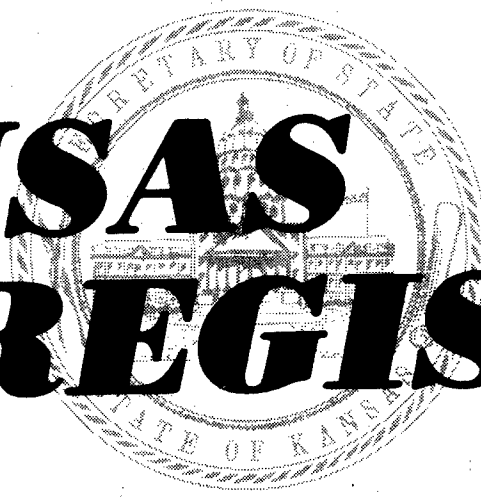


KANSAS REGISTER



State of Kansas

BILL GRAVES
Secretary of State

Vol. 7, No. 7

February 18, 1988

Pages 171-224

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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 February 8-12:

Hamilton County Register of Deeds

Vivian Roberts, Box 926, Syracuse 67878. Effective February 10, 1988. Term expires when a successor is elected and qualifies according to law. Succeeds Margaret Steitz.

State Board of Accountancy

Robert J. Moritz, 7 Paseo Place, Hutchinson 67502. Effective February 9, 1988. Term expires January 31, 1991. Succeeds Frank D. Bradley.

Richard A. Oler, Route 4, Pittsburg 66762. Effective February 9, 1988. Term expires January 31, 1991. Succeeds Donald L. Yerkes.

Eugene W. Robben, 2606 S.W. Ashworth Place, Topeka 66614. Effective February 9, 1988. Term expires January 31, 1991. Succeeds William E. Mangold.

Behavioral Sciences Regulatory Board

Clarice V. Harris, 1547 N. Chautauqua, Wichita 67214. Effective February 9, 1988. Term expires January 31, 1992. Succeeds Patricia L. Ewalt.

**Delta Dental Plan of Kansas, Inc.,
Board of Directors**

Gerold L. Goforth, 3130 S.E. Arbor Drive, Topeka

66605. Effective February 8, 1988. Term expires February 1, 1990. Succeeds James D. Nichols.

**Governor's Task Force on the Future
of Rural Communities**

Jeanette Marks, 203 S. Mardis, Box 23, Sylvia 67581. Effective February 2, 1988. Serves at the pleasure of the Governor.

Kermit Wedel, 414 W. 5th, Minneapolis 67467. Effective February 2, 1988. Serves at the pleasure of the Governor.

State Highway Advisory Commission

Gary N. Griffiths, 1601 2nd, Clay Center 67432. Effective February 10, 1988. Term expires January 31, 1992. Succeeds Glen O. Strnad.

William W. Martin, 2338 Mayfair Place, Topeka 66611. Effective February 10, 1988. Term expires January 31, 1992. Succeeds Clyde Adams.

Charles "Cy" Moyer, 875 Park, P.O. Box 627, Phillipsburg 67661. Effective February 10, 1988. Term expires January 31, 1992. Succeeds Arnold R. Anderson.

John Welsh, Rural Route, Weskan 67762. Effective February 10, 1988. Term expires January 31, 1989. Succeeds John N. Sears, resigned.

Kansas Commission on Veterans' Affairs

Terrance W. Weaver, 1206 E. 9th, Emporia 66801. Effective February 8, 1988. Term expires January 31, 1992. Reappointment.

Kansas Water Authority

Al Campbell, 919 W. 4th, Larned 67550. Effective February 3, 1988. Term expires January 31, 1992. Succeeds Russell Crites.

BILL GRAVES
Secretary of State

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PUBLISHED BY
BILL GRAVES
Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594



Phone: (913) 296-3489

State of Kansas

KANSAS INC.**NOTICE OF MEETING**

The Kansas Inc. board will meet at 1:30 p.m. Thursday, February 25, in the Kansas Inc. conference room, Suite 113, 400 S.W. 8th, Topeka. The meeting is open to the public.

CHARLES R. WARREN
President

Doc. No. 006226

State of Kansas

ATTORNEY GENERAL**Opinion No. 88-14**

Counties and County Officers—General Provisions—Home Rule Powers; Limitations, Restrictions and Prohibitions. Patricia J. Jurns, Pratt City Attorney, Pratt, and Gordon B. Stull, Pratt County Attorney, Pratt, February 4, 1988.

Pursuant to K.S.A. 1987 Supp. 19-101a(20), counties may not exempt or change the provisions contained in K.S.A. 1987 Supp. 19-211. Pertinent language of Attorney General Opinion No. 87-164 is amended so as to be consistent with this rule. Cited herein: K.S.A. 1987 Supp. 19-101a(20); 19-211. TMN

Opinion No. 88-15

Counties and County Officers—Mental Health Centers—Community Mental Health Centers and Community Facilities for the Mentally Retarded; Tax Levy, Use of Proceeds. Representative Bob Ott, 71st District, Salina, February 4, 1988.

K.S.A. 19-4001 *et seq.* allows counties to establish community facilities for the mentally retarded, to levy a tax to support such facilities, and to solicit and accept funding from various other sources. K.S.A. 1987 Supp. 65-4411 *et seq.* establishes one source for such funding, based on the number of "full-time equivalent clients" in the facility. The definition of a full-time equivalent client is contained in K.S.A. 1987 Supp. 65-4413(b). Unless former state patients fit within the family-crisis exception, they cannot be accepted before those previously on the community facility's waiting list and still be defined as a full-time equivalent client.

K.S.A. 19-4005 forbids denial of services based on an inability to pay. Thus, a facility may accept former state patients who do not fall within the family crisis exception before those currently on the waiting list only if the facility is merely electing one source of funding over another. Should there be a denial of services based on an inability to pay in violation of K.S.A. 19-4005, the county does not automatically lose its ability to levy taxes. However, aggrieved persons denied services may seek recourse through private civil remedies, or the electors may file a protest petition under K.S.A. 19-4004 seeking to block additional tax levies. Cited herein: K.S.A. 19-4001; 19-

4004; 19-4005; 19-4008; K.S.A. 1987 Supp. 65-4411; K.A.R. 1987 Supp. 30-22-32. TMN

Opinion No. 88-16

Public Health—Solid and Hazardous Waste; Hazardous Wastes—Location of Disposal Facilities. Representative LeRoy F. Fry, 105th District, Little River, February 4, 1988.

State regulation of hazardous materials must not be inconsistent with federal law. Local legislation regulating hazardous waste must not be inconsistent with state and federal law. Thus, a county ordinance prohibiting a hazardous waste incinerator within the county's borders would not be a valid exercise of home rule powers, and a popular vote of local electors may not be required prior to granting a permit to a hazardous waste treatment facility.

State requirements may be more stringent than those imposed by federal law, as long as the state law is consistent with federal law. The proximity of a natural area or endangered species habitat is a factor to be considered in granting a facility permit. A state may prohibit siting a facility in close proximity to such an area or habitat, subject to constitutional considerations. The state may not place a surcharge or ban on incineration of out-of-state waste. Cited herein: K.S.A. 1987 Supp. 19-101a; K.S.A. 32-501; 32-506; 65-3430; 65-3433; 65-3434; K.S.A. 1987 Supp. 65-3436; K.S.A. 65-3438; 74-6601; 74-6603; 74-6604; 74-6607; 74-6609; 76-338; U.S. Const., Art. I, §8, cl. 3; 42 U.S.C. §§6901; 6926(b); 6929; 9601, 9614 (1986); 49 U.S.C. §§1801; 1805; 1811 (1986); 40 C.F.R. §271.4 (1986).

Opinion No. 88-17

Taxation—Liquor Drink Tax—Local Alcoholic Liquor Fund; Distribution of Moneys. Jim Pringle, Cowley County Attorney, Winfield, February 8, 1988.

Moneys in a special alcohol and drug programs fund established pursuant to K.S.A. 1987 Supp. 79-41a04 may not be used to finance drug law enforcement operations. Cited herein: K.S.A. 1987 Supp. 79-41a02; 79-41a03; 79-41a04. JLM

Opinion No. 88-18

Counties and County Officers—Sheriff—Uniforms and Display of Badges by Sheriff and Deputies; Requirements; Exceptions; Allowance for Uniform Expense in Counties Under 200,000. Gunnar A. Sundby, Atchison County Attorney, Atchison, February 8, 1988.

K.S.A. 19-822 requires counties to furnish uniforms for the county sheriff and his deputies. K.S.A. 19-823 mandates that, in counties of less than 200,000 population, the county pay an additional ten dollars per month allowance for uniform expenses. The provisions of the two statutes should be read together and not as alternatives. Cited herein: K.S.A. 19-822; 19-823; 19-824. TMN

ROBERT T. STEPHAN
Attorney General

Doc. No. 006216

State of Kansas
SOCIAL AND REHABILITATION SERVICES

**NOTICE OF HEARING ON
 FEDERAL BLOCK GRANTS**

The Senate Ways and Means Committee of the Kansas Legislature will conduct a public hearing at 11 a.m. Friday, February 26, in the Senate Hearing Room, Room 123-S, State Capitol, Topeka. The scheduled agenda includes social services block grant; low income energy assistance block grant; alcohol, drug abuse, and mental health services block grant; community services block grant; and other matters pertaining to the SRS budget.

WINSTON BARTON
 Secretary of Social and
 Rehabilitation Services

Doc. No. 006220

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. March 17, 1988, and then publicly opened:

DISTRICT ONE—Northeast

Jefferson—4-44 K-3025-02—K-4, Delaware River bridge 20 in Valley Falls, bridge repair. (Federal Funds)

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

Johnson—46 C-1704-01—County road, 0.2 mile east of Stilwell, then east, 0.1 mile, bridge replacement. (Federal Funds)

Johnson—46 U-0985-01—Nall Avenue, 103rd to 97th in Overland Park, 0.8 mile, grading and surfacing. (Federal Funds)

Wyandotte—32-105 U-1072-01—K-32 and 68th/Kansas in Kansas City, intersection improvement. (Federal Funds)

DISTRICT TWO—Northcentral

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)

Geary—31 C-1932-01—County road, 5.0 miles south and 12.5 miles east of Junction City then southeast, 0.1 mile, grading and surfacing. (Federal Funds)

Lincoln—14-53 K-2362-01—K-14, Saline River bridge 7, 11.6 miles north of the Ellsworth-Lincoln county line, bridge replacement. (State Funds)

Lincoln—14-53 M-1498-01—K-14, west side of roadway 0.8 mile south of the junction of FAS 396, slide repair. (State Funds)

DISTRICT THREE—Northwest

Norton—36-69 K-2849-01—U.S. 36, Prairie Dog Creek

bridge 8, 2.5 miles east of U.S. 283, bridge replacement. (Federal Funds)

DISTRICT FOUR—Southeast

Bourbon—6 C-2490-01—County road, 1.0 mile west of Fort Scott at old U.S. 54, then south and east, 0.7 miles, surfacing. (Federal Funds)

Franklin—30 C-1218-01—County road, 4.4 miles east of Princeton, then east, 2.3 miles, grading. (Federal Funds)

Linn—69-54 K-2957-01—U.S. 69 bridge 9 over K-152, bridge painting. (State Funds)

Montgomery—63 C-1108-01—County road, 0.5 mile east of U.S. 169 south of Coffeyville, then east, 0.5 mile, grading and bridge. (Federal Funds)

DISTRICT FIVE—Southcentral

Cowley—18 U-1183-01—Kansas and "C" in Arkansas City, traffic signal. (Federal Funds)

Harper—39 C-2504-01—County road, 3.5 miles south and 10.5 miles west of Anthony, then west, bridge replacement. (Federal Funds)

Sumner—81-96 K-2963-01—U.S. 81, culvert 529, 3.0 miles south of the west junction of U.S. 160, culvert. (State Funds)

Sumner—96 C-1695-01—County road, 5.5 miles south and 1.0 mile west of Wellington, then west, 0.2 mile, bridge replacement. (Federal Funds)

DISTRICT SIX—Southwest

Scott—86 K-2493-01—Scott State Park, overlay. (State Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone 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. 006219

State of Kansas

KANSAS STATE UNIVERSITY**NOTICE TO BIDDERS**

Sealed bids for items listed below will be received by Kansas State University Purchasing Office, Manhattan, until 2 p.m. C.S.T. on the date indicated and then will be publicly opened. Interested bidders may call (913) 532-6214 for additional information.

Monday, February 29, 1988

#80054

Color Graphics and Monochrome Workstation

Tuesday, March 1, 1988

#80053

Double u-Metal Cylinder Assembly

WILLIAM H. SESLER
Director of Purchasing

Doc. No. 006227

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 29, 1988

#26888

Wichita State University—PUBLICATION AND DELIVERY OF "COURSE SCHEDULES"

#27570

Statewide—REFRIGERANT

#27777

University of Kansas Medical Center—MEDICAL GASES (Class 04)

#72817

Kansas State Penitentiary—PENAL WATER CLOSETS, LAVATORIES, AND COMBINATIONS

#72872

University of Kansas—PAPER, PRINTING AND BINDING

Tuesday, March 1, 1988

#A-5853

Department of Transportation—REROOF (COMPLETE REPLACEMENT) SUB-AREA BUILDING, Belleville

#27516

Statewide—APRIL (1988) MEAT PRODUCTS

#27735

University of Kansas Medical Center and other state agencies—PATIENT-CONTROLLED ANALGESIA (PCA)

#72828

Kansas State University—ALUMINUM WINDOWS

#72829

Kansas State University—CONTINUOUS FORMS

#72835

University of Kansas Medical Center—MICROSCOPE

#72840

Kansas State University—VACUUM EQUIPMENT

Wednesday, March 2, 1988

#27423

Kansas State University—ROAD AGGREGATE

#27518

Statewide—CANNED GOODS

#72845

Pittsburg State University—ASPHALT OVERLAY

#72846

Kansas Technical Institute—COMPUTER

#72847

Department of Administration, Central Motor Pool and University of Kansas—VEHICLES

Thursday, March 3, 1988

#27474

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

#27778

Kansas Correctional Industries—CHEMICALS—SOAP FACTORY

#72856

Wichita State University—VEHICLES

#72857

Department of Transportation—AGGREGATE, various locations

#72866

Kansas State University—CRYOSTAT

#72874

Department of Transportation—BITUMINOUS PLANT MIX, various locations

Friday, March 4, 1988

#27557

Kansas State University—APRIL (1988) MEAT PRODUCTS

#72836

University of Kansas—MONOCHROME WORKSTATION

#72893

Kansas State Penitentiary—FABRICATED STRUCTURAL STEEL

Friday, March 11, 1988

#27776

Kansas State University—NATURAL GAS

Monday, March 21, 1988

#27775

Department of Wildlife and Parks—AG. LEASE—CEDAR BLUFFS

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 006218

State of Kansas

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

NOTICE OF MEETING

The State Emergency Response Commission will meet at 9 a.m. Tuesday, March 1, in the State Defense Building, 2800 S. Topeka Blvd., Topeka.

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

Doc. No. 006221

State of Kansas

BOARD OF EDUCATION

**NOTICE OF HEARING ON STATE
PLAN FOR VOCATIONAL EDUCATION**

The Kansas State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, March 8, in Room 121 of the Kansas State Education Building, 120 E. 10th, Topeka, to consider the proposed Kansas State Plan for Vocational Education for fiscal years 1989-1990.

In developing the plan, the state has performed those activities prescribed in Section 113 of the Carl D. Perkins Vocational Education Act. Additionally, the plan provides those assurances called for under the Act and sets forth or describes those additional items required under the Act. The plan also sets forth the planned use of federal funds available for vocational education and the criteria the board will use in approving applications of eligible recipients and allocated funds made available under the Act to such recipients.

Not less than 60 days before the plan is submitted to the Secretary of Education, the plan will be furnished for review and comment to the Kansas Legislature, the Kansas Council on Vocational Education, and the Kansas Council on Employment and Training. The plan will be submitted to the Secretary of Education following adoption by the board and certification of such action by the Kansas Commissioner of Education. The plan is to become effective July 1, 1988.

A copy of the plan may be obtained by contacting the secretary of the State Board of Education, Kansas State Education Building, 120 E. 10th, Topeka 66612, prior to the date of the hearing.

On the date of the hearing, all segments of the public and interested organizations and groups will be afforded an opportunity to present their views and make recommendations regarding the state plan. The hearing shall be conducted in compliance with public hearing procedures of the State Board of Education.

DR. LEE DROEGEMUELLER
Commissioner of Education

Doc. No. 006222

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURAL SERVICES**

**NOTICE OF COMMENCEMENT
OF NEGOTIATIONS FOR
ENGINEERING SERVICES**

Notice is hereby given of the commencement of negotiations for "on-call" engineering services for the University of Kansas and Wichita State University. Interested firms should be capable of assisting university personnel on small mechanical or electrical projects which may arise during the year 1988.

Notice is further given of the commencement of negotiations for engineering services to provide an elevator analysis and report and possibly provide construction documents and administration for elevator modifications for the "cage" elevator in the State Capitol, the Docking State Office Building, Topeka, and the Wichita State Office Building, Douglas and Rutan Streets, Wichita.

Any questions or expressions of interest should be directed to Norman Moody, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, prior to March 4.

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

Doc. No. 006224

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 February 4-10:

House Bills

HB 2780, by Committee on Pensions, Investments and Benefits: An act concerning the Kansas public employees retirement system; relating to final average salary; amending K.S.A. 75-5517 and K.S.A. 1987 Supp. 20-2601, 20-2610 and 74-4902 and repealing the existing sections; also repealing K.S.A. 1987 Supp. 20-2610e.

HB 2781, by Committee on Pensions, Investments and Benefits: An act concerning the Kansas public employees retirement system; relating to normal retirement date; disability benefits; amending K.S.A. 1987 Supp. 74-4914e, 74-4957 and 74-4960 and repealing the existing sections.

HB 2782, Committee of Pensions, Investments and Benefits: An act concerning the Kansas public employees retirement system; relating to retirement date; prior and participating service; amending K.S.A. 74-4938 and K.S.A. 1987 Supp. 74-4902, 74-4914, 74-4915 and 74-4937 and repealing the existing sections.

HB 2783, by Committee on Pensions, Investments and Benefits: An act concerning the Kansas public employees retirement system; relating to retirement benefit options; accumulated contributions; amending K.S.A. 1987 Supp. 74-4918 and repealing the existing section.

HB 2784, by Committee on Pensions, Investments and Benefits: An act concerning the Kansas public employees retirement system; relating to retirement date; amending K.S.A. 1987 Supp. 74-4902, 74-4914 and 74-4937 and repealing the existing sections.

HB 2785, by Committee on Pensions, Investments and Benefits: An act concerning the Kansas public employees retirement system; relating to employment of retirees; providing for reimbursement to system by certain employers; amending K.S.A. 1987 Supp. 74-4914 and repealing the existing section.

HB 2786, by Committee on Pensions, Investments and Benefits: An act concerning the Kansas public employees retirement system; relating to prior and participating service; amending K.S.A. 74-4938 and K.S.A. 1987 Supp. 74-4915 and repealing the existing sections.

HB 2787, by Committee on Pensions, Investments and Benefits: An act concerning the Kansas public employees retirement system; relating to vesting of benefits; amending K.S.A. 74-4917 and repealing the existing section.

HB 2788, by Committee on Pensions, Investments and Benefits: An act concerning the Kansas public employees retirement system; relating to lump-sum death benefits; amending K.S.A. 1987 Supp. 74-4989 and repealing the existing section.

HB 2789, by Committee on Pensions, Investments and Benefits: An act concerning the Kansas public employees retirement system; relating to prior and participating service for certain members; amending K.S.A. 74-4913 and K.S.A. 1987 Supp. 74-4919j and repealing the existing sections.

HB 2790, by Committee on Pensions, Investments and Benefits: An act concerning the Kansas public employees retirement system; relating to retirement date; amending K.S.A. 1987 Supp. 74-4914, 74-4915 and 74-4937 and repealing the existing sections.

HB 2791, by Representative Heinemann: An act relating to motor vehicles; concerning certain speeding violations; amending K.S.A. 1987 Supp. 8-1341a and repealing the existing section.

HB 2792, by Committee on Judiciary: An act concerning service of process; providing for registration of and service of process by process servers; amending K.S.A. 1987 Supp. 60-303 and repealing the existing section.

HB 2793, by Representatives Brady, Bowden, K. Campbell, Cribbs, Gjerstad, Green, Crotewiel, Harder, Helgerson, Kennard, Lacey, Russell, Sawyer and Webb: An act relating to highways; providing for the financing thereof; amending K.S.A. 8-143b, 8-143g, 8-143h, 8-195, 79-3408c, 79-3475, 79-3475a, 79-3487, 79-3491a, 79-3492, 79-34104, 79-34118, 79-34126, 79-34142 and 79-34143 and K.S.A. 1987 Supp. 8-143, 8-143c, 8-172, 8-2409, 9-1402, 79-3408, 79-3492b, 79-34141 and 79-4901 and repealing the existing sections; also repealing K.S.A. 79-34144, 79-34145 and 79-34146 and K.S.A. 1987 Supp. 9-1402a.

HB 2794, by Committee on Appropriations: An act making and concerning appropriations for the fiscal year ending June 30, 1989, for Fort Hays state university, Kansas state university, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, Wichita state university, state board of regents and Kansas technical institute; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2795, by Committee on Appropriations: An act concerning Washburn university; relating to the financing thereof; amending K.S.A. 13-13a34, 72-6501, 72-6503, 72-6507, 72-6508 and 72-6509 and K.S.A. 1987 Supp. 13-13a27 and 72-6506, and repealing the existing sections; also repealing K.S.A. 72-6502, 72-6504 and 72-6505 and K.S.A. 1987 Supp. 13-13a28 and 13-13a30.

HB 2796, by Committee on Appropriations: An act making and concerning appropriations for the fiscal year ending June 30, 1988, for the state bank commissioner, consumer credit commissioner, department of commerce, insurance department, Kansas lottery, Kansas public employees retirement system, Kansas public disclosure commission, Kansas technology enterprise corporation, department of revenue, state treasurer, board of examiners in optometry, Kansas real estate commission, department of human resources, Kansas soldiers' home, Kansas commission on veterans affairs, Kansas state school for the deaf, department of education, Emporia state university, Fort Hays state university, Kansas state university, Kansas state university veterinary medical center, Kansas technical institute, Pittsburg state university, university of Kansas, university of Kansas medical center, Kansas state school for the visually handicapped, Wichita state university, attorney general—Kansas bureau of investigation, state board of agriculture, Kansas animal health department, Kansas state grain inspection department, Kansas water office, Kansas wheat commission and state fair board; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing; amending section 29 of chapter 37 of the 1987 Session Laws of Kansas and repealing the existing section.

HB 2797, by Committee on Local Government: An act relating to political and taxing subdivisions of the state; concerning procedures for the consolidation of operations, procedures and functions of offices and agencies of such subdivisions; amending K.S.A. 12-3903 and repealing the existing section.

HB 2798, by Representatives Holmes and Neufeld (by request): An act relating to income taxation; concerning credits for the plugging of abandoned water wells; amending K.S.A. 1987 Supp. 79-32,117 and repealing the existing section.

HB 2799, by Committee on Education (by request): concerning school districts; relating to contracts for payment of tuition for pupils attending school in school districts not of their residence; amending K.S.A. 72-6757 and repealing the existing sections; also repealing K.S.A. 72-7201, 72-7202, 72-7203, 72-7204, 72-7206, 72-7207 and 72-7208.

HB 2800, by Committee on Commercial and Financial Institutions: An act amending the uniform consumer credit code; concerning additional charges; amending K.S.A. 1987 Supp. 16a-2-501 and repealing the existing section.

HB 2801, by Committee on Federal and State Affairs: An act amending and supplementing the disposition of unclaimed property act; amending K.S.A. 58-3932 and repealing the existing section.

HB 2802, by Representative Patrick: An act concerning civil procedure; relating to exemptions from process; amending K.S.A. 1987 Supp. 60-2304 and 60-2313 and repealing the existing sections.

HB 2803, by Representative Sprague: An act relating to roads and highways; providing for the erection of certain signs at the intersection of I-70 and I-135.

HB 2804, by Representative Sprague: An act concerning municipal court procedure; relating to release of persons under arrest; amending K.S.A. 1987 Supp. 12-4213 and repealing the existing section.

HB 2805, by Representative O'Neal (by request): An act relating to income taxation; modifying adjusted gross income for expenses incurred for tuition and textbooks of dependents; specifying conditions; amending K.S.A. 1987 Supp. 79-32,117 and repealing the existing section.

HB 2806, by Representative Williams: An act amending the uniform consumer credit code; concerning claims or defenses asserted by a buyer or lessee against an assignee; amending K.S.A. 16a-3-404 and repealing the existing section.

HB 2807, by Representative Dyck: An act amending the Kansas inheritance tax act; concerning deduction amounts and rates of tax of certain distributees of estates; amending K.S.A. 79-1537 and repealing the existing section.

HB 2808, by Committee on Appropriations: An act making and concerning appropriations for the fiscal year ending June 30, 1989, for the commission on civil rights, attorney general, attorney general — Kansas bureau of investigation, Kansas public disclosure commission, governor's department, department of human resources, department of commerce, insurance department, Kansas arts commission, lieutenant governor, state board of tax appeals, secretary of state, Kansas commission on veterans affairs, Kansas soldiers' home, state treasurer, Kansas commission on the bicentennial of the United States constitution, Kansas, Inc. and Kansas technology enterprise corporation; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2809, by Representatives Cribbs, Bowden, Francisco, Gjerstad, Crotewiel, Helgerson, Justice, Larkin, Leach, Love, Mainey, Rezac, Sawyer, Schauf, Shriver, Sughrue and Webb: An act relating to the election of members of the governing body of the city of Wichita, Kansas; providing for the division of such city into districts.

HB 2810, by Representative Teagarden: An act concerning the crime of unlawful use of weapons; relating to carrying a firearm while intoxicated; amending K.S.A. 1987 Supp. 21-4201 and repealing the existing section.

HB 2811, by Representative Lowther: An act concerning the crime of unlawful use of weapons; amending K.S.A. 1987 Supp. 21-4201 and repealing the existing section.

HB 2812, by Representatives Mainey, Dean, Empson, Heinemann, Jenkins, Littlejohn, Sand, Shriver, Sughrue and Whiteman: An act prohibiting the selling, offering for sale or purchase of items of clothing or equipment intended to protect firefighters which fail to meet certain minimum standards; prescribing penalties for violations.

HB 2813, by Representatives Bryant and Teagarden: An act relating to liens for veterinary services; providing for filing and satisfaction thereof; amending K.S.A. 47-836 and repealing the existing section.

HB 2814, by Representatives Ott, Aylward and Turnquist: An act authorizing the state board of regents to sell or exchange certain real property in Saline county, Kansas; imposing conditions thereon; authorizing disposition of proceeds.

HB 2815, by Representatives Lacey, Freeman, Acheson, Amos, Apt, Aylward Barr, Bideau, Bryant, Buehler, C. Campbell, Cribbs, Crowell, Dillon, Empson, Francisco, Fry,

Graeber, Green, Cross, Guldner, Hamm, Harper, Hassler, Hensley, Holmes, Hoy, Jenkins, Johnson, Justice, King, Laird, Larkin, Leach, Littlejohn, Love, Lowther, Mainey, Mead, R.D. Miller, Mollenkamp, Moomaw, Neufeld, Ott, Patrick, Ramirez, Rezac, Roe, Roenbaugh, Roper, Rosenau, Russell, Sallee, Schauf, Shallenburger, Shore, Shriver, Sifers, Smith, Spaniol, Sughrue, Sutter, Teagarden, Webb, Weimer, Wells, Wilbert, Williams and Wisdom: An act concerning firearms; relating to regulation thereof.

HB 2816, by Representatives Apt, Lowther, C. Campbell, Chronister, Empson, Hassler and Sifers: An act concerning the state universities; requiring the establishment of a state university preparatory curriculum for prospective students; affecting entitlement of certain persons to admission; amending K.S.A. 72-116 and 76-717, and repealing the existing sections.

HB 2817, by Committee on Legislative, Judicial, and Congressional Apportionment: An act concerning the enumeration of the residents of the state; declaring enumeration or census data to be confidential and prescribing certain penalties; amending K.S.A. 1987 Supp. 11-201, 11-204 and 11-208 and repealing the existing sections.

HB 2818, by Representative Knopp (by request): An act concerning municipal judges; providing training programs and examinations thereto; providing continuing judicial education; creating a municipal judge training fund.

HB 2819, by Representatives Neufeld, Allen, Baker, Barr, Beauchamp, Brown, Bryant, C. Campbell, Dyck, Eckert, Freeman, Gatlin, Goossen, Graeber, Guldner, Hassler, Holmes, Hoy, Johnson, Kline, Lowther, Mollenkamp, Moomaw, O'Neal, Patrick, Ramirez, Rezac, Roenbaugh, Roy, Sallee, Schauf, Shallenburger, Shore, Smith, Snowbarger, Spaniol, Sprague, Sughrue, Turnquist, Vancrum, Wells, Whiteman and Wunsch: An act concerning certain juvenile offenders; relating to dispositional alternatives for alcohol and drug-related offenses; amending K.S.A. 1987 Supp. 38-1663 and repealing the existing section.

HB 2820, by Representative Cribbs: An act concerning childbirth; relating to the selection of persons to be at the birth of and the place at which the child is to be born.

HB 2821, by Committee on Transportation: An act relating to special fuels tax; increasing penalties for failure to file; providing for the extension of statute of limitations; amending K.S.A. 79-3480a and repealing the existing section.

HB 2822, by Committee on Transportation: An act concerning highways; relating to the removal, modification or relocation of public utility structures or facilities; amending K.S.A. 68-415 and repealing the existing section.

HB 2823, by Representatives Baker, Acheson, Amos, Apt, Beauchamp, Branson, Buehler, Bunten, C. Campbell, K. Campbell, Chronister, Crumbaker, Dyck, Flottman, Fuller, Harder, Mollenkamp, Moomaw, Neufeld, Ott, Roenbaugh and Schauf: An act prohibiting the use of tobacco products in public schools.

HB 2824, by Representative Heinemann: An act enacting the durable power of attorney for health care act.

HB 2825, by Representatives Brown and Blumenthal, Amos, Barkis, Barr, Branson, Bunten, Charlton, Douville, Flottman, Fry, Graeber, Harder, Hassler, Jenkins, Johnson, Patrick, Pottorff, Ramirez, Rezac, Sader, Sebelius, Vancrum, Wagon and Weimer: An act establishing the commission on autism; providing for the duties thereof.

HB 2826, by Representatives Gatlin, Acheson, Brown, Crumbaker, Empson, Flottman, Graeber, Hassler, Lowther, R.D. Miller, Neufeld, Roenbaugh, Sallee, Sand, Schauf, Smith and Weimer: An act concerning the Kansas civil service act; relating to certain preferences for graduates of Kansas high schools and accredited Kansas colleges and universities.

HB 2827, by Representatives Larkin and Rezac: An act relating to farming; prohibiting certain processors and grain traders from owning, controlling or operating feedlots or from entering into certain production contracts; prescribing penalties for violations; amending K.S.A. 1987 Supp. 17-5903 and repealing the existing section.

HB 2828, by Representative Holmes (by request): An act concerning groundwater exploration and protection; relating to licensing and regulating pump installers; amending K.S.A. 82a-1202, 82a-1203, 82a-1205, 82a-1206, 82a-1207, 82a-1212 and K.S.A. 1987 Supp. 82a-1209, 82a-1210 and 82a-1214 and repealing the existing sections.

HB 2829, by Representatives Williams, Beauchamp, Borum, Guldner, King, Long, Mead, Neufeld and Patrick: An act concerning wage payment and collection; relating to setoff and withholding of certain amounts from wages; amending K.S.A. 44-319 and repealing the existing section.

