

KANSAS REGISTER

State of Kansas

BILL GRAVES
Secretary of State

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State of Kansas

ATTORNEY GENERAL

Opinion No. 88-23

Automobiles and Other Vehicles—Drivers' Licenses; Motor Vehicle Drivers' License Act—Driving While License Canceled, Suspended or Revoked; Application of 90 Day Mandatory Jail Term. Charles H. Apt, Iola City Attorney, Iola, February 19, 1988.

The 90 day jail term provided in K.S.A. 1987 Supp. 8-262(a)(4) does not become mandatory until a person having been convicted of driving under the influence (D.U.I.) and having his drivers' license suspended or revoked therefore is subsequently convicted of both a second D.U.I., committed while his license was still suspended or revoked pursuant to the first D.U.I. conviction, and a violation of driving while his license was suspended or revoked, committed while his privilege to drive was suspended for the prior D.U.I. conviction. Cited herein: K.S.A. 1987 Supp. 8-262; 8-1567. JLM

Opinion No. 88-24

Elections—City Elections—Commissioners Nominated From Districts and Elected At Large. Representative Theo Cribbs, 89th District, Wichita, February 22, 1988.

The issue of whether there has been a violation of the *Voting Rights Act* or the 14th and 15th Amendments to the United States Constitution in utilizing at large or multi-member electoral systems is a question of fact. Relevant factors a court will consider in making such a factual determination are set forth in this opinion. Cited herein: 42 U.S.C.A. § 1973a. TRH

Opinion No. 88-25

State Departments; Public Officers and Employees—Public Officers and Employees—Open Public Meetings; Subordinate Groups; Personnel Matters. Harold T. Walker, City Attorney, Kansas City, February 24, 1988.

The Mayor's Commission on Governmental Efficiency is subject to the provisions of the Kansas open meetings act as it is a subordinate body of the city's governing body. Discussions concerning consolidation of departments and the addition or elimination of job functions or positions may not be held in executive session under the "personnel matters" exception. Cited herein: K.S.A. 75-4317; K.S.A. 1987 Supp. 75-4318; K.S.A. 75-4319. RLN

ROBERT T. STEPHAN
Attorney General

Doc. No. 006270

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Phone: (913) 296-3489

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

NOTICE OF MEETING

The Rehabilitation Services Advisory Committee will meet at 1 p.m. Thursday, March 10, in the Alcohol and Drug Abuse Services conference room on the second floor of the Biddle Building, 2700 W. 6th, Topeka.

STEPHEN SCHIFFELBEIN
 Acting Commissioner

Doc. No. 006262

State of Kansas
**DEPARTMENT OF HEALTH
 AND ENVIRONMENT
 BOARD OF ADULT CARE HOME
 ADMINISTRATORS**

NOTICE OF MEETING

The Board of Adult Care Home Administrators will meet at 9:30 a.m. Friday, March 11, in conference room 106 at the Landon State Office Building, 900 S.W. Jackson, Topeka.

JOSEPH F. KROLL
 Director, Health Facilities Program

Doc. No. 006261

State of Kansas
**STATE BOARD OF AGRICULTURE
 DIVISION OF WATER RESOURCES**

REQUEST FOR ENGINEERING SERVICES

In accordance with K.S.A. 75-5801 *et seq.*, it is the policy of the Division of Water Resources, Kansas State Board of Agriculture, to negotiate contracts for engineering services on the basis of demonstrated competence and qualifications for the type of professional services required at fair and reasonable fees. Selection criteria will consist of the following:

1. Size and professional qualifications of the firm.
2. Experience and training of the firm's staff in the measurements of rate and quantity of water pumped or removed from wells, lakes and streams, collection of data in conjunction with the use of water for irrigation, industrial, or municipal purposes with principal emphasis on irrigation use. Experience and training in hydrology and hydraulics, water flow measurements (primarily in closed conduits), and knowledge of energy and consumption metering will be a consideration.
3. Workload of the firm.
4. The firm's performance record.
5. Compliance with Kansas statutes. All firms must comply with the requirements set forth in K.S.A. 74-7001 *et seq.*

Engineering firms engaged in lawful practice of providing engineering services and interested in providing services for collecting water use data, to determine the extent that a water right is perfected (developed), are encouraged to submit by April 1 a statement of qualification and experience to the Division of Water Resources, Kansas State Board of Agriculture, 109 S.W. 9th, Topeka 66612-1283.

DAVID L. POPE
 Chief Engineer-Director
 Division of Water Resources

Doc. No. 006275

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 15-26:

Rush County Commissioner, 1st District

Mary Catherine Brening, 1313 Hargrave, LaCrosse 67548. Effective February 15, 1988. Term expires when a successor is elected and qualifies according to law. Succeeds Mike Bieber, resigned.

State Board of Indigents' Defense Services

Gerald L. Goodell, 4119 S.W. Woodbury Court North, Topeka 66606. Effective February 23, 1988. Subject to Senate confirmation. Term expires December 31, 1990. Succeeds Deborah Purce Jones.

Scott K. Logan, 8333 Overbrook, Leawood 66206. Effective February 23, 1988. Subject to Senate confirmation. Term expires December 31, 1990. Succeeds James T. Wiglesworth.

State Examining Committee for Physical Therapy

Karen Henderson, 102 Coyote, Ozawkie 66070. Effective February 23, 1988. Term expires January 31, 1992. Succeeds Jack Lucas.

BILL GRAVES
 Secretary of State

State of Kansas
UNIVERSITY OF KANSAS
 NOTICE TO BIDDERS

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

Monday, March 14, 1988

#88 0642

Microcalorimetry Thermometric Thermal Activity Monitor

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

Doc. No. 006269

State of Kansas
**DEPARTMENT OF HEALTH
 AND ENVIRONMENT**
 NOTICE OF MEETING

Second year funding under P.L. 99-457, a federal education grant, will make monies available in Kansas for the development and implementation of programs that serve children with developmental delays from birth to 5 years. The Department of Health and Environment was appointed "lead agency" in Kansas for the administration of these grant monies.

Public meetings to seek input on the grant proposal will be held in Salina from 7-9 p.m. March 14 at Central Kansas Cooperative in Education, 3023 Canterbury; and in Garden City from 7-9 p.m. March 15 at the Finney County Public Library, 608 E. Walnut.

Copies of the proposal will be available at the public hearings. Written comments will be accepted by those unable to attend. Requests for copies of the grant proposal and comments should be addressed to Carolyn K. Vath Domingo, R.N., M.S., Nurse Consultant, Crippled and Chronically Ill Children's Program, 10th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66620-0001.

There is no charge for the meeting. No advance registration is needed.

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

Doc. No. 006276

State of Kansas
**DEPARTMENT OF HEALTH
 AND ENVIRONMENT**

NOTICE CONCERNING KANSAS WATER
 POLLUTION CONTROL PERMIT

In accordance with state regulations 28-16-57 through 63 and 28-18-1 through 4, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, a tentative permit has been prepared for water pollution abatement facilities for the feedlot described below.

The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards and regulations of the state of Kansas and the EPA. The permit requires control of any existing or potential discharges to achieve the goal of "no discharge" whenever possible. The permit upon issuance will constitute a state water pollution control and national pollutant discharge elimination system permit.

Name and Address of Applicant	Legal Description	Receiving Water
Ark Valley Pork c/o David Essmiller Route 1, Box 82 Great Bend, KS 67530	SE/4 Section 19, Township 20S, Range 11W of Barton County, Kansas	Lower Arkansas River Basin

Kansas Permit No. A-ARBT-H001 Federal Permit No. KS-0117927

The facility has capacity for approximately 3,500 swine.

Wastewater Control Facilities: Wastewater is impounded for subsequent disposal upon agricultural land. Storage capabilities are provided in excess of minimum requirements.

Compliance Schedule: None, existing controls adequate.

Written comments on the proposed NPDES permit may be submitted to Bethel Spotts, Permit Clerk, Permit Program, Kansas Department of Health and Environment, Division of Environment, Bureau of Water Protection, Forbes Field, Topeka 66620. All comments received prior to April 1 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-AG-88-4) and name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations within 60 days of this notice. 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, special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 740, Forbes Field, Topeka, 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. 006266

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURAL SERVICES**
**NOTICE OF COMMENCEMENT
OF NEGOTIATIONS FOR
ARCHITECTURAL SERVICES**

Notice is hereby given of the commencement of negotiations for architectural services for an addition to and remodeling of the National Guard organizational maintenance shop at Iola. The addition is to be a single story of approximately 5,500 square feet. Administrative offices, personnel and mechanical areas are to be remodeled.

Any questions or expressions of interest should be directed to Jack Nelson, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, prior to March 18.

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

Doc. No. 006254

State of Kansas

SECRETARY OF STATE
NOTICE

TO ALL TO WHOM THESE PRESENTS SHALL
COME, GREETINGS:

I, Bill Graves, Secretary of State of the State of Kansas, do hereby certify that pursuant to the provisions of K.S.A. 1987 Supp. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of March 1, 1988 through March 31, 1988 shall be 11.28 percent.

In testimony whereof: I have hereto set my hand and cause to be affixed my seal. Done at the City of Topeka, this 29th day of February, A.D. 1988.

