendices associated therewith, unless otherwise specifically stated in these rules and regulations. When the same word is defined both in the Kansas statutes and in any federal regulation adopted by reference in the rules and regulations and the definitions are not identical, the definition prescribed in the Kansas statutes shall control.

(b) When used in any provisions adopted from 40 CFR Parts 300 and 355 inclusive as in effect on July 1, 1987, and 40 CFR Part 370 as in effect on October 15, 1987, references to "the United States" shall be replaced with the state of Kansas, "environmental protection agency" shall be replaced with the Kansas department of health and environment, "administrator" or "regional administrator" shall be replaced with the secretary of the department of health and environment and "federal register" shall be replaced with the Kansas register. (Authorized by and implementing L. 1987, Ch. 231, Sec. 4; effective, T-88-62, Dec. 30, 1987.)

**28-65-2. Definitions.** (a) "Commission" means the Kansas state emergency response commission established under the state act.

(b) "Material safety data sheets (MSDS)" means reporting sheets required under the occupational health and safety act at 15 USC 651 *et seq.*, hazard communication program, 29 CFR Parts 1910, 1915, 1917, 1918, 1926, and 1928 as in effect on September 23, 1987, 52 Fed. Reg. 31852 (1987).

(c) "Federal act" means Title III of the superfund amendments and reauthorization act of 1986, P.L. 99-499, and the emergency planning and community right-to-know act of 1986. (Authorized by and implementing L. 1987, Ch. 231, Sec. 4; effective, T-88-62, Dec. 30, 1987.)

**28-65-3. Registration Fees.** (a) Reports, lists of chemicals, the MSDS, and annual reports required under these regulations, pursuant to Sections 311, 312 and 313 of the federal act shall be submitted to the right-to-know program, bureau of air quality and radiation control, Kansas department of health and environment. Emergency release notifications, pursuant to Section 304 of the federal act, shall be submitted to the

division of emergency preparedness, department of the adjutant general.

(b) An annual general service fee of \$3.00 shall be paid by all facilities required to comply with any of the state or federal submitting or reporting requirements of the preceding paragraph (28-65-3(a)). The fee shall be payable prior to March 1 of each year.

(c) Annual registration fee. An annual fee shall be charged to all facilities complying or filing pursuant to Sections 311, 312 and 313 of the federal act. The annual fee shall consist of the sum of the appropriate individual fees as required by this regulation.

(d) Notifications required under Section 302 of the federal act shall be submitted to the right-to-know program, bureau of air quality and radiation control, Kansas department of health and environment. Each notifying facility under Section 302 of the federal act shall provide an annual renewal of notice. This renewal of notice shall be submitted prior to March 1 of each year. This renewal of notice shall be due for each year in which the facility has present at any time a substance designated as extremely hazardous in an amount exceeding the threshold planning quantity as defined in 40 CFR Parts 300 and 355 inclusive as in effect on July 1, 1987, amended 52 Fed. Reg. 13395 (1987). There shall be no fee for submission of an initial notification or renewal of notice required under this section.

(e) Each facility submitting a list of hazardous chemicals pursuant to Section 311 of the federal act shall pay a filing fee of \$46.00. If MSDSs are submitted in lieu of a list a fee of \$12.00 shall be paid for each MSDS submitted. These fees shall be paid prior to March 1 of each year for any information filed in the preceding year.

(f) Facilities required to submit a Tier I and Tier II.

(1) Facilities submitting a hazardous substances inventory report pursuant to Section 312 of the federal act shall pay an annual fee of \$12.00 for each Tier I filing. A fee of \$17.00 shall be charged for each Tier II report filed if this option is elected. Each page of the Tier II inventory report form shall be considered a separate report for purposes of this paragraph.

(2) A request for Tier II information shall be made by the state when necessary to make this information available to comply with Section 312(e).

(3) The Tier I or Tier II fee, or both, shall be paid at the time of submission or prior to March 1 of each year thereafter.

(g) Facilities required to submit toxic waste emissions inventories pursuant to Section 313 of the act shall pay an annual fee of \$374.00. This fee shall be paid at the time of submission of the inventory and prior to March 1 for each year thereafter.

(h) Facilities may elect to submit information on a voluntary basis beyond that required for compliance with these regulations. No fee shall be charged for such voluntary submissions.

(i) Registration fees and other payments shall be paid by check, draft or money order to the department of health and environment. In the event an individual or company maintains more than one facility, payment may be made for all facilities by a single check, draft or

money order. A statement shall accompany such aggregate payments indicating the individual facility name and address and a summary of the specific fees for each industry.

These regulations shall apply to all notifications, submissions, registrations, reports, or amendments filed with the department after May 14, 1987, the effective date of the state act. (Authorized by and implementing L. 1987, Ch. 231, Sec. 4; effective, T-88-62, Dec. 30, 1987.)

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

Doc. No. 006127

State of Kansas

**STATE EMPLOYEES HEALTH  
CARE COMMISSION**

**TEMPORARY ADMINISTRATIVE  
REGULATIONS**

**Article 1.—ELIGIBILITY REQUIREMENTS**

**108-1-1. Eligibility.** (a) Subject to the provisions of subsection (b), the classes of persons eligible to participate in the health care benefits program established by the Kansas state employees health care commission shall be:

(1) those classes of person qualified to receive group health insurance coverage obtained by the committee on surety bonds and insurance pursuant to the statutes contained in K.S.A. 1983 Supp. 75-4110, as such statutes were in existence immediately prior to their repeal or amendment by K.S.A. 75-6501; and

(2) persons participating under reduced service agreements.

(b) (1) Each person who is within a class listed in subsection (a) shall be eligible for group health insurance coverage, on the first day of the first month following completion of a 60-day waiting period beginning with the first day of work. Each person shall have 31 days after eligibility to elect health insurance coverage.

(2) The waiting period established in paragraph (1) shall not apply when the agency head certifies to the commission, or its designee, in writing that:

(A) a potential new employee is not entitled to continuation of health benefits available from existing or prior group health insurance coverage; and

(B) the waiting period poses, or will pose, an obstacle to recruitment.

(3) The provisions of subsection (b) shall take effect on and after January 1, 1988. (Authorized by K.S.A. 75-6510; implementing K.S.A. 75-6501; effective, T-85-22, July 16, 1984; effective May 1, 1985; amended, T-88-64, Jan. 1, 1988.)

H. EDWARD FLENTJE  
Secretary of Administration

Doc. No. 006130

State of Kansas

**DEPARTMENT OF REVENUE**

**TEMPORARY ADMINISTRATIVE  
REGULATIONS**

**Article 51.—TITLES AND REGISTRATION**

**92-51-41. Permanent registration of city and county vehicles.** (a) The fee for permanent registration of each motor vehicle, trailer or semitrailer owned by any city or county or by any agency or instrumentality of a city or county and used exclusively for governmental purposes shall be \$7.00.

(b) Each annual report filed with the division of vehicles identifying vehicles required to be permanently registered shall be on a form or format approved by the director of vehicles.

(c) Each motor vehicle, trailer or semitrailer shall be registered by February 1, 1988. Refunds shall not be given for any unused portion of the vehicle's current registration period.

(d) Any city or county or any agency or instrumentality of a city or county owning a motor vehicle which is used as an unmarked law enforcement vehicle shall register the vehicle under a political or taxing subdivision status. (Authorized by and implementing L. 1987, Ch. 43, Sec. 1; effective, T-88-63, Dec. 30, 1987.)

HARLEY T. DUNCAN  
Secretary of Revenue

Doc. No. 006128

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