HB 2830, by Committee on Federal and State Affairs: An act concerning tobacco products; prohibiting distribution of free samples; amending K.S.A. 79-3313 and 79-3322 and repealing the existing sections; also repealing K.S.A. 79-3390.

HB 2831, by Representative Heinemann: An act concerning elections; relating to methods of becoming a primary election candidate; amending K.S.A. 25-205 and repealing the existing section.

HB 2832, by Representative Heinemann: An act authorizing an additional administrative law judge for the division of workers' compensation; amending K.S.A. 75-5708 and repealing the existing section.

HB 2833, by Representative Heinemann: An act concerning appeals from a district magistrate judge in the Kansas code for care of children; amending K.S.A. 38-1591 and repealing the existing section.

HB 2834, by Representative Wagon: An act concerning the Kansas lottery; relating to certain prizes; amending K.S.A. 1987 Supp. 74-8720 and 75-3732 and repealing the existing sections.

HB 2835, by Representatives Johnson and Schauf: An act concerning the use of automatic and semi-automatic defibrillators for cardiac defibrillation; authorizing the certification of individuals in the use thereof; providing exemptions from civil liability in certain instances.

HB 2836, by Representatives Bunten, Acheson, Apt, Barr, C. Campbell, Flottman, Graeber, Jenkins, Littlejohn, Pottorff, Roenbaugh, Sand and Smith: An act relating to state employees; concerning the payment of bonus amounts to certain state employees.

HB 2837, by Representatives Sughrue, Barkis, Blumenthal, Bowden, Cribbs, Freeman, Fry, Harder, Hassler, Hensley, Justice, Lacey, Laird, Larkin, Love, Neufeld, Sebelius, Suter, Teagarden, Turnquist, Webb, Wells and Whiteman: An act concerning elections; requiring reporting of certain campaign contributions to and expenditures by candidates for county office; prescribing penalties for violations; amending K.S.A. 25-901, 25-904 and 25-905 and repealing the existing sections.

HB 2838, by Representative Sughrue: An act concerning the Kansas public employees retirement system; relating to purchase of participating service credit; amending K.S.A. 74-4919a and repealing the existing section.

HB 2839, by Representative Sughrue: An act concerning the Kansas public employees retirement system; relating to membership waiting period; amending K.S.A. 1987 Supp. 74-4911 and repealing the existing section; also repealing K.S.A. 74-4927c.

HB 2840, by Representative Heinemann: An act concerning civil liability for giving a worthless check; amending K.S.A. 1987 Supp. 60-2610 and repealing the existing section.

HB 2841, by Representative Teagarden: An act concerning the Kansas civil service act; relating to appointment of temporary and seasonal employees by state agencies; prescribing guidelines and procedures; amending K.S.A. 1987 Supp. 75-2945 and repealing the existing section.

HB 2842, by Representative Shallenburger: An act enacting the older Kansans senior care act; establishing a program of in-home and community support services for adults with long-term-care needs; providing requirements for and limitations on such programs; providing for the administration of the program.

HB 2843, by Representative Gatlin: An act concerning medical assistance for resident receiving care outside state; amending K.S.A. 39-709 and repealing the existing section.

HB 2844, by Committee on Transportation: An act concerning motor vehicle fuel taxes; providing an exemption for refuse trucks.

HB 2845, by Representative Holmes: An act relating to agricultural land; concerning the use thereof by corporations for certain purposes; prohibiting certain acts and providing penalties for violation; prohibiting certain ad valorem taxation exemptions and bond issues for such purposes; amending K.S.A. 1987 Supp. 17-5903, 17-5904 and 79-250 and repealing the existing sections.

(continued)

HB 2846, by Representative Holmes: An act relating to agricultural land; concerning the use thereof by corporations for certain purposes; providing civil penalties for certain violations; prohibiting certain ad valorem taxation exemptions and bond issues for such purposes; amending K.S.A. 1987 Supp. 17-5903, 17-5904 and 79-250 and repealing the existing sections.

HB 2847, by Representative Wisdom: An act concerning public contracts; concerning bonds required to be posted by contractors; amending K.S.A. 60-1111 and repealing the existing section.

HB 2848, by Representative Wisdom: An act relating to contracts for construction and repairs and purchases of materials and services by state agencies; concerning specifications; amending K.S.A. 1987 Supp. 75-3739 and repealing the existing section.

HB 2849, by Representatives R. H. Miller and Sebelius: An act establishing the Kansas commission on child care; providing for the duties thereof.

HB 2850, by Representatives R. H. Miller and Sebelius: An act concerning compensation and benefits for state officers and employees; relating to cafeteria plans therefor; authorizing a dependent care assistance program; prescribing guidelines and duties with respect thereto; amending K.S.A. 1987 Supp. 75-6512 and repealing the existing section.

HB 2851, by Representative Hassler: An act concerning certain liens on personal property; amending K.S.A. 1987 Supp. 58-201 and repealing the existing section.

HB 2852, by Representative O'Neal (by request): An act concerning the state board of agriculture; prohibiting defacing, selling or otherwise using marked milk or cream cans, cases or trays without the owner's consent; providing penalties for violations.

HB 2853, by Representative Amos: An act concerning trading stamps and similar devices; amending K.S.A. 21-2801, 21-2802, 21-2803 and 21-2804 and repealing the existing sections; also repealing K.S.A. 21-2804a.

HB 2854, by Representative D. Miller: An act concerning school districts; providing for the levy of an annual tax for the purpose of financing the implementation of a long range building plan.

HB 2855, by Representative Freeman: An act concerning judges; relating to the district court; providing for the creation of district judge position and elimination of a district magistrate position; amending K.S.A. 1987 Supp. 4-205 and 20-338 and repealing the existing sections.

HB 2856, by Representative R. D. Miller: An act providing for the establishment and operation of emergency telephone service in the state; authorizing imposition of certain taxes; amending K.S.A. 12-5301 and 12-5302 and repealing the existing sections.

HB 2857, by Representatives Johnson, Dillon, Justice, Love, Peterson, Ramirez, Reardon, Rosenau, Sutter and Wisdom: An act concerning the Kansas police and firemen's retirement system; relating to post-retirement benefit adjustments for certain retirees.

HB 2858, by Representatives Johnson, Dillon, Justice, Love, Peterson, Reardon, Rosenau, Sutter and Wisdom: An act concerning historic preservation; relating to Quindaro town site in Wyandotte county; declaring such site to be of unusual historic interest; authorizing acquisition and preservation thereof by the state historical society; prescribing certain guidelines and authorizing certain rules and regulations.

HB 2859, by Representatives Johnson, Dillon, Justice, Peterson, Ramirez, Reardon, Sutter and Wisdom: An act concerning crimes and punishments; defining and classifying the crime of aggravated vehicular battery.

HB 2860, by Representatives Johnson, Adam, Bideau, Dillon, Fuller, Jenkins, Justice, Kennard, Love, O'Neal, Peterson, Roy, Sebelius, Snowbarger, Solbach, Vancrum, Wagnon, Whiteman and Wisdom: An act relating to divorce and maintenance; concerning orders providing for child support and education; amending K.S.A. 1987 Supp. 60-1610 and repealing the existing section.

HB 2861, by Representative Johnson: An act relating to the registration of motor vehicles; creating a lien for the failure to register.

HB 2862, by Representative Johnson: An act relating to motor vehicle liability insurance; requiring evidence of financial security to be provided at the time of making application for registration of motor vehicles; amending K.S.A. 1987 Supp. 40-3118 and repealing the existing section.

HB 2863, by Representatives Johnson, Dillon, Justice, Love, Peterson, Ramirez, Reardon and Wisdom: An act concerning the board of public utilities; relating to utility rate increases; amending K.S.A. 13-1228f and repealing the existing section.

HB 2864, by Representative Johnson: An act relating to motor vehicle liability insurance; concerning proof of financial security; authorizing law enforcement officers to remove the license plates of certain motor vehicles upon failure to provide such proof; providing a procedure for reclaiming such plates; amending K.S.A. 1987 Supp. 8-1604 and 40-3104 and repealing the existing sections.

HB 2865, by Representatives Johnson and Schauf: An act concerning emergency medical services; providing for the certification of emergency medical dispatchers; and providing for the administration of the provisions of the act.

HB 2866, by Representatives Johnson, Adam, Bideau, Dillon, Fuller, Jenkins, Justice, Kennard, Love, O'Neal, Peterson, Roy, Sebelius, Solbach, Wagnon, Whiteman and Wisdom: An act amending the Kansas parentage act; concerning the judgment or order of court; amending K.S.A. 38-1121 and repealing the existing section.

HB 2867, by Representative Lacey: An act concerning fish and game; relating to the regulation thereof by the state.

HB 2868, by Representative Laird: An act relating to insurance; concerning unfair claim settlement practices; requiring the payment of interest on certain settlements; amending K.S.A. 1987 Supp. 40-2404 and repealing the existing section.

HB 2869, by Representative Dean: An act concerning domestic relations actions; relating to interference with parent-child communications; amending K.S.A. 1987 Supp. 60-1616 and repealing the existing section.

HB 2870, by Representative Heinemann: An act concerning hazardous waste; authorizing the establishment of household hazardous waste collection programs; repealing K.S.A. 1987 Supp. 65-3459.

HB 2871, by Representative Heinemann: An act relating to motor vehicle liability insurance; concerning the requirement to acquire insurance after convictions of certain violations; amending K.S.A. 1987 Supp. 40-3118 and repealing the existing section.

HB 2872, by Representatives Harper, Amos, Beauchamp, Buehler, Eckert, Freeman, Guldner, King, Littlejohn, Long, R.D. Miller, Mollenkamp, Patrick, Sallee, Shallenburger and Spaniol: An act concerning the supreme court; appointing two court of appeals judges to the supreme court; amending K.S.A. 25-111 and K.S.A. 1987 Supp. 20-3002 and 20-3006 and repealing the existing sections.

HB 2873, by Representative Eckert: An act concerning health care benefits provided by employers for employees; requiring provision of such benefits for certain part-time employees on a proportionate basis; defining terms and prescribing guidelines.

HB 2874, by Representatives Sughruue, Green, Gross and Kennard: An act concerning infectious or contagious diseases; granting certain powers to and imposing certain duties upon the secretary of health and environment; providing for confidentiality of certain information; declaring certain acts unlawful and providing penalties for violations; amending K.S.A. 65-118, 65-119, 65-127 and 65-129 and repealing the existing sections.

HB 2875, by Representatives Bowden, Harder and Turnquist: An act relating to the taking of sand and other materials from rivers and islands belonging to the state of Kansas; concerning the terms and conditions and compensation paid to the state therefor; providing for the disposition of such revenues; amending K.S.A. 70a-102, 70a-105 and 82a-309 and repealing the existing sections.

HB 2876, by Representatives Bowden and Hassler: An act establishing the Kansas educational savings plan trust; creating a board of directors thereof; prescribing certain powers and duties; relating to investment income and payments of benefits.

HB 2877, by Representatives Bowden and Hassler: An act relating to income taxation; concerning modifications to adjusted gross income for certain college education savings account contributions; amending K.S.A. 1987 Supp. 79-32,117 and repealing the existing section.

HB 2878, by Representatives Schauf, Baker, Guldner, Long, Mead, R.D. Miller, Neufeld, Sand and Shallenburger: An act relating to special fuels tax; providing an exemption for certain county, city or township vehicles; amending K.S.A. 79-3475 and repealing the existing section.

HB 2879, by Representative Heinemann: An act concerning mortgage registration fees; concerning exemptions to the requirement thereof; amending K.S.A. 1987 Supp. 79-3102 and repealing the existing section.

HB 2880, by Representative Heinemann: An act concerning the protection from abuse act; creating a definition of persons; support payments; enforcement of the protection order; amending K.S.A. 60-3108 and K.S.A. 1987 Supp. 60-3102 and 60-3107 and repealing the existing sections.

HB 2881, by Representative Heinemann: An act concerning the Kansas criminal code; relating to authorized dispositions; amending K.S.A. 1987 Supp. 21-4603 and repealing the existing section.

HB 2882, by Committee on Local Government: An act concerning school districts; affecting the purposes for which capital outlay taxes may be levied; amending K.S.A. 72-8801 and 72-8804, and repealing the existing sections.

HB 2883, by Representative Sawyer: An act relating to the licensure of embalmers; amending K.S.A. 65-1701 and repealing the existing section.

HB 2884, by Representative Whiteman: An act concerning civil procedure; relating to dormant judgments of child support; amending K.S.A. 1987 Supp. 60-2403 and repealing the existing section.

HB 2885, by Representative Whiteman: An act concerning minors; creating a new designation as juvenile delinquent; amending K.S.A. 1987 Supp. 38-1502 and 38-1602 and repealing the existing sections.

HB 2886, by Representatives Adam, Brady, K. Campbell, Charlton, Gjerstad, Gross, Grotewiel, Harder, Hensley, Kennard, Larkin and Sebelius: An act concerning state governmental ethics; relating to the administrators and executive directors of certain interstate compacts filing statements of substantial interest; amending K.S.A. 46-247 and 46-280 and repealing the existing sections.

HB 2887, by Representative Pottorf: An act concerning school districts; authorizing the development and implementation of parent education programs; providing for grants of state moneys therefor to school districts.

HB 2888, by Representatives Roenbaugh, C. Campbell, Eckert, Gatlin, Mead, Mollenkamp, Neufeld, Sallee, Schauf and Smith: An act amending the Kansas tort claims act; relating to exceptions to liability; amending K.S.A. 1987 Supp. 75-6104 and repealing the existing section.

HB 2889, by Representatives Branson, Fuller, Lowther, Mainey and Rolfs: An act concerning medical assistance; relating to the medicaid program for maternity and infant care; requiring the state to participate in such program for indigent children and pregnant women; directing certain actions by the secretary of social and rehabilitation services.

HB 2890, by Representative Spaniol: An act concerning wildlife and parks; relating to the leasing of certain land for hunting; amending K.S.A. 58-3202, 58-3204 and 58-3206 and repealing the existing sections.

HB 2891, by Representative Vancrum: An act concerning the Kansas pesticide law; relating to the application of pesticides; providing civil penalties for certain violations; amending K.S.A. 1987 Supp. 2-2438a, 2-2440a, 2-2440b and 2-2440c and repealing the existing sections.

HB 2892, by Representatives R.D. Miller, Acheson, Amos, Apt, Aylward, Barr, Beauchamp, Bowden, Bryant, Buehler, C. Campbell, Crowell, Crumbaker, Eckert, Empson, Francisco, Freeman, Fry, Gatlin, Green, Gross, Guldner, Hamm, Harper, Heinemann, Johnson, Kline, Lacey, Leach, Littlejohn, Long, Mead, Mollenkamp, Moomaw, Neufeld, Ott, Patrick, Roe, Roenbaugh, Sallee, Sand, Schauf, Shallenburger, Shore, Shriver, Smith, Sprague, Sughruue, Walker, Whiteman and Williams: An act relating to banks and banking; concerning loan loss amortization.

HB 2893, by Representative Rolfs: An act relating to elections; concerning political contributions and solicitations; prohibiting certain acts and providing penalties for violations.

HB 2894, by Representatives Hensley, Acheson, Barr, Bunten, Laird, Mainey, Roy, Sebelius, Smith and Wagnon: An act concerning municipal universities; tax levies relating to capital improvements; amending K.S.A. 1987 Supp. 13-13a23 and repealing the existing section.

HB 2895, by Representative Douville: An act prohibiting a child from maintaining an action in tort against the parent; further prohibiting a husband or wife from maintaining an action in tort against such husband's or wife's spouse.

HB 2896, by Representative Hensley: An act relating to the use of certain information derived from personnel records of the state; prohibiting the use of certain information for political purposes; and prescribing penalties for the violation thereof.

HB 2897, by Representative Hensley: An act prohibiting the mailing or distribution of political campaign materials to state officers and employees at places of their employment; and prescribing penalties for the violation thereof.

HB 2898, by Representatives O'Neal and Wunsch: An act concerning sentencing; relating to the conditions of sentencing, probation or suspended sentence; allowing house arrest, including electronic monitoring or voice identification as conditions thereof; amending K.S.A. 1987 Supp. 21-4603 and 21-4610 and repealing the existing sections.

HB 2899, by Committee on Taxation: An act relating to sales taxation; exempting sales of certain advertising services; amending K.S.A. 1987 Supp. 79-3606 and repealing the existing section.

HB 2900, by Representative D. Miller: An act relating to the payment of state salaries, wages and other benefits; allowing the direct deposit thereof; amending K.S.A. 74-4921 and repealing the existing section.

HB 2901, by Representative Brown: An act concerning the food service and lodging act; requiring hotels to provide portable smoke detectors or rooms located in certain places in the hotel for deaf and hearing impaired guests.

HB 2902, by Representative Brown: An act concerning the state educational institutions under the control and supervision of the state board of regents; requiring inclusion of the American sign language in the foreign language curricula thereof; amending K.S.A. 76-716 and repealing the existing section.

HB 2903, by Representative Brown: An act concerning the Kansas commission for the deaf and hearing impaired; relating to the membership thereof; amending K.S.A. 75-5392 and repealing the existing section.

HB 2904, by Committee on Taxation: An act relating to property taxation; concerning aggregate property tax levy limitations; amending K.S.A. 1987 Supp. 79-5021 to 79-5026, inclusive, and 79-5028 and repealing the existing sections; also repealing K.S.A. 79-5001 to 79-5010, inclusive, and 79-5012 to 79-5018, inclusive, and K.S.A. 1987 Supp. 79-5011 and 79-5020.

HB 2905, by Committee on Taxation: An act relating to state tax levies for institutions; concerning the imposition and disposition thereof; amending K.S.A. 1987 Supp. 76-6b04, 76-6b09 and 79-5109 and repealing the existing sections.

HB 2906, by Committee on Taxation: An act concerning the administration of the Kansas wheat act; amending K.S.A. 1987 Supp. 2-2608 and repealing the existing section.

HB 2907, by Representatives Aylward, Baker, Borum, Chronister, Dyck, Foster, Goosen, Hassler, Heinemann, Kline, Mead, R.H. Miller, Moomaw, Sifers, Smith and Weimer: An act relating to economic development; establishing the Kansas partnership fund; authorizing loans for certain local government infrastructure projects; prescribing powers, duties and functions relating thereto.

HB 2908, by Committee on Appropriations: An act relating to state gaming revenues; concerning transfers to the county reappraisal fund, juvenile facilities fund and correctional institutions building fund; establishing and providing for transfers to the natural resources development fund; amending K.S.A. 1987 Supp. 79-4801, 79-4802, 79-4803 and 79-4804 and repealing the existing sections.

HB 2909, by Representatives Gjerstad and Grotewiel: An act concerning economic development; establishing the Kansas basic enterprises loan program; authorizing issuance of certain bonds, loans and investments; prescribing powers, duties and functions for the Kansas development finance authority; amending K.S.A. 1987 Supp. 74-8902 and 74-8905 and repealing the existing sections.

HB 2910, by Representative Grotewiel: An act concerning employment of former members of the state corporation commission.

HB 2911, by Representatives Lacey and Freeman: An act concerning product liability claims; relating to firearms and ammunition.

HB 2912, by Representative Freeman: An act concerning the Kansas police and firemen's retirement system; relating to vesting of benefits; amending K.S.A. 74-4963 and repealing the existing section.

HB 2913, by Representative Whiteman: An act concerning a presidential preference primary election; relating to the date thereof; amending K.S.A. 25-4501 and repealing the existing section.

HB 2914, by Representative Whiteman: An act providing for initiation of legislation by the voters of the state; amending K.S.A. 1987 Supp. 25-4180 and repealing the existing section.

HB 2915, by Representative Wells: An act concerning community colleges; requiring the adoption by boards of trustees of an out-district tuition refund policy.

HB 2916, by Representative Wells: An act concerning community colleges; relating to out-district tuition charges; imposing certain duties on boards of trustees; amending K.S.A. 1987 Supp. 71-301 and repealing the existing section.

HB 2917, by Representative Wells: An act concerning certain traffic violations; providing for the issuance of citations therefor; amending K.S.A. 8-2108 and K.S.A. 1987 Supp. 8-2104, 8-2106 and 22-2202 and repealing the existing sections.

HB 2918, by Representatives Brady, Barkis, Branson, Charlton, Green, Hensley, Kennard, Laird, Mainey, Sebelius, Wagon and Wells: An act concerning the state health care benefits program; relating to the benefit year thereof; prescribing the composition of the Kansas state employees health care commission; amending K.S.A. 75-6501, 75-6502 and 75-6509 and repealing the existing sections.

HB 2919, by Representatives Brady, Barkis, Branson, Green, Hensley, Kennard, Laird, Mainey, Sebelius, Shriver, Teagarden, Wagon and Wells: An act concerning salaries and compensation of state officers and employees; authorizing and providing for certain revisions of the classification of and compensation for positions in certain job classes; making appropriations for the fiscal year ending June 30, 1989, and authorizing certain transfers and adjustments in expenditure limitations therefor.

HB 2920, by Representative Johnson: An act concerning civil procedure; relating to dormant judgments of child support; amending K.S.A. 1987 Supp. 60-2403 and repealing the existing section.

HB 2921, by Representatives Johnson and Peterson: An act concerning the state health care benefits program; relating to provision of health care benefits coverage under health maintenance organizations for certain officers and employees of the judicial department; amending K.S.A. 75-6505 and repealing the existing section.

HB 2922, by Representatives Johnson, Dillon, Love, Peterson, Ramirez, Reardon, Rosenau, Sutter and Wisdom: An act concerning the workers compensation act; relating to compensation where death results from injury; waiver of benefits under certain circumstances; amending K.S.A. 1987 Supp. 44-501 and 44-510b and repealing the existing sections.

HB 2923, by Representative Turnquist: An act concerning certain health care providers; relating to professional liability insurance; providing for self-insurance by the state; amending K.S.A. 40-3402 and 40-3414 and K.S.A. 1987 Supp. 40-3401, 40-3403 and 40-3404 and repealing the existing sections.

HB 2924, by Representatives Sader, Amos, Baker, Blumenthal, Branson, Buehler, Johnson, Long, Schauf, Sebelius and Shallenburger: An act relating to income taxation; allowing credits for in-home care of institution bound frail elderly or disabled persons.

HB 2925, by Representative Sader: An act relating to abuse, neglect and exploitation of certain adults; requiring reports thereof by certain persons; directing investigations thereof by the department of social and rehabilitation services; directing other persons and public and private agencies to assist therein; providing for protective services; declaring certain acts to be unlawful and providing penalties therefor; repealing K.S.A. 39-1401 to 39-1410, inclusive, and 39-1421 to 39-1429, inclusive.

HB 2926, by Representatives Sawyer, Cribbs, Dean, Dillon, Gross, Hensley, Johnson, Justice, Kennard, Laird, Reardon, Russell, Sader and Webb: An act relating to sales taxation; exempting sales of food for human consumption; amending K.S.A. 1987 Supp. 79-3606 and repealing the existing section.

HB 2927, by Representative Ott (by request): An act enacting the wrongful discharge from employment act; providing a cause of action for wrongful discharge under certain conditions; defining terms; prescribing damages for certain purposes; providing certain limitations and exemptions.

HB 2928, by Representatives Whiteman, Harder and O'Neal: An act designating the emerald as the official Kansas state gemstone.

HB 2929, by Representatives Fry, Buehler, K. Campbell, Charlton, Dyck, Gross, Guldner, Leach, Mead, R.D. Miller, Roe, Sutter, Turnquist, Whiteman and Wisdom: An act concerning hazardous waste; relating to the incineration thereof; amending K.S.A. 65-3430 and 65-3434 and repealing the existing sections.

HB 2930, by Webb and Leach, Adam, Blumenthal, Bowden, K. Campbell, Charlton, Dean, Dillon, Francisco, Fry, Gjerstad, Hensley, Johnson, Justice, Lacey, Larkin, Love, Mainey, Reardon, Rezac, Roy, Sawyer, Sebelius, Shriver, Sughruue, Sutter and Whiteman: An act establishing a regional clinic pilot program to provide medical services to the medically indigent; providing for administration by the university of Kansas medical center; amending K.S.A. 1987 Supp. 76-375 and repealing the existing section.

HB 2931, by Representatives Acheson, Barr, Bideau, Brown, Gjerstad, O'Neal, Pottorff, Roy, Schauf, Sebelius, Smith, Spaniol, Vancrum and Williams: An act concerning confidential or privileged communications and information concerning patients of certain treatment facilities; providing exceptions to such privilege; amending K.S.A. 1987 Supp. 65-5603 and repealing the existing section.

HB 2932, by Representatives Roy, Barr, Laird and Mainey: An act relating to the eminent domain authority of unified school districts; concerning owners' options to reacquire certain property condemned; amending K.S.A. 72-8212a and repealing the existing section.

HB 2933, by Representatives Turnquist, Hoy, Brady, Freeman, Heinemann, Patrick, Reardon, Sawyer, Spaniol and Sprague: An act relating to the licensure and regulation of persons or organizations offering collision damage waiver contracts in connection with the rental of motor vehicles; prescribing contract forms and provision requirements; prescribing penalties for violations.

HB 2934, by Representative Smith: An act relating to the repackaging of bulk pesticides; directing the state board of agriculture to adopt certain rules and regulations therefor.

HB 2935, by Representatives Hensley, Cribbs, Dillon, Gjerstad, Green, Roper, Webb and Whiteman: An act concerning the department of human resources; establishing the Kansas apprenticeship council; prescribing the composition, organization, powers, duties and functions thereof.

HB 2936, by Representatives Grotewiel, Adam, Barkis, Bowden, Charlton, Gross, Sebelius, Teagarden and Webb: An act concerning nuclear powered electric generating facilities; establishing the position of nuclear safety engineer and prescribing the duties and authority thereof; providing for the monitoring of the management and operation of such generating facilities; and providing for the making of certain reports.

HB 2937, by Representatives Freeman, Bideau, C. Campbell, K. Campbell, Dillon, Empson, Graeber, Green, Gross, Harper, King, Lacey, Laird, Mead, Moomaw, Neufeld, Roe, Roenbaugh, Rosenau, Russell, Sallee, Shore, Smith, Sughruue and Wilbert: An act relating to the design of license plates; amending K.S.A. 1987 Supp. 8-147 and repealing the existing section.

HB 2938, by Representatives Adam, K. Campbell, Dillon, Freeman, Gross, Harper, Hensley, Justice, Laird, Love, Mead, Russell, Schauf and Wilbert: An act relating to railroads; concerning the acquisition of right-of-way.

HB 2939, by Representatives Adam, K. Campbell, Dillon, Freeman, Gross, Harper, Hensley, Justice, Lacey, Laird, Love, Mead, Russell, Schauf and Wilbert: An act enacting the railroad employee equity act.

HB 2940, by Representatives Vancrum, Allen, Amos, Blumenthal, Brown, Douville, Graeber, Hoy, King, Kline, D. Miller, Neufeld, Ott, Patrick, Sader, Schauf, Sifers, Snowbarger, Spaniol, Weimer and Williams: An act amending and supplementing the Kansas income tax act; concerning the filing requirements, determination of income, standard and itemized deductions, personal exemptions and liability of an individual thereunder;

concerning the net operating loss and apportionment of business income of corporations; amending K.S.A. 79-3220, 79-3279, 79-32,110, 79-32,111a, 79-32,119, 79-32,120, 79-32,121 and 79-32,143 and K.S.A. 1987 Supp. 75-6512 and 79-32,117 and repealing the existing sections.

HB 2941, by Representatives Dean, Lowther, Pottorff and Webb: An act relating to home loans; concerning the disclosure of certain information.

HB 2942, by Representatives Adam, Apt, Baker, Barkis, Bideau, Braden, Brady, Branson, K. Campbell, Chronister, Dean, Dillon, Empson, Freeman, Gatlin, Gjerstad, Gross, Harder, Harper, Heinemann, Helgerson, Justice, Kennard, Knopp, Lacey, Leach, Mead, Moomaw, Pottorff, Russell, Sallee, Sawyer, Schauf, Sebelius, Shore, Smith, Turnquist, Webb, Wells and Whiteman: An act establishing the Kansas commission on midwestern interstate crossroads; providing for the duties thereof; granting certain powers to and imposing certain duties upon the secretary of transportation.

HB 2943, by Representative Heinemann: An act concerning the Kansas code for care of children; relating to the appeals procedure; amending K.S.A. 38-1591 and repealing the existing section.

HB 2944, by Representatives K. Campbell, Acheson, Adam, Barr, Bowden, C. Campbell, Charlton, Freeman, Fry, Grotewiel, Harder, Holmes, Lacey, Larkin, Leach, Mead, Mollenkamp, Reardon, Rezac, Rosenau, Russell, Sallee, Sawyer, Shore, Smith, Solbach, Sughruue, Sutter, Turnquist, Wagon, Webb and Wells: An act creating the Kansas commission on private household water quality; prescribing the membership, responsibilities and duties of the commission; providing for meetings, staffing and supplies for such commission; and providing for the compensation of certain members.

HB 2945, by Representatives Flottman, Acheson, Amos, Apt, Aylward, Beauchamp, Bideau, Blumenthal, Borum, Bowden, Brady, Branson, Brown, Bryant, Buehler, C. Campbell, Charlton, Chronister, Cribbs, Crumbaker, Dean, Dillon, Douville, Dyck, Eckert, Empson, Foster, Freeman, Fry, Gatlin, Gjerstad, Gossen, Graeber, Green, Guldner, Harder, Harper, Hensley, Jenkins, Justice, Kennard, Kline, Lacey, Laird, Larkin, Long, Love, Lowther, Mead, D. Miller, Mollenkamp, Neufeld, O'Neal, Ott, Patrick, Pottorff, Ramirez, Rezac, Roenbaugh, Rols, Roper, Russell, Sader, Sallee, Sawyer, Schauf, Sebelius, Shallenburger, Shriver, Sifers, Snowbarger, Solbach, Spaniol, Sprague, Sutter, Turnquist, Walker, Weimer, Whiteman, Williams and Wisdom: An act designating December 7 of each year as Pearl Harbor Remembrance Day in the state of Kansas.

HB 2946, by Committee on Local Government: An act providing for the disposition of certain property in the possession of a museum; providing for museum acquisition of title to certain loaned or undocumented property; requiring notice; placing duties upon museums and lenders.

HB 2947, by Representatives Solbach, Shriver and Whiteman: An act creating a cause of action against a person who sells a controlled substance to an injured party; providing for damages.

HB 2948, by Representatives Fuller, Baker, Borum, Bowden, Cribbs, Dean, Gjerstad, Grotewiel, Helgerson, Kennard, Pottorff, Sawyer, Webb and Williams: An act relating to sales taxation; prescribing certain duties for the department of revenue relating to letter rulings and bond and registration certificate requirements; amending K.S.A. 79-3608 and K.S.A. 1987 Supp. 79-3616 and repealing the existing sections.

HB 2949, by Representatives Fuller, Baker, Borum, Bowden, Cribbs, Dean, Gjerstad, Grotewiel, Helgerson, Kennard, Pottorff, Sawyer, Webb and Williams: An act relating to sales and compensating taxes; requiring certain information to be disseminated to taxpayers.

HB 2950, by Representatives Amos, Beauchamp, K. Campbell, Francisco, Freeman, Fry, Green, Hamm, Harder, Laird, Larkin, Long, Mollenkamp, Neufeld, Patrick, Ramirez, Reardon, Rosenau, Sallee, Shore, Smith, Webb and Wisdom: An act relating to abortion; concerning abortions performed on minors; imposing certain conditions and requirements thereon; defining and classifying certain crimes; amending K.S.A. 38-123 and 38-133 and repealing the existing sections.

HB 2951, by Representatives O'Neal and Bideau: An act concerning the crime of aggravated vehicular homicide; amending K.S.A. 1987 Supp. 21-3405a and repealing the existing section.