BILL GRAVES
Secretary of State

Doc. No. 006272

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, March 14, 1988

#27011

University of Kansas, Kansas State University and
Kansas Highway Patrol—COMMERCIAL
COMPRESSED GASES

#27558

Department of Transportation—ASPHALTIC
MATERIAL

#27782

Adjutant General's Department—PEST CONTROL
SERVICES

#72992

Department of Transportation and Kansas State
University—VEHICLES, various locations

Tuesday, March 15, 1988

#A-5805

Winfield State Hospital and Training Center—
REPLACE LIGHTING FIXTURES, Unit E, Dayroom

#27495

Department of Transportation—PARTS WASHER
SERVICE AND SOLVENT DISPOSAL

#27751

Statewide—ELECTRICAL SUPPLIES

#73003

Department of Transportation—AGGREGATE,
various locations

#73004

Pittsburg State University—EXERCISE
EQUIPMENT

Wednesday, March 16, 1988

#A-5850

Department of Transportation—COMPLETE
ROOFING SYSTEM REPLACEMENT, sub area
building, Kinsley

#27071

Various Kansas state agencies—FROZEN COFFEE

#27773

Youth Center at Topeka—PREVENTIVE
MAINTENANCE AND INSPECTION OF AIR
CONDITIONING EQUIPMENT

#27783

Kansas Correctional Industries—PARTICLE BOARD

#27784

Kansas Correctional Industries—NORTHERN HARD
MAPLE

#73014

Department of Transportation—HEATED
PRESSURE WASHERS, various locations

#73049

Kansas State University—PERSONAL ACOUSTICS
LAB-COMPUTER SYSTEM

Thursday, March 17, 1988

#73024

Kansas State University—GRAIN

#73025

Norton State Hospital—KITCHEN EQUIPMENT

#73026

Department of Transportation—BITUMINOUS
MIXTURE, Manhattan

#73029

University of Kansas—FUEL OIL

#73030

Department of Transportation—WOVEN WIRE
FENCE, Olathe

(continued)

Friday, March 18, 1988

#72666-A

University of Kansas—CINE CAMERA AND ANALYZER

#73047

Department of Transportation—BITUMINOUS MIXTURE, various locations

#73048

Department of Transportation—LUBRICANTS, various locations

#73061

Department of Transportation —TRUCK

Monday, March 21, 1988

#27539

Department of Administration—CONTINUOUS WARRANTS (PAYROLL, CENPAY, MISCELLANEOUS AND INCOME TAX)

#73019

Department of Administration, Division of Information Systems and Communications—CICS/VSAM RECOVERY SOFTWARE

#73020

Department of Administration, Division of Information Systems and Communications—IBM 3044 CHANNEL EXTENDERS

#73055

Pittsburg State University and Kansas State University—ASCII TERMINALS

Tuesday, March 22, 1988

#27443

Statewide—FLEXIBLE DISKS

Tuesday, March 29, 1988

#A-5385

Department of Corrections, Kansas Correctional Institute as Lansing—120-BED HOUSING UNIT "A"

Friday, April 1, 1988

#26973

Department of Administration—AIRCRAFT INSURANCE

Monday, April 4, 1988

#27785

Department of Wildlife and Parks—LEASE OF LAND, PERRY WILDLIFE MANAGEMENT AREA

NICHOLAS B. ROACH
Director of Purchases

State of Kansas

KANSAS TURNPIKE AUTHORITY

NOTICE TO BIDDERS

The Kansas Turnpike Authority is inviting sealed proposals for the construction and long-term operation of a restaurant facility at the Emporia Service Area, where the existing restaurant facility is to be demolished. The successful bidder will be required, at its expense, to design, build and operate a restaurant facility appropriate for interstate highway travelers at that location. This includes oversized restrooms and dining areas with sufficient capacity and personnel to service KTA holiday traffic.

Proposals should provide information as to building design, seating capacity, square footage, food products, and services available to Turnpike customers and other details as to provide complete details of the nature and quality of service contemplated. This proposal will be known as KTA Contract No. 1400. The service area at Emporia is subject to a service station contract between the Authority and Pester Marketing Company. Therefore, the successful bidder will not be allowed to provide fuel or other service station items in violation of the Pester contract.

Fact sheets, instructions to bidders, and a proposed contract will be on file beginning Friday, February 26 and may be obtained at the office of R. D. Fogo, Chief Engineer-Manager, Kansas Turnpike Authority, 9401 E. Kellogg, Wichita. The documents also may be examined in the office of the Kansas Turnpike Authority, 3939 Topeka Blvd., Topeka, or the Lyon County Clerk, Emporia.

Sealed proposals will be received until 10 a.m. March 14, at which time they will be publicly opened. Proposals must be accompanied by a bid bond or cashier's check in the amount of \$5,000, made payable to the Kansas Turnpike Authority as a guarantee that the bidder will enter into a contract and give a performance bond as required if awarded the contract. The award of contract shall be based on the proposal which in the opinion of the Authority provides the most suitable building and amenities with the highest level of service at the most competitive prices for Turnpike customers.

Sealed proposals should be mailed to Kansas Turnpike Authority, P.O. Box 780007, Wichita 67278, or delivered to KTA headquarters at 9401 E. Kellogg, Wichita.

The Authority reserves the right to reject any or all bids and to waive any irregularity therein, and to determine which is the responsible bid most suitable to the Authority.

KANSAS TURNPIKE AUTHORITY
R. D. Fogo, Chief Engineer-Manager

Doc. No. 006248

Doc. No. 006274

State of Kansas

**NORTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO. 4**

NOTICE OF MEETING

The Northwest Kansas Groundwater Management District No. 4 will meet at 10 a.m. C.S.T. Thursday, March 10, in the district office, 1175 S. Range, Colby. General administrative matters and other business will be discussed.

WAYNE A. BOSSERT
Manager

Doc. No. 006268

(Published in the *Kansas Register*, March 3, 1988.)

NOTICE OF REDEMPTION

City of Oakley, Kansas
Electric and Waterworks
Refunding Revenue Bonds, Series 1978

Notice is hereby given that \$80,000 principal amount of bonds, as listed below, are called for redemption on April 1, 1988 at the price of 103 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date. These bonds were originally Series 1976B. The serial numbers of the bonds to be redeemed are as follows:

- April 1, 1989: 25, 26, 27, 28, 29
- April 1, 1990: 30, 31, 32, 33, 34
- April 1, 1991: 35, 36, 37, 38, 39, 40

On April 1, 1988, all bonds designated for redemption will become due and payable upon presentation thereof at the office of the Kansas State Treasurer, 900 Jackson, Suite 201, Topeka, KS 66612.

JAMES D. DENNISON
Assistant Trust Officer

Doc. No. 006264

(Published in the *Kansas Register*, March 3, 1988.)

NOTICE OF REDEMPTION

Shawnee County, Kansas
Single Family
Mortgage Revenue Bonds
1980 Series A

Notice is hereby given that \$1,335,000 principal amount of bonds, as listed below, are called for redemption on April 1, 1988 at the price of 100 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date.

The serial numbers of the serial and term bonds to be redeemed are as follows:

Serial Bonds

- April 1, 1989: 536, 549, 602, 604
- April 1, 1990: 679, 687, 717, 727
- April 1, 1991: 789, 794, 814, 834, 836
- April 1, 1992: 953, 956, 1008, 1045, 1057
- April 1, 1993: 1096, 1148, 1160, 1193, 1195, 1218
- April 1, 1994: 1315, 1321, 1355, 1384, 1395, 1413
- April 1, 1995: 1435, 1446, 1464, 1478, 1512, 1536, 1601

**Term Bonds
April 1, 2011**

- 2267, 2274, 2276, 2328, 2334, 2339, 2344, 2382, 2394,
- 2409, 2418, 2518, 2520, 2553, 2571, 2578, 2586, 2623,
- 2672, 2713, 2734, 2797, 2805, 2811, 2829, 2844, 3019,
- 3028, 3037, 3041, 3048, 3054, 3067, 3069, 3095, 3153,
- 3219, 3228, 3234, 3255, 3271, 3275, 3324, 3329, 3346,
- 3383, 3393, 3424, 3427, 3615, 3712, 3751, 3753, 3784,
- 3819, 3832, 3849, 3855, 3856, 3861, 3865, 3895, 3912,
- 3937, 3945, 3999, 4002, 4009, 4023, 4044, 4049, 4058,
- 4076, 4111, 4117, 4225, 4246, 4251, 4281, 4290, 4293,
- 4297, 4299, 4302, 4315, 4323, 4335, 4488, 4497, 4530,
- 4539, 4540, 4558, 4584, 4669, 4671, 4687, 4716, 4747,
- 4803, 4824, 4845, 4873, 4914, 4965, 4990, 5012, 5029,
- 5040, 5043, 5058, 5074, 5152, 5160, 5175, 5179, 5206,
- 5215, 5246, 5250, 5328, 5334, 5471, 5476, 5485, 5507,
- 5515, 5557, 5580, 5624, 5633, 5678, 5700, 5718, 5727,
- 5751, 5754, 5782, 5791, 5803, 5820, 5827, 5854, 5867,
- 5871, 5928, 6001, 6073, 6075, 6102, 6124, 6190, 6231,
- 6261, 6264, 6276, 6286, 6289, 6300, 6326, 6330, 6340,
- 6343, 6357, 6369, 6371, 6389, 6402, 6471, 6488, 6514,
- 6520, 6538, 6567, 6765, 6830, 6834, 6906, 6909, 6920,
- 6957, 6964, 7005, 7116, 7119, 7208, 7317, 7321, 7338,
- 7377, 7438, 7501, 7530, 7546, 7563, 7585, 7600, 7605,
- 7618, 7629, 7645, 7671, 7672, 7684, 7744, 7770, 7785,
- 7809, 7815, 7978, 7991, 7998, 8035, 8076, 8133, 8190,
- 8301, 8320, 8445, 8455, 8458, 8464, 8475, 8484, 8494,
- 8530, 8548, 8586, 8590, 8764

Registered bonds also being called are listed below. The bearer bond numbers for the registered bonds being called are included above.

- April 1, 1994: R-238
- April 1, 2011: R-16, R-134, R-245, R-257

On April 1, 1988, all bonds designated for redemption will become due and payable upon presentation thereof at the addresses given below.

On and after April 1, 1988, interest on the principal amount called for redemption shall cease to accrue.