HB 2952, by Representatives O'Neal and Bideau: An act concerning certain alcohol and drug-related offenses; relating to sentencing.

HB 2953, by Representatives O'Neal and Bideau: An act relating to certain alcohol and drug-related offenses; providing for suspension, or suspension and restriction, of driving privileges upon certain occurrences; amending K.S.A. 1987 Supp. 8-247, 8-254, 8-255, 8-259, 8-292, 8-1001, 8-1002, 8-1005, 8-1006 and 8-1567 and repealing the existing sections.

Senate Bills

SB 567, by Senator D. Kerr: An act relating to certain alcohol and drug related offenses involving motor vehicles; providing for the order of certain persons convicted thereof to undergo alcoholism treatment programs; providing for payment of the costs thereof; amending K.S.A. 1987 Supp. 8-1567 and repealing the existing section.

SB 568, by Committee on Education: An act concerning school districts; authorizing the development and implementation of building-based education plans; providing for grants of state moneys therefor to selected school districts.

SB 569, by Senators Karr, Gannon and Norvell: An act designating Harney silt loam as the state soil of Kansas.

SB 570, by Committee on Federal and State Affairs: An act establishing the statewide genetic services program; providing for administration by the secretary of health and environment.

SB 571, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1988, for the state finance council, department of administration, state corporation commission, department on aging, department of revenue—homestead property tax refund, department of social and rehabilitation services, state reception and diagnostic center, Kansas state penitentiary, department of corrections, state reception-vocational training center, Kansas correctional institution at Lansing, state industrial reformatory, youth center at Atchison, youth center at Beloit, Kansas highway patrol, Kansas neurological institute, Parsons state hospital and training center, Norton state hospital, Winfield state hospital and training center, Osawatomie state hospital, Rainbow mental health facility, Larned state hospital, Topeka state hospital, department of health and environment, state historical society, and department of wildlife and parks; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

SB 572, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1989, for the department of revenue—homestead property tax refunds, department of social and rehabilitation services, department of health and environment and department on aging; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

SB 573, by Senators Parrish and Hoferer: An act concerning registered masters level psychologists; amending K.S.A. 1987 Supp. 74-5363 and repealing the existing section.

SB 574, by Senators Burke and others: An act relating to economic development; establishing the Kansas partnership fund; authorizing loans for certain local government infrastructure projects; prescribing powers, duties and functions relating thereto.

SB 575, by Committee on Transportation and Utilities: An act relating to the department of transportation; concerning relocation assistance.

SB 576, by Committee on Transportation and Utilities: An act relating to the department of transportation; concerning the powers of the secretary thereof; amending K.S.A. 68-413 and repealing the existing section.

SB 577, by Senator Frey: An act concerning vocational education; authorizing contracts for the transfer of certain vocational education programs from area vocational or area vocational-technical schools to community colleges; amending K.S.A. 71-602 and repealing the existing section.

(continued)

- SB 578**, by Senator Doyen: An act relating to cooperatives; concerning dormant patronage dividend accounts.
- SB 579**, by Senator Bogina: An act concerning roads and highways; relating to the use of moneys appropriated from the state highway fund; amending K.S.A. 68-406 and repealing the existing section.
- SB 580**, by Senators Burke, Allen, Bogina, Bond, Ehrlich, Langworthy and Reilly: An act amending and supplementing the Kansas income tax act; concerning the filing requirements, determination of income, standard and itemized deductions, personal exemptions and liability of an individual thereunder; concerning the net operating loss and apportionment of business income of corporations; amending K.S.A. 79-3220, 79-3279, 79-32,110, 79-32,111a, 79-32,119, 79-32,120, 79-32,121 and 79-32,143 and K.S.A. 1987 Supp. 75-6512 and 79-32,117 and repealing the existing sections.
- SB 581**, by Senators Johnston, Anderson, Daniels, Feleciano, Francisco, Gannon, Karr, Martin, Mulich, Norvell, Parrish, Steineger, Strick and Warren: An act relating to income taxation; allowing the utilization of income averaging to determine liability.
- SB 582**, by Senator Johnston: An act relating to elections; concerning presidential preference primary elections; amending K.S.A. 25-4501 and repealing the existing section.
- SB 583**, by Senators Langworthy, Bogina, Bond and Burke: An act concerning water supply and distribution districts; relating to the powers of such districts; amending K.S.A. 19-3509 and K.S.A. 1987 Supp. 19-3515 and repealing the existing sections.
- SB 584**, by Senator Ehrlich: An act concerning the sale of property under execution; amending K.S.A. 60-2415 and K.S.A. 1987 Supp. 60-2410 and repealing the existing section.
- SB 585**, by Committee on Public Health and Welfare: An act concerning the adult care home licensure act; relating to the issuance of correction orders, citations and assessments; prohibiting new admissions to adult care homes in certain cases; amending K.S.A. 39-945 and 39-946 and repealing the existing sections.
- SB 586**, by Senators Winter, Burke, Allen, Anderson, Arasmit, Bogina, Bond, Ehrlich, Feleciano, Francisco, Gaines, Gannon, Harder, Hoferer, Johnston, Karr, D. Kerr, Langworthy, Martin, Morris, Mulich, Norvell, Parrish, Reilly, Salisbury, Steineger, Strick and Thiessen: An act concerning the regulation of the acquisition of control of certain issuing public corporations; repealing K.S.A. 17-1276, 17-1277, 17-1278, 17-1279, 17-1281, 17-1282, 17-1283 and 17-1284 and K.S.A. 1987 Supp. 17-1280.
- SB 587**, by Senators Mulich, Anderson and Strick: An act declaring historic Quindaro town area located in Wyandotte county to possess unusual historical interest; authorizing the state historical society to acquire such area for and in the name of the state of Kansas.
- SB 588**, by Senators Bogina, Allen, Langworthy, Bond and Burke: An act relating to the state census or enumeration of the inhabitants; concerning the use of certain data by political and taxing subdivisions; amending K.S.A. 1987 Supp. 11-201 and 11-204 and repealing the existing sections.
- SB 589**, by Senators Burke and Strick: An act relating to motor vehicles; providing for license plates for survivors of the attack on Pearl Harbor.
- SB 590**, by Senators Winter, Daniels, Hoferer, Langworthy, Parrish and Salisbury: An act concerning compensation and benefits for state officers and employees; relating to cafeteria plans therefor; authorizing a dependent care assistance program; prescribing guidelines and duties with respect thereto; amending K.S.A. 1987 Supp. 75-6512 and repealing the existing section.
- SB 591**, by Senator Francisco (by request): An act concerning counties; relating to zoning; amending K.S.A. 1987 Supp. 19-2920 and repealing the existing section.
- SB 592**, by Senators Ehrlich and Vidricksen: An act concerning the district court; providing for the creation of district judge position; amending K.S.A. 1987 Supp. 4-221 and repealing the existing section.
- SB 593**, by Senator Ehrlich: An act concerning emergency care or assistance at scene of an emergency or accident; defining health care provider; amending K.S.A. 1987 Supp. 65-2891 and repealing the existing section; also repealing K.S.A. 65-2891a.
- SB 594**, by Senators Bogina, Allen, Bond, Burke, Langworthy and Reilly: An act relating to controlled substances; concerning mandatory sentencing for the sale thereof; amending K.S.A. 65-4127a and K.S.A. 1987 Supp. 65-4127b and repealing the existing sections.
- SB 595**, by Senator Doyen: An act concerning certain alcohol-related offenses; authorizing certain restriction of driving privileges; amending K.S.A. 1987 Supp. 8-292, 8-1567, 12-4416 and 22-2909 and repealing the existing sections.
- SB 596**, by Senator Doyen, Allen, Arasmit, Gaines, Parrish and Vidricksen: An act relating to certain alcohol and drug-related offenses; concerning disposition or sentencing; amending K.S.A. 12-4509, 21-4502 and 38-1563 and K.S.A. 1987 Supp. 21-4603, 22-2909 and 38-1563 and repealing the existing sections.
- SB 597**, by Senator Talkington: An act concerning the Kansas public employees retirement system; relating to purchase of additional benefits for out-of-state teaching employment; amending K.S.A. 74-4936a and repealing the existing section.
- SB 598**, by Senator Harder: An act concerning farm wineries; amending K.S.A. 1987 Supp. 41-306a and repealing the existing section.
- SB 599**, by Senator F. Kerr: An act creating the agricultural value added processing center; providing for a leadership council; responsibilities of the leadership council and coordinator; creating the agricultural value added processing fund.
- SB 600**, by Senator Karr (by request): An act concerning meat and poultry; prohibiting cured or smoked pork products with more than 10% added water; amending K.S.A. 65-664 and K.S.A. 1987 Supp. 65-6a18 and repealing the existing sections.
- SB 601**, by Senators Winter, Anderson, Mulich, Parrish and Reilly: An act relating to political parties; concerning the membership of state party committees; amending K.S.A. 25-3804 and 25-3805 and repealing the existing sections.
- SB 602**, by Senators Werts, Francisco and Reilly: An act concerning public institutions of postsecondary education; relating to residence requirements for fee purposes; amending K.S.A. 1987 Supp. 71-302, 76-729 and 76-730 and repealing the existing sections.
- SB 603**, by Senators Ehrlich, Bond, Morris, Reilly, Salisbury and Vidricksen: An act concerning podiatrists; regulating the practice thereof; authorizing certain fees and penalties; amending K.S.A. 40-1126, 65-2002, 65-2003, 65-2009, 65-2010, 65-2012 and 65-2091 and K.S.A. 1987 Supp. 7-121b, 60-513d, 40-3401, 60-2609, 65-1163, 65-2004, 65-2005, 65-2006, 65-2812, 65-2813, 65-2891, 65-2912, 65-4909 and 65-5001 and repealing the existing sections.
- SB 604**, by Senators D. Kerr, Anderson, Gaines, Gannon, Gordon, Hayden, F. Kerr, Montgomery, Morris, Reilly, Vidricksen and Werts: An act establishing the educational excellence grant program; providing for grants of state moneys to school districts participating in such program through maintenance of educational system enhancement plans or performance-based pay plans or both.
- SB 605**, by Senator Johnston: An act concerning bingo; relating to restrictions on prizes; amending K.S.A. 79-4706 and repealing the existing section.
- SB 606**, by Senators Karr, Anderson, Gannon, Hayden, Johnston, Martin, Mulich and Strick: An act relating to property taxation; concerning aggregate tax levy limitations; excepting certain taxing districts therefrom; amending K.S.A. 1987 Supp. 79-5021 and 79-5036 and repealing the existing sections.
- SB 607**, by Senators Vidricksen, Francisco and Gaines: An act authorizing registration of public health sanitarians; prescribing powers and duties of the department of health and environment with respect to registration and creating an advisory committee thereon; prescribing procedures and qualifications required for registration; requiring certain fees; prohibiting certain acts and providing penalties for violations thereof.
- SB 608**, by Senator Yost: An act concerning civil procedure; relating to service of summons and petition by mail; amending K.S.A. 1987 Supp. 60-314 and 61-1806 and repealing the existing sections.
- SB 609**, by Senators Francisco, Anderson, Daniels, Feleciano, Morris and Yost: An act amending and supplementing the Kansas consumer protection act; providing for the regulation of health spas; establishing certain requirements and prohibitions; prescribing certain penalties; amending K.S.A. 50-624 and repealing the existing section.
- SB 610**, by Senator Johnston: An act relating to shared foreign sales corporations; granting certain income tax exemptions; prescribing certain duties of the secretary of commerce; and providing for the administration of the provisions of the act; amending K.S.A. 1987 Supp. 79-32,138 and repealing the existing section.
- SB 611**, by Senator Francisco: An act concerning legal services for indigent defendants; repealing K.S.A. 1987 Supp. 22-4519 to 22-4526, inclusive, and 22-4528.
- SB 612**, by Senator Warren: An act concerning municipalities; relating to lease or installment-purchase agreements; amending K.S.A. 10-1116b and repealing the existing section.
- SB 613**, by Senators Warren and Martin: An act prohibiting certain financing arrangements by state agencies; amending K.S.A. 75-3799 and K.S.A. 1987 Supp. 74-8902 and 75-37,101 and repealing the existing sections.
- SB 614**, by Senator Bogina: An act relating to polygraphists; concerning the licensure thereof; amending K.S.A. 1987 Supp. 75-744 and 75-745 and repealing the existing sections.
- SB 615**, by Senators Steineger, Doyen, Norvell, Allen, Anderson, Daniels, Feleciano, Francisco, Gaines, Gannon, Hayden, Johnston, Karr, Martin, Mulich, Parrish, Reilly, Strick, Thiessen, Warren and Yost: An act concerning the Kansas public employees retirement system; relating to management and investment of retirement fund; amending K.S.A. 74-4921 and repealing the existing section.
- SB 616**, by Senators Steineger and Winter: An act establishing the Kansas-Rhodes scholarship program.
- SB 617**, by Senator Mulich: An act concerning school districts; authorizing the development and implementation of school transportation vehicle safety programs; providing for grants of state moneys therefor to selected school districts.
- SB 618**, by Senators Parrish, Anderson, Daniels, Francisco, Gaines, Gannon, Karr, Martin, Mulich and Strick: An act concerning certain alcohol-related offenses; authorizing certain restriction of driving privileges; amending K.S.A. 1987 Supp. 8-292, 12-4416 and 22-2909 and repealing the existing sections.
- SB 619**, by Senators Johnston, Anderson, Daniels, Feleciano, Francisco, Gannon, Hayden, Karr, Martin, Mulich, Parrish, Steineger and Strick: An act concerning campaign finance; relating to the filing of treasurer's reports; amending K.S.A. 25-4148 and repealing the existing section.
- SB 620**, by Senators Winter, Gaines and Johnston: An act concerning surrogate mothers; rendering void and unenforceable agreements for services of a surrogate mother for consideration; rendering voidable agreements for services of surrogate mother without consideration.
- SB 621**, by Senators Johnston, Anderson, Daniels, Feleciano, Martin, Mulich, Parrish, Steineger and Strick: An act concerning wages and hours for public work; prescribing powers, duties and functions for the secretary of human resources; authorizing rules and regulations; declaring certain acts to be misdemeanors and prescribing penalties therefor.
- SB 622**, by Senator Burke: An act concerning medical assistance; relating to determination of persons eligible therefor; concerning recovery of medical assistance paid; amending K.S.A. 39-709 and 39-719a and repealing the existing sections.
- SB 623**, by Senators Johnston, Anderson, Feleciano, Karr, Martin, Mulich, Norvell, Parrish, Steineger, Strick and Warren: An act relating to insurance; concerning liability of the health care stabilization fund for and self-insurance of occurrences arising during residency training; amending K.S.A. 40-3414 and K.S.A. 1987 Supp. 40-3403 and repealing the existing sections.
- SB 624**, by Senators Johnston, Anderson, Feleciano, Gaines, Gannon, Karr, Martin, Mulich, Norvell, Parrish, Strick and Warren: An act relating to insurance; concerning liability of the health care stabilization fund; amending K.S.A. 1987 Supp. 40-3403 and repealing the existing section.
- SB 625**, by Senators Gaines and D. Kerr: An act concerning civil procedure; relating to exemplary damages in civil actions; amending K.S.A. 1987 Supp. 60-3402 and 60-3701 and repealing the existing sections.
- SB 626**, by Senators Gaines and D. Kerr: An act concerning civil procedure; relating to limitations of actions; amending K.S.A. 1987 Supp. 60-513 and repealing the existing section.
- SB 627**, by Senators Gaines and D. Kerr: An act concerning civil procedure; relating to damages for pain and suffering in personal injury actions; amending K.S.A. 1987 Supp. 60-19a01 and 60-3407 and repealing the existing sections.
- SB 628**, by Senators Gaines and D. Kerr: An act concerning civil procedure; relating to civil actions; award of annuity contract required; amending K.S.A. 1987 Supp. 60-3407 and 60-3409 and repealing the existing sections; also repealing K.S.A. 1987 Supp. 60-3408.
- SB 629**, by Senators Gaines and D. Kerr: An act abolishing the health care stabilization fund; amending K.S.A. 40-3402, 40-3408, 40-3409, 40-3410, 40-3411 and 40-3414 and K.S.A. 1987 Supp. 40-3403 and 40-3404 and repealing the existing sections.
- SB 630**, by Senators Gaines and D. Kerr: An act concerning insurance; providing for subrogation rights under accident, health or sickness insurance policies.
- SB 631**, by Senators D. Kerr and Gaines: An act concerning medical malpractice liability actions; relating to the health care stabilization fund; attorney fees; noneconomic damage; annuity contracts; amending K.S.A. 40-3410 and K.S.A. 1987 Supp. 40-3403, 60-3407, 60-3408 and 60-3409 and repealing the existing sections.
- SB 632**, by Senators Johnston, Anderson, Feleciano, Gannon, Karr, Martin, Mulich, Norvell, Parrish, Steineger, Strick and Warren: An act enacting the health equity liability plan act; establishing the premium impact equity payment fund; authorizing reductions for premium surcharges paid by certain physicians under the health care provider insurance availability act; establishing criteria to determine eligibility; providing for administration by the commissioner of insurance; providing transfers of moneys between funds; amending K.S.A. 1987 Supp. 40-3404 and repealing the existing section.
- SB 633**, by Senators Johnston, Gaines, Thiessen and Warren: An act relating to highways; providing for the financing thereof; amending K.S.A. 79-3408c, 79-3475, 79-3475a, 79-3487, 79-3491a, 79-3492, 79-34,104, 79-34,118, 79-34,126, 79-34,142 and 79-34,143 and K.S.A. 1987 Supp. 9-1402, 79-3408, 79-3492b and 79-34,141 and repealing the existing sections; also repealing K.S.A. 1987 Supp. 9-1402a.
- SB 634**, by Senators Parrish, Anderson, Daniels, Feleciano, Francisco, Gaines, Gannon, Hayden, Johnston, Karr, Martin, Mulich, Norvell, Steineger, Strick and Warren: An act concerning the sale, rental or distribution of video movies; relating to official ratings; prescribing certain penalties.
- SB 635**, by Senators Johnston, Gannon, Anderson, Bogina, Ehrlich, Feleciano, Martin, Mulich, Norvell, Reilly, Steineger, Strick and Warren: An act relating to income taxation; modifying adjusted gross income for certain educational tuition, textbook and transportation expenses; amending K.S.A. 1987 Supp. 79-32,117 and repealing the existing section.

House Resolutions

- HCR 5044**, by Representatives R. H. Miller and Sebelius: A concurrent resolution concerning state employees' sick leave; requesting the modification of K.A.R. 1987 Supp. 1-9-5.
- HCR 6025**, by Representative Neufeld: A resolution congratulating and commending the City of Spearville, Kansas, on its designation as a Kansas Pacemaker community from the Kansas PRIDE Program.
- HCR 6026**, by Representative Mollenkamp: A resolution congratulating and commending the City of Bogue on its Centennial Anniversary.

Senate Resolutions

- SR 1812**, by Committee on Transportation: A resolution urging the secretary of the United States department of transportation to allow the states to determine what class of persons or class of commercial vehicles should be exempted from the Commercial Motor Vehicles Safety Act of 1986.
- SR 1813**, by Senator Burke: A resolution congratulating the Olathe North High School Band, Drill Team, and Flags Corps, and all persons connected therewith, on being selected to perform at the XV Winter Olympic Games Youth Music Showcase.
- SR 1814**, by Senator Anderson: A resolution commending Dennis Carroll, Larry Burnett, and Marlon Hardy on their lifesaving actions.

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NOTICE OF BOND SALE

\$6,785,000

General Obligation Bonds, Series 1988A
City of Shawnee, Kansas
 (general obligation bonds payable from
 unlimited ad valorem taxes)

Sealed Bids

Sealed bids will be received by the undersigned city clerk of the city of Shawnee, Kansas, on behalf of the governing body at the City Hall, 11110 Johnson Drive, Shawnee, until 6 p.m. C.S.T. on Monday, February 22, 1988, for the purchase of \$6,785,000 principal amount of general obligation bonds, Series 1988A, of the city as hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the governing body at 8 p.m. C.S.T. on the same day. No oral or auction bids will be considered.

Bond Details

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

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

Year	Principal Amount
1988	\$670,000
1989	520,000
1990	555,000
1991	590,000
1992	630,000
1993	670,000
1994	715,000
1995	760,000
1996	810,000
1997	865,000

Redemption of Bonds Prior to Maturity

The city may elect on December 1, 1994, and on any interest payment date thereafter, to prepay bonds due on or after December 1, 1995. Redemption may be in whole or in part of the bonds subject to prepayment. If redemption is in part, those bonds remaining unpaid which have the latest maturity date will be prepaid first. If only part of the bonds having a common maturity date are called for prepayment the specific bonds to be prepaid will be chosen by lot by the bond registrar. All prepayments shall be at a price of par and accrued interest.

Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar), to the registered owners thereof whose names are on the registration books of the bond registrar as of the 15th day of the month preceding each interest payment date. The bonds will be registered pursuant to a plan of registration approved by the city and the Kansas Attorney General. The bonds may be registered as fully registered certificated

bonds or uncertificated (book entry) bonds at the option of each registered owner.

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

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

The successful bidder will be required to provide the city within 10 days after award of the bonds the initial offering price of the bonds to the public (not including bond houses and brokers or similar persons or organizations acting in the capacity as underwriters or wholesalers) at which price a substantial amount of the bonds have been sold. The successful bidder will also be required to provide a certificate at closing confirming the information required by the immediately preceding sentence.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1 percent. No interest rate shall exceed the index of treasury bonds published by *Credit Markets* in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. No rate specified shall be lower than any rate specified for an earlier maturity of the bonds. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be authorized.

Basis of Award

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

Authority, Purpose and Security

The bonds are being issued pursuant to:
 (a) K.S.A. 12-6a14, for the purpose of paying the cost of certain general improvements made pursuant to K.S.A. 12-6a01 *et seq.*, to wit:

Pflumm Road—street improvements from 71st to 75th (#3121)
 75th Street—sidewalk improvements from Ballentine to Switzer (#3122s)

(continued)

Switzer Road—street improvements from 77th to 79th Street (#3123)
 65th Street—street improvements from Nieman-Quivira and Flint
 Avenues from 65th to K-12 (#3126)
 Pflumm and K-12—intersection improvements (#3132)
 64th and Nieman—storm drainage improvements (#3136)

(b) K.S.A. 12-689, for the purpose of paying for the cost of general improvements made pursuant to K.S.A. 12-687 *et seq.*, to wit:

Pflumm Road—street improvements from Midland to 71st (#3120)
 75th Street—street improvements from Ballentine to Switzer
 (#3122)

Johnson Drive—street improvements from Lackman Road to I-435 (#3124)

(c) K.S.A. 12-1737 for the purpose of paying for the costs on an addition to the Public Safety Center made pursuant to K.S.A. 12-1736 (#3139).

The bonds and the interest thereon will constitute general obligations of the city, payable in part from special assessments levied upon the property benefited by the construction of said improvements and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city, with the balance payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city.

Non-Qualified Tax-Exempt Legal Opinion

The city has not designated the bonds as "qualified tax-exempt obligations" pursuant to Section 265 of the Tax Reform Act of 1986, which would permit financial institutions to deduct interest expenses allocable to the bonds to the extent permitted under prior law.

Legal Opinion

The bonds will be sold subject to the legal opinion of Burke, Williams, Sorensen & Gaar, Overland Park, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered. Said opinion will also state that in the opinion of bond counsel, under existing law, assuming continued compliance by the city with the terms of the bond ordinance and with certain exceptions as set forth under the Tax Reform Act of 1986, as described in the official statement, the interest on the bonds is exempt from federal income taxation.

Delivery and Payment

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder within 45 days after the date of sale at any mutually agreeable location in the continental United States. The successful bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in federal reserve funds received by the city not later than 1 p.m. C.S.T. on the day of settlement.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America equal to \$135,700, payable to the order of the city. If a bid is accepted, said check will be deposited by the city, the amount of which will be deducted at settlement. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check shall be retained by the city as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

CUSIP Numbers

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

Bid Forms

All bids must be made on forms which may be procured from the city clerk or the city's financial adviser. The city reserves the right to waive irregularities and to reject any and all bids.

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Bond Bid." Bids may be submitted by mail or delivered in person to the undersigned at the City Hall and must be received by the undersigned prior to 6 p.m. C.S.T. on Monday, February 22, 1988.

Assessed Valuation and Indebtedness

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

Equalized assessed valuation of taxable tangible property	\$ 90,980,252
Tangible valuation of motor vehicles	\$ 33,576,315
Equalized assessed tangible valuation for computation of bonded debt limitations	\$124,556,567

The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$21,507,750. Temporary notes in the principal amount of \$5,791,750 will be retired out of proceeds of the bonds and other available funds.

Rating

An application for a rating of the bonds will be made to Moody's Investors Service, Inc., 99 Church St., New York, New York. If a rating is assigned, it will reflect only the opinion of Moody's. Any explanation of the significance of the rating may be obtained only from Moody's.

There is no assurance that a rating, if assigned, will continue for any given period of time, or that such rating

will not be revised or withdrawn, if in the judgment of Moody's, circumstances so warrant. A revision or withdrawal of the rating may have an adverse effect on the market price of the bonds.

Official Statement

Underwriters may obtain a copy of the official statement by request to the city clerk or the city's financial adviser prior to the bid opening. The successful bidder will be provided with 25 copies of the official statement.

Additional Information

Additional information regarding the bonds may be obtained from the city clerk or from Springsted Incorporated, financial adviser to the city, 85 E. 7th Place, Suite 100, Saint Paul, MN 55101-2143, (612) 223-3000.

Dated January 25, 1988.

CITY OF SHAWNEE, KANSAS
Debra Howell, City Clerk
Shawnee City Hall
11110 Johnson Drive
Shawnee, KS 66203
(913) 631-2500

Doc. No. 006213

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 March 1, 1988

Application for Certificate of Convenience and Necessity:

Thomas L. Davis, dba) Docket No. 159,434 M
Tom Davis Trucking)
Route 1)
Denton, KS 66017)

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

Grain, hay, feed ingredients, seeds, dry fertilizer, construction and building materials, fencing materials and machinery,

Between points and places in Kansas on and east of U.S. 81 and north of U.S. 54 and Reno, Saline and Sedgwick counties, Kansas.

Also,

Between points and places in Kansas on and east of U.S. 81 and north of U.S. 54 and Reno, Saline and Sedgwick counties, Kansas, on the one hand, and points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Constant Oil Company, Inc.) Docket No. 159,435 M
P.O. Box 450)
Larned, KS 67550)

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

Gasolines, diesel fuel, aviation fuel, gasohol and antifreeze,

Between points and places in Gove, Trego, Ellis, Russell, Ellsworth, McPherson, Rice, Barton, Rush, Ness, Lane, Scott, Finney, Hodgeman, Pawnee, Stafford, Reno, Kingman, Pratt, Edwards, Ford, Gray, Kiowa, Meade, Clark, Comanche and Barber counties, Kansas.

Also,

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

Application for Transfer of Certificate of Convenience and Necessity:

Sherwin Fast, dba) Docket No. 144,132 M
Fast Transportation)
2531 Argonne Drive)
Salina, KS 67401) MC ID No. 120894

TO:
Fast Transportation, Inc.
1700 E. Iron
Salina, KS 67402

Applicant's Attorney: None

Grain, feeds, seeds, feed ingredients, fertilizer and salt,

Between all points and places in Reno, Sedgwick, Saline, McPherson, Sumner and Harvey counties, Kansas.

Also,

Between all points and places in Reno, Sedgwick, Saline, McPherson, Sumner and Harvey counties, Kansas, on the one hand, and on the other, all points and places in the state of Kansas.

Note: This application was filed pursuant to K.A.R. 82-4-27(c). If no protest is timely filed, the application will be considered by the commission without a hearing, pursuant to K.S.A. 66-1,115(a).

Application for Certificate of Convenience and Necessity:

Ryder Student Transportation) Docket No. 158,935 M
Services (Central), Inc.)
3600 N.W. 82nd Ave.)
Miami, FL 33166)

(continued)

Applicant's Attorney: None

Passengers,

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

S & L Oil Co., Inc.) Docket No. 159,433 M
1313 MacArthur)
Great Bend, KS 67530)

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

Petroleum products (except those requiring pressurized equipment),

Between all points in Rush, Barton, Rice, Pawnee, Stafford, Ford, Edwards and Pratt counties, Kansas.

Also,

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

Applications set for March 3, 1988

Application for Certificate of Convenience and Necessity:

Larry Brehm, dba) Docket No. 158,937 M
Larry Brehm Trucking)
North Star Route)
Cimarron, KS 67835)

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

Grain, feed, seed, hay, dry fertilizer, dry feed ingredients, salt and farm machinery,

Between all points and places in Kansas.

Application for Certificate of Convenience and Necessity:

Hand Well Co.) Docket No. 159,432 M
Route 2, Box 59)
Pleasanton, NE 68866)

Applicant's Attorney: None

Grain,

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Haag Incorporated) Docket No. 158,938 M
3120 Gage)
Topeka, KS 66614)

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

Wrecked, disabled, repossessed and replacement motor vehicles,

Between all points in Wabaunsee, Shawnee, Douglas, Lyon and Osage counties, Kansas.

Also,

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

Application for Extension of Certificate of Convenience and Necessity:

Duane Spears, dba) Docket No. 136,933 M
Spears Trucking)
Route 2, Box 70)
Osborne, KS 67473) MC ID No. 109854

Applicant's Attorney: Larry Gregg, 3401 S.W. Harrison, Topeka, KS 66611

Furniture, dry fertilizer, salt, livestock, grain, building materials, hay, feed and seed,

Between points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Standard Shares, Inc., dba) Docket No. 158,936 M
Central Delivery Service of)
Kansas City)
3021 Merriam Drive)
Kansas City, KS 66106)

Applicant's Attorney: Arthur J. Cerra, 6824 Cherokee Lane, Mission Hills, KS 66208

General commodities (except classes A and B explosives, household goods, commodities in bulk and livestock),

Between points and places in the state of Kansas.

Application for Abandonment of Certificate of Convenience and Necessity:

J. O. Talbert, dba) Docket No. 122,561 M
J. O. Talbert Alfalfa Service)
405 N. Missouri) MC ID No. 103186
Ulysses, KS 67880)

Applicant's Attorney: None

Application for Certificate of Convenience and Necessity:

Albert & Don Thurston, dba) Docket No. 159,431 M
Thurston Brothers)
Box 242)
Ingalls, KS 67853)

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

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

Between all points in Greeley, Wichita, Scott, Lane,

Ness, Rush, Hamilton, Kearny, Finney, Hodgeman, Pawnee, Edwards, Stanton, Grant, Haskell, Gray, Ford, Kiowa, Morton, Stevens, Seward, Meade, Clark and Comanche counties, Kansas.

Also,

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

Salt,

Between all points in Ellsworth, Rice and Reno counties, Kansas.

Also,

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

Applications set for March 8, 1988

Application for Certificate of Convenience and Necessity:

Keller Bros. Harvesting) Docket No. 159,437 M
& Trucking, Inc.)
Route 2)
Ellis, KS 67637)

Applicant's Attorney: None

Grain, livestock and farm equipment,

Between all points and places in Saline, Ellis, Trego, Graham, Finney, Lane, Thomas and Ford counties, Kansas.

Also,

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

Application for Certificate of Convenience and Necessity:

Bradshaw Services, Inc.) Docket No. 159,436 M
2138 N. Highway 83)
Liberal, KS 67901)

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

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

Between points and places in Wallace, Greeley, Wichita, Hamilton, and Kearny counties, Kansas.

Also,

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

Application for Certificate of Convenience and Necessity:

Arthur J. Holloway, dba) Docket No. 159,438 M
Art's Towing)
616 1/2 S. Penn St.)
Independence, KS 67301)

Applicant's Attorney: None

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

Between all points and places in Montgomery, Chautauqua, Elk, Greenwood, Woodson, Allen, Crawford, Cherokee, Wilson, Neosho and Labette counties, Kansas.