The bonds, along with IRS form W-9 (verification of taxpayer identification number), may be presented for payment in person or by mail at the following addresses: the Merchants National Bank of Topeka, Attn: Corporate Trust, P.O. Box 178, Topeka, KS 66601; or the Morgan Guaranty Trust Company of New York, 30 W. Broadway, 12th Floor, Coupon Paying Section, New York, NY 10015.

JAMES D. DENNISON
Assistant Trust Officer

Doc. No. 006265

(Published in the Kansas Register, March 3, 1988.)

**Notice of Redemption
SEDGWICK COUNTY, KANSAS**

**Single Family Mortgage Revenue Bonds
(Multiple Originators and Services)
1980 Series A**

NOTICE IS HEREBY GIVEN that \$2,825,000 principal amount of the Bonds as listed below, are called for redemption on April 1, 1988, at the redemption price of 100% of principal amount being redeemed plus accrued interest thereon to the redemption date.

COUPON BONDS AT \$5000

The serial numbers of the Coupon Bonds to be redeemed, bearing CUSIP No. 815618 and Suffix, are as follows:

AH6	1253	1765	3815	4330	5055	6254	6910	7544	8253	8647	9234	9749	10222
	617	1260	1773	3819	4332	5085	6294	6911	7555	8279	8667	9259	10223
	666	1275	1798	3825	4420	5091	6305	6926	7582	8311	8686	9261	10224
	685	1279	1831	3828	4424	5110	6315	6930	7607	8313	8705	9275	10228
	721	AM5	1836	3831	4431	5118	6336	6954	7632	8314	8726	9281	10259
	725	1302	1842	3833	4452	5150	6343	7126	7645	8320	8731	9286	10267
	AJ2	1332	1867	3844	4459	5196	6349	7135	7658	8347	8830	9289	10268
	752	1334	1935	3859	4486	5197	6393	7169	7661	8370	8831	9295	10281
	791	1356	1956	3860	4594	5350	6398	7211	7711	8374	8854	9297	10291
	809	1389		3864	4623	5577	6415	7213	7723	8414	8857	9313	10297
	842	1464	AQ6	3872	4693	5649	6476	7221	7728	8427	8871	9329	10319
	861	1478	2471	3879	4748	5657	6477	7247	7766	8433	8885	9334	10365
	863	1479	2483	3889	4811	5667	6483	7253	7809	8449	8886	9354	10391
	875	1491	2536	3894	4813	5670	6534	7261	7810	8471	8890	9358	10399
	877	AN3	2553	3907	4834	5773	6540	7267	7825	8486	8891	9369	10410
	AK9	1527	2569	3920	4845	5824	6546	7278	7851	8536	8931	9371	10425
	965	1544	2572	3931	4856	5843	6561	7281	7865	8554	9022	9389	10430
	970	1551	2599	3941	4863	5850	6603	7294	7870	8568	9038	9415	10435
	1050	1569	2760	3947	4867	5922	6604	7297	7885	8573	9050	9434	10437
	1057	1629	3215	3970	4872	5933	6630	7323	7912	8577	9062	9491	10458
	1065	1629	3299	4119	4876	5964	6631	7327	7955	8578	9091	9502	10466
	1071	1687	3315	4124	4910	5988	6646	7352	7970	8579	9106	9575	10483
	1089	1704	3464	4159	4956	5993	6771	7390	8047	8585	9111	9581	10474
	AL7	1713	3468	4168	4968	6127	6815	7423	8081	8607	9125	9606	10075
	1097	AP8	3483	4181	4972	6161	6820	7465	8082	8611	9141	9645	10083
	1136	1741	3490	4228	4980	6171	6821	7480	8118	8616	9218	9678	10109
	1191	1743	3504	4239	5016	6183	6844	7481	8131	8625	9221	9713	10115
	1192	1754	3801	4295	5036	6184	6890	7486	8221	8639	9222	9743	10132
			3814	4323	5037	6247	6892	7535	8249	8640	9225	9747	10214

The serial numbers of the Registered Bonds to be redeemed in whole or in part, bearing CUSIP No. 815618 and Suffix and the principal amount to be redeemed are as follows:

Bond Number	Par Amount	Amount Called	Suffix	Bond Number	Par Amount	Amount Called	Suffix
R198	\$ 5,000	\$ 5,000	AH6	R176	\$75,000	\$65,000	AQ6
R221	5,000	5,000	AJ2	R224	55,000	10,000	AQ6
R220	5,000	5,000	AK9	R182	5,000	5,000	AQ6
R209	10,000	5,000	AL7	R50	20,000	5,000	AQ6
R191	5,000	5,000	AN3	R160	5,000	5,000	AQ6
R218	5,000	5,000	AQ6	R212	45,000	5,000	AQ6
R135	2,500,000	745,000	AQ6	R184	45,000	10,000	AQ6

COUPON BONDS with the October 1, 1988 and all subsequent coupons attached and all Registered Bonds should be presented to the Paying Agents at the following addresses:

**Continental Illinois National Bank
and Trust Company of Chicago
Attention: Collection Division
231 South LaSalle Street-16th Floor
Chicago, IL 60697**

**Southwest National Bank of Wichita
P.O. Box 1401
Wichita, Kansas 67201**

**Morgan Guaranty Trust Company of New York
23 Wall Street
New York, New York 10015**

Coupons for April 1, 1988 should be detached and presented in the usual manner.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, Paying Agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities, may be obligated to withhold a 20% tax from remittances to individuals who have failed to furnish the Paying Agent with a valid Taxpayer Identification Number. Holders of the above described securities who wish to avoid the imposition of this tax should submit certified Taxpayer Identification Numbers when presenting their securities for collection.

**Continental Illinois National Bank
and Trust Company of Chicago, Trustee
for Sedgwick County, Kansas.**

February 29, 1988

State of Kansas
KANSAS WATER OFFICE

**NOTICE OF MEETINGS
 ON STATE WATER PLAN**

The preliminary draft of the fiscal year 1990 Kansas Water Plan is scheduled for discussion at 12 informal public meetings to be held across the state. The focus of attention this year will be on modifications to the minimum desirable streamflow section and a review of the status of basin plan implementation. Public comments on these sections and on any other water matters are encouraged. An executive summary containing complete text of the preliminary drafts will be available free of charge from the Kansas Water Office, 109 S.W. 9th, Suite 200, Topeka 66612-1215, (913) 296-3185.

The statewide public meetings on the plan are scheduled as follows:

- | | |
|----------|---|
| March 7 | 7 p.m., Liberal, Seward County Community College Student Union Conference Room
7:30 p.m., Colby, Colby Community Junior College |
| March 8 | 7 p.m., Garden City, City Coop, 106 N. 6th
7:30 p.m., Hays, Fort Hays Experiment Station Auditorium |
| March 9 | 7 p.m., Hutchinson, Chamber of Commerce, 309 N. Main
7:30 p.m., Osborne, 1st State Bank, Basement Meeting Room |
| March 10 | 7:30 p.m., Manhattan, Kansas State University Student Union, Room 207
7:30 p.m., Burlington, High School Community Room |
| March 14 | 7 p.m., Independence, City Hall, Commission Room
7:30 p.m., Ottawa, County Court Building, Basement Meeting Room |
| March 15 | 7:30 p.m., Hiawatha, Hiawatha Inn, Intersection of U.S. Highways 36 and 73
7:30 p.m., El Dorado, Butler County Community College, Purple and Gold Room |

Based on the ideas and comments generated from these informal public meetings, the FY 1990 plan will be revised, as necessary, prior to the public hearings later this year. The public hearings will provide an opportunity for formal input by groups and individuals who wish to comment on the plan.

Following the public hearings, the plan will be presented to the Kansas Water Authority for approval. The approved plan will then be submitted to the Governor and Legislature for implementation in fiscal year 1990.

JOSEPH F. HARKINS
 Director

Doc. No. 006240

State of Kansas
**DEPARTMENT OF HUMAN RESOURCES
 PRIVATE INDUSTRY COUNCIL**

**NOTICE CONCERNING
 JOB TRAINING PLAN**

The Kansas Private Industry Council of Service Delivery Area III is submitting a two-year Job Training Plan to the Governor of the State of Kansas through the Department of Human Resources. Funding for this plan is through Title IIA of the Job Training Partnership Act (JTPA), which is designed to provide training to disadvantaged youth and adults.

The respective program years are July 1, 1988 to June 30, 1989, and July 1, 1989 to June 30, 1990. The funding level for each program year is \$1,339,942. The total two-year plan allocation is \$2,679,884.

The SDA plans to serve over 500 eligible participants each program year. The purpose of proposed programs and activities is to prepare youth and unskilled adults for entry into the labor force and to afford job training to economically disadvantaged individuals and other individuals facing serious barriers to employment.

The Kansas Private Industry Council of Service Delivery Area III is also submitting to the Governor through the Department of Human Resources a Summer Youth Employment and Training Plan, as a sub-part of the Title IIA two-year plan, for program years 1988 and 1989.

The 1988 Summer Youth Employment and Training Plan program is October 1, 1987 to September 30, 1988, and the 1989 program year is October 1, 1988 to September 30, 1989. The sub-part for program year 1988 will be an update, and for program year 1989 will be a new application. Funding for this plan is through Title IIB of the Job Training Partnership Act, which is designed to provide training for disadvantaged youth.

The SDA plans to serve over 400 youth each program year. The estimated amount to be received for the Summer Youth Program is \$563,468 for each program year or a total of \$1,126,936 for the two-year period. The purpose of the proposed programs and activities is to afford job training to economically disadvantaged youths ages 14-21, facing serious barriers to employment.

The full plan and its IIB sub-part are available at the following location and may be reviewed upon request. Questions and comments may be directed to the Private Industry Council, SDA III, 827 Gateway Centre II, 4th and State Ave., Kansas City, KS 66101, (913) 371-1607.

ANN CONWAY
 Executive Director
 Kansas Private Industry Council
 Service Delivery III

Doc. No. 006263

State of Kansas

OFFICE OF JUDICIAL ADMINISTRATION

COURT OF APPEALS DOCKET

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

Kansas Court of Appeals
 Division 2 Courtroom, Riley County Courthouse
 Manhattan, Kansas

Before Abbott, C.J.; Elliott and Larson, JJ.

Tuesday, March 8, 1988

9:30 a.m.

Case No.	Case Name	Attorneys	County
60,343	Wilson James Morehead, aka Wilson J. Morehead, Gary James Morehead, Ronald Joseph Morehead, Larry John Morehead, and Jerry Leon Morehead, Appellants, v. Chicago-Pacific Corp., a Delaware Corporation, Dirt & Gravel Inc., and International Mining Corp., a Foreign Corporation, Appellees.	Charles S. Arthur III Howard Fick	Riley
60,691	William S. Brown, Appellee, v. Skate Junction, Inc., Appellant.	Roger L. Unruh Craig J. Altenhofen	Geary
60,718	Larry and Janice Miller, husband and wife, and Richard and Joann Dawson, husband and wife, Appellants, v. Fairmont Dairy Company, A Delaware Corporation, Appellee.	Allen B. Angst Randy Heilman	Morris
1:30 p.m.			
60,241	Jay T. Larkin, Appellant, v. The City of Grandview Plaza, Kansas, Appellee.	Richard J. Rome Thomas E. Wright	Geary
60,987	State of Kansas, Appellee, v. Albert Edwards, Appellant.	Edwin Wheeler, County Attorney Attorney General Benjamin Wood Steven Zinn	Marion
60,179	The Federal Land Bank of Wichita, Appellee, v. Betty L. Thompson, <i>et al.</i> , Appellants.	Max M. Hinkle Robert C. Johnson	Marion

61,233	In the Matter of the Estate of Alphild Larson, Deceased.	Dennis McFall Aubrey G. Linville Petefish, Curran & Immel Darrell E. Miller William B. Buechel	Cloud
60,865	In the Interest of R.D. and L.D. In the Interest of R.S.D. and R.J.D.	John McNish Dee James Allen B. Angst	Dickinson

**Kansas Court of Appeals
Division 1 Courtroom, Riley County Courthouse
Manhattan, Kansas**

Before Abbott, C.J.; Elliott and Larson, JJ.

Wednesday, March 9, 1988

9:00 a.m.

Case No.	Case Name	Attorneys	County
60,742	Margene Nelson & Eldon Nelson, Appellants, v. Home Insurance Co., Coleman American Moving Company and David Nelson, Appellees.	Doug Thompson Robert Adrian	Riley
61,206	Robert Brooks, Earlene Brooks, and Telly Brooks, Appellants, v. City of Junction City, Kansas, Jerry Smith, in his individual and official capacity, and Dale R. Mondary, in his individual and official capacity, Appellees.	Charles S. Scott, Jr. James P. Nordstrom	Geary
60,573	Robert F. Cramer, Appellant, v. Kansas State Board of Agriculture, <i>et al.</i> , Appellees.	Robert F. Cramer Kenneth M. Wilke	Morris

Summary Calendar Cases—No Oral Arguments

60,835	Alfred D. Coca, Appellant, v. State of Kansas, Appellee.	Brad L. Keil Benjamin C. Wood Steven Opat Attorney General	Geary
60,869	Allen Scott, Appellant, v. State of Kansas, Appellee.	Rosanne Ratt Benjamin C. Wood Steven Opat Attorney General	Geary
61,373	City of Milford, Kansas, Appellant, v. Gary Shandy and Joy Shandy, <i>et al.</i> , Appellees.	Doug Thompson Keith Henry	Geary

(continued)

Kansas Court of Appeals
Courtroom 6-1, 6th Floor, Sedgwick County Courthouse
Wichita, Kansas

Before Briscoe, P.J., Brazil and Davis, JJ.

Tuesday, March 8, 1988

11:00 a.m.

Case No.	Case Name	Attorneys	County
60,535	State of Kansas, Appellee, v. Connie A. Bates, Appellant.	Geary Gorup, Assistant District Attorney Charles A. O'Hara	Sedgwick
1:30 p.m.			
60,700	George A. Angle, Appellant, v. Kansas Department of Revenue, Appellee.	Rex G. Beasley Brian Cox	Sedgwick
60,719	Gary L. Shively, Appellant, v. City of Wichita, Detective George J. Bloesing, and Richard Jonker.	Patricia H. Jenkins H. E. Jones S. A. Issinghoff	Sedgwick
60,787	Carolyn Schlapp, Appellee, v. Allstate Insurance Company, Appellant.	J. L. Wiegand, Jr. D. Lee McMaster	Sedgwick
61,017 S.C.	State of Kansas, Appellee, v. Charles Harris, Appellant.	Gene Olander, District Attorney David B. Debenham Benjamin C. Wood Teresa Wenenger Steven R. Zinn	Shawnee
61,140 S.C.	In the Matter of S.D., B.D.M., and F.D.M.	Christopher L. Schneider, Assistant District Attorney Hartzell J. Whyte	Wyandotte

Wednesday, March 9, 1988

9:30 a.m.

60,589	Margarita Joy Ladage, Appellee, v. Carl Albin Nelson, Jr., and Joyce Anna Nelson, husband and wife, and Lawyers Title Insurance Corporation, a Virginia Corporation, Appellants.	Robert W. Kaplan Gerard C. Scott Joyce A. Nelson	Sedgwick
60,894	John J. Hay and Thelma R. Hay, Appellees, v. Ron Fink, dba Petro Corp., and Reynolds Drilling Co., Appellants.	James L. Burgess Joseph H. Cassell	Sedgwick

60,982	Moody Investments, Inc., Appellee, v. Miles Edward Baldwin and Irene S. Baldwin, Appellants.	Ronald J. Wilkinson Tim Connell	Sedgwick
60,959	State of Kansas, Appellant, v. Thomas H. Simon, Appellee.	Debra Barnett, Assistant District Attorney Attorney General Stephen E. Robison Fred W. Phelps, Jr.	Sedgwick

Summary Calendar Cases—No Oral Arguments

60,937	Anthony White, Appellant, v. State of Kansas, Appellee.	Benjamin C. Wood Lucille Marino Paul Morrison, Assistant District Attorney Attorney General	Johnson
60,892	In the Interest of C.A.P.	Louis H. Plummer Stanley R. McAfee LeWanna Bell-Lloyd	Wyandotte
61,159	In the Interest of T.L.P., A minor child under 18 years of age.	Joleen Rooney William Griffith, Grd. A.L. Donald C. Astle Arthur Davis	Sedgwick
61,059	In the Matter of the Marriage of Carol J. Turley and Charles W. Turley.	Daniel D. Creitz Edward W. Dosh	Allen
60,796	Clifford Duane Cameron, Appellant, v. State of Kansas, Appellee.	Benjamin C. Wood Geary Gorup, Assistant District Attorney Attorney General	Sedgwick

Kansas Court of Appeals
Courtroom 11-1, 11th Floor, Sedgwick County Courthouse
Wichita, Kansas

Before Rees, P.J., Six and Rulon, JJ.

Tuesday, March 8, 1988
11:00 a.m.

Case No.	Case Name	Attorneys	County
61,070	Crown Manor Investment Co., Richard W. Stafford, R. William Breece, Jr., and Gary Beck, Appellees, v. Arthur H. Bailey and Ramoka, Inc., Appellants.	David G. Crockett James R. Gilhouson Paul Arabia	Sedgwick

(continued)

1:30 p.m.

- 60,954 William R. Eckels, Jr., Appellant, Roger W. Lovett Sedgwick
v.
Boeing Company and its representatives, Appellees. Robert L. Howard
- 60,744 In the Matter of the Estate of Isabell D. Frederick K. Starrett Wichita
Carter, Deceased. Richard Ewy
Gary Austerman
- 60,839 Shelter Mutual Insurance Company, Stephen M. Kerwick Sedgwick
Appellant.
v.
Robert L. Avila and Oscar Avila, Bryson E. Mills
Appellees.
- 61,021 Southwest National Bank of Wichita, Craig A. Kreiser Sedgwick
v.
ATG Construction Management, Inc., Roger L. Falk
et al., Appellants.

Wednesday, March 9, 1988

9:30 a.m.

- 60,958 CTS, Inc., Appellant, Henry D. Edwards Sedgwick
v.
Simon and Sons, Inc., Appellee. Walter A. Sawhill
- 60,707 St. Francis Regional Medical Center, Inc., John V. Wachtel Sedgwick
Appellee,
v.
Ralph Hale and Esther D. Hale, Robert C. Brown
Appellants.
- 60,816 Lundy Reynolds, Appellant, Ricky E. Bailey Sedgwick
v.
Jeffrey A. Burke, by and through his Jay F. Fowler
parent and guardian, Elizabeth J. Burke,
Appellee.

LEWIS C. CARTER
Clerk of the Appellate Courts

Doc. No. 006253

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 15, 1988

Application for Name Change of Certificate of Convenience and Necessity:

Western Kansas Express, Inc.) Docket No. 99,579 M
3833 S. West St.)
Wichita, KS 67217) MC ID No. 101295
TO:

Western Kansas Xpress, Incorporated
3833 S. West St.
Wichita, KS 67217

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

General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading),

To, from and between Wichita, Kansas, and Dodge City, Kansas, and Great Bend, Kansas; and the intermediate points of Spearville, Bellefont, Offerle, Kinsley, Lewis and Larned.

From Wichita, Kansas, west on U.S. 54 to the intersection of U.S. 54 and U.S. 154, thence following U.S. 154 to Dodge City, serving no intermediate points.