Application for Certificate of Convenience and Necessity:

Richard C. Vernon, dba) Docket No. 159,440 M
First Light Freight)
310 Congress)
Emporia, KS 66801)

Applicant's Attorney: John Richeson, 2nd and Main, P.O. Box 7, Ottawa, KS 66067

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

Between points and places in Wyandotte, Johnson, Franklin, Osage, Coffey, Woodson, Anderson, Greenwood, Butler, Sedgwick, Harvey, McPherson, Saline, Riley, Geary, Shawnee, Wabaunsee, Morris, Dickinson, Leavenworth, Allen, Neosho, Labette, Crawford, Montgomery, Wilson, Chase, Marion, Lyon, Reno, Douglas and Cowley counties, Kansas.

Application for Certificate of Convenience and Necessity:

Cletis M. Dotson, dba) Docket No. 159,439 M
Southway Express)
900 W. Woodside)
McPherson, KS 67460)

Applicant's Attorney: None

General commodities, shipments not to exceed 500 pounds (except classes A and B explosives, household goods, commodities in bulk, commodities requiring refrigeration and hazardous materials as defined in 49 C.F.R. § 172.101),

Between all points and places in McPherson, Reno, Sedgwick, Saline and Harvey counties, Kansas.

ALFONZO A. MAXWELL
Administrator
Transportation Division

Doc. No. 006215

State of Kansas

DEPARTMENT OF HEALTH AND ENVIRONMENT

NOTICE OF HEARING ON FEDERAL BLOCK GRANTS

The Senate Ways and Means Committee of the Kansas Legislature will conduct a public hearing at 11 a.m. Friday, February 26, in the Senate Hearing Room, Room 123-S, State Capitol, Topeka. The scheduled agenda includes maternal and child health block grant and preventive health block grant and other matters pertaining to the Health and Environment budget.

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

Doc. No. 006225

State of Kansas

DEPARTMENT OF HEALTH AND ENVIRONMENT

NOTICE CONCERNING KANSAS WATER POLLUTION CONTROL PERMIT

In accordance with state regulations 28-16-57 through 28-16-63 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Name and Address of Applicant

Waterway	Type of Discharge
Spring River via Cow Creek	Secondary Wastewater Treatment Facility

Mayor and City Council
c/o City Clerk
City Hall
Weir, KS 66781
Cherokee County, Kansas

Kansas Permit No. M-NE67-0001 Fed. Permit No. KS-0079146

Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

Name and Address of Applicant

Waterway	Type of Discharge
Kansas River	Process water once through cooling water and stormwater runoff

Board of Public Utilities
Kaw Power Station
2015 Kansas Ave.
Kansas City, KS 66105
Wyandotte County, Kansas

Kansas Permit No. I-KS27-B001 Fed. Permit No. KS-0080179

Description of Facility: This facility is engaged in the generation, transmission and distribution of electrical power. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant

Waterway	Type of Discharge
Missouri River via Quarry Creek	Secondary wastewater treatment facility and water treatment plant wastewater

U.S. Army Combined Arms
Center and Fort
Leavenworth
Directorate of Engineering
and Housing
Building 85
Fort Leavenworth, KS 66027
Leavenworth County, Kansas

Kansas Permit No. F-MO12-P004 Fed. Permit No. KS-0002615

Description of Facility: This facility is owned and operated by the federal government. It is an existing facility and the previous limitations are continued. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant

Waterway	Type of Discharge
Kansas River via Three Mile Creek via Forsyth Creek Republican River	Secondary wastewater treatment facility and process wastewater

1st Infantry Division (M) and
Fort Riley
Directorate of Engineering
and Housing
Building 187
Fort Riley, KS 66442-6013
Riley County, Kansas

Kansas Permit No. F-KS97-P001 Fed. Permit No. KS-0029505

Description of Facility: This facility is owned and operated by the federal government. It is an existing facility and the previous limitations have been modified. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, Department of Health and Environment, Division of Environment, Bureau of Water Protection, Forbes Field, Topeka 66620. All comments received prior to March 18 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-88-3/6) and name of applicant as listed when preparing comments. If no objections are received, the Secretary of Health and Environment will issue the final determination. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61.

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

The documents are available upon request at the copying cost assessed by the department. Additional copies of this public notice may also be obtained at the Division of Environment.

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

Doc. No. 006217

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENTNOTICE CONCERNING VARIANCE REQUEST
FROM HAZARDOUS WASTE REGULATIONS

The Kansas Department of Health and Environment, Forbes Field, Topeka, is providing public notice that on November 2, 1987, Safety-Kleen Corporation, 9317 Woodend Road, Edwardsville, submitted a request for a variance from specific hazardous waste regulations. The request for a variance was submitted in accordance with K.A.R. 28-31-13(a).

The variance is requested from K.A.R. 28-31-8(a), which adopts by reference the requirements of 40 CFR 265.176, and requires that containers holding ignitable hazardous waste must be located at least 15 meters (50 feet) from a facility's property line.

Safety-Kleen Corporation stores waste paint thinner as part of its operation as a hazardous waste storage facility. The waste paint thinner is stored on-site pending shipment to another Safety-Kleen facility for recycling in quantities never exceeding 104 containers (52 16-gallon drums and 52 5-gallon containers). Safety-Kleen Corporation is storing this waste approximately 25 feet from the south and west property lines in an area zoned for industrial use. The storage area is located in the southwest corner of the facility, removed from other waste handling activities, and 75 feet from the nearest off-site building. As the storage structure has been completed, Safety-Kleen is requesting this variance to allow them to store waste in this structure in compliance with Kansas hazardous waste regulations.

In accordance with K.A.R. 28-31-13(b), public notice was provided that KDHE considered the request for a variance justified and made a tentative decision to grant the variance. A public comment period to receive comments regarding this tentative decision was established between December 18, 1987 and January 17, 1988. No public comments regarding this decision were received.

In accordance with K.A.R. 28-31-13(b) KDHE is announcing its decision to approve the request for a variance and not to include any special conditions. The variance shall become effective February 18 and shall remain in effect until February 18, 1993.

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

Doc. No. 006206

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENT

NOTICE OF MEETING

The Kansas Department of Health and Environment has scheduled the first technical committee meeting for March 31 to review the credentialing application that licenses clinical laboratory personnel. The meeting is open to the public and will be held from 9 a.m. to 4 p.m. in conference room 106, Landon State Office Building, 900 S.W. Jackson, Topeka.

The purpose of the meeting is to allow the applicant group to summarize application contents and to allow the technical committee to discuss the application response and to ask for clarification of material.

For more information contact Cathy Rooney, Health Project Reviewer, at (913) 296-1281.

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

Doc. No. 006212

State of Kansas

KANSAS RACING COMMISSION

TEMPORARY ADMINISTRATIVE
REGULATIONSArticle 3.—APPLICATION
PROCEDURE

112-3-1. Application procedure for organization applicant. (a) Any qualified nonprofit organization as defined by L. 1987, ch. 112, sec. 2(m) may apply to the commission for an organization license to conduct horse races or greyhound races, or both, on which parimutuel wagering is permitted.

(b) Each application shall be completed upon a form provided by the commission. The completed form shall accompany the application or applications of a facility owner applicant, a facility manager applicant, or both, with whom the organization applicant has contracted or proposes to contract concerning the racetrack facility.

(c) Each application and any attached documents required by these regulations shall be submitted as a single package. An original and six copies of the application and documents shall be filed with the executive director at the commission offices. One additional copy shall be mailed to each commissioner at the address on file at the commission office. Each application shall be verified under oath by the authorized officer or officers of the applicant, and all copies shall be manually signed in ink.

(d) Applications may be filed with the commission for 45 calendar days after the effective date of the commission's regulations.

(e) Each license shall be granted upon the condition that the holder and each of its officers, directors, employees and agents shall accept, observe and enforce the regulations of the commission.

(continued)

(f) If the applicant proposes to construct or own a racetrack facility, a deposit as required by L. 1987, ch. 112, sec. 13(b) shall be paid in addition to the application fee and submitted with the application. The fee and deposit shall be paid in the form of a certified check or bank draft. Each applicant that is granted an organization license shall pay a license fee as provided by L. 1987, ch. 112, sec. 13(g) in the form of a certified check or bank draft that shall be paid to the executive director within 60 days after the granting of applicant's license. (Authorized by L. 1987, Chapter 112, Section 4(n); implementing L. 1987, Chapter 112, Section 13; effective, T-89-6, Jan. 21, 1988.)

112-3-2. Application form for organization applicant. (a) Each application for an organization license shall contain the following:

(1) The name of the applicant, the business address and telephone number or numbers;

(2) the name, address and telephone number of any individual who assisted the applicant in preparing its application along with a precise description of the application section for which the individual provided assistance;

(3) irrevocable affidavit and consent statements; information waivers; affidavits relating to substance addiction; waivers of claims for damages for adverse public notice, embarrassment, criticism or other circumstance including financial loss that may result from commission action on the application; and personal background disclosure forms from all officers, directors, employees and agents of the applicant;

(4) one copy of each contract and agreement that the applicant has executed or proposes to execute and any modification or proposed modification of each contract or agreement. If the contract or agreement is an oral one, a written statement explaining the substance of the oral agreement shall be included;

(5) the names and addresses of the parties to each contract or agreement identified in subsection (4) and any relationship of the parties to the applicant, the partners, associates, officers, directors and principal owners either through family, business association or other control.

(b) The application for a license to conduct horse racing or greyhound racing, or both, with parimutuel wagering and to construct or own a racetrack facility, or both, and to manage a racetrack facility shall contain verified responses to inquiries about the following in the order they appear below:

(1) Corporate structure and control of applicant information required by K.A.R. 112-3-7;

(2) site and physical plant information required by K.A.R. 112-3-9;

(3) financing and development information required by K.A.R. 112-3-10;

(4) racing operation and parimutuel wagering information required by K.A.R. 112-3-11;

(5) management of racetrack facility information required by K.A.R. 112-3-12;

(6) economic, demographic and other information required by K.A.R. 112-3-13; and

(7) public safety and security information required by K.A.R. 112-3-14.

(c) The application for a license to conduct horse racing or greyhound racing, or both, with parimutuel wagering and to construct or own a racetrack facility, or both, shall contain verified responses to inquiries in subsection (b)(1), (2), (3), (4) and (6).

(d) The application for a license to conduct horse racing or greyhound racing, or both, with parimutuel wagering and to manage a racetrack facility shall contain verified responses to inquiries in subsection (b)(1), (4), (5) and (7).

(e) The application for a license to conduct horse racing or greyhound racing, or both, with parimutuel wagering shall contain verified responses to inquiries in subsection (b)(1) and (4).

(f) Each exhibit, statement, report, paper or other document submitted in support of the application shall be current, accurate and complete. Any change shall be reported immediately to the commission during the period of application or licensure. At all times, a current copy of the documents supporting the application shall be recorded in the commission office. (Authorized by L. 1987, Chapter 112, Section 4(n); implementing L. 1987, Chapter 112, Section 13; effective, T-89-6, Jan. 21, 1988.)

112-3-3. Application procedure for facility owner applicant. (a) A facility owner applicant as defined by L. 1987, ch. 112, sec. 15(a) may apply to the commission to construct or own a racetrack facility, or both.

(b) Each application shall be completed upon a form provided by the commission. The completed form shall accompany the application of the organization licensee with whom the facility owner has contracted or proposes to contract concerning the racetrack facility.

(c) Each application and any attached documents required by these regulations shall be submitted as a single package. An original and six copies of the application and documents shall be filed with the executive director at the commission offices. One additional copy shall be mailed to each commissioner at the address on file at the commission office. Each application shall be verified under oath by the authorized officer or officers of the applicant, and all copies shall be manually signed in ink.

(d) Applications may be filed with the commission for 45 calendar days after the effective date of the commission's regulations.

(e) Each license shall be granted upon the condition that the holder and each of its officers, directors, employees and agents shall accept, observe and enforce the regulations of the commission.

(f) The application fee and the deposit required by L. 1987, ch. 112, sec. 15(c), (d) shall be paid in the form of a certified check or bank draft and shall be submitted with the application form. (Authorized by L. 1987, Chapter 112, Section 4(n); implementing L. 1987, Chapter 112, Section 15; effective, T-89-6, Jan. 21, 1988.)

112-3-4. Application form for facility owner applicant. (a) Each application for a facility owner license shall contain the following information:

(1) The name of the applicant, the business address and telephone number or numbers;

(2) the name, address and telephone number of any individual who assisted the applicant in preparing its application along with a precise description of the application section for which the individual provided assistance;

(3) verified responses regarding the following subjects in the order they appear below:

(A) Business structure and control of applicant information required by K.A.R. 112-3-8;

(B) site and physical plant information required by K.A.R. 112-3-9;

(C) financing and development information required by K.A.R. 112-3-10; and

(D) economic, demographic and other information required by K.A.R. 112-3-13;

(4) irrevocable affidavit and consent statements; information waivers; affidavits relating to substance addiction; waivers of claims for damages for adverse public notice, embarrassment, criticism or other circumstance including financial loss that may result from commission action on the application; and personal background disclosure forms from all officers, directors, employees and agents of the applicant;

(5) copies of each contract and agreement that the applicant has executed or proposes to execute and any modification or proposed modification of each contract or agreement. If the contract or agreement is an oral one, a written statement explaining the substance of the oral agreement shall be included; and

(6) the names and addresses of the parties to any contract or agreement identified in paragraph (5) and the relationship to the applicant, the partners, associates, officers, directors and principal owners either through family, business association or other control.

(b) Each exhibit, statement, report, paper or other document submitted in support of the application shall be current, accurate and complete. The applicant shall report immediately any change in information submitted to the commission during the period of application or licensure. At all times, a current copy of the documents supporting the application shall be recorded in the commission office. (Authorized by L. 1987, Chapter 112, Section 4(n); implementing L. 1987, Chapter 112, Section 15; effective, T-89-6, Jan. 21, 1988.)

112-3-5. Application procedure for facility manager applicant. (a) A facility manager applicant as defined by L. 1987, ch. 112, sec. 15(b) may apply to the commission for a license to manage a racetrack facility.

(b) Each application shall be completed upon a form provided by the commission. The completed form shall accompany the application of the organization licensee with whom the facility manager applicant has contracted or proposes to contract concerning the racetrack facility.

(c) Each application and any attached documents required by these regulations shall be submitted as a single package. An original and six copies of the application and documents shall be filed with the executive director at the commission offices. One additional copy shall be mailed to each commissioner at

the address on file at the commission office. Each application shall be verified under oath by the authorized officer or officers of the applicant, and all copies shall be manually signed in ink.

(d) Applications may be filed with the commission for 45 calendar days after the effective date of the commission's regulations.

(e) Each license shall be granted upon the condition that the holder and each of its officers, directors, employees and agents shall accept, observe and enforce the regulations of the commission.

(f) The application fee required by L. 1987, ch. 112, sec. 15(c) shall be paid in the form of a certified check or bank draft and shall be submitted with the application form. (Authorized by L. 1987, Chapter 112, Section 4(n); implementing L. 1987, Chapter 112, Section 15; effective, T-89-6, Jan. 21, 1988.)

112-3-6. Application form for facility manager applicant. (a) Each application for a facility manager license shall contain the following information:

(1) The name of the applicant, the business address and telephone number or numbers;

(2) the name, address, and telephone number of any individual who assisted the applicant in preparing its application along with a precise description of the application section for which the individual provided assistance;

(3) verified responses regarding the following subjects in the order they appear below:

(A) Business structure and control of applicant information required by K.A.R. 112-3-8;

(B) management of the racetrack facility information required by K.A.R. 112-3-12; and

(C) public safety and security information required by 112-3-14.

(4) irrevocable affidavit and consent statements; information waivers; affidavits relating to substance addiction; waivers of claims for damages for adverse public notice, embarrassment, criticism or other circumstance including financial loss that may result from commission action on the application; and personal background disclosure forms from all officers, directors, employees and agents of the applicant;

(5) one copy of each contract and agreement that the applicant has executed or proposes to execute and any modification or proposed modification of each contract or agreement. If the contract or agreement is an oral one, a written statement explaining the substance of the oral agreement shall be included;

(6) the names and addresses of the parties to any contract or agreement identified in paragraph (5) and the relationship to the applicant, the partners, associates, officers, directors and principal owners either through family, business association or other control.

(b) Each exhibit, statement, report, paper or other document submitted in support of the application shall be current, accurate and complete. The applicant shall report immediately any change in information submitted to the commission during the period of application or licensure. At all times, a current copy of the documents supporting the application shall be

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recorded in the commission office. (Authorized by L. 1987, Chapter 112, Section 4(n); implementing L. 1987, Chapter 112, Section 15; effective, T-89-6, Jan. 21, 1988.)

112-3-7. Corporate structure and control of organization license applicant. Each application for an organization license shall contain the following information about the corporate or association structure and control of the applicant and any organization related to the applicant:

(a) The application shall list any commercial or noncommercial names used by the applicant and the street, number, city and county of the corporation's registered office in this state and the name of the resident agent at that address. A list of the applicant's current telephone number or numbers shall be included.

(b) The application shall describe the applicant's corporate structure. The description shall state the year the corporation was organized and the state in which it was organized.

(c) The application shall contain a certified copy of the applicant's articles of incorporation and bylaws. Any amendments to the articles of incorporation or bylaws shall be filed immediately with the commission, so that, at all times, a current copy of the applicant's articles of incorporation, bylaws and amendments to them will be recorded in the commission office.

(d) The application shall state whether in the past five years the applicant has been reorganized or reincorporated or whether it has filed restated articles of incorporation in the state of Kansas or in any other state. Documentation of that action shall be attached to the application.

(e) The application shall include a copy of the applicant's tax returns from the previous five years or all tax returns if the applicant has been organized for less than five years.

(f) If the applicant's articles of incorporation authorize issuance of capital stock, the application shall state the classes of capital stock authorized, the amount authorized and the amount outstanding as of a date not less than 15 days prior to the date the application is filed.

(g) If the applicant is authorized to issue capital stock, the application shall state the name and address of each person or entity who owns, of record or beneficially, one or more shares of any class of capital stock or an option or conditional interest in the applicant. This information may be displayed in columnar forms providing for name and address, class of stock owned, type of ownership, whether of record or beneficial, amount owned, and per cent of the class of stock.

(h) If the applicant is authorized to issue capital stock, the application shall describe briefly the terms of any voting trust or power in which any of the capital stock is held and the name, address, class of stock and number of shares of stock for all stock held by that voting trust or power.

(i) If the applicant corporation is authorized to issue

capital stock, the application shall describe briefly the terms of any proxy by which any of the capital stock is held, the holder of the proxy and the name, address, class of stock and number of shares of stock for all stock held by such proxy.

(j) If the applicant corporation is a non-stock corporation, the application shall describe briefly the terms of any proxy or any voting power and the name and address of any holder of the proxy or voting powers.

(k) The application shall state any redemption, purchase, retirement, conversion or exchange provisions. If the rights of holders of stock affected by such provisions may be modified by a means other than a majority vote or more of the shares outstanding, voting as a class, a statement and explanation shall be included.

(l) The application shall list the names, including any aliases or previous names, of all directors and officers of the applicant and all persons chosen to become directors or officers. Personal background disclosure forms shall be furnished for each person named using forms provided by the commission. All positions and offices each director and officer has held with the applicant and all principal occupation or occupations each director or officer has held during the past five years shall be identified. The applicant shall disclose for each listed individual the nature and extent of any ownership interest, including options or other voting powers, whether absolute or contingent, that the individual holds in the applicant organization.

(m) If the applicant was organized within the past five years, the application shall state the following information:

(1) The names of the organization's organizers or promoters;

(2) the nature and amount of anything of value received or to be received by each organizer or promoter directly or indirectly from the applicant; and

(3) the nature and amount of any assets, services or other consideration received or to be received by the applicant from the organizers or promoters.

(n) The application shall list any governmental, public or quasi-governmental or business organization related to the applicant. The percentage of voting interest or other interest held by each related organization or any other basis of control held by it shall be stated.

(o) The application shall state whether the applicant is directly or indirectly controlled to any extent or in any manner by another individual or entity. If so, the identity of the controlling entity shall be disclosed and the nature and extent of the control shall be described. Documentation of the relationship shall be attached to the application.

(p) If a nonindividual record or beneficial holder of an ownership or other voting interest of three percent or more in the applicant is identified in subsections (l), (m) and (o) above, the application shall disclose the information required by those paragraphs as to record or beneficial holders of an ownership or other voting interest of three percent or more in that nonindividual holder. The disclosure required by those paragraphs shall be repeated in turn until all indirect individual

record and beneficial holders of ownership or other voting interests in the applicant are so identified. The disclosure shall be brought about by the best efforts of the applicant.

(q) The application shall include the balance sheets and profit and loss statements for each of the three fiscal years immediately preceding the application, or for the period of organization if less than three years. The financial information shall be given for the current fiscal year if the applicant has:

(1) not completed a full fiscal year since its organization; or

(2) acquires or is to acquire the majority of its assets from a predecessor within the current fiscal year. Balance sheets, profit and loss statements, and all other financial statements required shall be prepared, audited and certified by independent, certified public accountants in accordance with generally accepted accounting procedures and practices accepted on a consistent basis. Any report containing exceptions of a material nature shall not be certified.

(r) The application shall identify all loans made by the applicant in excess of one percent of net income. The statement shall describe fully the terms of the loan, including but not limited to the name of the borrower, the amount of the loan and the nature and value of the collateral.

(s) The application shall state whether three percent or more of the applicant's assets, or three percent or more of any principal stockholder's stock, is encumbered by any long term debt. The long term debt shall be explained fully by stating the names and addresses of parties holding any evidences of indebtedness from the applicant and the stockholders. One copy of each agreement or any other document relating to the evidences of indebtedness shall be attached to the application.

(t) The application shall briefly describe any pending legal proceeding to which the applicant or any subsidiaries or related organizations are a party. The name of the court or agency in which any proceeding is pending, the date instituted and the principal parties involved shall be included.

(u) The application shall briefly describe any pending legal proceeding involving the property of the applicant, subsidiaries or related organizations. The name of the court or agency in which any proceeding is pending, the date instituted and the principal parties involved shall be included.

(v) The application shall state whether the applicant, or any director, officer, policy-making manager, principal stockholder or member has owned any interest in any firm, partnership, association or corporation licensed by the commission, or is now engaged in the business of racing outside of the state of Kansas. An explanation of the circumstances surrounding the interest or participation shall be included.

(w) The application shall describe briefly and state the approximate amount of any interest, direct or indirect, of any officer, director or principal stockholder of the applicant, or any associate of any of the foregoing persons in any transactions during the last three

years, or in any proposed transactions to which the applicant was or is to be a party.

(x) The application shall include a statement of good standing from the secretary of state. (Authorized by L. 1987, Chapter 112, Section 4(n); implementing L. 1987, Chapter 112, Sections 10 and 13; effective, T-89-6, Jan. 21, 1988.)

112-3-8. Business structure and control of facility owner applicant or facility manager applicant. Each application for a facility owner license or a facility manager license shall contain the following information about the business structure and control of the applicant and any organization related to the applicant:

(a) The application shall state whether the applicant is a person, partnership, corporation, association, the state of Kansas or a political subdivision.

(b) The application shall list any commercial or noncommercial names used by the applicant, the business address or addresses and business telephone number or numbers. If the applicant is a corporation or limited partnership, the street, number, city and county of the corporation's registered office in this state and the name of the resident agent at that address shall be shown.

(c) The application shall include a copy of the applicant's tax returns for each of the five calendar years immediately preceding this application or all tax returns if the applicant has been organized for less than five years.

(d) The application shall include a copy of the balance sheets and profit and loss statements for each of the three fiscal years immediately preceding this application, or for the period of organization if less than three years. The financial information shall be given for the current fiscal year if the applicant:

(1) Has not completed a full fiscal year since the organization of the business; or

(2) acquires or is to acquire the majority of its assets from a predecessor within the current fiscal year. Balance sheets, profit and loss statements, and all other financial statements required shall be prepared, audited and certified by independent, certified public accountants in accordance with generally accepted accounting procedures and practices accepted on a consistent basis. Each report containing exceptions of a material nature shall not be certified.

(e) The application shall identify all loans made by the applicant in excess of one percent of net income. The statement shall include the name of the borrower, the amount of the loan, amount and type of collateral and terms for repayment and duration of the loan.

(f) The application shall briefly describe all pending legal proceedings to which the applicant, applicant's subsidiaries or related organizations are a party. The name of the court or agency in which the proceedings are pending, the date instituted and the principal parties involved shall be included.

(g) The application shall briefly describe all pending legal proceedings involving any of the property of the applicant, applicant's subsidiaries or related orga-

(continued)

nizations. The name of the court or agency in which the proceedings are pending, the date instituted and the principal parties involved shall be included.

(h) If the applicant was organized within the past five years, the following information shall be stated:

(1) The names of the organizers or promoters with a voting interest or ownership of three percent or more;

(2) the nature and amount of anything of value received or to be received by the organizers or promoters directly or indirectly from the applicant; and

(3) the nature and amount of any assets, services or other consideration received or to be received by the applicant from the organizers or promoters. The applicant shall make the best effort to disclose the information required in subsection (h)(1).

(i) The application shall list any governmental, public, quasi-governmental or business organizations related to the applicant. The list shall state, for each related organization, the percentage of voting interest or other interest held, or any other basis of control held by the related organization.

(j) The application shall state whether the applicant is directly or indirectly controlled to any extent or in any manner by another individual or entity with a voting interest or ownership of three percent or more. The applicant shall make the best effort to disclose the information required.

(k) The application shall disclose the identity of any controlling entity with a voting interest or ownership of three percent or more and a description of the nature and extent of the control. The applicant shall make the best effort to disclose the information required. Documentation of the relationship shall be attached to this application.

(l) The application shall state whether the applicant, the director, officer, policy-making manager or principal stockholder or member:

(1) has owned an interest in any firm, partnership, association or corporation licensed by the commission; or

(2) is in the business of racing outside of the state of Kansas. An explanation of the circumstance of the interest or involvement shall be included.

(m) The application shall describe briefly and state the approximate value of any direct or indirect interest of any officer, director, policy-making manager, principal stockholder of the applicant organization or any associate of any of these persons, in any transactions during the last three years, or interest in any proposed transactions to which the applicant was or is to be a party;

(n) The application shall list all direct remuneration paid by the applicant and affiliated or related organizations during the applicant's last fiscal year to each partner, director, officer or policy-making manager of the applicant, naming each. As used in this paragraph, direct remuneration includes salary, retirement benefits, automobiles furnished, expenses reimbursed and all other sums paid for the benefit of the partner, officer, director, policy-making manager or other recipient;

(o) The application shall list the names, including any aliases or previous names, of each partner, direc-

tor, officer or policy-making manager of the applicant, and each person chosen to become a partner, a director, an officer, or a policy-making manager with a voting interest or ownership of three percent or more. The applicant shall make the best effort to disclose the information required. Personal background disclosure forms provided by the commission shall be furnished by each person named. All positions and offices held by each person named by the applicant and each person's principal occupation during the past five years shall be listed by the applicant. The applicant shall disclose for each listed individual the nature and extent of any beneficial or ownership interest, including options or other voting powers, whether absolute, or contingent, that the individual holds in the applicant organization.

(p) If a nonindividual record or beneficial holder of an ownership or other voting interest of three percent or more in the applicant is identified in subsections (h), (j) and (o) above, the applicant shall disclose the information required by those paragraphs as to record or beneficial holders of any ownership or other voting interest of three percent or more in that nonindividual holder. The disclosure required by those paragraphs must be repeated in turn until all indirect individual record and beneficial holders of ownership or other voting interests in the applicant are so identified. The disclosure shall be brought about by the best efforts of the applicant.

(q) If the applicant is a corporation, the following information shall be attached to the application:

(1) The applicant's corporate structure;

(2) the year the corporation was organized;

(3) the state in which the corporation was organized;

(4) a certified copy of the applicant's articles of incorporation and bylaws. Any amendments to the articles of incorporation or bylaws shall be filed in a timely manner with the commission. A current copy of the applicant's articles of incorporation, bylaws and amendments shall be recorded at all times in the commission office;

(5) a statement whether, in the past five years, the applicant has been reorganized or reincorporated or whether it has filed restated articles of incorporation in the state of Kansas or in any other state. Documentation of such an action shall be attached to the application;

(6) a statement of the classes of capital stock authorized, the amount authorized and the amount outstanding as of fifteen days prior to the date of filing the application. If applicable, a statement of the amount of dividends paid to the stockholders during the five years immediately preceding the application or for the period of incorporation if a lesser time.

(7) a list of the name and address of each person or entity who owns, of record or beneficially, one or more shares of any class of capital stock or an option or conditional interest in the applicant. This information may be displayed in columnar forms providing for name and address, class of stock owned, type of ownership, whether of record or beneficial, amount owned, and percent of the class of stock;

(8) a brief description of the terms of any voting trust or power in which any of the capital stock is held and the name, address, class of stock and number of shares of stock for all stock held by that voting trust or power;

(9) a brief description of the terms of any proxy by which any of the capital stock is held, the holder of the proxy and the name, address, class of stock and number of shares of stock for all stock held by such proxy;

(10) a statement of any dividend rights, redemption, purchase, retirement, conversion or exchange provisions;

(11) a statement and an explanation if the rights of holders of stock affected by the exchange provisions may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class;

(12) a statement whether three percent or more of the applicant's assets, or three percent or more of any principal stockholders' stock, is encumbered by any long term debt;

(13) a list of names and addresses of all parties holding any evidences of indebtedness including any oral agreements from the applicant and the stockholders;

(14) copies of the agreements or other documents relating to evidences of indebtedness;

(15) if the applicant is applying for a facility owner or facility manager license for the first time:

(A) A statement whether the applicant has or proposes to enter into any loan transaction or has or will be executing any evidence of indebtedness or oral loan agreement shall be provided;

(B) a list of the names and addresses of any parties loaning or proposing to loan funds and those parties holding evidences of indebtedness relating to the applicant shall be provided;

(C) the applicant shall submit a statement whether three percent or more of the applicant's stock is or is proposed to be encumbered by any debt, whether as a result of loans to the applicant or loans to the stockholder, and a statement of the names and addresses of any lenders or proposed lenders. For each disclosure under this section, copies of any agreements or documents relating to the loan or encumbrance or a written summary of any oral transaction shall be attached; and

(16) a statement of good standing from the secretary of state.

(r) If the applicant is a partnership, the following information shall be included with the application;

(1) A statement whether the partnership is a general or limited partnership, and whether it is a domestic or foreign partnership;

(2) a statement indicating in what state and in what year the partnership was formed;

(3) a certified copy of the applicant's partnership agreement or a certified copy of the certificate of limited partnership;

(4) if any of the applicant's partners is a corporation, responses shall be submitted by each corporate partner to the requests appearing in subsection (q) above;

(5) a statement whether in the past five years the partnership has filed:

(A) A restated certificate of limited partnership; or
(B) any certificate of changes or amendments to the partnership certificate;

(6) a statement whether:

(A) Any certificate has been cancelled;

(B) a judicial decree of amendment or cancellation has been issued; or

(C) a certificate of reinstatement has been issued. Documentation of any of these activities shall be attached to the application.