From Dodge City, Kansas on U.S. 50 and U.S. 56 to Kinsley, Kansas, thence from Kinsley to Great Bend, Kansas, over U.S. 50 and U.S. 156, serving the intermediate points of Spearville, Bellefont, Offerle, Kinsley, Lewis and Larned.

From Great Bend on K-96 to Lyons, Kansas, thence east to McPherson, Kansas, on U.S. 56, serving neither intermediate points nor McPherson, Kansas. Proceeding southerly on I-35W into Wichita, again providing no service to intermediate points, except as herein specifically provided, and return over the same route.

As an alternate route for operating convenience only; from Kinsley, Kansas, on U.S. 50 to Hutchinson, Kansas, thence northeasterly on K-61 to Medora, Kansas, thence easterly on an unnamed county road to Hesston, Kansas.

From Hutchinson, Kansas, on K-96 to Wichita, Kansas. To serve Hesston, Kansas, on an inbound basis only, traffic to originate at Curtis Machine Company, Dodge City, Kansas, destined for, and terminating at, Hesston Corporation, Hesston, Kansas.

Restricted, however, to transport no traffic having a prior or subsequent movement by air.

Restricted further to provide no service on those shipments destined to or originating in interstate commerce.

General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading),

To serve Hesston, Kansas, on an outbound basis only, traffic originating at Hesston Corporation, Hesston, destined for, and terminating at Curtis Machine Co., Dodge City, Kansas.

Restricted, to transport such out bound Hesston traffic through Wichita, Kansas, over currently authorized routing.

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

Between points in Kansas lying on and south of a line beginning at the Colorado-Kansas state line, thence along K-96 to its intersection with U.S. 56, thence along U.S. 56 to its intersection with I-35W, thence along I-35W to its intersection with U.S. 54, thence along U.S. 54 to its intersection with U.S. 281, thence along U.S. 281 to the Oklahoma-Kansas state line, thence along the Oklahoma-Kansas state line to the Colorado-Kansas state line to the point of beginning.

Also,

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

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:

TABS, Inc.) Docket No. 159,442 M
1534 N.W. Tyler)
P.O. Box 8350)
Topeka, KS 66608)

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

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

Between points and places in Kansas.

(continued)

Application for Extension of Certificate of Convenience and Necessity:

Richman Trucking, Inc.) Docket No. 152,964 M
Route 1, Box 38H)
Burlingame, KS 66413) MC ID No. 124136
Applicant's Attorney: Joseph Weiler, 1610 S.W. Topeka
Blvd., P.O. Box 237, Topeka, KS 66612

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

Between points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Jack DeLane Foster, dba) Docket No. 159,441 M
Jack's Repair)
Hwy. 40)
P.O. Box 147)
Grainfield, KS 67737)
Applicant's Attorney: None

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

Between all points and places in Gove, Logan, Trego, Lane, Sheridan, Thomas, Ellis, Graham, Scott and Ness counties, Kansas.

Application for Abandonment of Certificate of Convenience and Necessity:

George Fox and Gary Fox,) Docket No. 148,054 M
dba)
Fox's Body & Glass)
604 Loomis)
Winfield, KS 67156) MC ID No. 122331
Applicant's Attorney: None

Application for Certificate of Convenience and Necessity:

Johnnie D. Appel, dba) Docket No. 159,449 M
Appel Trucking)
Route 1, Box 31G)
Jetmore, KS 67854)

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

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

Between all points and places in Lane, Ness, Rush, Finney, Hodgeman, Pawnee, Gray, Ford, Edwards and Kiowa counties, Kansas.

Also,

Between all points in Lane, Ness, Rush, Finney, Hodgeman, Pawnee, Gray, Ford, Edwards and Kiowa counties, Kansas, on the one hand, and on the other, all points and places in Kansas.

Application for Certificate of Convenience and Necessity:

Donald Brubaker, dba) Docket No. 159,443 M
3B Farms)
Route 1, Box 19)
Sawyer, KS 67134)

Applicant's Attorney: None

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

Between all points in the state of Kansas.

Applications set for March 17, 1988

Application for Certificate of Convenience and Necessity:

Elwin Schielke, dba) Docket No. 159,445 M
Schielke Trucking)
P.O. Box 343)
Colby, KS 67701)

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

Grain, hay, dry feed, dry feed ingredients, dry fertilizer, building and construction materials, fencing materials and iron and steel articles,

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

Also,

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

Livestock,

Between points and places in the state of Kansas on and west of U.S. 281 and on and north of K-96.

Also,

Between points and places in the state of Kansas on and west of U.S. 281 and on and north of K-96, on the one hand, and points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Ambulette Services, Inc.) Docket No. 159,444 M
411 S.W. Jackson)
Topeka, KS 66603)

Applicant's Attorney: R. E. Duncan, Suite 803, Jayhawk Tower, 700 Jackson, Topeka, KS 66603

Persons and their baggage,

Between points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Weil Trucking, Inc.) Docket No. 159,446 M
Route 1, Box 105 A)
Altamont, KS 67330)

Applicant's Attorney: None

Livestock and grain,

Between all points and places in Labette, Montgomery, Crawford, Wilson, Neosho, Cherokee and Lyon counties, Kansas.

Also,

Between all points and places in Labette, Montgomery, Crawford, Wilson, Neosho, Cherokee and Lyon counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Russell Kent Cornelius, dba) Docket No. 159,448 M
Rusty's Body Shop)
4th and Topeka)
Box 418)
Coldwater, KS 67029)

Applicant's Attorney: None

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

Between all points and places in Comanche, Clark, Kiowa, Ford, Pratt, Harper, Barber, Sedgwick, Meade, Kingman and Sumner counties, Kansas.

Application for Certificate of Convenience and Necessity:

American Transfer, Inc.) Docket No. 159,447 M
5510 Kansas Ave.)
Kansas City, KS 66106)

Applicant's Attorney: None

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

Between all points and places in Wyandotte County, Kansas.

Also,

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

Application for Transfer of Certificate of Convenience and Necessity:

Bernard Gaulding, dba) Docket No. 82,972 M
Gaulding Oil Company)
108 S. Fry)
Yates Center, KS 66783)
TO: MC ID No. 100886

Gaulding Oil Company
108 S. Fry
Yates Center, KS 66783

Applicant's Attorney: None

Wrecked and disabled vehicles,

Between points and places within a 25-mile radius of Yates Center, Kansas.

Also,

Between points and places within said radius, on the one hand, and between points and places within the state of Kansas, on the other.

Application for Extension of Certificate of Convenience and Necessity:

Gaulding Oil Company) Docket No. 82,972 M
108 S. Fry)
Yates Center, KS 66783) MC ID No. 100886

Applicant's Attorney: None

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

Between all points and places in Woodson, Coffey, Anderson, Greenwood, Allen, Wilson, Lyon, Elk and Neosho counties, Kansas.

Also,

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

Applications set for March 22, 1988

Application for Certificate of Convenience and Necessity:

Robert G. Allen, dba) Docket No. 159,450 M
Allen Trucking)
6020 N.W. Westbrooke Drive)
Topeka, KS 66617)

Applicant's Attorney: None

Grain and dry feed ingredients,

Between all points and places in Shawnee, Jackson, Jefferson, Douglas, Osage, Wabaunsee, Wyandotte, Saline, Reno and Sedgwick counties, Kansas.

Also,

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

Application for Certificate of Convenience and Necessity:

Donald G. Walden, Jr., dba) Docket No. 159,451 M
Walden Trucking)
Route 1, Box 114AA)
Satanta, KS 67870)

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

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

Between all points and places in the state of Kansas on and west of U.S 281.

Also,

Between all points and places in the state of Kansas on and west of U.S. 281, on the one hand, and points and places in the state of Kansas, on the other.

ALFONZO A. MAXWELL
Administrator
Transportation Division

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 18-24:

House Bills

- HB 2982**, by Committee on Elections: An act concerning elections; relating to printing of ballots; amending K.S.A. 25-604 and repealing the existing section.
- HB 2983**, by Committee on Education: An act providing for the award of paraprofessional conditional grants to qualified paraprofessionals.
- HB 2984**, by Committee on Public Health and Welfare: An act concerning medical care facilities; relating to selection of professional staff; amending K.S.A. 65-431 and repealing the existing section.
- HB 2985**, by Committee on Judiciary: An act amending and supplementing the Kansas code for care of children; amending K.S.A. 38-1524, 38-1527, 38-1528 and 38-1542 and K.S.A. 1987 Supp. 38-1502 and repealing the existing sections.
- HB 2986**, by Committee on Appropriations: An act concerning the prison-made goods act of Kansas; relating to purchase of goods and services by state agencies; amending K.S.A. 75-5276 and repealing the existing section; also repealing K.S.A. 75-5277 and 75-5278.
- HB 2987**, by Committee on Labor and Industry: An act requiring the employment of Kansas labor on public works projects of the state or local governmental entities; prescribing guidelines and defining terms; declaring certain acts to be misdemeanors and prescribing penalties therefor.
- HB 2988**, by Committee on Transportation: An act providing for a symbol to be attached to motor vehicles driven by the deaf and hearing impaired.
- HB 2989**, by Committee on Insurance: An act relating to the taxation of income; providing for a tax credit for certain long-term care insurance expenses; amending K.S.A. 79-32, 120 and repealing the existing section.
- HB 2990**, by Committee on Governmental Organization: An act repealing K.S.A. 2-2216, 65-761, 65-762, 65-763, 65-764, 65-765, 65-766, 65-768 and 65-769 and K.S.A. 1987 Supp. 65-767, relating to certain powers and duties of the state board of agriculture.
- HB 2991**, by Committee on Governmental Organization: An act repealing K.S.A. 75-2233, 75-2234, 75-2248, 75-3607, 75-3608, 75-3611, 75-3612, 75-3613, 75-3615, 75-3616, 75-3617, 75-3629, 75-3630, 75-3631, 75-3632, 75-3633, 75-3634, 75-3636, 75-3637, 75-3638, 75-3639, 75-3644, 75-3645, 75-3646, 75-3647, 75-3656, 75-3657, 75-3658, 75-3659, 75-3660, 75-3661, 75-3662, 75-3663, 75-3664, 75-3665, 75-3666, 75-3667, 75-3715a, 75-3751, 75-3789, 75-3790, 75-3791, 75-3792, 75-3793, 75-3794, 75-3797, 75-4513, 75-4606, 75-4609, 75-4801, 75-4804, 75-4805, 75-4806, 75-4808, 75-4809, 75-4810, 75-4811, 75-4812, 75-4813, 75-4814, 75-4815, 75-4816, 75-4817 and 75-4818, relating to certain powers, duties and functions of the state department of administration.
- HB 2992**, by Committee on Governmental Organization: An act repealing K.S.A. 75-5270, 75-5271 and 75-5272, relating to the inmate blood donor program of the department of corrections.
- HB 2993**, by Committee on Governmental Organization: An act repealing K.S.A. 41-404, 79-1537d, 79-3226a, 79-3226b, 79-3241, 79-3242, 79-3243, 79-3244, 79-3245, 79-3246, 79-3247, 79-3248, 79-3249, 79-3250, 79-3251, 79-3252, 79-3253, 79-3254, 79-3255, 79-3256, 79-3257, 79-3258, 79-3259, 79-3260, 79-3261, 79-3262, 79-3263, 79-3264, 79-3265, 79-3266, 79-3267, 79-3267a, 79-32, 117f, 79-32, 117g, 79-32, 144, 79-32, 145, 79-32, 146, 79-32, 147, 79-32, 148, 79-32, 149, 79-32, 150, 79-32, 151, 79-32, 152, 79-32, 152a, 79-32, 152b, 79-32, 152c, 79-32, 152d, 79-32, 152e, 79-32, 152f, 79-32, 152g, 79-32, 152h, 79-32, 152i, 79-32, 152j, 79-32, 152k, 79-32, 161, 79-32, 162, 79-32, 163, 79-32, 164, 79-32, 165, 79-32, 165a, 79-32, 166, 79-32, 167, 79-32, 168, 79-32, 169, 79-32, 170, 79-32, 171, 79-32, 172, 79-32, 173, 79-32, 174, 79-32, 174a, 79-32, 174b, 79-32, 174c, 79-45a01, 79-45a02 and 79-45a03, relating to taxation and the state department of revenue.
- HB 2994**, by Committee on Governmental Organization: An act establishing the Kansas criminal justice commission; providing for recommendations to the governor, supreme court and legislature on matters relating to criminal justice.
- HB 2995**, by Committee on Taxation: An act relating to sales taxation; concerning refunds of sales tax paid on certain machinery and equipment; amending K.S.A. 1987 Supp. 79-3642 and repealing the existing section.
- HB 2996**, by Joint Committee on Special Claims Against the State: An act concerning certain claims against the state; making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing.
- HB 2997**, by Committee on Labor and Industry: An act concerning the workers compensation act; relating to failure by the workers' compensation fund to pay compensation when due; amending K.S.A. 1987 Supp. 44-512a and repealing the existing section.
- HB 2998**, by Committee on Labor and Industry: An act concerning the workers compensation act; relating to rate of interest imposed for failure to pay compensation prior to award; amending K.S.A. 44-512b and repealing the existing section.
- HB 2999**, by Committee on Pensions, Investments and Benefits: An act concerning the Kansas public employees retirement system; relating to membership of board of trustees; amending K.S.A. 74-4905 and repealing the existing section.
- HB 3000**, Committee on Judiciary: An act regulating travel promoters.
- HB 3001**, Committee on Judiciary: An act concerning civil procedure; relating to temporary injunctions; amending K.S.A. 60-905 and repealing the existing section.
- HB 3002**, by Committee on Judiciary: An act concerning the use of a facsimile signature by the clerks of the district courts.
- HB 3003**, by Committee on Judiciary: An act concerning consumer protection; relating to deceptive acts and practices; amending K.S.A. 50-626 and repealing the existing section.
- HB 3004**, by Committee on Labor and Industry: An act concerning the workers compensation act; relating to interest on disability compensation stayed pending review of awards by director; amending K.S.A. 44-551 and repealing the existing section.
- HB 3005**, by Joint Committee on State Building Construction: An act concerning architectural services for capital improvement projects for state agencies; relating to contract and fee negotiations; amending K.S.A. 75-1257, 75-1258 and 75-1265 and K.S.A. 1987 Supp. 75-1254 and repealing the existing sections; also repealing K.S.A. 1987 Supp. 75-1263.
- HB 3006**, by Committee on Energy and Natural Resources: An act concerning the department of wildlife and parks; relating to the powers and duties of the secretary.
- HB 3007**, by Committee on Energy and Natural Resources: An act concerning water; relating to applications to appropriate water; amending K.S.A. 82a-709 and repealing the existing section.
- HB 3008**, by Committee on Energy and Natural Resources: An act relating to health and environment; establishing the advisory commission on health and environment; amending K.S.A. 65-3506 and repealing the existing section; also repealing K.S.A. 75-5614 and 75-5615.
- HB 3009**, by Committee on Energy and Natural Resources: An act concerning mined-land conservation and reclamation; transferring certain powers and duties to the Kansas department of health and environment; amending K.S.A. 49-402, 49-404, 49-405, 49-405a, 49-405b, 49-405c, 49-405d, 49-407, 49-408, 49-409, 49-410, 49-413, 49-415, 49-416, 49-416a, 49-417, 49-420, 49-421a, 49-426, 49-427, 49-428, 49-429, 49-432 and 49-433 and K.S.A. 1987 Supp. 49-403, 49-406 and 49-422a and repealing the existing sections.
- HB 3010**, by Committee on Public Health and Welfare: An act concerning school districts; requiring boards of education thereof to adopt policies for the provision of health care services to pupils with health care needs.
- HB 3011**, by Committee on Public Health and Welfare: An act concerning mental health clinics; relating to the levy of taxes therefor; amending K.S.A. 65-212 and K.S.A. 1987 Supp. 79-1947 and repealing the existing section.
- HB 3012**, by Committee on Education (by request): An act concerning school buses, requiring the use of passenger safety restraining systems by certain pupils while being provided or furnished transportation; amending K.S.A. 72-8302 and repealing the existing section.
- HB 3013**, by Committee on Education: An act concerning community colleges; affecting the determination of financial aid for the provision of vocational education programs thereby; amending K.S.A. 71-602 and repealing the existing section.
- HB 3014**, by Committee on Education (by request): An act concerning accredited elementary schools; requiring the teaching thereby of certain subjects; amending K.S.A. 72-1101 and repealing the existing section.
- HB 3015**, by Committee on Taxation: An act repealing K.S.A. 12-1692, 12-1693, 12-1694, 12-1695, 12-1696, 12-1697, 12-1699, 12-16, 100 and 12-16, 101 and K.S.A. 1987 Supp. 12-1694, 12-1694b, 12-1698 and 12-1698a, relating to the imposition of a transient guest tax by cities and counties.
- HB 3016**, by Committee on Labor and Industry: An act concerning the workers compensation act; relating to the manner of compensation payments; amending K.S.A. 44-512 and repealing the existing section.
- HB 3017**, by Committee on Judiciary: An act concerning insufficient checks; providing for an insufficient check fee to be charged to the drawer by the payee when an insufficient check is given in payment, in whole or in part, for preexisting indebtedness.
- HB 3018**, by Committee on Judiciary: An act concerning corporations; relating to cumulative voting; amending K.S.A. 17-6504 and repealing the existing section.
- HB 3019**, by Committee on Judiciary: An act concerning corporations; relating to the annual franchise tax; amending K.S.A. 17-7507 and repealing the existing section.
- HB 3020**, by Committee on Judiciary: An act concerning employment; relating to the crime of blacklisting; privileged communications; providing immunity for certain persons; prescribing certain penalties; repealing K.S.A. 44-117, 44-118 and 44-119.
- HB 3021**, by Committee on Judiciary: An act concerning the corporation code; amending K.S.A. 17-6009, 17-6102, 17-6204, 17-6302, 17-6402, 17-6404, 17-6410, 17-6417, 17-6418, 17-6420, 17-6422, 17-6423, 17-6426, 17-6501, 17-6503, 17-6505, 17-6506, 17-6508, 17-6509, 17-6510, 17-6511, 17-6512, 17-6513, 17-6515, 17-6520, 17-6520, 17-6601, 17-6602, 17-6604, 17-6605, 17-6704, 17-6705, 17-6706, 17-6707, 17-6709, 17-6803, 17-6805, 17-6807, 17-6808 and K.S.A. 1987 Supp. 17-6002, 17-6301, 17-6401, 17-6406, 17-6408, 17-6409, 17-6603, 17-6701, 17-6702, 17-6703 and 17-6804 and repealing the existing sections.
- HB 3022**, by Committee on Energy and Natural Resources: An act concerning agriculture; relating to chemigation; amending K.S.A. 1987 Supp. 2-3304, 2-3306, 2-3307 and 2-3308 and repealing the existing sections.
- HB 3023**, by Committee on Federal and State Affairs: An act concerning the Kansas lottery act; amending K.S.A. 1987 Supp. 74-8702, 74-8706, 74-8708, 74-8709, 74-8711, 74-8712, 74-8719, 74-8720 and 75-3732 and repealing the existing sections.
- HB 3024**, by Committee on Governmental Organization: An act abolishing certain boards, councils, committees and commissions; transferring certain powers thereof; amending K.S.A. 48-307, 48-308, 48-310, 48-323, 58-2009, 58-2010, 74-4533, 74-4534, 74-4535, 74-5703, 75-131, 75-1119, 75-1119b, 75-1120, 75-1121, 75-2249, 75-5292, 75-5293, 75-5294, 75-52, 101, 75-52, 102, 75-5523 and 75-5529a and K.S.A. 1987 Supp. 58-2011, 75-3317, 75-3319, 75-3320, 75-3321, 75-5205 and 75-52, 117 and repealing the existing sections; also repealing K.S.A. 31-151, 31-152, 31-153, 31-154, 44-818, 44-819, 44-820, 44-821, 44-822, 44-823, 44-824, 44-825, 44-826, 44-827, 44-828, 44-829, 44-830, 48-313, 48-316, 48-317, 48-318, 48-319, 48-320, 48-321, 48-322, 58-2007, 58-2008, 65-198, 65-199, 65-1, 100, 65-1, 101, 65-1, 102, 65-1, 103, 65-1, 104, 74-4528, 74-4529, 74-4530, 74-4531, 74-5701, 74-5702, 74-5704, 74-5705, 74-5706, 74-7701, 75-130, 75-1118, 75-2246, 75-2247, 75-3318, 75-4708, 75-5287, 75-5297, 75-5298, 75-5299, 75-5522 and 75-5629 and K.S.A. 1987 Supp. 75-129.
- HB 3025**, by Committee on Energy and Natural Resources: An act relating to natural gas; prescribing a maximum price for first sales thereof to agricultural users.
- HB 3026**, by Committee on Energy and Natural Resources: An act concerning low-level radioactive waste; relating to fees imposed on major generators.
- HB 3027**, by Committee on Energy and Natural Resources: An act concerning water; relating to the protection of water from pollution; amending K.S.A. 65-165, 65-166, 65-167, 65-170c and 65-170e and K.S.A. 1987 Supp. 65-164, 65-170d and 65-171d and repealing the existing sections.
- HB 3028**, by Committee on Public Health and Welfare: An act concerning physical therapists; providing for registration of physical therapist assistants; authorizing certain fees and placing limitations thereon; amending K.S.A. 65-2901, 65-2906, 65-2907, 65-2908, 65-2909, 65-2910, 65-2913, 65-2914 and 65-2915 and K.S.A. 1987 Supp. 65-2905, 65-2911 and 65-2912 and repealing the existing sections; and also repealing K.S.A. 65-2919.
- HB 3029**, by Committee on Public Health and Welfare: An act concerning tanning facilities; authorizing the operation thereof in salons, schools of cosmetology or health spas; requiring permits for operation thereof; providing for administration by the state board of cosmetology; prohibiting certain acts and providing penalties for violations.
- HB 3030**, by Committee on Public Health and Welfare: An act concerning the behavioral sciences regulatory board; relating to administrative disciplinary action against certain licensees; amending K.S.A. 1987 Supp. 74-5324, 74-5369, 74-7501 and 75-5356 and repealing the existing sections; and also repealing K.S.A. 74-5330.
- HB 3031**, by Committee on Public Health and Welfare: An act concerning professional counselors; relating to the regulation thereof; establishing an advisory committee on professional counseling; amending K.S.A. 1987 Supp. 65-5804, 65-5809 and 65-5814 and repealing the existing sections.
- HB 3032**, by Committee on Public Health and Welfare: An act concerning the practice of psychology; relating to individuals subject to licensure under the licensure of psychologists act of the state of Kansas; amending K.S.A. 1987 Supp. 74-5344 and repealing the existing section.
- HB 3033**, by Committee on Public Health and Welfare: An act relating to the healing arts act; concerning institutional licenses; amending K.S.A. 1987 Supp. 65-2895 and repealing the existing section.
- HB 3034**, by Committee on Public Health and Welfare: An act relating to the healing arts act; authorizing a temporary permit to engage in an approved postgraduate training program; authorizing certain fees; amending K.S.A. 1987 Supp. 65-2811 and 65-2852 and repealing the existing sections.
- HB 3035**, by Committee on Public Health and Welfare: An act concerning medical care facilities; authorizing the category of rural hospital; amending K.S.A. 65-425, 65-429 and 65-431 and repealing the existing sections.
- HB 3036**, by Committee on Public Health and Welfare: An act concerning preliminary screening tests for alcohol concentration for certain persons operating or attempting to operate a motor vehicle; amending K.S.A. 1987 Supp. 8-1012 and repealing the existing section.
- HB 3037**, by Committee on Local Government: An act relating to certain legal notices, advertisements and publications; validating action taken or authority exercised by political and taxing subdivisions upon failure to comply with publication requirements under certain circumstances.
- HB 3038**, by Committee on Energy and Natural Resources: An act relating to unsolicited telephone calls; concerning the regulation thereof; providing for certain penalties.