(7) a statement of any provisions for assignment of partnership interests, interim distributions, or distributions upon withdrawal or dissolution;

(8) a statement whether three percent or more of the applicant's assets are encumbered by any long term debt;

(9) a list of names and addresses of all parties holding any evidences of indebtedness or any oral agreements from the applicant;

(10) a copy of any agreements or other documents relating to any evidences of indebtedness;

(11) if the applicant is applying for a facility owner or facility manager license for the first time:

(A) A statement whether the applicant has or proposes to enter into any loan transaction or has or will be executing any evidence of indebtedness or oral loan agreement shall be provided;

(B) a list of names and addresses of any parties loaning or proposing to loan the funds and any parties holding evidences of indebtedness relating to the applicant shall be provided;

(C) a statement whether three percent or more of the applicant's stock is or is proposed to be encumbered by any debt, whether as a result of loans to the applicant or loans to the stockholder shall be provided;

(D) a list of the names and addresses of any lenders or proposed lenders shall be provided; and

(E) a copy of any agreement or document relating to the loan or encumbrance or a written summary of any oral transaction shall be provided; and

(12) a statement of good standing from the secretary of state shall be provided. (Authorized by L. 1987, Chapter 112, Section 4(n); implementing L. 1987, Chapter 112, Sections 10 and 15; effective, T-89-6, Jan. 21, 1988.)

112-3-9. Site and physical plant. Each application for a facility owner license or for an organization license in which the applicant proposes to construct or to own a racetrack facility shall contain the following information:

(a) The application shall identify the county and municipality where the racetrack or proposed racetrack is or will be located.

(b) The application shall state whether a majority of qualified electors in the named county approved either:

(1) The constitutional amendment permitting the conduct of horse and greyhound races and parimutuel wagering; or

(continued)

(2) a proposition permitting horse and greyhound races and parimutuel wagering within the county boundaries. The form of racing approved shall be stated.

(c) The application shall state whether the applicant's facility is or will be designed to conduct horse racing, greyhound racing, or both. If horse racing is to be conducted, the breed of the horse to be raced shall be stated.

(d) The application shall identify any racing organization of which the applicant is a member.

(e) The application shall include the actual legal description of the proposed racetrack site.

(f) The application shall include the name and address of each title holder to the real property and any predecessor in title for the past five years.

(g) The application shall include the name and address of each person holding a mortgage or other security interest in the real property.

(h) The application shall include a certified title insurance policy or abstract.

(i) The application shall state and document the status of governmental action relating to the following:

(1) The city street, county road and state highway improvements necessary to ensure adequate access to the applicant's racing facility, including:

- (A) The estimated cost of improvements;
- (B) the status and estimated date of completion;
- (C) the identity of the party or parties responsible for the cost of the improvements; and

(D) the proportionate distribution of the cost of the improvements if more than one party is responsible for the cost;

(2) the sewer, water, and other public utility improvements necessary to serve the applicant's facility including:

- (A) The estimated cost of improvements;
- (B) the status and estimated date of completion;
- (C) the identity of the party or parties responsible for the cost of the improvements; and

(D) the proportionate distribution of the cost of the improvements if more than one party is responsible for the cost;

(3) any required government approvals for financing improvements under subsection (i)(1) and (i)(2) above and any required government approvals for zoning or special use permits, including:

(A) A description of the approval, unit of government, date and documentation;

(B) a statement whether public hearings were held, including when and where the public hearings were conducted or why the public hearings were not held; and

(C) a statement whether the unit of government attached any conditions to approval. The applicant shall disclose the conditions, including documentation;

(4) a statement whether any required governmental approvals remain to be obtained, as well as a description of the approval, unit of government, status, likelihood of approval and estimated date of approval; and

(5) a statement whether the applicant is in compliance with all statutes, resolutions, ordinances and

regulations pertaining to the development, ownership and operation of the racing facility. If the applicant is not in compliance, the applicant shall disclose the reasons the applicant is not in compliance.

(j) The application shall state the number of miles from the nearest population area, including:

(1) A description of the transportation facilities serving the area;

(2) a description of public or private transportation arrangements to the area; and

(3) highway and street access to the track; and a site map reflecting the highway and street access to the track.

(k) The application shall state the track dimensions for each track proposed, including the following dimensions and specifications:

(1) The circumference;

(2) the width;

(3) the banking;

(4) the location of the starting gates or the starting boxes;

(5) the length of the stretch;

(6) the distance between the finish line and the first turn;

(7) the type of base and surface for the track; and

(8) the winterization method for the racing surface.

(l) The applicant shall supplement the information requested in subsections (m) through (w) below with at least one copy of the architect's plans showing the details of any proposed construction.

(m) The application shall describe the size and the type of construction, including:

(1) A description of the grandstand;

(2) the total seating capacity, specifically detailing the area that is air-conditioned or heated;

(3) the reserved and non-reserved seating capacity;

(4) the indoor and outdoor seating capacity;

(5) the configuration of the grandstand seating;

(6) the configuration and location of the parimutuel facilities;

(7) the configuration and location of the food, drink and other concessions;

(8) the configuration and location of clubs or other special facilities for patrons;

(9) the number and location of restroom facilities;

(10) the drinking fountains;

(11) the medical facilities;

(12) the pattern of public pedestrian traffic; and

(13) the provisions for the handicapped.

(n) The application shall describe the construction and type of parking facilities, detailing:

(1) Access to parking from perimeter local, state or federal highways;

(2) the number and location of parking spaces available for general public parking at the facility;

(3) the road surface to be used on parking facilities;

(4) the distance between parking and the grandstand;

(5) a street map of the area showing the relation of parking to surrounding state, local and federal highways;

(6) the public road improvements that must be

completed to provide adequate public access to the facility;

(7) whether the road improvements will be performed by local authorities;

(8) when the improvements will be completed; and

(9) a plan of the parking facilities.

(o) The application shall describe facilities to accommodate horses by listing the following:

(1) The location, number, dimension and method of construction of boxed stalls or other stalls;

(2) the location, number, dimension and method of construction of boxed stalls or other stalls for stakes horses, overnights and haul-ins; and

(3) the location and description of temperature and fire regulation equipment in the facility.

(p) The application shall describe facilities to accommodate greyhounds by listing the following:

(1) The location and method of construction of kennels within the compound, including:

(A) The number of kennels per building;

(B) the location of restroom and work areas or kitchens in kennel buildings;

(C) the location, number and method of construction of crates for greyhounds in kennels;

(D) the location, number and method of construction of crates for stakes greyhounds and resident racing greyhounds to be kenneled; and

(E) the availability of telephone hook-up and cable hook-up for video reception;

(2) the location and number of any turn-out pen and attached lean-to; and

(3) the location and number of sprint fields.

(q) The application shall describe facilities for horse or greyhound owners and other racing personnel, including separate parking, tack rooms and trainer rooms.

(r) The application shall describe the testing facilities, providing a detailed plan for them and an estimated cost of construction. The distance from the test facilities to track and paddock, the number of sampling stalls, the placement of viewing ports on each stall, the location of the post-mortem floor, the number of wash stalls with hot and cold water and drains, and the availability of video monitors and a description of the walking ring shall be stated.

(s) The application shall describe the paddock, providing a detailed plan of the paddock and an estimate of the cost of construction. The dimensions and the number of stalls or crates, the height from the floor to the lowest point of the stall or crate ceiling and entrance, and the location of the shoeboard shall be described. The office or other facilities for the paddock judge and identifier shall be described.

(t) The application shall describe in detail the jockey's quarters, including the changing facilities, a list of equipment to be installed in each facility, the location of the jockey's quarters in relation to the paddock, the location of the weight station and an estimate of the cost of the construction.

(u) The application shall state the height, type of construction and materials of restricted area fencing, including whether there is a clear zone at least four

feet wide around the outside of the entire restricted area.

(v) The application shall describe security equipment and the location at the racetrack, exclusive of fencing.

(w) The application shall describe work areas for commissioners, stewards, license clerks and the employees of these personnel. (Authorized by L. 1987, Chapter 112, Section 4(n); implementing L. 1987, Chapter 112, Sections 4, 13, 14 and 15; effective, T-89-6, Jan. 21, 1988.)

112-3-10. Financing and development. Each application for an organization license or a facility owner license in which the applicant proposes to construct or own a racetrack facility shall contain the following information:

(a) The application shall state the names and addresses of every person or business organization that provides or will provide contractual services to the applicant for purposes of the licensed project, indicating the nature of such services rendered and the equipment or property provided or to be provided.

(b) The application shall include a copy of each contract and written agreement disclosed in subsection (a). If the agreement or understanding is an oral one, a statement explaining the substance of the oral agreement or understanding shall be attached to the application. For any contract, agreement or understanding referred to, the name and address of each party to the contract shall be stated. Any relationship of the parties through control, family or business association to the applicant, the partners, associates, officers, directors, or principal owners shall be stated.

(c) The application shall state a detailed project budget of any expenditure related to the completion or improvement of the proposed facility, including but not limited to:

(1) Architecture and engineering costs;

(2) land acquisition costs;

(3) site development costs, including:

(A) Survey;

(B) soil and site work;

(C) utilities;

(D) parking lot;

(E) transportation access; and

(F) track(s);

(4) facility construction cost, including:

(A) grandstand;

(B) security and fire equipment;

(C) stable or kennel, or both;

(D) test and detention paddock; and

(E) tote board;

(5) equipment acquisition cost;

(6) cost of interim financing;

(7) organization, administrative and legal expenses;

(8) projected permanent financing costs; and

(9) marketing costs.

(d) The application shall state the construction schedule proposed for completion or improvement of the facility, including an estimated date of project completion and the following information:

(continued)

(1) A detailed description of the method or methods by which the construction project and components will be undertaken, including but not limited to general construction contract, force account, or fast tract method; and

(2) an estimated time schedule for construction or improvement, including the date the proposed project will be fully operational and the number of months after the license is granted that each of the following activities will be either commenced or completed:

- (A) The acquisition of land;
- (B) the solicitation of bids;
- (C) the award of construction contracts;
- (D) the construction commencement;
- (E) the completion of construction;
- (F) the occupancy of the new facility or space;
- (G) the training of staff;
- (H) the commission check and inspection of the facility for public and racing readiness; and
- (I) the commencement of racing.

(e) The application shall state the source or sources of funding for the completion or improvement of the project proposed by the application. The following shall be identified and documented:

- (1) Each source of equity contribution and the amount of the contribution;
- (2) any present or conditional commitment received for each funding source;
- (3) each source of debt contribution, and the amount of the contribution;
- (4) any present or conditional commitment received for the financing; and
- (5) a detailed financing timetable stating a date for the submission of an unqualified commitment for financing to the commission.

(f) The application shall identify and describe sources of additional funds needed for cost overruns, nonreceipt of expected equity or debt funds, failure to achieve projected revenues or any other cause.

(g) The application shall include an index to and copies of all proposed acquisition documents and a certification by the applicant that the commission has been provided with a copy of all the documents.

(h) As a part of the application process, the applicant shall submit an index to and copies of all fully executed acquisition documents and a certification by the applicant that the commission has been provided with a copy of all the documents within seven days after acquisition is complete. (Authorized by L. 1987, Chapter 112, Section 4(n), implementing L. 1987, Chapter 112, Sections 13, 14 and 15; effective, T-89-6, Jan. 21, 1988.)

112-3-11. Racing operation and parimutuel wagering. Each application for an organization license shall contain the following information about the operation and conduct of any horse races or greyhound races and parimutuel system of wagering:

(a) The application shall state by actual dates the racing days requested by the applicant.

(b) The application shall state the kind of racing to be conducted.

(c) The application shall list those persons within

the applicant organization who will be supervising the conduct and operation of the horse races or greyhound races, or both, and the operation of the parimutuel system of wagering to the extent known, including:

(1) The legal name, all aliases and any previous name;

(2) the current residence and each business address and telephone number;

(3) any qualifications and experience in the following areas:

- (A) General business;
- (B) finance and accounting;
- (C) racing industry;
- (D) parimutuel systems and wagering; and
- (E) security;

(4) a copy of any written contract or a statement of the terms of any oral agreement between the applicant and each officer and personnel identified in subsection (c) above;

(5) the basic job description and qualifications for each position described in the answer to subsection (c) above and a personnel organization chart;

(6) a plan for pre-opening and continuing training for the applicant's personnel; and

(7) a personal disclosure form executed and verified by each of the individuals identified in subsection (c) above.

(d) The application shall state financial projections regarding the operation and conduct of any races and parimutuel wagering during the first five racing years, with separate schedules based upon the number of racing days and types of parimutuel wagering that the applicant requires to break even and the optimum number of racing days and types of wagering the applicant seeks each year. The applicant shall attach to the financial projection statement any documentation of assumptions or projections made, including:

(1) Projected balance sheets by an independent certified public accountant that, for the end of the development or improvement period and for each of the first five years of racing, state the current, fixed, and other noncurrent assets, current and long-term liabilities, and capital accounts, including the accountant's review report of the financial and cash flow projections based on, among others, the following assumptions and support for them:

- (A) The average daily attendance;
- (B) the average daily handle;
- (C) the average per capita wager;
- (D) the number of estimated admissions to the track, including each ticket price and free admission;
- (E) the estimated minimum purse schedule;
- (F) the totalisator equipment lease;
- (G) any state and federal tax;
- (H) the estimated payroll;
- (I) the amount of insurance;
- (J) any travel expense;
- (K) any operating supplies and services;
- (L) any repair and maintenance expense;
- (M) any membership expense;
- (N) any legal and audit expense;
- (O) any retainage from the parimutuel handle;
- (P) any parimutuel expense; and

(Q) any equipment depreciation and the method of depreciation used; and

(2) an information sheet detailing the background of the independent certified public accountant who provided the financial projections requested in the subsection (d)(1).

(e) The application shall state whether the applicant, any officer, any director or any principal stockholder has complied with and is in compliance with L. 1987, ch. 112, sec. 10.

(f) The application shall state a proposal for security of payment, including a surety bond or other financial security, and the amount of payment adequate to secure the licensee's potential financial liability for unpaid taxes, purses and distribution of parimutuel winnings and breakage.

(g) The application shall state a plan for distribution of the net earnings from the conduct of horse races or greyhound races, or both, pursuant to L. 1987, ch. 112, sec. 13(d) projected over the first five years of racing.

(h) The application shall describe the applicant's parimutuel department, including the totalisator facility, the nature and type of equipment to be installed, and any proposed lease agreements relating to the totalisator system and the equipment. A copy of each lease agreement, written contract or statement of the terms of any oral agreement between the applicant and the totalisator equipment provider shall be attached to the application.

(i) The application shall describe the starting, timing, photo finish, and photo patrol or video equipment, including any provider of equipment or services. A copy of any lease agreement, written contract or statement of the terms of any oral agreement between applicant and any provider identified in this subsection shall be attached to the application.

(j) The application shall list memberships of the applicant, any personnel and consultants in horse racing or greyhound racing organizations and memberships in any other organizations. (Authorized by L. 1987, Chapter 112, Section 4(n); implementing L. 1987, Chapter 112, sections 13 and 14; effective, T-89-6, Jan. 21, 1988.)

112-3-12. Management of racetrack facility. Each application for an organization license or a facility manager license in which the applicant proposes to manage a racetrack facility shall contain the following information:

(a) The application shall include:

- (1) The applicant's management plan;
- (2) the functions, job description and required qualifications of management personnel; and
- (3) an organization chart.

(b) The application shall list management personnel with the following information:

- (1) Legal name, any aliases and any previous names;
- (2) current residences, business addresses and telephone numbers;
- (3) any qualification and experience in the following areas:
 - (A) General business;
 - (B) real estate development;

(C) construction;

(D) marketing, promotion, and advertising;

(E) finance and accounting;

(F) security; and

(G) human health and safety and animal health and safety;

(4) a description of the terms of employment. A copy of each contract, agreement or a statement of any oral agreement identified in this section shall be attached to the application; and

(5) personal background disclosure forms executed and verified by each of the individuals identified in this section shall be attached to the application.

(c) The application shall identify consultants and other contractors who have provided or will provide management related services to the applicant, to the extent known, and provide the following information for each service provider:

(1) The full name;

(2) the current address and telephone number;

(3) the nature of the services;

(4) any qualifications and experience; and

(5) a description of the terms and conditions of any contractor's agreement or contract. A copy of each agreement and contract or a statement of any oral agreement identified in this section shall be attached to the application;

(d) The application shall describe the applicant's marketing, promotion and advertising plans for:

(1) The pre-opening; and

(2) the first race meeting.

(e) The application shall describe the applicant's plan for any concessions, including but not limited to food, beverage and other products. The owner and operator of concessions shall be identified. A copy of the contract or agreement or a statement of any oral agreement for each party identified in subsection (e) shall be attached to the application.

(f) The application shall include a schedule of rates charged for the performance of any service or for the sale of any article on the premises of the facility, whether directly or through a concessionaire.

(g) The application shall state the plan for pre-opening and continuing training for the applicant's personnel.

(h) The application shall include projected balance sheets by an independent certified public accountant that, for the end of the development or improvement period and for each of the first five years of racing, state current, fixed, and other noncurrent assets, current and long-term liabilities and capital accounts, including the accountant's review report of financial and cash flow projections based on, among others, the following assumptions, including support for the assumptions:

(1) The average daily attendance;

(2) the number of admissions to the track, including ticket prices and free admissions;

(3) any parking fees and revenues;

(4) any concessions and program sales including the schedule of charges;

(continued)

(5) any fees or other rates charged on the premises of the facility not otherwise identified;

(6) any sales tax;

(7) any personal property tax;

(8) any real estate tax;

(9) any special assessments;

(10) any payroll;

(11) any operating supplies and services;

(12) any utilities;

(13) any repairs and maintenance;

(14) any equipment depreciation, stating the method of depreciation used;

(15) any facility depreciation, stating the method of depreciation used;

(16) any insurance;

(17) any travel expense;

(18) any membership expense;

(19) any security expense;

(20) any legal and audit expense;

(21) any debt service;

(22) any state and federal tax;

(23) any stall and kennel rent;

(24) any advertising and promotion; and

(25) any interest expense; and any other assumptions of financial and cash flow projections.

(i) The application shall include an information sheet detailing the background of the independent certified public accountant who provided the financial projections requested in subsection (h).

(j) The application shall state whether the applicant, any officers, directors and principal stockholders have complied with and are in compliance with L. 1987, ch. 112, sec. 10. (Authorized by L. 1987, Chapter 112, Section 4(n); implementing L. 1987, Chapter 112, Sections 13, 14 and 15; effective, T-89-6, Jan. 21, 1988.)

112-3-13. Economic, demographic and other information. Each application for a facility owner license or an organization license in which the applicant proposes to construct or own a racetrack facility shall contain the following information:

(a) The application shall describe the climatic conditions prevalent during the proposed race meeting.

(b) The application shall state the population of the area, the growth trend and describe the potential track market;

(c) The application shall state the projected economic impact of the track, including:

(1) The economic impact for the respective horse breeding or greyhound breeding industries in Kansas;

(2) any employment created, including:

(a) whether the employment is temporary or permanent;

(b) the type of work and compensation;

(c) the employer; and

(d) how the employment was created;

(3) any purchases of goods and services including the money amount and type of purchase;

(4) any public and private investment;

(5) any tax revenue generated; and

(6) any relative economic site advantage.

(d) The application shall state the projected social

impact of the track, including how it may affect the following:

(1) The school system;

(2) the police service;

(3) the fire service;

(4) the ambulance service;

(5) the population growth;

(6) the housing demand; and

(7) the community planning and development scheme.

(e) The application shall state whether any area residents oppose the proposed track site, and state what effect, if any, that opposition will have on the economic welfare of the proposed track.

(f) The application shall state the ecological impact of the track site, including a plan for waste disposal;

(g) The application shall describe the effect of competition with any race track in and out of the state and with any other sport or recreational facility in the area. A detailed statement of what effect the competition from any other race track will have on the availability of track personnel and on the quality of racing stock shall be made. (Authorized by L. 1987, Chapter 112, Section 4(n); implementing L. 1987, Chapter 112, Section 13; effective, T-89-6, Jan. 21, 1988.)

112-3-14. Public safety and security. Each application for a facility manager license or an organization license in which the applicant proposes to manage a racetrack facility shall contain the following information:

(a) The application shall include the following information regarding security personnel:

(1) Whether the security personnel are or will be direct or contractual employees;

(2) a complete security force organization chart;

(3) a complete job description of the entire security force, including each level of security and the location to which each level will be assigned;

(4) the training, including the type of training and the training program, if applicable; and

(5) whether the security force is or will be bonded. If the security force is bonded, a certified copy of any bond document and a statement of the amount and when the applicant will satisfy the bond conditions shall be attached to the application.

(b) The application shall describe a complete security plan for the race period and the non-race period, including:

(1) The number and deployment of security personnel;

(2) the perimeter;

(3) the stable and the kennel compound;

(4) the cash room;

(5) the vault;

(6) the method of money transfer between wagering windows, cash room and any other location to which money will be transferred;

(7) the number of sworn law enforcement personnel assigned to any local law enforcement offices and the types of incidents to which the law enforcement personnel may be expected to respond;

(8) the coordination between the racetrack facility

security and the local law enforcement personnel, including the location of the local law enforcement office and the approximate response time;

(9) any video monitoring equipment, including the type and location;

(10) any alarms, including the type and location;

(11) the testing or detention barn or paddock for horses;

(12) the greyhound paddock;

(13) the parking lot;

(14) the backside and the frontside;

(15) any emergency procedures, including ambulance, first aid or evacuation, and the location of any local emergency medical services and approximate response time;

(16) the exclusion and expulsion rules;

(17) the security force equipment;

(18) the policy and procedure for admittance of persons to any locations at the racetrack facility; and

(19) the control of traffic at the racetrack facility.

(c) The application shall describe a complete racetrack fire and safety policy, including:

(1) The standard operating procedures of security personnel to ensure the fire safety of any areas of the facility;

(2) the electrical safety and devices, including number, type, uses and locations;

(3) the inspections, including any inspection schedules;

(4) the straw, hay and feed storage;

(5) the smoking;

(6) the sleeping quarters, if applicable;

(7) the barn, the stable and the kennel compound;

(8) the grandstand;

(9) the club house or other special patron area;

(10) the administrative offices;

(11) the type and location of fire fighting equipment; and

(12) the coordination between the track and any local fire department, including the location of the local fire department and the approximate response time. (Authorized by L. 1987, Chapter 112, Section 4(n); implementing L. 1987, Chapter 112, Sections 4, 13, 14 and 15; effective, T-89-6, Jan. 21, 1988.)

112-3-15. Annual certified financial audit of organization licensee. Each organization licensee shall file annually a financial audit as required by L. 1987, ch. 112, sec. 13(i) on or before 90 days after the licensee's fiscal year end. The licensee's audit shall be filed with the executive director at the commission office. (Authorized by L. 1987, Chapter 112, Section 4(n); implementing L. 1987, Chapter 112, Section 13; effective, T-89-6, Jan. 21, 1988.)

112-3-16. Application forms for fair associations and the state of Kansas. Modified license application forms may be drafted by the commission for fair associations and for the state of Kansas or any political subdivision thereof subject to the provisions of L. 1987, ch. 112, sec. 13, 14 and 15. (Authorized by L. 1987, Chapter 112, Section 4(n); implementing L. 1987, Chapter 112, Sections 4, 13, 14 and 15; effective, T-89-6, Jan. 21, 1988.)

112-3-17. Additional information. Any license applicant or any licensee may be required by the commission to submit additional information to facilitate the review of the initial license application and any subsequent review of a license by the commission. (Authorized by and implementing L. 1987, Chapter 112, Section 4; effective, T-89-6, Jan. 21, 1988.)

112-3-18. Commission approval of sale or conveyance. In the event the control of a facility owner or facility manager licensee is to be conveyed, no sale or conveyance shall take effect until approval is obtained from the commission. The application of the purchaser shall contain the same information required by K.A.R. 112-3-8 pertaining to the application procedure for a facility owner and facility manager applicant. (Authorized by L. 1987, Chapter 112, Section 4(n); implementing L. 1987, Chapter 112, Sections 4 and 15; effective, T-89-6, Jan. 21, 1988.)

112-3-19. Background investigations. Any entity or individual identified for investigation in these regulations or found to be material to the racing program shall submit to a background investigation conducted by the director of security, director of the Kansas bureau of investigation or other person designated by the commission. Each individual or entity identified in this regulation shall execute and verify a personal background disclosure form provided by the commission. The level of any background investigation may be designated by the commission. (Authorized by and implementing L. 1987, Chapter 12, Section 4; effective, T-89-6, Jan. 21, 1988.)

112-3-20. Testing for controlled substances. Any commission licensee and any officers, directors and employees of the licensees may be required by the commission to submit to tests determining the use of any controlled substance. (Authorized by and implementing L. 1987, Chapter 112, Section 4; effective, T-89-6, Jan. 21, 1988.)

112-3-21. Effective date. The rules and regulations of the Kansas racing commission shall become effective upon approval by the state rules and regulations board. (Authorized by and implementing L. 1987, Chapter 112, Section 4; effective, T-89-6, Jan. 21, 1988.)

JIMMY D. GRENZ
Executive Director

Doc. No. 006190

State of Kansas

THE KANSAS LOTTERY

TEMPORARY ADMINISTRATIVE
REGULATIONS

Article 4.—INDIVIDUAL GAME RULES

111-4-7. Determination of "Gala Drawing" Winners. (a) The sponsor shall announce to the audience at least ten minutes before the drawing of the time that the winner selection process will begin. Any persons wishing to enter the drawing who have not yet done so, shall immediately place their tickets into the receptacle at this time.

(b) Prior to sealing the receptacle, the sponsor shall announce that entries into the "Gala Drawing" are closed. No further entries will be accepted.

(c) The receptacle shall be sealed and mixed to ensure random selection.

(d) The sponsor(s) of each approved "Gala Drawing" event shall designate one individual of their choice to participate in the selection process.

(e) The selection of the "Gala Drawing" winner shall be accomplished by the individual designated by the sponsor, using a bare arm technique, removing only one ticket from the receptacle in which all entries were placed. A person representing the sponsor of the "Gala Drawing" event as well as a law enforcement officer selected by the Kansas lottery, division of security, and a Kansas lottery employee, shall review the selected ticket to determine if the name stated on the information form located on the back of the selected ticket is legible and if the ticket is signed. If the name is determined to be legible and the ticket is signed, the name shall be announced to the audience.

(f) The named person must be in attendance and present him/herself to the person announcing the winner within three minutes of the announcement in order to win the "Gala Drawing" prize.

(g) If the person whose ticket has been drawn from the receptacle is in attendance, upon proper identification that person shall be determined the "Gala Drawing" winner.

(h) The winner shall be given a prize claim form to be completed and returned to the lottery employee in attendance at the drawing;

(i) If the name on the ticket is not legible, the ticket is not signed, or the person is not in attendance, the ticket drawn will be void and the selection process shall be repeated until a winner is selected. (Authorized by and implementing L. 1987, Chapter 292, Section 10(b); effective T-88-38, Sept. 28, 1987; amended T-December 28, 1987; amended T-89-3, Jan. 7, 1988.)

111-4-31. Weekly Selection of Contestants. The following process shall be used for weekly "Grand Prize Drawing" and "Televised Draw Show" participant selection:

(a) Kansas Lottery mail room personnel accompanied by a member of the Lottery division of security shall pick up all mail trays containing "Kansas Lottery

Entry Envelopes" at the Topeka United States Post Office on a daily basis.

(b) The mail room and security personnel shall transport the mail trays to a secure area where they will be held until the time designated by the executive director for preliminary "Grand Prize Drawing" and "Televised Draw Show" participant selection.

(c) The selection process shall be held weekly beginning two (2) weeks after the November 12 commencement of the "Up and Away" instant ticket game and continuing until two (2) weeks after the end of the "Up and Away" game. All drawings shall be held in a place accessible to the public and be open for public attendance and with lottery security personnel present. All drawings shall be video taped.

(d) An individual designated by the executive director shall pick at random two (2) sealed envelopes from each tray. The designated individual shall use the bare-arm technique in drawing the two (2) envelopes.

(e) The designated individual shall place the envelopes in a receptacle.

(f) Once the individual has selected two (2) envelopes from each tray, the receptacle shall be sealed and the contents mixed by shaking or rotating the receptacle.

(g) The designated individual shall then unseal the receptacle, and using the bare-arm technique, remove one (1) "Kansas Lottery Entry Envelope" from the receptacle.

(h) The designated Kansas Lottery Security official shall unseal the "Kansas Lottery Entry Envelope" removed from the receptacle and review the tickets inside to determine if they are eligible for the "Grand Prize Drawing" and "Televised Draw Show" in accordance with K.A.R. 111-4-36.

(i) If the tickets contained in the envelope are determined to be ineligible, the envelope removed shall be discarded, the receptacle resealed, and the selection process repeated until fourteen (14) valid entries are obtained from the receptacle.

(j) Each valid entry, as it is obtained, shall be clearly marked in a permanent manner with a number. The number one (1) shall be placed on the first valid entry, the number two on the second valid entry, and so on until all valid entries are marked.

(k) Entry number one (1) shall be entered into the "Grand Prize Drawing." Entries two through seven (2-7) shall be entered into the televised draw show. Entries eight through thirteen (8-13) shall be home partners for televised draw show participants. Entry fourteen (14) shall be entered as a bonus round home partner for the televised draw show. The identities of participants numbered eight through fourteen (8-14) will be disclosed on the appropriate draw show.

(l) All "Kansas Lottery Entry Envelopes" remaining in the receptacle and the mail trays after fourteen (14) valid entries have been selected shall be destroyed.

(m) The fourteen (14) valid entry envelopes shall be certified and secured in accordance with K.A.R. 111-4-30. (Authorized by and implementing L. 1987,

Chapter 292, Section 10(b); effective T-88-47, Nov. 4, 1987; amended T-89-3, Jan. 7, 1988.)

111-4-55. Weekly Selection of Contestants. The following process shall be used for weekly "Grand Prize Drawing" and "Televised Draw Show" participant selection:

(a) Kansas Lottery mail room personnel shall pick up all mail trays containing "Kansas Lottery Entry Envelopes" at the Topeka United States Post Office on a daily basis.

(b) The mail room and security personnel shall transport the mail trays to a secure area where they will be held until the time designated by the executive director for preliminary "Grand Prize Drawing" and "Televised Draw Show" participant selection.

(c) The selection process shall be held weekly. All drawings shall be held in a place accessible to the public and be open for public attendance and with lottery security personnel present. All drawings shall be video taped.

(d) An individual designated by the executive director shall pick at random two (2) sealed envelopes from each tray using the bare-arm technique. Should the designated individual draw an envelope with tickets belonging to that designated individual, the envelope shall be disqualified.

(e) The designated individual shall place the envelopes in a drum.

(f) Once the individual has selected two (2) envelopes from each tray, the drum shall be sealed and the contents mixed by shaking or rotating.

(g) The designated individual shall then unseal the drum, and using the bare-arm technique, remove one (1) "Kansas Lottery Entry Envelope" from the drum.

(h) The designated Kansas lottery security official shall unseal the "Kansas Lottery Entry Envelope" removed from the drum and review the tickets inside to determine if they are eligible for the "Grand Prize Drawing" and "Televised Draw Show" in accordance with K.A.R. 111-4-58.

(i) If the tickets contained in the envelope are determined to be ineligible, the envelope removed shall be discarded, the drum resealed, and another envelope removed. This procedure will be repeated until fourteen (14) valid entries are obtained from the drum.

(j) Each valid entry, as it is obtained, shall be clearly marked in a permanent manner with a number. The number one (1) shall be placed on the first valid entry, the number two on the second valid entry, and so on until all valid entries are marked.

(k) Entry number one (1) shall be entered into the "Grand Prize Drawing." Entries two through seven (2-7) shall be entered into the televised draw show. Entries eight through thirteen (8-13) shall be home partners for televised draw show participants. Entry fourteen (14) shall be entered as a bonus round home partner for the televised draw show. The identities of the eight participants numbered eight through fourteen (8-14) will be disclosed on the appropriate draw show.

(l) All "Kansas Lottery Entry Envelopes" remaining in the drum and the mail trays after fourteen (14)

valid entries have been selected shall be destroyed.