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HB 3039, by Committee on Local Government: An act relating to taxation of motor vehicles; concerning information required to be furnished on the application for registration; amending K.S.A. 1987 Supp. 79-5108 and repealing the existing section.

HB 3040, by Committee on Local Government: An act relating to the consolidation of certain fire districts in Johnson county; concerning the governing body of such consolidated fire district; amending K.S.A. 19-3614 and K.S.A. 1987 Supp. 19-3619 and repealing the existing sections.

HB 3041, by Committee on Local Government: An act relating to property taxation; concerning the abatement, cancellation and striking of certain taxes from the tax rolls; amending K.S.A. 79-1703 and repealing the existing section.

HB 3042, by Committee on Local Government: An act relating to certain cemetery districts; concerning residency of directors of such districts; amending K.S.A. 17-1331, 17-1333a, 17-1337 and 17-1364 and repealing the existing sections.

HB 3043, by Committee on Local Government: An act relating to the audit of cemetery corporations and other entities offering prearranged funeral agreements; concerning payment and disposition of the expenses thereof; establishing the cemetery and funeral audit fee fund in the state treasury; amending K.S.A. 17-1312a and K.S.A. 1987 Supp. 16-310 and 16-325 and repealing the existing sections.

HB 3044, by Committee on Local Government: An act relating to the department of revenue; prescribing qualifications and requirements for certain personnel of the division of property valuation; amending K.S.A. 75-5127 and repealing the existing section.

HB 3045, by Committee on Local Government: An act relating to legal notices and advertisements; concerning fees charged for the publication thereof; amending K.S.A. 28-137 and repealing the existing section.

HB 3046, by Committee on Local Government: An act repealing K.S.A. 39-747 to 39-750, inclusive; relating to transitional provisions enacted to implement the orderly transfer of social welfare functions and responsibilities from the counties to the state.

HB 3047, by Committee on Local Government: An act relating to certain liens on personal property for materials and services; concerning limitations on time for bringing actions to enforce or foreclose such liens; amending K.S.A. 58-202 and repealing the existing section.

HB 3048, by Committee on Local Government: An act relating to cities; concerning annexation and limitations on such power; amending K.S.A. 1987 Supp. 12-520 and 12-521 and repealing the existing sections.

HB 3049, by Committee on Judiciary: An act concerning the supreme court nominating commission; amending K.S.A. 20-3004 and repealing the existing section.

HB 3050, by Committee on Judiciary: An act concerning criminal procedure; relating to defendant's insanity; amending K.S.A. 1987 Supp. 22-3428 and 22-3428a and repealing the existing sections.

HB 3051, by Committee on Judiciary: An act concerning public youth residential facilities; amending K.S.A. 38-555 and repealing the existing section.

HB 3052, by Committee on Judiciary: An act concerning civil procedure and evidence; relating to collateral source benefits.

HB 3053, by Committee on Judiciary: An act concerning medical malpractice insurance; allowing insurance companies to write deductible policies.

HB 3054, by Committee on Judiciary: An act creating the health care providers availability assurance fund; amending K.S.A. 40-3213 and K.S.A. 1987 Supp. 40-252 and repealing the existing sections.

HB 3055, by Committee on Insurance: An act relating to insurance; concerning insurance agents; concerning licensing, qualifications, examination, certification and continuing education requirements thereof; amending K.S.A. 40-239, 40-240 and 40-241 and K.S.A. 1987 Supp. 40-241i and repealing the existing sections; also repealing K.S.A. 40-240a, 40-240b, 40-240c, 40-240d, 40-240e, 40-3701 to 40-3710, inclusive, 40-3712 and 40-3713 and K.S.A. 1987 Supp. 40-3711.

HB 3056, by Committee on Insurance: An act relating to insurance; concerning the formation, operation and regulation of fraternal benefit societies; making certain acts unlawful and prescribing penalties therefor; repealing K.S.A. 40-701 through 40-705, inclusive, 40-706a through 40-724, inclusive, and 40-726 through 40-737, inclusive.

HB 3057, by Committee on Federal and State Affairs: An act concerning the crime of vehicular homicide; amending K.S.A. 21-3405 and repealing the existing section.

HB 3058, by Committee on Labor and Industry: An act concerning the workers compensation act; relating to the payment of compensation pending judicial review in certain cases; amending K.S.A. 1987 Supp. 44-556 and repealing the existing section.

HB 3059, by Committee on Labor and Industry: An act concerning the workers' compensation act; relating to subrogation rights regarding compensation and medical aid provided and actions against third parties; amending K.S.A. 44-504 and repealing the existing section.

HB 3060, by Committee on Labor and Industry: An act concerning the workers compensation act; relating to subrogation rights regarding compensation and medical aid provided and actions against third parties; amending K.S.A. 44-504 and repealing the existing section.

HB 3061, by Committee on Labor and Industry: An act concerning the workers compensation act; relating to subrogation rights for the workers' compensation fund regarding actions against and recoveries from third parties; amending K.S.A. 44-504 and repealing the existing section.

HB 3062, by Committee on Labor and Industry: An act concerning the workers compensation act; relating to impleading the workers' compensation fund; amending K.S.A. 44-566a and repealing the existing section.

HB 3063, by Committee on Labor and Industry: An act concerning the workers compensation act; relating to apportionment of liability for compensation among insurance carriers; amending K.S.A. 44-532 and repealing the existing section.