(m) The fourteen (14) valid entry envelopes shall be certified and secured in accordance with K.A.R. 111-4-54. (Authorized by and implementing L. 1987, Ch. 292, Section 10(b); effective T-88-61, Dec. 29, 1987; amended T-89-3, Jan. 7, 1988.)

LARRY MONTGOMERY
Executive Director

Doc. No. 006187

State of Kansas

THE KANSAS LOTTERY
TEMPORARY ADMINISTRATIVE
REGULATIONS

Article 3.—INSTANT GAMES RULES

111-3-9. Televised Draw Show. The Kansas lottery may conduct a televised draw show to award prizes. The nature of the draw show and the prizes to be awarded shall be determined in accordance with rules proposed by the executive director and approved by the Kansas lottery commission. Players for the draw show shall be selected at the weekly drawing for the "Grand Prize Drawing" and "Televised Draw Show." (Authorized by and implementing L. 1987, Chapter 292, Section 10(a), effective T-88-39, Oct. 15, 1987; amended T-89-4, Jan. 21, 1988.)

111-3-10. Definitions. The following definitions shall apply to the instant lottery game:

(a) "Executive director" means the executive director of the Kansas lottery.

(b) "Play area" is the portion of the front of each instant game ticket where the play symbols appear. It is covered by a removable layer of material which is intended to be removed ("scratched off") by the player to reveal the play symbols.

(c) "Play symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize.

(d) "Play symbols captions" are the words or portions of words printed beneath each play symbol in the play area and are used to repeat or explain the play symbol. The play symbol caption associated with each play symbol is designated by the rules of the game.

(e) "Book" means a pack of fanfolded instant game tickets which are attached to each other by perforations, which perforations the retailer tears when selling a ticket from the book. The books are packed in plastic shrinkwrapping which shall be removed by the retailer so that the retailer can apply the retailer's name and number to each ticket prior to sale. Each book shall consist of 300 instant game tickets fanfolded by fives.

(f) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. The ticket validation number appears under the "Void If Removed" spot on the bottom right center portion of the front of each instant ticket.

(continued)

(g) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. The book-ticket number is a book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 299. The book-ticket number is printed in gray-black ink on the bottom right portion of the front of each instant game ticket.

(h) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer.

In this instant game, the retailer validation code is a two letter code printed and appearing in varying two of nine locations among the play symbols.

(i) "Bare arm technique" means a type of drawing in which the person drawing the winning ticket from the receptacle wears a short-sleeved (sleeve not extending past the elbow) or a no-sleeve shirt which exposes the drawer's bare arm.

(j) "Drum" means a container which can be sealed and rotated for the purpose of mixing, and into which "Kansas Lottery Entry Envelopes" are placed for the purpose of drawing the preliminary and final "Grand Prize Drawing" winner.

(k) "Participant" means any person, player, or contestant participating in a lottery game and anyone designated by a prize winner to appear on his or her behalf for any lottery game including the Grand Prize Drawing and the "Televised Draw Show." In the event the prize winner or his or her designee fails to appear for the Grand Prize Drawing or "Televised Draw Show," the executive director shall designate an adult who may be a member of his staff to participate on behalf of the non-appearing prize winner. Any prize won by a participant appearing through a designee shall be payable to and delivered to the prize winner as provided by these rules and regulations. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-3-11. Ticket Sales. (a) Tickets for this instant game shall be sold for \$1.00 each.

(b) To the extent feasible, retailers shall sell their tickets in numerical order of the book-ticket numbers. No retailer shall promote or sell tickets in a manner contrary to the principle that every ticket has an equal and random chance of winning a prize.

(c) Tickets shall be sold only by retailers with a current lottery retailer instant game contract in effect with the Kansas lottery. Tickets shall be sold only at the retailer's location which has been approved by the Kansas lottery.

(d) Tickets shall not be sold to any person under the age of 18 years. Retailers may require persons purchasing tickets to produce proof of their age. (Authorized by L. 1987, Chapter 292, Section 10; implementing L. 1987, chapter 292, Section 10 and 18(a); effective T-89-4, Jan. 21, 1988.)

111-3-12. Determination of Instant Prize Winners.

The following subparagraphs specify how an instant prize winner is determined for this instant game:

(a) The player must remove or "scratch off" the removable layer of material covering the play area to reveal the six play symbols and captions. If any three play symbols match, the player wins the prize designated by the rules of the game.

(b) In any event, only the highest instant prize shall be paid on a given ticket.

(c) Once a player has collected a prize from a retailer, the player shall not be entitled to any other prize even if the prize paid by the retailer was less than the prize actually entitled to.

(d) Only play symbols are used for determination of entitlement to instant prizes. Play symbol captions, validation numbers, agent validation codes, book-ticket numbers, any portion of the display printing and any extraneous materials are not play symbols and shall not be usable or playable to win instant prizes.

(e) In all events, the determination of instant prize winners shall be subject to the general ticket validation requirements set forth in K.A.R. 111-3-13 and the requirements set forth on the back of each instant game ticket.

(f) An instant ticket is a bearer instrument until signed on the back by the owner. The prize payable for an unsigned instant ticket shall be paid to the bearer thereof unless the ticket has been signed on the back. Once a ticket has been signed on the back, any prize payable for such ticket shall be paid to the apparent owner of the ticket as evidenced by such signature.

(g) No particular prize may be paid more than once.

(h) All instant prizes must be claimed within 180 days of the game start date as announced by the executive director. Any instant prize not claimed prior to such date and in the manner specified on the back of each ticket shall be forfeited.

(i) The right of any person to a prize shall not be assignable, except that payment of any prize may be paid to the estate of a deceased prize winner or to a person designated pursuant to an appropriate judicial order. (Authorized by L. 1987, Chapter 292, Section 10(b), (c) & (i); implementing L. 1987, Chapter 292, Sections 10(b), (c) & (i) and 20 (b) & (d); effective T-89-4, Jan. 21, 1988.)

111-3-13. Ticket Validation Requirements. (a) Besides meeting all other requirements in these rules and those printed on the back of each instant ticket, the following validation requirements shall apply to all tickets for this instant game:

(1) The ticket must have been issued by the Kansas lottery in an authorized manner and must not be counterfeit in whole or in part.

(2) The ticket must be complete and intact and not mutilated, altered, unreadable, reconstructed, or tampered with in any manner.

(3) The ticket must not be blank or partially blank, misregistered, defective, or printed or produced in error.

(4) The display printing on the ticket must be regular in every respect and correspond precisely with the artwork on file at the Kansas lottery.

(5) The ticket must not be stolen nor appear on any list of omitted tickets on file at the Kansas lottery.

(6) Exactly six play symbols must appear in the play area. Each play symbol must be exactly one of those described in K.A.R. 111-3-10.

(7) Each of the six play symbols must have a play symbol caption underneath, and each play symbol caption must agree with its play symbol. Each play symbol caption must be exactly one of those described in K.A.R. 111-3-10).

(8) Each of the play symbols and play symbol captions must be present in its entirety, fully legible, right side up, not reversed in any manner, and correspond precisely to the artwork on file at the Kansas lottery.

(9) The ticket must have exactly one ticket validation number, one book-ticket number and one retailer validation code, each of which must be present in its entirety, be fully legible, be exactly as described in K.A.R. 111-3-10, and correspond precisely to the artwork on file at the Kansas lottery. The ticket validation number shall correspond, using the Kansas lottery codes, to the play symbols on the ticket.

(10) The ticket validation number of an apparent winning ticket shall appear on the Kansas lottery's official list of ticket validation numbers of winning tickets and a ticket with that ticket validation number shall not have been paid previously.

(11) The ticket must pass all additional confidential validation tests of the Kansas lottery.

(b) Any ticket not passing all of the validation checks in this paragraph is void and ineligible for any prize. However, the executive director may, solely at his or her option, reimburse the player for the cost of an invalid ticket. In the event that a defective ticket is purchased, the only responsibility or liability of the Kansas lottery shall be for reimbursement of the cost of the defective ticket. (Authorized by and implementing 1987 L. Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-3-14. Payment of Prizes. The procedures for payment of instant prizes to the winners of the instant games are as follows: (a) Instant game prizes of \$25.00 or less shall be paid as follows:

(1) Present the ticket to the same retailer from whom the ticket was purchased. Upon validation of the ticket, the retailer shall immediately make payment for the prize to the claimant. If the retailer cannot validate the claim, the claimant shall fill out a claim form provided by the retailer and personally present or mail the completed form together with the ticket to Kansas lottery headquarters. If the claim is validated, then payment shall be made to the claimant by mail.

(2) Bring the ticket to any Regional office of the Kansas lottery during the hours that such office is open to the public for business. Upon verification of the claim, payment for such claim shall be made to the winner in the following manner:

(A) The prize for a validated free ticket winner redeemed in this manner shall be \$1.00 to be paid by the Kansas lottery.

(B) The prize for a validated \$2.00 ticket winner

redeemed in this manner shall be \$2.00 to be paid by the Kansas lottery.

(C) The prize for a validated \$10.00 ticket redeemed in this manner shall be \$10.00. All payments for \$10.00 winning tickets shall be made out of the lottery prize payment fund. Upon verification of the claim, the payment for the prize shall be mailed to the claimant.

(3) Mail the ticket with a completed claim form in any envelope other than an official "Grand Prize Drawing" envelope to any office of the Kansas lottery. Claim forms can be obtained from any lottery instant game retailer or any office of the Kansas lottery. Upon verification of the claim, the payment for such claim shall be made to the winner in the following manner:

(A) The prize for a validated free ticket winner redeemed in this manner shall be \$1.00 which shall be paid out of the Kansas lottery's imprest fund. Upon verification of the claim, the payment for the prize shall be mailed to the claimant.

(B) The prize for a validated \$2.00 ticket winner redeemed in this manner shall be \$2.00 which shall be paid out of the Kansas lottery's imprest fund. Upon verification of the claim, the payment for the prize shall be mailed to the claimant.

(C) The prize for a validated \$10.00 ticket redeemed in this manner shall be \$10.00 which shall be paid out of the lottery prize payment fund. Upon verification of the claim, the payment for the prize shall be mailed to the claimant.

(b) Instant game prizes in excess of \$25.00 but less than \$100.00 shall be paid by any one of the following methods:

(1) Present the ticket to any authorized Kansas lottery retailer. Upon validation of the ticket the retailer may immediately make payment of prize to the claimant. If the retailer chooses not to make the payment, the claimant shall claim the prize in another manner prescribed in these rules.

(2) Bring the ticket to any office of the Kansas lottery during the hours that such office is open to the public for business. Upon verification of the claim, the payment for the prize shall be mailed to the claimant.

(3) Mail the ticket with a completed claim form in any envelope other than an official "Grand Prize Drawing" envelope to the Kansas lottery headquarters. Claim forms can be obtained from any lottery instant game retailer or any office of the Kansas lottery. Upon verification of the claim, the payment for the prize shall be mailed to the claimant.

(c) Instant game prizes of \$100.00 or more shall be paid by any one of the following methods:

(1) Bring the ticket to any office of the Kansas lottery during the hours that such office is open to the public for business. Upon verification of the claim, the payment shall be made to the claimant by the executive director by any means deemed appropriate.

(2) Mail the ticket with a completed claim form in any envelope other than a "Grand Prize Drawing Envelope" to any office of the Kansas lottery. Claim forms may be obtained from any lottery instant game retailer or any office of the Kansas lottery. Upon veri-

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fiction of the claim, the payment shall be made to the claimant by the executive director by any means deemed appropriate. (Authorized by 1987 L. Chapter 292, Section 10(c); implementing L. 1987, Chapter 292, Sections 10(c), 12(a) and 20(c); effective T-89-4, Jan. 21, 1988.)

111-3-15. Responsibility for Lost or Stolen Tickets. The Kansas lottery is not responsible for lost or stolen instant game tickets. (Authorized by and implementing 1987 L. Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-3-16. Disputes. In the event of a dispute between a ticket bearer and the Kansas lottery concerning any instant winner lottery game, and the "Grand Prize Drawing" associated with any instant game, the executive director has the authority to determine the facts underlying the dispute and to pay a prize to the holder of a valid winning lottery ticket. If the investigation of the dispute is inconclusive, the executive director may, solely at his or her option, reimburse the ticket bearer for the cost of the disputed ticket. If the investigation of the dispute determines facts in favor of the Kansas lottery, the executive director shall deny any claim relating to the dispute. (Authorized by and implementing 1987 L. Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-3-17. Governing Laws, Regulations, and Rules. In purchasing a ticket, the player agrees to comply with and abide by the Kansas lottery act (chapter 292 of the 1987 Session Laws); all rules and regulations of the Kansas lottery, whether temporary or permanent; and all procedures and instructions established by the Kansas lottery for the conduct of instant games. (Authorized by and implementing 1987 L. Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-3-18. Termination of the Game. The executive director may announce a termination date for a game at any time. (Authorized by and implementing 1987 L. Chapter 292, Section 10(d); effective T-89-4, Jan. 21, 1988.)

111-3-19. Grand Prize Drawing. The Kansas lottery shall conduct one grand prize drawing in connection with the each instant ticket game. Players for the grand prize drawing shall be selected at the Kansas lottery "Player Selection Drawing." (Authorized by and implementing 1987 L. Chapter 292, Section 10(a); effective T-89-4, Jan. 21, 1988.)

111-3-20. Method of Entry. Entry into the "Grand Prize Drawing" and the "Televised Draw Show" is accomplished by the following steps:

- (a) Obtain a valid Kansas instant game lottery ticket;
- (b) Determine if the ticket is a winning ticket in accordance with any instant game rules. If the ticket is a winning ticket, it is not eligible for the "Grand Prize Drawing" or "Televised Game Show," and shall be redeemed in accordance with the appropriate game rules;
- (c) If the ticket is a non-winning ticket, the ticket is eligible for winning the drawing, and the holder of the

ticket may enter the "Grand Prize Drawing" or the "Televised Draw Show" once the holder accumulates five (5) non-winning tickets;

(d) The holder of the five (5) non-winning tickets must complete the information form on the back of at least one (1) ticket in a legible manner and sign all five (5) tickets;

(e) The holder of the tickets must obtain a "Kansas Lottery Entry Envelope" or "Kansas Lottery Entry Label" from any Kansas lottery retailer; and

(f) Place the five (5) tickets into the envelope or a 3⁵/₈ by 6¹/₂ inch envelope with an official Kansas Lottery Entry Label affixed and mail them to the address printed on the envelope or label.

(g) There is no limit on the number of entries a person may make. (Authorized by and implementing L. 1987, Chapter 292, Section 10(b); effective T-89-4, Jan. 21, 1988.)

111-3-21. Certification of Weekly "Grand Prize Drawing" and "Televised Draw Show" Participant Selection. (a) All preliminary and final "Grand Prize Drawing" and "Televised Draw Show" participants selection drawings shall be personally observed by a member of the Kansas lottery division of security designated by the executive director and by an auditor.

(b) Upon completion of the drawings, the designated lottery security person and the auditor shall issue a report certifying that the name of the participant selected is correct and that to the best of their knowledge the procedures required by these rules were followed in selecting the participant.

(c) The affidavit shall be placed in an envelope, sealed, and given to the director of security to hold in a secured file until the time designated by the executive director for the "Grand Prize Drawing" or "Televised Draw Show." (Authorized by and implementing L. 1987, Chapter 292, Section 10(b); effective T-89-4, Jan. 21, 1988.)

111-3-22. Weekly Selection of Participants. The following process shall be used for weekly "Grand Prize Drawing" and "Televised Draw Show" participant selection:

(a) Kansas Lottery mail room personnel shall pick up all mail trays containing "Kansas Lottery Entry Envelopes" at the Topeka United States Post Office on a daily basis.

(b) The mail room and security personnel shall transport the mail trays to a secure area where they will be held until the time designated by the executive director for preliminary "Grand Prize Drawing" and "Televised Draw Show" participant selection.

(c) The selection process shall be held weekly. All drawings shall be held in a place accessible to the public and be open for public attendance and with lottery security personnel present. All drawings shall be video taped.

(d) An individual designated by the executive director shall pick at random two (2) sealed envelopes from each tray using the bare-arm technique. Should the designated individual draw an envelope with

tickets belonging to that designated individual, the envelope shall be disqualified.

(e) The designated individual shall place the envelopes in a drum.

(f) Once the individual has selected two (2) envelopes from each tray, the drum shall be sealed and the contents mixed by shaking or rotating.

(g) The designated individual shall then unseal the drum, and using the bare-arm technique, remove one (1) "Kansas Lottery Entry Envelope" from the drum.

(h) The designated Kansas lottery security official shall unseal the "Kansas Lottery Entry Envelope" removed from the drum and review the tickets inside to determine if they are eligible for the "Grand Prize Drawing" and "Televised Draw Show" in accordance with K.A.R. 111-3-22.

(i) If the tickets contained in the envelope are determined to be ineligible, the envelope removed shall be discarded, the drum resealed, and another envelope removed. This procedure will be repeated until fourteen (14) valid entries are obtained from the drum.

(j) Each valid entry, as it is obtained, shall be clearly marked in a permanent manner with a number. The number one (1) shall be placed on the first valid entry, the number two on the second valid entry, and so on until all valid entries are marked.

(k) Entry number one (1) shall be entered into the "Grand Prize Drawing." Entries two through seven (2-7) shall be entered into the televised draw show. Entries eight through thirteen (8-13) shall be home partners for televised draw show participants. Entry fourteen (14) shall be entered as a bonus round home partner for the televised draw show. The identities of the eight participants numbered eight through fourteen (8-14) will be disclosed on the appropriate draw show.

(l) All "Kansas Lottery Entry Envelopes" remaining in the drum and the mail trays after fourteen (14) valid entries have been selected shall be destroyed.

(m) The fourteen (14) valid entry envelopes shall be certified and secured in accordance with K.A.R. 111-3-21. (Authorized by and implementing L. 1987, Chapter 292, Section 10(b); effective T-89-4, Jan. 21, 1988.)

111-3-23. Selection of Grand Prize Drawing Winner. (a) The director of security or his designee shall remove the sealed envelopes containing the affidavits certifying the names of the "Grand Prize Drawing" participants from the secure file and transport them to the site of the "Grand Prize Drawing." The sealed envelopes shall then be placed in a drum. The drum shall be sealed and turned by a person designated by the executive director a minimum of five (5) times to ensure random selection. Each participant, in the same order that they were selected as participants, shall remove one envelope from the drum. A board will be provided by the Lottery which contains headings marked off with certain prizes. The first envelope removed from the drum shall be placed under the grand prize heading. The remainder of the tickets shall be placed on the board under the other prize headings.

(b) After all envelopes have been removed from the drum and placed on the board, the envelopes will be opened by a person designated by the executive director, with the envelope under the grand prize heading being the last one opened. The participant whose name is in the envelope shall win the prize in the area of the board where the envelope was placed.

(c) The "Grand Prize Drawing" shall be held in a public place, be open to the public, and be viewed by an auditor. The "Grand Prize Drawings" shall be video and audio taped. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-3-24. Prizes. The prizes for the "Grand Prize Drawing" shall be one hundred thousand (100,000) dollars for the one (1) grand prize winner and five thousand (5,000) dollars for each participant other than the grand prize winner. All prize awards are subject to lottery validation, set offs, and deductions as provided by law. (Authorized by L. 1987, Chapter 292, Section 10(b); implementing L. 1987, Chapter 292, Section 10(b) and 20(b); effective T-89-4, Jan. 21, 1988.)

111-3-25. Winner Validation. The following validation requirements shall apply to the "Grand Prize Drawing" and "Televised Draw Show":

(a) Each envelope must contain five (5) valid non-winning Kansas instant game lottery tickets from any game;

(b) Each ticket must be signed by the same person, and the information form on the back of at least one ticket must be filled out in a legible manner.

(c) Each ticket must have been issued by the Kansas lottery in an authorized manner and must not be counterfeit in whole or in part;

(d) Each ticket must be complete and intact and not mutilated, altered, unreadable, reconstructed, or tampered with in any way;

(e) Each ticket must not be blank or partially blank, misregistered, defective, or printed or produced in error;

(f) The display printing on each ticket must be regular in every respect and correspond precisely with the artwork on file at the Kansas lottery;

(g) Each ticket must not be stolen nor appear on any list of omitted tickets on file at the Kansas lottery;

(h) Each ticket must have exactly one ticket validation number, one book-ticket number, and two retailer validation codes, each of which must be present in its entirety, be fully legible, be exactly as described in paragraph (d) above, and correspond precisely to the artwork on file at the Kansas Lottery. Each ticket validation number shall correspond to the play symbols on the ticket;

(i) The ticket validation number of the tickets shall not appear on the Kansas lottery's official list of ticket validation numbers of winning tickets.

(j) Any ticket not passing all the validation checks in this section is void and is not eligible for the "Grand Prize Drawing" or the "Televised Draw Show." (Authorized by and implementing L. 1987, Chapter 292, Section 10(b); effective T-89-4, Jan. 21, 1988.)

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111-3-26. Security of Equipment. The drum shall be stored in a locked secure area at all times when not in use. Keys to the secure area shall be under the exclusive control of the Kansas lottery division of security. Prior to use, the drum shall be inspected by an auditor and by the Kansas lottery division of security to ensure it has not been tampered with and is in good working order. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-3-27. Rights of Participants. Any Kansas instant game lottery ticket entered into the "Grand Prize Drawing" or the "Televised Draw Show" is disqualified from any other Kansas lottery prize or eligibility that ticket may have been redeemable for. (Authorized by and implementing L. 1987, Chapter 292, Section 10(d); effective T-89-4, Jan. 21, 1988.)

111-3-28. Payment of Prizes. The executive director or his designee shall award the designated prize to the appropriate person as soon as it is determined that all laws, regulations, and rules have been adhered to. (Authorized by and implementing L. 1987, Chapter 292, Section 10(c), 20(b); effective T-89-4, Jan. 21, 1988.)

111-3-29. Certification of Drawing. (a) The "Grand Prize Drawing" and the "Televised Draw Show" shall be personally observed by a member of the Kansas lottery security staff designated by the executive director, and by an auditor.

(b) Upon completion of the drawing, the designated Kansas lottery security person and the auditor shall issue a report to the executive director, certifying that the name of the grand prize winner or draw show winner is correct, and that to the best of their knowledge the procedures required by these rules were followed in selecting the grand prize winner. (Authorized by and implementing L. 1987, Chapter 292, Section 10(b); effective T-89-4, Jan. 21, 1988.)

111-3-30. Governing Laws, Regulations, and Rules. In purchasing a ticket and entering the "Grand Prize Drawing" or the "Televised Draw Show," the player agrees to comply with and abide by the Kansas lottery act (Chapter 292 of the 1987 Session Laws); all rules and regulations of the Kansas lottery, whether permanent or temporary; and all procedures and instructions established by the Kansas lottery for the conduct of the "Grand Prize Drawing" or "Televised Draw Show." (Authorized by and implementing L. 1987, Chapter 292, Section 10(b), (c), 20(b); effective T-89-4, Jan. 21, 1988.)

111-3-31. Minors Entitled to Prizes. For a minor under 18 years of age entitled to a prize, the Lottery may require:

(a) The claim form for all prizes of \$25 or more to be signed by the parent or legal guardian of the minor, and

(b) Payment by delivery of a draft payable to the order of the minor to a parent or legal guardian of the minor.

(c) Where the prize exceeds \$5,000, payment shall

be made for the benefit of the minor to the court appointed guardian or conservator, or as may otherwise be ordered by the court, upon receipt of written verification of the appointment of the legal guardian or conservator satisfactory to the executive director. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

Article 4.—INDIVIDUAL GAME RULES

111-4-19. (Authorized by L. 1987, Chap. 292, Sec. 10; implementing L. 1987, Chap. 292, Sec. 10 & 18(a); effective T-88-47, Nov. 4, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-22. (Authorized by and implementing, L. 1987, Chap. 292, Sec. 10; effective T-88-47, Nov. 4, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-23. (Authorized by L. 1987, Chap. 292, Sec. 10(c) & 20(c); implementing L. 1987, Chap. 292, Sec. 10(c), 12(a) and 20(c); effective T-88-47, Nov. 4, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-24. (Authorized by L. 1987, Chap. 292, Sec. 10; effective T-88-47, Nov. 4, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-25. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10; effective T-88-47, Nov. 4, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-26. (Authorized by L. 1987, Chap. 292, Sec. 10; effective T-88-47, Nov. 4, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-27. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10(d); effective T-88-47, Nov. 4, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-28. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10(a); effective T-88-47, Nov. 4, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-29. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10(b); effective T-88-47, Nov. 4, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-30. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10(b); effective T-88-47, Nov. 4, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-31. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10(b); effective T-88-47, Nov. 4, 1987; amended T-88-61, Dec. 28, 1987; amended T-89-3, Jan. 7, 1988; revoked, T-89-4, Jan. 21, 1988.)

111-4-32. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10; effective T-88-47, Nov. 4, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-33. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10; effective T-88-47, Nov. 4, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-34. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10(b); effective T-88-47, Nov. 4, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-35. (Authorized by and implementing L.

1987, Chap. 292, Sec. 10; effective T-88-47, Nov. 4, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-36. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10(d); effective T-88-47, Nov. 4, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-37. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10(c), 20(b); effective T-88-47, Nov. 4, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-38. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10(b); effective T-88-47, Nov. 4, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-39. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10(b), (c), 20(b); effective T-88-47, Nov. 4, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-40. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10; effective T-88-47, Nov. 4, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-43. (Authorized by L. 1987, Chap. 292, Sec. 10; implementing L. 1987, Chap. 292, Sec. 10 & 18(a); effective T-88-61, Dec. 28, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-46. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10; effective T-88-61, Dec. 28, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-47. (Authorized by L. 1987, Chap. 292, Sec. 10(c) & 20(c); implementing L. 1987, Chap. 292, Sec. 10(c), 12(a) and 20(c); effective T-88-61, Dec. 28, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-48. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10; effective T-88-61, Dec. 28, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-49. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10; effective T-88-61, Dec. 28, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-50. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10; effective T-88-61, Dec. 28, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-51. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10(d); effective T-88-61, Dec. 28, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-52. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10(a); effective T-88-61, Dec. 28, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-53. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10(b); effective T-88-61, Dec. 28, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-54. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10(b); effective T-88-61, Dec. 28, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-55. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10(b); effective T-88-61, Dec. 28, 1987; amended T-89-3, Jan. 7, 1988; revoked, T-89-4, Jan. 21, 1988.)

111-4-56. (Authorized by and implementing L.

1987, Chap. 292, Sec. 10; effective T-88-61, Dec. 28, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-57. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10; effective T-88-61, Dec. 28, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-58. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10(b); effective T-88-61, Dec. 28, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-59. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10; effective T-88-61, Dec. 28, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-60. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10(d); effective T-88-61, Dec. 28, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-61. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10(c), 20(b); effective T-88-61, Dec. 28, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-62. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10(b); effective T-88-61, Dec. 28, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-63. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10(b), (c), 20(b); effective T-88-61, Dec. 28, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-64. (Authorized by and implementing L. 1987, Chap. 292, Sec. 10; effective T-88-61, Dec. 28, 1987; revoked, T-89-4, Jan. 21, 1988.)

111-4-66. Kansas Lottery Live. The Kansas Lottery shall conduct a televised draw show entitled "Kansas Lottery Live" commencing January 23, 1988, and continuing for a time to be determined by the executive director. The time and place of the draw show shall be determined by the executive director. (Authorized by and implementing L. 1987, Chapter 292, Section 10(a); effective T-89-4, Jan. 21, 1988.)

111-4-67. Televised Draw Show Procedure. The following method shall be used to determine the draw show winner:

(a) An electronic game board with a ten (10) space grid path for each of the six (6) players shall be provided. At the top of the grid paths will be a space designated as the grand prize. The first player to reach the grand prize space wins the grand prize.

(b) Movement up and down the grid paths will be determined by each player taking turns spinning a wheel. The wheel will be marked with the numbers 3, 2, 1, -1 and -2. The number on which the wheel stops determines the movement of the player on the grid path.

(c) The beginning point is the bottom space of the grid path of each player. For the first spin, each player shall spin the wheel in the order each was selected to be participants on the show. For subsequent spins, the player spinning first in the immediately preceding spin shall spin last and the person spinning second in the preceding spin shall spin first. This process shall continue until a player has reached the spot designated as the grand prize.

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(d) All players must spin the wheel clockwise, and it must complete at least one full revolution to be considered a valid spin. Should the wheel not travel one full revolution, the player will be entitled to spin again. Disputes in this area shall be resolved by the auditor.

(e) A player landing on a negative number shall move backwards down the grid path the number of spaces indicated on the wheel. If a player lands on a negative number on his or her first spin, that player shall remain at the beginning point. If a player lands on a negative number in subsequent rounds but has not progressed along the grid path enough to move backward the required number of spaces, the player shall return to the beginning point. Landing on a negative number shall never disqualify a player and negative spaces that a player cannot move are not carried over to his or her next spin.

(f) A player landing on a positive number shall advance up the grid path a corresponding number of spaces.

(g) The grand prize shall be awarded to the first player who moves 11 spaces up the grid path into the grand prize space. The exact number is not required to enter the grand prize space. (Authorized by and implementing L. 1987, Chapter 292, Section 10(b); effective T-89-4, Jan. 1, 1988.)

111-4-68. Bonus Squares. Prior to the draw show, spaces on the electronic game board will be randomly designated on the grid path of each player as bonus squares. The bonus squares on each player's grid path shall be designated by the auditor with the knowledge of the designated Kansas lottery security person, draw show coordinator, draw show manager, assistant draw show manager, a studio technician and the television master control booth. The first player to land directly on a bonus square during the draw show will have the option of accepting the bonus prize or continuing on in the game. Where there is one bonus prize only the first player landing on the bonus square will have an opportunity to win the bonus. If there are two bonus prizes, only the first player landing on the second bonus square will have the same option. Acceptance of a bonus prize removes the player from further draw show participation. If a bonus prize is not accepted, all bonus squares for that bonus prize shall be removed from the board. (Authorized by and implementing L. 1987, Chapter 292, Section 10(b); effective T-89-4, Jan. 21, 1988.)

111-4-69. Curfew Procedures. If no player has won the grand prize at the conclusion of a spin by the last player in a round by approximately twenty-two (22) minutes into the show, or at a time determined by a lottery official, a bell will sound. After the bell has sounded, the players will continue to spin until the beginning of the next sequence or a player wins the grand prize, whichever comes first. At this point each player receives one final spin. All players shall progress or regress on their grid paths the appropriate number of spaces as determined by the wheel spin. If no one reaches the grand prize space, the one in the highest space is declared the winner. In the event of a

tie, only the players tied continue to spin the wheel until one either reaches the grand prize space or is ahead of the other(s) at the end of the round, whichever comes first. (Authorized by and implementing L. 1987, Chapter 292, Section 10(b); effective T-89-4, Jan. 21, 1988.)

111-4-70. Home Partners. (a) Each draw show player shall be matched with a home partner. Pairings will be made according to the order in which the studio participants and home partners were selected. The first player selected will be paired with the first home partner selected, and each additional home partner will be paired with a player in the sequence selected.

The home partner of the draw show winner shall win a prize of \$2,500. The home partner of a bonus prize winner will receive \$1,000. Remaining home partners shall receive \$500 each.

(b) Home partners will be notified by certified mail of their winnings and will be required to submit winner's claim forms. (Authorized by L. 1987, Chapter 292, Section 10 & 20; effective T-89-4, Jan. 21, 1988.)

111-4-71. Bonus Round Home Partner. At the conclusion of the televised draw show, the winning player will spin the wheel one final time. The bonus round home player shall win the prize on which the wheel stops. The prize will be \$1,000 or a non-monetary prize of similar or greater value. (Authorized by L. 1987, Chapter 292, Section 10; implementing L. 1987, Chapter 292, Section 10 & 20; effective T-89-4, Jan. 21, 1988.)

111-4-72. Equipment Inspection. The following equipment inspections shall be conducted by the designated Kansas lottery security person and the auditor:

(a) A physical examination of the wheel and the drum to ensure that neither is damaged nor has been tampered with; and the drum is empty.

(b) The wheel shall be spun at least ten times to ensure that it travels freely, that it is in good working order, that it revolves no more than 10 to 12 seconds per spin, and that the light signifying a completed turn is operating.

(c) The drum shall be rotated at least two revolutions to ensure that it moves freely.

(d) Upon completion of the testing, the designated Kansas lottery security person and the auditor shall issue a signed report to the executive director certifying that the equipment is in good working order.

(e) The inspection required by subsections (a), (b) and (c) shall be conducted not more than one hour before the draw show and it shall be video taped. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-4-73. Televised Draw Show Prize Structure. Prizes awarded weekly on the televised draw show shall include, but are not limited to, the following:

(a)	Grand Prize Winner	\$25,000
(b)	Five Non-Winning Players	1,000 each
(c)	Home Partner of Grand Prize Winner	2,500

- (d) Home Partners of Non-Winning Players 500 each
- (e) Home Partner of Bonus Square Winner (if any) 1,000
- (f) Bonus Round Home Player 1,000 (or non-cash prize)

(Authorized by and implementing L. 1987, Chapter 292, Section 10(c); effective T-89-4, Jan. 21, 1988.)

111-4-74. Infractions. The following occurrences shall be known as infractions. Determinations regarding what, if any, infraction has occurred, and the appropriate remedy, shall be made by the auditor.

(a) The wheel must spin at least one full revolution to be deemed a valid spin. If the wheel does not travel at least one full revolution, the player shall be allowed to respin the wheel. A player cannot move the wheel counterclockwise.

(b) A player who purposefully stops or alters the free travel of the wheel shall forfeit his or her turn.

(c) A player who accidentally stops or alters the full travel of the wheel shall be allowed to respin.

(d) A competing player who purposefully stops or alters the full travel of the wheel during another player's spin shall forfeit his or her turn and the player spinning the wheel shall be allowed, but not required, to respin.

(e) A competing player who accidentally stops or alters the free travel of the wheel shall suffer no penalty, and the player spinning the wheel shall be allowed, but not required, to respin. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-4-75. Proxy. (a) If a player is unable to participate for any reason or chooses not to participate in the televised draw show that player may designate a person to participate as a proxy on his or her behalf in writing on a form provided by the lottery or in a form acceptable to the executive director or the lottery representative designated by the executive director.

(b) If a player is unable to participate for any reason or chooses not to participate in the televised draw show and does not designate a person to participate as proxy, the executive director or the lottery representative designated by the executive director shall designate a proxy to serve to act on the player's behalf.

(c) When the proxy has been selected by the executive director or the person designated by the executive director, the proxy shall pursue the grand prize rather than a bonus prize, unless directed not to do so in writing by the player the proxy represents. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-4-76. Player Rejection. The Kansas lottery retains the right to deny a selected player from appearing on the televised draw show. If appearance is denied by the executive director or the person designated by the executive director, or by the director of the show, a proxy will be designated pursuant to K.A.R. 111-4-75. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-4-77. Lottery Liability. The state of Kansas

and the Kansas lottery shall assume no liability for a player who is injured, becomes ill, or dies while appearing as a player on a televised draw show. Players, by appearing on the show, assume full responsibility for their actions and shall have no claim against the state of Kansas and the Kansas lottery, their officers or employees. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

Article 5.—KANSAS LOTTO AMERICA GAME RULES

111-5-1. Name of game; rules and regulations. (a) The Kansas Lottery shall conduct a lotto game entitled the "Kansas Lotto America Practice Game" which shall be held by the Kansas lottery on January 28, 29, and 30, 1988.

(b) All laws, rules, regulations and security procedures applicable to the "Kansas Lotto America Game" shall apply to the practice game except for the following:

- (1) payment of the play ticket;
- (2) hours of the game play;
- (3) prizes awarded; and
- (4) the method of determining the winning numbers.

(c) All laws, rules, regulations and security procedures of the "Kansas Lotto America Game" shall apply for determining the winning numbers and for awarding the \$10,000 jackpot prize. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-5-2. Definitions. The following definitions shall apply to the "Kansas Lotto America Practice Game."

(a) "Retailer" means a person or entity authorized by the Kansas lottery to sell lottery tickets.

(b) "Ticket" means a computer generated ticket issued by a terminal to a person as a receipt for the combination a person has selected.

(c) "Terminal" means a device authorized by the Kansas lottery to function in an on-line, interactive mode with the lottery's computer system for the purpose of issuing lottery tickets; entering, receiving and processing lottery transactions; validating tickets; and transmitting reports.

(d) "Drawing" means the formal process of selecting winning numbers which determine the number of winners for each prize level of the game.

(e) "Winning combination" or "winning numbers" means the seven numbers between one and 40 randomly selected in a public drawing.

(f) "Validation" means the process of determining whether a ticket presented to the Kansas lottery for a prize is a winning ticket. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-5-3. Retail distribution of tickets. (a) Each retailer may operate terminals for the "Kansas Lotto America Practice Game" from 6:00 a.m. to 12:00 mid-

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night on Thursday, January 28, 1988, and Friday, January 29, 1988, and from 6:00 a.m. to 5:00 p.m. on Saturday, January 30, 1988, central standard time.

(b) Any person 18 years or older may select seven numbers from one through 40 without charge from any authorized Kansas lottery retailer terminal.

(c) All tickets obtained from any Kansas lottery retailer shall be eligible to win the prizes offered for the "practice game."

(d) Each ticket distributed in the "Kansas Lotto America Practice Game" shall be validated by the Kansas lottery or Kansas lottery retailer on or before 5:00 p.m., on February 8, 1988, or be postmarked on or before midnight February 8, 1988. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-5-4. Public drawing; time and place. (a) There shall be one drawing for the three day "Kansas Lotto America Practice Game."

(b) The drawing for the "Kansas Lotto America Practice Game" shall be conducted on Saturday, January 30, 1988, at the KWCH television station in Wichita, Kansas, at approximately 5:15 p.m., central standard time. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-5-5. Prizes. (a) The prizes awarded during the "Kansas Lotto America Practice Game" shall be as follows:

1. seven of seven numbers—\$10,000
2. six of seven numbers—\$100
3. five of seven numbers—one sweatshirt
4. four of seven numbers—one frisbie

(b) Only one \$10,000 jackpot prize shall be awarded in the "Kansas Lotto America Practice Game" for the entire three days of play. If there is more than one winner of the seven of seven winning combination, the \$10,000 jackpot prize shall be divided among all winners of the seven of seven winning combination.

(c) If there is no winner of the seven of seven winning combination during the "Kansas Lotto America Practice Game," the \$10,000 jackpot prize shall be retained by the Kansas lottery for payment of future prizes.

(d) If there is more than one winner of the six of seven, five of seven or four of seven, the prizes set forth in subparagraph (a) shall be paid to each winner.

(e) If there is no winner of the six of seven, five of seven, or four of seven prize category, the prize or prizes shall be retained by the Kansas lottery. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-5-6. Participants to Select Numbers. Prior to the drawing the six draw show participants and the draw show host shall participate in the selection of the winning numbers for the "Kansas Lotto America Practice Game." (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-5-7. Procedure for selecting the seven winning numbers. (a) Before the drawing January 30,

1988, 40 pieces of paper shall be marked with a number from one to 40 and placed in separate envelopes by a Kansas lottery official. Each piece of paper shall be initialed by a Kansas lottery security officer.

Each envelope shall be placed by a Kansas lottery official in a drum. The drum shall be sealed and turned by a lottery official a minimum of five times to insure random selection.

(b) The six draw show participants and the draw show host shall each remove one envelope from the drum. The seven envelopes shall be opened and examined by the previously selected Kansas lottery security officer in the presence of the auditor who shall then record and post the numbers for viewing by the studio audience. The winning numbers will also be presented at the end of the telecast of "Kansas Lottery Live."

(c) Each selected number shall be examined and verified by the previously selected Kansas lottery security officer and auditor who shall then record and post the numbers before the studio audience and telecast on the show.

(d) The Kansas lottery security officer and the auditor designated by the executive director of the Kansas lottery shall certify that the drawing was conducted in accordance with the Kansas lottery act and these rules.

(e) The seven posted numbers shall constitute the winning numbers for the "Kansas Lotto America Practice Game." (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-5-8. Claiming prizes; validation. (a) All claims for prizes shall be submitted or mailed to the Kansas lottery headquarters or a Kansas lottery regional office and validated according to the rules and regulations of the Kansas lottery. After proper validation of winning tickets, the prizes shall be awarded by the Kansas lottery.

(b) If a ticket is stolen, altered, counterfeit, mutilated or tampered with in any way, the ticket shall be invalid. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-5-9. Name of the Game; Rules and Regulations. The Kansas lottery shall conduct a lotto game entitled "Lotto America" beginning February 3, 1988, at 6:00 a.m.

The rules and regulations for the "Lotto America" game are contained in K.A.R. 111-5-9 through 111-5-20. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-5-10. Definitions. The following definitions shall apply to the "Lotto America" game:

(a) "Retailer" or "agent" means a person or entity authorized by the Kansas lottery to sell lottery tickets.

(b) "Game ticket" or "ticket" means a computer generated ticket issued by a terminal to a person as a receipt for the combination a person has selected.

(c) "Terminal" means a device authorized by the

Kansas lottery to function in an on-line, interactive mode with the lottery's computer system for the purpose of issuing lottery tickets; and entering, receiving and processing lottery transactions; validating tickets; and transmitting reports.

(d) "Drawing" means the formal process of selecting winning numbers which determine the number of winners for each prize level of the game.

(e) "Computer pick" means the random selection by the computer system of seven different two-digit numbers from one (01) through 40 which appear on a ticket and are played by a player in the game.

(f) "Game board" or "boards" means that area of the play slip which contains 40 squares, numbered one through 40.

(g) "Lotto" means a lottery game in which each player selects a group of numbers out of a larger predetermined set of numbers. A player wins a prize if four, five, six, or seven of the numbers selected by the player match the randomly drawn numbers in a weekly drawing.

(h) "Play" means the seven different numbers from one through 40 which appear on a ticket as a single lettered selection and are to be played by a player in the game.

(i) "Play slip" means a card used in marking a player's game plays and contains one or more boards.

(j) "Winning combination" or "winning numbers" means the seven numbers between one and 40 randomly selected in a drawing which shall be used to determine winning plays contained on a game ticket.

(k) "Validation" or "validate" means the process of determining whether a ticket presented for a prize is a winning ticket. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-5-11. Game Description; Retail Sale of tickets. (a) "Lotto America" is a weekly seven out of 40 lotto game which pays prizes on a pari-mutuel basis. Each player selects a set of seven different numbers between one and 40 for input into a terminal.

(b) A "Lotto America" game ticket shall sell for one dollar.

(c) Tickets shall not be sold to any person under the age of 18 years. Each retailer may require a person purchasing tickets to produce proof of age.

(d) Each ticket shall be purchased either from a terminal operated by a retailer or from a terminal operated by the player. If a ticket is purchased from a retailer, the player may select each set by:

(1) communicating the seven numbers to the retailer;

(2) marking seven numbered squares in any one game board on a play slip and submitting the play slip to the retailer; or

(3) requesting a "computer pick" from the retailer. The retailer shall then issue a ticket from the terminal containing the selected set or sets of numbers, each of which constitutes a game play.

Tickets may be purchased from a player-activated terminal by use of a touch screen or by inserting a play slip into the terminal.

(e) A validated ticket shall be the only proof of a game play or plays. The only method of claiming a prize or prizes shall be the submission of the winning ticket to the lottery or its authorized agent. A play slip shall have no pecuniary or prize value and shall not be used as evidence of a ticket purchase or of numbers selected.

(f) A ticket shall not be voided or cancelled by returning the ticket to the selling retailer, including tickets that are printed in error.

(g) Each player shall be responsible for verifying the accuracy of the game play or plays and other data printed on the ticket. The placing of plays is done at the player's own risk through the on-line retailer who is deemed to be acting on behalf of the player in entering the play or plays. (Authorized by L. 1987, Chapter 292, Section 10; implementing L. 1987, Chapter 292, Sections 10 and 18; effective T-89-4, Jan. 21, 1988.)

111-5-12. Prize Pool; Reserve Fund. (a) The prize pool for all prize categories shall consist of 45% of each week's Lotto America sales until the jackpot prize is funded to the annuitized amount of two million dollars. When the jackpot prize pool reaches the annuitized amount of two million dollars then 43% of Lotto America sales from all participating lotteries shall be added to the prize pool; and two per cent of Lotto America sales from all participating lotteries shall be placed in the prize reserve fund until the prize reserve fund exceeds the amount specified by the MUSL board. When the prize reserve fund exceeds the designated amount, the excess shall become part of the prize pool.

(b) When the jackpot prize is not won in the weekly drawing the prize money allocated for the jackpot prize shall rollover and be added to the jackpot prize pool for the following week's drawing.

(c) A cap of 80 million dollars shall be placed on the jackpot prize. Funds allocated to the jackpot prize in excess of the amount needed to fund an 80 million dollar annuity shall be held to fund the next jackpot prize which is less than 80 million dollars. (Authorized by and implementing L. 1987, Chapter 292, Section 10; T-89-4, Jan. 21, 1988.)

111-5-13. Pari-mutuel Prizes. (a) Prizes shall be awarded for matching four, five, six or seven numbers. All prizes awarded, except the prize awarded for matching four numbers, shall be determined on a pari-mutuel basis as follows:

<i>Tickets containing the following number of matches in one game play</i>	<i>Prize category</i>	<i>Payment of prize pool allocated to prize category</i>
All seven winning numbers	Category 1	67,055
Any six winning numbers	Category 2	7,204
Any five winning numbers	Category 3	13,831
Any four winning numbers	Category 4	11,910 est.

(b) The prize money allocated to the jackpot prize category shall be divided equally by the number of game plays winning a jackpot prize.

(c) The prize money allocated to the second prize category shall be divided equally by the number of game plays winning a second prize.

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(d) The prize money allocated to the second prize category shall be divided equally by the number of game plays winning a second prize.

(e) The prize money allocated to the fourth prize category paying a fixed prize per each game board winning a fourth prize shall be determined by the number of game boards winning a fourth prize. If the number of game boards winning a fourth prize exceeds the expected number of winners, prize money shall be drawn from the jackpot prize category to fund the fourth prize category. If the number of game boards winning a fourth prize is less than the expected number of winners, the excess prize money shall be added to the jackpot prize category.

(f) The calculation of a prize shall be rounded down so that prizes can be paid in multiples of whole dollars. All breakage shall be carried forward to the prize pool for the next drawing. The jackpot prize or a share of the jackpot prize may be rounded to facilitate the purchase of an appropriate funding mechanism.

(g) The holder of a winning Lotto America ticket shall win in only one prize category per play and shall be entitled only to the prize attributable to the highest number of matching numbers. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-5-14. Probability of Winning. (a) The following table sets forth the probability of winning and the probable distribution of winners in and among each prize category based upon the total number of possible combinations of seven drawing numbers from a field of 40 numbers:

Prize Category	Match	Probability of Winning	Probability Distribution of Winners	Probability of Prize Amount
Category 1	7	1:18,643,560	1	\$10,751,251
Category 2	6	1:80,708	231	2,500
Category 3	5	1:1,681	11,088	100
Category 4	4	1:98	190,961	5

(Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-5-15. Prize Payments; Annuitized and Cash Prizes. (a) Jackpot prizes and other prizes with an annuitized value of one million dollars or more shall all be paid with per winner annuities unless the annuitized value of a prize attributable to a single game play has a cash value of less than \$250,000. If an annuity has a cash value of less than \$250,000, the MUSL board may elect to pay the cash value.

(b) All annuitized prizes shall be paid in 20 equal payments with the initial payment being made in cash to be followed by 19 payments funded by the annuity. The initial payment of annuitized prize shall not be made until the 15th calendar day following the drawing.

(c) All prizes, other than jackpot prizes, having an annuitized value of less than one million dollars shall be paid by the lottery which sold the winning ticket. Non-annuitized prizes other than jackpot prizes shall be processed on the Monday following the drawing unless that Monday is a holiday, in which event the claim will be processed on the following business day.

(Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-5-16. Ticket Validation Requirements. To be a valid ticket and eligible to receive a prize, a multi-state lottery (MUSL) ticket shall satisfy all the requirements established by the Kansas lottery for validation of winning tickets sold through its on-line system and any other validation requirements established by the MUSL board. The MUSL and the Kansas lottery shall not be responsible for tickets which are altered in any manner. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-5-17. Claiming Prizes; Procedure and Time Period. (a) Prior to the payment of any prize, each ticket shall be validated by the retailer or lottery office pursuant to this act.

(b) The procedure for payment of a "Lotto America" prize on any single game ticket of \$599 or less, except for a jackpot prize, are as follows:

(1) The claimant of a ticket purchased in Kansas may present the ticket to any Lotto America retailer. Upon validation of the ticket, the retailer shall immediately make payment for the prize to the claimant. If the retailer cannot validate the claim, the claimant shall fill out a claim form provided by the retailer and personally present or mail the completed form together with the ticket to any office of the Kansas lottery. If the claim is validated, then payment shall be made to the claimant by mail.

(2) The claimant may bring the signed ticket to any regional office of the Kansas lottery during the hours that the office is open to the public for business. Upon validation of the claim, and completion of a claim form, payment shall be processed for the claimant.

(3) The claimant may mail the ticket with a completed claim form in any envelope, except an official grand prize envelope, to any office of the Kansas lottery. Claim forms may be obtained from any lottery retailer or any office of the Kansas lottery. Upon validation of the claim, payment shall be processed for the claimant.

If any evidence of alteration, mutilation, tear, or other ambiguity appear on the ticket, the retailer shall not make direct payment of a prize. The claimant shall submit a claim form with the ticket to the lottery.

(c) The procedure for the payment of a Lotto America prize on any single game ticket which totals \$600.00 or more, except for a jackpot prize, shall be as follows:

(1) The claimant may bring the signed ticket to any office of the Kansas lottery during the hours that the office is open to the public for business. Upon validation of the claim and completion of a claim form, payment shall be processed for the claimant.

(2) The claimant may mail the signed ticket with a completed claim form to any office of the Kansas lottery. Claim forms may be obtained from any lottery retailer or any office of the Kansas lottery. Upon validation of the claim, payment shall be processed for the claimant.

(d) The procedure for the payment of a jackpot prize or for prizes won on the same ticket as a jackpot prize are as follows:

(1) The claimant shall personally submit the signed ticket and a completed claim form to a Kansas regional or state lottery office. Jackpot prizes and prizes won on the same ticket as jackpot prizes shall not be claimed by mail.

(e) All prizes shall be claimed within one year of the drawing in which the prize was won. Any prize or prizes not claimed within the time specified shall be forfeited. If a prize is claimed by mail, the ticket and claim form must actually be received by the lottery within the claim period. (Authorized by L. 1987, Chapter 292, Section 10; implementing L. 1987, Chapter 292, Section 10 and 20; T-89-4, Jan. 21, 1988.)

111-5-18. Ticket Responsibility. (a) If there is no signature on the back of a ticket in the area designated for a signature, a ticket shall be owned by the physical possessor of the ticket. When a signature appears on the back of the ticket in the designated place, the person whose signature appears in such area shall be the owner of the ticket and shall be entitled, subject to all validation requirements, to any prize attributable to the ticket.

(b) If the signature of more than one person appears on the back of the ticket in the designated place, the lottery shall make payment to the person identified on the winner claim form. If all persons whose signatures appear in the appropriate space cannot identify one person to whom payment should be made, the lottery shall keep the prize until a determination of entitlement is made by the parties. In no event shall more than one person be entitled to a particular prize.

(c) The MUSL and Kansas lottery shall not be responsible for lost or stolen tickets. (Authorized by L. 1987, Chapter 292, Section 10; implementing L. 1987, Chapter 292, Section 10 and 20; effective T-89-4, Jan. 21, 1988.)

111-5-19. Ineligible Players. All provisions of L. 1987, Chapter 292, Section 18 and 19 apply to the "Lotto America" game. (Authorized by L. 1987, Chapter 292, Section 10; implementing L. 1987, Chapter 292, Sections 18 and 19; effective T-89-4, Jan. 21, 1988.)

111-5-20. Governing Laws; Rules and Regulations. In purchasing a ticket, each player agrees to comply with and abide by the Kansas lottery act; all rules and regulations of the Kansas lottery, whether temporary or permanent; and all procedures and instructions established by the Kansas lottery for the conduct of the "Lotto America" game. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-5-21. Name of Game. The Kansas lottery shall conduct a lotto game entitled "Great Kansas Search" simultaneously with "Lotto America" beginning February 3, 1988, at 6:00 a.m.

The rules and regulations for the "Great Kansas Search" are contained in K.A.R. 111-5-21 through 111-5-23. (Authorized by and implementing L. 1987,

Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-5-22. Prizes. (a) Prizes shall be awarded to the holders of certain "Lotto America" tickets on the following basis:

(1) First play after the 49,999 transaction receives \$5,000.

(2) First play after the 99,999 transaction receives \$10,000.

(3) First play after the 499,999 transaction receives \$20,000.

(b) Any prizes awarded under subsection (a) shall be in addition to prizes awarded in the "Lotto America" game. (Authorized by L. 1987, Chapter 292, Section 10; implementing L. 1987, Chapter 292, Sections 10 & 20; effective T-89-4, Jan. 21, 1988.)

111-5-23. Payment of Prizes. The procedure for the payment of prizes to the winners in the "Great Kansas Search" are as follows:

(a) The claimant may present the ticket purchased in Kansas to any office of the Kansas lottery personally. Upon validation of the claim, and completion of the claim form, payment shall be processed for the claimant.

(b) The claimant may mail the ticket with a completed claim form in any envelope, except an official grand prize drawing envelope, to any office of the Kansas lottery. Claim forms may be obtained from any lottery retailer or any office of the Kansas lottery. Upon validation of the claim, payment shall be processed for the claimant.

(c) Winners of the "Great Kansas Search" shall be subject to all rules and regulations applicable to "Lotto America" winners. (Authorized by L. 1987, Chapter 292, Section 10; implementing L. 1987, Chapter 292, Sections 10 & 20; effective T-89-4, Jan. 21, 1988.)

Article 6.—ON-LINE GAMES

111-6-1. Definitions. (a) All definitions contained in the Kansas Lottery Act (Chapter 292, 1987 Session Laws) and lottery regulations are hereby incorporated by reference unless otherwise indicated.

(b) "On-line Game" means a lottery game in which a player selects a combination of numbers or symbols, the type of game and amount of play, and the drawing date(s) by use of a computer. In return for paying the appropriate fee, the player receives a computer-generated ticket with the player's selection printed on it. The Kansas lottery (lottery) will conduct a drawing to determine the winning combination in accordance with the rules of the specific game being played. Each ticket bearer whose valid ticket includes a winning combination shall be entitled to a prize if the ticket and a valid claim form are submitted within the specified time period.

(c) "On-line Retailer" means a person or business authorized by the Lottery to sell on-line tickets.

(d) "On-line Terminal (OLT)" means the computer hardware by which an on-line retailer or player enters

(continued)

the combination selected by the player and by which on-line tickets are generated and claims are validated.

(e) "On-line Ticket" means a computer-generated ticket issued by an on-line terminal to a player as a receipt for the combination a player had selected. That ticket shall be the only acceptable evidence of the combination of numbers or symbols selected.

(d) "Drawing" means the procedure determined by the Director by which the Lottery selects the winning combination in accordance with the rules of the game. Drawings are open to the public, and are required to be witnessed by an independent certified public accountant. Furthermore, the equipment used in any drawing must be inspected by the independent certified public accountant and an employee of the Lottery both before and after the drawing. All drawings and inspections are required to be recorded on both video and audio tape.

(g) "Winning Combination" means one or more numbers of symbols randomly selected by the Lottery in a public drawing.

(h) "Validation" means the process of determining whether an on-line ticket presented for payment is a winning ticket.

(i) "Ticket Bearer" means the person who has signed the on-line ticket or who has possession of an unsigned ticket. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-6-2. Distribution of Tickets. (a) Tickets will be sold by retailers selected by the executive director.

(b) The executive director is authorized to arrange for the distribution of OLTs, ticket stock, and supplies to authorized retailers. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-6-3. Sale of Tickets. (a) No person other than a retailer under a contract for the sale of tickets with the lottery may sell on-line lottery tickets except that nothing in this section shall be construed to prevent a person who may lawfully purchase tickets from making a gift of lottery tickets to another.

(b) Tickets may not be sold at a location other than the address listed on the retailer's certificate with the lottery.

(c) Nothing in this section shall be construed to prohibit the commission from designating certain of its agents and employees to sell lottery tickets directly to the public. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-6-4. On-line Games Criteria. (a) The base price of an on-line ticket shall not be less than \$.50 except to the extent of discounts authorized by the commission.

(b) The price for a ticket in any particular on-line game will be set out in the game rules adopted by the commission for that game. No person may sell a ticket at a price other than that established in accordance with these rules. On the average, the total of all prizes available to be won in an on-line game shall not be

less than 45 per cent of the on-line game's projected revenue.

(c) The manner and frequency of drawings may vary with the type of on-line game.

(d) The times, locations, and drawing procedures shall be determined by the executive director.

(e) A ticket bearer entitled to a prize shall submit the winning ticket as specified by the executive director. The winning ticket must be validated by the lottery or an on-line retailer through use of the validation number and any other means as specified by the executive director. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-6-5. Payment of Prizes. (a) To claim an on-line game prize of \$599 or less, the claimant may present the winning on-line ticket to any on-line retailer, to any lottery regional office, or to the lottery's headquarters in Topeka.

(b) If the claim is presented to an on-line retailer, the on-line retailer shall validate the claim and, if determined to be a winning ticket, make payment of the amount due the claimant. For prizes over \$100, the claimant shall complete a claim form obtained from the retailer and submit it with the winning ticket. If the on-line retailer cannot validate the claim, the claimant may obtain and complete a claim form and submit it with the disputed ticket to the lottery by mail or in person. Upon determination that the ticket is a winning ticket, the Lottery shall present or mail a check to the claimant in payment of the amount due. If the ticket is determined to be a non-winning ticket, the claim shall be denied and the claimant shall be promptly notified. Non-winning tickets will not be returned to the claimant.

(c) If the claim is presented to a lottery regional office or to lottery headquarters, the claimant shall complete a claim form regardless of the prize amount and submit it with the winning ticket, either by mail or in person. Upon determination that the ticket is a winning ticket, the lottery shall present or mail a check to the claimant in payment of the amount due, less any withholding required by state and federal laws. If the ticket is determined to be a non-winning ticket, the claim shall be denied and the claimant shall be promptly notified. Non-winning tickets will not be returned to the claimant.

(d) To claim an on-line prize of more than \$599, the claimant shall obtain and complete a claim form and submit it with the winning ticket to the lottery's headquarters in Topeka by mail or in person. Prizes greater than \$599 can only be paid from the lottery's headquarters in Topeka. Upon determination that the ticket is a winning ticket, the lottery shall process for payment the amount due, less any withholding required by state and federal laws. The amount due shall be calculated according to the rules adopted for the particular on-line game. If the ticket is determined to be a non-winning ticket, the claim shall be denied and the claimant shall be promptly notified. Non-winning tickets will not be returned to the claimant.

(e) All prizes must be claimed within 365 days

including the first day of the game of the drawing in which the prize was won. In the event the final day of the 365-day period falls on a Sunday or a state holiday, the claim period will be extended to end on the next business day. Any prizes not claimed within the specified period shall be added to the prize pools of subsequent Kansas lottery games. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-6-6. Drawings and End of Sales Prior to Drawings. (a) Drawings shall be conducted in a location and at days and times designated by the executive director.

(b) For each type of on-line games, the executive director shall establish a time prior to the drawing for the end of sales.

(c) The executive director shall designate a drawing manager who shall oversee each drawing. The drawing manager shall be responsible for conducting the drawing in compliance with the lottery's drawing procedures. The drawing manager and the auditor shall attest whether the drawing was conducted in accordance with proper drawing procedures at the end of each drawing.

(d) The executive director shall designate the type of equipment to be used and shall establish procedures to randomly select the winning combination for each type of on-line game. Drawing procedures shall include provisions for the substitution of backup drawing equipment in the event the primary drawing equipment malfunctions or fails for any reason.

(e) The equipment used to determine the winning combination shall not be electronically or otherwise connected to the central computer or to any tapes, discs, files, etc., generated or produced by the central computer. The equipment shall be tested prior to and after each drawing to assure proper operation and lack of tampering or fraud. Drawings shall not be held until all pre-inspection checks are completed. No prizes shall be paid until after all post-inspection checks have been completed.

(f) All drawings shall be broadcast live on television provided the facilities for such broadcasts are available and operational and can be done at a reasonable cost.

(g) The executive director shall establish procedures governing the conduct of drawings for each type of on-line game. The procedures shall include provisions for deviations which include but are not limited to: (1) malfunction of the drawing equipment before determination of the winning combination; (2) video and/or audio malfunctions during the drawing; (3) fouled drawing; (4) delayed drawing; and (5) other equipment, facility and/or personnel difficulties.

(h) In the event a deviation occurs, the drawing will be completed under lottery supervision. The drawing shall be videotaped for later broadcast if broadcast time is available. The winning combination will be provided to the television network for dissemination to the public.

(i) If, during any live-broadcast drawing for a game, a mechanical failure or operator error causes an inter-

ruption in the selection of all numbers or symbols, a "foul" shall be called by the auditor. Any number drawn prior to a "foul" being called will stand and be deemed official after passing inspection and certification by the drawing manager and the auditor.

(j) The executive director shall delay payment of all prizes if any evidence exists or there are grounds for suspicion that tampering or fraud has occurred. Payment shall be made after an investigation is completed and the drawing approved by the drawing manager. If the drawing is not approved, it shall be void and another drawing will be conducted to determine the actual winner. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-6-7. Validation Requirements. (a) To be a valid winning on-line ticket, all of the following conditions must be met:

(1) All printing on the ticket shall be present in its entirety, be legible, and correspond, using the computer validation file, to the combination and the date printed on the ticket.

(2) The ticket shall be intact.

(3) The ticket shall not be mutilated, altered or tampered with in any manner.

(4) The ticket shall not be counterfeit or an exact duplicate of another winning ticket.

(5) The ticket must have been issued by an authorized on-line retailer or dispensed by a player-activated terminal in an authorized manner.

(6) The ticket must not have been stolen or cancelled.

(7) The ticket must not have been previously paid.

(8) The ticket shall pass all other confidential security checks of the lottery.

(b) Any ticket failing any of the validation requirements listed above is invalid and ineligible for a prize. The final decision on whether a prize is paid will be made by the executive director.

(c) In the event of a dispute between the executive director and a claimant as to whether a ticket is a winning ticket, and if the executive director determines that the ticket is not valid and a prize is not paid, the executive director may replace the disputed ticket with a ticket of equivalent sales price for a future drawing of the current game or refund the cost of the ticket. These shall be the sole and exclusive remedies of the claimant.

(d) In the event a defective on-line ticket is purchased, the only responsibility or liability of the lottery or the on-line retailer shall be the replacement of the defective on-line ticket with another on-line ticket for a future drawing of the same game. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-6-8. Payment of Prizes by On-line Retailers.

(a) An on-line retailer shall pay to the ticket bearer on-line games prizes of \$599 or less for any validated claims presented to that on-line retailer. These prizes shall be paid during all normal business hours of that

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on-line retailer, provided the on-line system is operational and claims can be validated.

(b) An on-line retailer may pay prizes in cash or by business check, certified check, or money order, or any combination thereof. An on-line retailer who pays a prize with a check which is dishonored may be subject to suspension or termination of its contract. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-6-9. Retailer Compensation. The compensation paid to on-line lottery retailers shall be as follows:

(1) A discount of five per cent shall be applied to on-line tickets sold from a clerk-activated terminal (CAT);

(2) A discount of three per cent shall be applied to on-line tickets sold from a player-activated terminal (PAT);

(3) A discount of three per cent shall be applied to instant tickets dispensed from a player-activated terminal (PAT).

(4) A charge of \$200.00 to cover costs of line installation shall be paid by the retailer.

(5) In addition, the retailer will be charged one per cent of all on-line sales each week with a minimum of \$10.00 and a maximum of \$30.00 per week. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-6-10. Retailer Settlement. (a) On-line retailers specified by the executive director shall establish an account for deposit of monies derived from on-line games with a financial institution which has the capability of electronic funds transfer (EFT).

(b) The amount deposited shall be sufficient to cover monies due the lottery. The lottery will withdraw by EFT the amount due to the lottery on the day specified by the executive director. In the event the day specified for withdrawal falls on a state holiday, withdrawal will be accomplished on the following business day. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-6-11. Prize Rights Unassignable. (a) No right of any person to a prize drawn shall be assignable, except that payment of any prize drawn may be paid to the estate of a deceased prize winner, and except that any person pursuant to an appropriate judicial order may be paid the prize to which the winner is entitled. The state of Kansas and the Kansas lottery shall be discharged of all liability upon payment of a prize pursuant to this rule. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-6-12. Payment of Prizes to Persons Under 18 Years of Age. (a) No prize shall be paid to any person under the age of 18 years, except that in the event a person entitled to a prize for any winning ticket by means of a gift or inheritance is under the age of 18 years, the lottery may require:

(1) The claim form for all prizes of \$25 or more to be signed by the parent or legal guardian of the minor, and

(2) Payment by delivery of a draft payable to the order of the minor to a parent or legal guardian of the minor.

(3) Where the prize exceeds \$5,000, payment shall be made for the benefit of the minor to the court appointed guardian or conservator, or as may otherwise be ordered by the court, upon receipt of written verification of the appointment of the legal guardian or conservator satisfactory to the executive director. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-6-13. Prizes Payable After Death or Disability of Owner (a) All prizes or a portion thereof which remain unpaid at the time of the prize winner's death may be paid to the duly appointed representative of the estate of the deceased designated pursuant to L. 1987, Chapter 292, Section 20(b).

(b) The payment to the estate of the deceased owner of any prize winnings by the lottery shall absolve the lottery and its representatives of any further liability for payment of said prize winnings. The lottery need not look to the payment of the prize winning beyond the payee thereof. The executive director reserves the right to petition any court of competent jurisdiction to request a determination for the payments of any prize winnings which are or may become due the estate of a deceased owner or an owner under a disability because of, but not limited to, under age, mental deficiency, physical or mental incapacity. If the legatee(s) or heir(s) of a deceased owner entitled to prize winnings obtains an order from a court of competent jurisdiction directing payments due and to become due from the lottery to be paid directly to said legatee(s) or heir(s) or otherwise directs the lottery to make payments to another in the event of an owner's disability or otherwise, the lottery shall pay the prize winnings accordingly. (Authorized by L. 1987, Chapter 292, Section 10; implementing L. 1987, Chapter 292, Section 10 and 20; effective T-89-4, Jan. 21, 1988.)

111-6-14. Discharge of State Lottery Upon Payment. The State of Kansas, its agents, officers, employees and representatives; the lottery, its executive director, agents, officers, employees and representatives, shall be discharged of all liability upon payment of a prize or any one installment thereof to the holder of any winning lottery ticket or in accordance with the information set forth on the claim form supplied by the executive director. If there is a conflict between the information on a winning lottery ticket and the information on the claim form, the lottery may rely on the claim form after the ticket for which it has been filed has been validated as a winning ticket, and, in so doing, it will be relieved of all responsibility and liability in the payment of a prize in accordance with the information set forth therein. The lottery's decisions and judgments in respect to the determination of a winning ticket or of any other dispute arising from payment or awarding of prizes shall be final and binding upon all participants in the lottery unless otherwise provided by law or these rules. In the event a question arises relative to the winning ticket, a claim

form, the payment, or the awarding of any prize, the lottery may deposit the prize winnings into an escrow fund until it determines the controversy and reaches a decision, or it may petition a court of competent jurisdiction for instructions and a resolution of the controversy. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

111-6-15. Disclosure. (a) The lottery may use the names, addresses, and photographs of winners in any Lottery promotional campaign. The address shall not contain the street or house number of the winner. (Authorized by and implementing L. 1987, Chapter 292, Section 10; effective T-89-4, Jan. 21, 1988.)

LARRY MONTGOMERY
Executive Director

Doc. No. 006189

State of Kansas

DEPARTMENT OF TRANSPORTATION

PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1988)

Article 27.—JUNKYARD AND SALVAGE CONTROL

36-27-2. Locations under same certificate of compliance. One application and one certificate of compliance may be approved by the beautification administrator for salvage storage locations within the same county and under identical ownership if all locations are identified on the application. (Authorized by and implementing K.S.A. 68-2212; effective Jan. 1, 1972; amended May 1, 1978; amended May 1, 1988.)

36-27-3. Transfers of ownership of certified locations. When a transfer occurs in the ownership of a certified salvage storage location, the following will be required:

(a) If a transfer in ownership does not constitute a change in the entire ownership, the owner or owners shall apply for a correction of the owner records at no additional fee. Transfers of ownership may include the following:

- (1) The addition of a partner to the business;
- (2) the withdrawal of a partner from the business or the sale and transfer of the interest of a partner; or
- (3) ownership and operation of the business by a surviving spouse, personal representative, heir, legatee of the deceased owner or one or more of them.

(b) If the change in ownership constitutes a total change in ownership of the certified location, the new owner or owners shall apply for a new certificate of compliance. The application shall be accompanied by the annual or semiannual fee, whichever is applicable. (Authorized by K.S.A. 68-2212; implementing K.S.A. 68-2205, as amended by L. 1987, Ch. 263, Sec. 1; effective Jan. 1, 1972; amended May 1, 1988.)

36-27-4. Persons exempt from junkyard certificate

of compliance. Any person storing materials or equipment on property, located within 1,000 feet of the right-of-way of any public road, shall be exempt from obtaining a certificate of compliance if the materials or equipment are included in the following uses and categories:

(a) Any well drilling equipment purchased and stored for its intended use, reconditioning or resale for its intended use; or

(b) Any farm machinery owned by persons engaged in agriculture and intended for agricultural use. Inoperable farm machinery stored by the owner for purposes of removing and reselling parts to other persons or individuals shall be subject to the state salvage control law. (Authorized by and implementing K.S.A. 68-2212; effective Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1988.)

36-27-5a. Authority of the beautification administrator. The beautification administrator of the department of transportation shall be the designated representative of the secretary of transportation for purposes of administering the provisions of the junkyard and salvage control act. (Authorized by and implementing K.S.A. 1986 Supp. 68-2213, as amended by L. 1987, Ch. 263, Sec. 3; effective May 1, 1988.)

36-27-6. Inspection required for issuance of a certificate of compliance for junkyards created after May 4, 1967. (a) Before approval of any application for a certificate of compliance for junkyards created after May 4, 1967, a physical inspection of the junkyard location shall be made by the landscape architect of the department of transportation to determine whether the junkyard is visible to motorists.

(b) A written report signed by the person making the inspection shall be submitted to the beautification administrator of the department, or the administrator's designated representative. The report shall indicate whether screening the applicant's location is feasible. If screening is deemed feasible, the report shall contain a recommendation for either artificial or natural screening to be installed by the owner to conceal the junkyard from the view of motorists on the road. Failure by the owner, owners or operators to install the required screening within 90 days or within any extension of time granted by the beautification administrator, shall be grounds for revocation or suspension of the certificate of compliance. (Authorized by and implementing K.S.A. 68-2212 and K.S.A. 1986 Supp. 68-2213 as amended by L. 1987, Ch. 263, Sec. 3; effective Jan. 1, 1972; amended May 1, 1978; amended May 1, 1988.)

36-27-7. Provisional certificates of compliance; junkyards created after May 4, 1967. Upon written notice from the beautification administrator to the owner or operator of a junkyard created after May 4, 1967 of the screening required, a provisional certificate of compliance may be issued by the department to the owner. The provisional certificate shall be conditioned on the completed installation of the required screening within 90 days from the written notice. If

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inclement weather conditions interfere with the installation, an extension of time for the installation of the screening may be granted by the beautification administrator. Failure to install the required screening within 90 days, or within any extension of time granted by the administrator, shall be grounds for revocation or suspension of the provisional certificate of compliance pursuant to the provisions of K.S.A. 1986 Supp. 68-2213, as amended by L. 1987, Ch. 263. (Authorized by K.S.A. 68-2212, implementing K.S.A. 1986 Supp. 68-2213, as amended by L. 1987, Ch. 263, Sec. 3; effective Jan. 1, 1972; amended May 1, 1978; amended May 1, 1988.)

36-27-8. Periodic inspection of junkyard locations.

Periodic inspections of certified junkyards shall be made by the designated representatives of the beautification administrator to insure that they are being operated and maintained in accordance with the rules and regulations of the secretary of transportation. Any owner or owners of a junkyard not maintained or operated in accordance with rules and regulations of the secretary of transportation shall be notified by the beautification administrator in writing, by registered mail or certified mail, return receipt requested. The notice shall specify the required corrections to be made within 30 days from receipt of the notice. Any owner who fails to make the corrections shall become subject to the provisions of K.S.A. 68-2209. Failure to make the required corrections shall be grounds for revocation or suspension of the certificate of compliance in accordance with K.S.A. 68-2213 and amendments thereto. (Authorized by K.S.A. 68-2212 and K.S.A. 1986 Supp. 68-2213 as amended by L. 1987, Ch. 263, Sec. 3; implementing K.S.A. 68-2209 and K.S.A. 1986 Supp. 68-2213 as amended by L. 1987, Ch. 263, Sec. 3; effective Jan. 1, 1972; amended May 1, 1978; amended May 1, 1988.)

36-27-11. Hearing on denial, revocation or suspension of a certificate of compliance. (a) Any person whose certificate of compliance is denied, revoked or suspended shall be notified by the beautification administrator in writing, by registered mail or certified mail, return receipt requested. The notice shall specify the person's right to a hearing on the denial, revocation or suspension.

(b) If a hearing is desired, the person shall file a written request with the beautification administrator within 15 days of receipt of the notice.

(c) The suspension, revocation or denial of a certificate of compliance shall be effective 20 days after receipt of the notice if no hearing is requested. If the suspension, revocation or denial of a certificate of compliance is confirmed by the hearing board, the suspension, revocation or denial shall be effective 30 days after receipt by the person of the board's decision. If the board's decision is appealed to the district court as provided in K.S.A. 1986 Supp. 68-2213, as amended by L. 1987, Ch. 263, Sec. 3, the suspension, revocation or denial of a certificate of compliance shall not become effective until a final judgment confirming the decision is entered on the appeal.

(d) Upon receipt of a request for a hearing as pro-

vided in subsection (b), a date, hour, and location of the hearing shall be set by the beautification administrator. The date of the hearing shall not be more than 60 days from the date the request is received. Notice of the date, hour, and location of the hearing shall be given by registered or certified mail, return receipt requested, to the person or the person's attorney, if application for the hearing is made by the person's attorney. Notice of the hearing shall be given not less than 15 days prior to the hearing date. Same notice of the hearing shall be given to all persons who have objected to the granting or renewal of a certificate of compliance, or whose complaints resulted in the suspension, revocation, or denial of the certificate of compliance.

(e) The hearing shall be in Topeka, Kansas, unless otherwise agreed by the beautification administrator and the person or the person's attorney.

(f) The hearing shall be at the time, date, and location specified in the notice of hearing unless continued by agreement.

(g) The hearing shall be before a board comprised of the department of transportation's chief of right of way, a member of the chief counsel's office, and the department of revenue's chief of dealer licensing.

(h) The person requesting a hearing may be represented at the hearing by an attorney authorized to practice law in the state of Kansas, and may submit supporting testimony of witnesses and documentary evidence. Any member of the board and any attorney representing the department or the person may cross-examine witnesses. The board may hear witnesses in support of the denial of an application for a certificate of compliance or its suspension or revocation. The hearing may for good cause be adjourned or recessed from time to time.

(i) Within 60 days after the hearing, a decision either confirming or vacating the denial, revocation or suspension of the certificate of compliance shall be issued by the board. If the department's action is vacated, the certificate of compliance shall be issued or reinstated. The beautification administrator shall mail the board's decision to the person or person's attorney by registered mail or certified mail, return receipt requested.

(j) The board's decision may be reviewed by the secretary. The board's decision shall be deemed to be the order of the secretary of transportation as provided in K.S.A. 1986 Supp. 68-2213, as amended by L. 1987, Ch. 263, unless modified or reversed by the secretary within 10 days from the date of issuance. (Authorized by K.S.A. 68-2212, implementing K.S.A. 1986 Supp. 68-2213; as amended by L. 1987, Ch. 263, Sec. 3; effective Jan. 1, 1972; amended May 1, 1978; amended May 1, 1988.)

36-27-12. Zoning policy. Local government zoning ordinances or regulations affecting a salvage storage location shall not be abrogated or overruled by actions of the beautification administrator. Any owner with a storage location that was in existence prior to the passing of an ordinance or regulation forbidding use of the location for salvage storage shall be ap-

proved and certified by the administrator subject to salvage control regulations of the secretary of transportation. If at any time the owner or owners of a salvage storage location is required to abate and discontinue storage of salvage at a non-conforming location due to enforcement action brought about by a zoning authority, the certification of compliance shall be revoked by the beautification administrator. Any application for a certificate of compliance of a storage location, which, at the time of the creation of the location is not in conformance with applicable zoning ordinances or regulations of a local public authority, shall be denied by the beautification administrator. (Authorized by K.S.A. 68-2212 and K.S.A. 1986 Supp. 68-2213 as amended by L. 1987, Ch. 263, Sec. 3, implementing K.S.A. 68-2204; effective Jan. 1, 1972; amended May 1, 1978; amended May 1, 1988.)

36-27-13. Determination of whether failure to make original or renewal application for a certificate of compliance or to pay annual certification fee was intentional. When any person fails to make an original or renewal application for a certificate of compliance or to pay the annual certification fee within the time prescribed in K.S.A. 68-2205; as amended by L. 1987, Ch. 263, a determination as to whether the failure was willful or intentional shall be made by the beautification administrator. If the administrator finds and determines that failure to apply or pay the annual certification fee within the time prescribed in K.S.A. 68-2205; as amended by L. 1987, Ch. 263, was not willful or intentional, the penalty fee prescribed in K.S.A. 68-2205; as amended by L. 1987, Ch. 263 shall not be assessed by the beautification administrator. (Authorized by K.S.A. 68-2212, implementing K.S.A. 68-2205, as amended by L. 1987, Ch. 263, Sec. 1; effective Jan. 1, 1974; amended May 1, 1978; amended May 1, 1988.)

HORACE B. EDWARDS
Secretary of Transportation

Doc. No. 006211

State of Kansas

KANSAS PAROLE BOARD PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1988)

Article 4.—PAROLE HEARINGS

45-4-7. Reasons for parole denial. Each inmate who has not been granted parole shall be furnished with written reasons for the board's decision as soon as practical through the unit team. (Authorized by and implementing K.S.A. 1986 Supp. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1986; amended May 1, 1988.)

Article 7.—PAROLE RELEASE

45-7-1. General provisions. (a) Minutes of the board's action shall be prepared following all parole hearings and the department of corrections personnel shall be notified accordingly. The results of the hearing shall not be divulged to outside interested parties until notice of the board's action has been sent to the inmate through official means. The inmate may be required to fulfill certain conditions in the best interests of the inmate under the department of corrections' supervision. Additional requirements recommended by the secretary may be imposed by the board. Except as provided in K.S.A. 22-3717(i), any conditions established by the board may only be modified or waived by order of the board.

(b) Nothing in this regulation shall be construed to prevent a parole officer from imposing special conditions on a parolee under the parole officer's supervision. (Authorized by and implementing K.S.A. 1986 Supp. 22-3717; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988.)

Article 9.—PAROLE VIOLATORS

45-9-1. General provisions. Any inmate who is returned on a violator warrant issued by the secretary of corrections shall be brought before the board as soon as practical. Until a final hearing is held pursuant to K.A.R. 45-9-2, the warrant may be withdrawn at the request of the secretary of corrections, and the inmate re-released on parole or conditional release. At that time, new conditions may be established or the conditions of parole or conditional release may be modified by the board. (Authorized by K.S.A. 1986 Supp. 22-3717; implementing K.S.A. 75-5217; effective, E-79-36, Jan. 1, 1979; effective, E-80-5, April 17, 1979; effective May 1, 1980; amended May 1, 1982; amended May 1, 1986; amended May 1, 1988.)

ELWAINE F. POMEROY
Chairman

Doc. No. 006209

State of Kansas
GRAIN INSPECTION DEPARTMENT

PERMANENT ADMINISTRATIVE
REGULATIONS

(Effective May 1, 1988)

Article 4.—FEES AND
CHARGES

25-4-1. Fees. (a) Definitions.

(1) "Regular hours" means 7:00 a.m. to 4:30 p.m., Monday through Friday. Regular hours for samplers may be adjusted to elevator hours, not to exceed eight hours per day.

(2) "Overtime" means work performed during any hours other than the regular hours defined in paragraph (1) of this subsection.

(3) "Travel time" means time spent in roundtrip travel from portal to portal. If an employee performs inspections at several locations on one trip, travel time may be prorated.

(4) Holidays include New Year's Day, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day and Martin Luther King Day.

(5) "Call in" and "call back" means any work performed for which the employee is called in to work on a regular day off or called back to work after a regular work schedule.

(b) This revised schedule supersedes all other schedules issued by this agency. The following fees shall be charged for the services rendered by this department under the U. S. grain standards act (as amended):

Official Inspection, includes grading and sampling EXCEPT WHERE INDICATED (FGIS users fees not included)

	FEE
Hopper car	\$12.00/ per inspection or reinspection
Extra sample secured at time of original	4.50/ per request
New sample secured after original	6.00/ per request
Boxcar—direct transfer	8.00/ per inspection or reinspection
Extra sample secured at time of original	3.75/ per request
New sample secured after original	4.50/ per request
Truck or trailer	7.00/ per inspection or reinspection
Extra sample secured at time of original	3.50/ per request
Bin inspection	6.00/ per bin plus sampler regular hourly rate
Submitted sample inspection	5.00/ per sample
DHV Count	3.50
Warehouseman sample-lot inspection	7.00/ per sample

Diverter-type(D/T) sample at points outside inspection	7.00/ plus sampler regular hourly rate, travel time, hourly rate and mileage
Barge inspection or reinspection	2.50/ per 1,000 bushels or fraction thereof
All reinspections of above carriers based on file sample	5.00
Initial checktest, approval of country point diverter-type (D/T) samplers, and train elevator sampler	50.00/ per D/T sampler plus regular hourly rate, travel time rate and mileage
Diverter-type (D/T) review checktest' visits at country points	regular hourly rate plus mileage
Checktesting diverter-type (D/T) samplers at inspection points	regular hourly rate (1 hour minimum charge)
Protein, initial or reinspection	3.25
Factor only analysis—class only	3.50
Factor only determination, moisture	1.50
Approved statements requested in addition to grade requirements	2.50
Duplicate certificate	1.50
Stowage examination, hopper or boxcar	3.00/ per request
Stowage examination, barge	6.00/ per request
Report grades by telephone	CALL COLLECT

(c) Miscellaneous fees.

(1) The regular hourly rate shall be \$13.50. The number of regular hours shall be calculated in 1/4 hour increments.

(2) The overtime hourly rate shall be \$13.50 per hour. The number of overtime hours shall be calculated in 1/4 hour increments. For those inspections for which the fee is based on a per unit charge, the overtime hourly rate shall be applied in addition to that per unit fee. For those inspections for which fees are based on an hourly rate, the overtime hourly rate shall not be imposed in addition to the regular hourly rate.

(3) The holiday hourly rate shall be \$13.50 per hour. The number of holiday hours shall be calculated in 1/4 increments. For those inspections for which fees are based on a per unit charge, the holiday hourly rate shall be applied in addition to that per unit fee. For inspections for which fees are based on an hourly rate, the holiday rate shall not be applied in addition to the regular hourly rate.

(4) When an employee is called in or called back, a minimum of two hours at the overtime hourly rate shall be charged.

(5) Travel time. The travel time rate shall be \$13.50 per hour.

(6) Mileage expenses shall be a charge, per mile driven, at the rate per mile determined by the secretary of administration pursuant to K.S.A. 75-4607 or amendments thereto. If any employee performs inspections at several locations on one trip, the mileage expense may be prorated.

(d) The following fees shall be charged for the services rendered by this department which are not under the U. S. grain standards act (as amended):

Edible Bean Inspection Service

Edible bean inspection (official warehouse lot)	16.00/
	per certificate
Edible bean inspection (official car sample)	16.00/
	per certificate
Edible bean inspection (official truck sample)	11.00/
	per certificate
Edible bean inspection (submitted sample)	8.00/
	per certificate
Edible bean inspection sampling fee, check weighing, or check loading	13.50/
	per hour

Weights

Hopper car, boxcar or direct transfer	6.00
Barges, in or out	2.25/
	per 1,000 bushels or fraction thereof
Truck or trailer	6.00
House transfers	1.50/
	per 1,000 bushels or fraction thereof
Weigh-up, annual	1.00/
	per 1,000 bushels or fraction thereof
In-weighing, sacked cars	regular
	hourly rate
Out-weighing, sacked cars, with count	regular
	hourly rate
Out-weighing, sacked cars, with count and weight each sack	regular hourly rate

Miscellaneous Services

DHV count	3.50
Hopper scale, first test at elevator	125.00
Hopper scale, each additional test at elevator	100.00/
	per scale
Hopper scale per F.G.I.S. test	125.00/
	plus regular hourly rate on site
Hopper scale at points where certified weights are not issued	125.00/
	plus mileage and subsistence
Mileage charge for special trips by the hopper testing scale truck, per mile driven55
Labor of scale inspector for repair work outside regular inspecting or adjusting of scale	13.50/
	per hour
Charge for weigher, by special arrangement, per man	13.50/
	per hour

(Authorized by K.S.A. 34-103a, 34-2,100, implementing K.S.A. 34-103a, 34-251, 34-2,108, effective Jan. 1, 1966; amended Jan. 1, 1967; amended, E-68-7, Feb. 20, 1968; amended Jan. 1, 1969; amended, E-69-7, May 28, 1969; amended Jan. 1, 1970; amended, E-71-26, June 18, 1971; amended Jan. 1, 1972; amended, E-72-8, Feb. 26, 1972; amended Jan. 1, 1973; amended, E-74-27, June 26, 1974; amended, E-74-61, Sept. 30, 1974; amended May 1, 1975; amended, E-78-10, March 24, 1977; modified, L. 1978, ch. 448, May 1, 1978; modified, L. 1980, ch. 345, May 1, 1980; amended May 1, 1981; amended May 1, 1982; amended, T-83-20, July 21, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-16, July 26, 1987; amended May 1, 1988.)

25-4-4. Fees and charges; warehouse division. (a)

The annual fee for a public warehouse license shall be computed as follows, based on the capacity of the public warehouse:

Capacity in Bushels	Annual Fee
1 to 100,000	\$300.00
100,001 to 150,000	325.00
150,001 to 250,000	350.00
250,001 to 300,000	375.00
300,001 to 350,000	400.00
350,001 to 400,000	425.00
400,001 to 450,000	450.00
450,001 to 500,000	475.00
500,001 to 600,000	500.00
600,001 to 700,000	525.00
700,001 to 800,000	550.00
800,001 to 900,000	575.00
900,001 to 1,000,000	600.00
1,000,001 to 1,750,000	775.00
1,750,001 to 2,500,000	900.00
2,500,001 to 5,000,000	1,150.00
5,000,001 to 7,500,000	1,400.00
7,500,001 to 10,000,000	1,600.00
10,000,001 to 12,500,000	1,750.00
12,500,001 to 15,000,000	1,900.00
15,000,001 to 17,500,000	2,050.00
17,500,001 to 20,000,000	2,200.00
Over 20,000,000 bushels	add \$200.00

for each 2,500,000 bushels or fraction thereof

(b) The charge for amending a warehouse license shall be \$50.00.

(c) The charges for each special or requested examination of a warehouse shall be:

- (1) \$20.00 per hour for each examiner. A minimum of four hours shall be charged;
- (2) subsistence expenses for each examiner;
- (3) mileage expenses. Mileage expenses shall be charged, per mile driven, at the rate per mile determined by the secretary of administration pursuant to K.S.A. 75-4607 or amendments thereto.

(d) The license fee shall be the applicable amount shown in the fee schedule plus \$100 for each functional unit. (Authorized by and implementing K.S.A. 34-228, as amended by 1987 S.B. 303, Sec. 1; effective, E-67-18, Sept. 13, 1967; effective Jan. 1, 1968; amended, E-69-7, May 28, 1969; amended Jan. 1, 1970; amended May 1, 1982; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-16, July 1, 1987; amended May 1, 1988.)

T. D. WILSON
Director

Doc. No. 006207

State of Kansas

SAVINGS AND LOAN DEPARTMENT

PERMANENT ADMINISTRATIVE
REGULATIONS

(Effective May 1, 1988)

Article 10.—INTERSTATE BRANCHING

38-10-1. Permission to establish branches. (a) A Kansas state-chartered savings and loan association may be permitted by the savings and loan commissioner to establish branches within another state provided:

(1) the establishment of the branch office will be achieved in conjunction with a transaction in which:

(A) the assets and/or liabilities are acquired by the Kansas state-chartered association by merger or otherwise; and

(B) the insured accounts of the failing non-Kansas state-chartered institution are assumed by and transferred to the insured Kansas state-chartered association as a means of payment of insurance by the federal savings and loan insurance corporation or pursuant to an action by the federal savings and loan insurance corporation undertaken to prevent the liquidation of the non-Kansas state-chartered association; and

(2) the commissioner determines that the acquiring of the non-Kansas state-chartered association poses no excessive risk to the acquiring Kansas state-chartered association.

(b) The association shall apply to the commissioner in the form and under the conditions required by the commissioner.

(C) A Kansas state-chartered association that acquires a failing institution may establish or operate branch offices in a state or states, other than the state in which the failing institution operates, if branching rights under this subsection do not in any event exceed three states other than the state in which the failing institution operates. (Authorized by and implementing 1987 HB 2157; effective, T-88-26, Aug. 19, 1987; effective May 1, 1988.)

38-10-2. Parity of branching rights. Each Kansas state-chartered association with branches in another state shall be afforded the same branching rights as the associations operating under a charter granted by the supervisory authorities of that state. (Authorized by and implementing 1987 HB 2157, effective, T-88-26, Aug. 19, 1987; effective May 1, 1988.)

38-10-3. Fees for Kansas state-chartered associations. Each Kansas state-chartered association with branches in other states shall be billed for supervisory fees as if all assets were present within the state of Kansas except that the association shall be credited for fees paid to supervisory authorities in the other states. Credit extended for the fees paid shall not exceed the amounts that would be assessed upon the assets or liabilities if the assets or liabilities were present within the state of Kansas. (Authorized by and implementing 1987 HB 2157; effective, T-88-26, Aug. 19, 1987; effective May 1, 1988.)

38-10-4. Non-Kansas association branch establishment. (a) Any non-Kansas state-chartered association may establish branches within Kansas if:

(1) the branch office will be established in conjunction with a transaction in which;

(A) the assets or liabilities of a failing insured Kansas state-chartered association are acquired by the non-Kansas state-chartered association, by merger or otherwise; and

(B) the insured accounts of the failing Kansas state-chartered association are assumed by and transferred to an insured non-Kansas state-chartered association as a means of payment of insurance by the federal savings and loan insurance corporation or pursuant to an action by the federal savings and loan insurance corporation undertaken to prevent the liquidation of the Kansas state-chartered association; and

(2) the non-Kansas state-chartered association meets the requirements for insurance of accounts as specified in K.S.A. 17-5824.

(b) The non-Kansas state-chartered association shall apply to the commissioner for approval of the transaction to establish the branch in the form and under the terms required by the commissioner. (Authorized by and implementing 1987 HB 2157; effective, T-88-26, Aug. 19, 1987; effective May 1, 1988.)

38-10-5. Branching rights of non-Kansas associations. Each non-Kansas state-chartered association permitted to establish branches in the state of Kansas shall have the same branching rights as a Kansas state-chartered association. (Authorized by and implementing 1987 HB 2157; effective, T-88-26, Aug. 19, 1987; effective May 1, 1988.)

38-10-6. Non-Kansas association fees. Each non-Kansas state-chartered association shall pay supervisory fees to the Kansas savings and loan department at the same rate as Kansas state-chartered savings and loans. The fees shall be based upon the amount of savings accounts deposited, rather than total assets, at branches located within Kansas. (Authorized by and implementing 1987 HB 2157; effective, T-88-26, Aug. 19, 1987; effective May 1, 1988.)

38-10-7. Examinations of non-Kansas associations. (a) The books and records maintained by non-Kansas state-chartered associations at branches within the state of Kansas shall be open for inspection and examination by duly appointed representatives of the Kansas savings and loan department during the normal hours of operation for these associations.

(b) Costs associated with an examination conducted by the Kansas savings and loan department shall be paid by the association.

(c) Each non-Kansas state-chartered association permitted to do business within the state of Kansas shall supply the state of Kansas with at least one copy of the examination report conducted by the federal home loan bank of the district within which the home office of the association is located. (Authorized by and

implementing 1987 HB 2157; effective, T-88-26, Aug. 19, 1987; effective May 1, 1988.)

DAVID A. DOUGLASS
Commissioner

Doc. No. 006208

State of Kansas

DEPARTMENT OF HUMAN RESOURCES

PERMANENT ADMINISTRATIVE
REGULATIONS

(Effective May 1, 1988)

Article 49.—FEE SCHEDULE FOR
BOILER INSPECTIONS

49-49-1. (a) Inspection fees:

(1) Power boilers and high pressure, high temperature water boilers:

Mini-boilers	\$22.00
Boilers of 50 sq. ft. of heating surface or less	\$40.00
Boilers over 50 sq. ft. of heating surface and less than 4,000 sq. ft. of heating surface	\$45.00
Boilers of 4,000 sq. ft. of heating surface or more and less than 10,000 sq. ft. of heating surface	\$50.00
Boilers of 10,000 sq. ft. of heating surface or more	\$60.00

(2) Heating Boilers:

Heating boilers without a manhole	\$19.00
Heating boilers with a manhole	\$22.00
Hot water supply boilers	\$17.00

(3) External inspections: (Power Boilers)

Boilers of 50 sq. ft. of heating surface or less	\$17.00
Boilers over 50 sq. ft. of heating surface	\$20.00

(4) Hydrostatic tests. When it is necessary to make a special trip to witness the application of a hydrostatic test, an additional fee based on the scale of fees applicable to a certificate inspection of the boiler shall be charged.

(5) All other inspections, including shop inspections, shop reviews, special inspections and inspections of secondhand or used boilers, when made by the chief or deputy inspector shall be charged a fee of \$250.00 per day, plus all expenses, including travel and hotel expenses. Any inspection that requires less than 1/2 day to complete shall be charged not less than \$125.00, plus expenses.

(b) Certificate fee. The certificate fee shall be \$17.00. (Authorized by K.S.A. 1986 Supp. 44-916; implementing K.S.A. 1986 Supp. 44-926; effective, T-83-41, Nov. 23, 1982; effective May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended, T-88-41, Oct. 24, 1987; amended May 1, 1988.)

DENNIS R. TAYLOR
Secretary of Human Resources

Doc. No. 006210

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