HB 3064, by Committee on Transportation: An act relating to motor carriers; concerning the issuance of securities; amending K.S.A. 66-125 and repealing the existing section.

HB 3065, by Committee on Transportation: An act amending the vehicle dealers and manufacturers licensing act; concerning the filing of monthly reports; amending K.S.A. 8-2408 and repealing the existing section.

HB 3066, by Committee on Transportation: An act providing a multiyear registration for certain trailers, semitrailers or pole trailers; amending K.S.A. 1987 Supp. 8-143 and repealing the existing section.

HB 3067, by Committee on Agriculture and Small Business: An act concerning agricultural property; providing for a farm mediation program and legal assistance to farmers; providing a procedure for the cure of certain defaults; prohibiting certain legal actions until certain procedures are followed; establishing a farm crisis coordinator and providing for the powers and duties thereof.

HB 3068, by Committee on Agriculture and Small Business: An act relating to agriculture; concerning actions to enjoy the use of agricultural chemicals; providing for the payment of costs and attorney fees in certain cases; amending K.S.A. 2-3203 and repealing the existing section.

HB 3069, by Committee on Labor and Industry: An act concerning the workers compensation act; relating to claims for compensation against principals, contractors and subcontractors and cases involving uninsured and insolvent employers; amending K.S.A. 44-503 and repealing the existing section.

HB 3070, by Committee on Economic Development: An act concerning economic development; amending the job expansion and investment credit act of 1976; providing for credits against certain taxes imposed on insurance companies or banks and savings and loan associations; amending K.S.A. 79-32,158 and K.S.A. 1987 Supp. 79-32,153, 79-32,154, 79-32,155, 79-32,156 and 79-32,157 and repealing the existing sections.

HB 3071, by Committee on Transportation: An act concerning motor fuels; relating to international fuel tax agreement; repealing K.S.A. 79-34,109, 79-34,111, 79-34,113, 79-34,115, 79-34,116, 79-34,118, 79-34,119 and 79-34,121 to 79-34,127, inclusive, and K.S.A. 1987 Supp. 79-34,108, 79-34,110, 79-34,112, 79-34,114, 79-34,117, 79-34,120 and 79-34,128.

HB 3072, by Committee on Taxation: An act concerning community colleges; relating to out-district tuition charges and payments; providing for certain exemptions.

SB 670, by Committee on Public Health and Welfare: An act relating to accident and sickness insurance; concerning apportionment or assignment of risk; authorizing an offset against the premium tax of certain insurers; amending K.S.A. 40-2111 and repealing the existing section.

SB 671, by Committee on Federal and State Affairs: An act concerning alcoholic liquor; relating to certain advertising and credit sales; amending K.S.A. 1987 Supp. 41-714 and 41-717 and repealing the existing sections.

SB 672, by Committee on Public Health and Welfare: An act concerning registered masters level psychologists; relating to qualifications and practice thereof; providing for confidentiality of client relations and communications; amending K.S.A. 1987 Supp. 74-5362, 74-5363, 74-5367, 74-5368 and 74-5371 and repealing the existing sections.

SB 673, by Committee on Economic Development: An act relating to economic development; concerning tax credits for investments in certified Kansas venture capital companies and Kansas Venture Capital, Inc.; amending K.S.A. 1987 Supp. 74-8205, 74-8206 and 74-8304 and repealing the existing sections.

SB 674, by Committee on Public Health and Welfare: An act establishing the Kansas health insurance pool; providing for the duties and functions thereof; establishing qualifications for coverage and benefiting thereof; authorizing certain assessments and premiums; providing a complaint and grievance procedure.

SB 675, by Committee on Agriculture: An act concerning the regulation of loan brokers.

SB 676, by Committee on Financial Institutions and Insurance: An act relating to banks and trust companies; concerning distribution of assets of insolvent banks and trust companies; amending K.S.A. 1987 Supp. 9-1906 and repealing the existing section.

SB 677, by Committee on Financial Institutions and Insurance: An act relating to insurance; authorizing certain associations of health care providers to establish mutual insurance companies under the assessment plan; providing for the regulation and operation of such companies; authorizing public hospitals to invest in and acquire insurance from such companies; amending K.S.A. 19-14b11, 14-605 and 80-2511 and K.S.A. 1987 Supp. 19-4610 and repealing the existing sections.

SB 678, by Committee on Public Health and Welfare: An act concerning the secretary of health and environment; relating to the regulation of maternity hospitals or homes and homes for children; amending K.S.A. 65-504 and K.S.A. 1987 Supp. 65-521 and repealing the existing sections.

SB 679, by Committee on Judiciary: An act concerning the consumer protection act; relating to exclusion of warranties; amending K.S.A. 50-627, 50-635 and 50-639 and repealing the existing sections.

SB 680, by Committee on Judiciary: An act concerning the Kansas revised uniform limited partnership act; amending K.S.A. 56-1a104, 56-1a106, 56-1a160, 56-1a202, 56-1a204, 56-1a205, 56-1a255, 56-1a303, 56-1a304, 56-1a358, 56-1a402 and 56-1a453 and K.S.A. 1987 Supp. 56-1a101, 56-1a102, 56-1a151, 56-1a152, 56-1a203, 56-1a251 and 56-1a502 and repealing the existing sections.

SB 681, by Committee on Governmental Organization: An act concerning the session laws of the state of Kansas; relating to the disposition thereof; amending K.S.A. 45-106 and repealing the existing section.

SB 682, by Committee on Governmental Organization: An act relating to the Kansas Statutes Annotated; concerning the sale and disposition thereof; amending K.S.A. 77-138 and repealing the existing section.

SB 683, by Committee on Governmental Organization: An act relating to Kansas administrative regulations; concerning the distribution thereof; amending K.S.A. 77-430 and repealing the existing section.

SB 684, by Committee on Governmental Organization: An act concerning the permanent journals of the senate and house of representatives; amending K.S.A. 1987 Supp. 45-116 and repealing the existing section.

SB 685, by Committee on Public Health and Welfare: An act making it a crime for an individual infected with human immune deficiency virus or suffering from the disease acquired immune deficiency syndrome to knowingly and maliciously attempt to inflict or inflict such virus or disease upon another individual; classifying the crime and the penalties for violations.

SB 686, by Committee on Public Health and Welfare: An act concerning AIDS; requiring reporting cases of AIDS to the secretary of health and environment; granting certain powers to and imposing certain duties upon the secretary; providing for confidentiality of certain information; declaring certain acts unlawful and providing penalties for violations; requiring testing of persons convicted of certain crimes and providing counseling for certain victims thereof; amending K.S.A. 65-128 and repealing the existing section.

SB 687, by Committee on Assessment and Taxation: An act relating to property taxation; concerning the exemption for household goods and personal effects; amending K.S.A. 79-201c and repealing the existing section.

SB 688, by Committee on Assessment and Taxation: An act relating to property taxation; concerning the exemption of business aircraft; amending K.S.A. 79-201k and repealing the existing section.

SB 689, by Committee on Financial Institutions and Insurance: An act amending the health care provider insurance availability act; relating to self-insurers; amending K.S.A. 40-3414 and repealing the existing section.

SB 690, by Committee on Judiciary: An act concerning civil actions; relating to technical professions; professional negligence; certificates of consultation.

SB 691, by Committee on Judiciary: An act concerning criminal procedure; relating to the interception of wire, oral and electronic communications; pen register and trap and trace devices; crime of unlawful disclosure of authorized interception of wire, oral and electronic communications and prescribing the penalty therefor; amending K.S.A. 22-2515, 22-2516 and 22-2518 and K.S.A. 1987 Supp. 22-2514 and repealing the existing sections.

SB 692, by Committee on Judiciary: An act concerning counties; relating to enforcement of codes and resolutions; authorizing the establishment of a code for the enforcement of county codes and resolutions; amending K.S.A. 19-101d and 19-101f and K.S.A. 1987 Supp. 19-101e and 20-310a and repealing the existing sections.

SB 693, by Committee on Agriculture: An act concerning food labeling; requiring percentages listed on the labels.

SB 694, by Committee on Public Health and Welfare: An act concerning medical care facilities; relating to the licensing, inspection and regulation thereof; amending K.S.A. 65-425 and repealing the existing section.

SB 695, by Committee on Local Government: An act concerning property tax; relating to the cancellation or refund of taxes; amending K.S.A. 1987 Supp. 79-1702 and repealing the existing section.

SB 696, by Committee on Judiciary: An act concerning the charitable organizations and solicitations act; providing powers and duties of the secretary of state and the attorney general with respect thereto; prohibiting certain acts and declaring violations thereof to be crimes; repealing K.S.A. 17-1739, 17-1740, 17-1741, 17-1742, 17-1743, 17-1744, 17-1745, 17-1746, 17-1747, 17-1748, 17-1749, 17-1750, 17-1751 and 17-1752.

SB 697, by Committee on Judiciary: An act concerning actions for divorce, annulment or separate maintenance; relating to child support.

SB 698, by Committee on Judiciary: An act concerning the uniform premarital agreement act; relating to subjects of agreements; amendment and revocation; unenforceable agreements.

SB 699, by Committee on Judiciary: 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.

SB 700, by Committee on Assessment and Taxation: An act relating to natural gas; prescribing a maximum price for first sales thereof to agricultural users.

SB 701, by Committee on Public Health and Welfare: An act concerning the professional staff of medical care facilities; relating to admission of health care professionals to staff membership.

(continued)

SB 702, by Committee on Public Health and Welfare: An act concerning occupational therapists; relating to the occupational therapist council; amending K.S.A. 1987 Supp. 65-5404 and repealing the existing section.

SB 703, by Committee on Federal and State Affairs: An act concerning alcoholic beverages; relating to issuance of citations for certain violations of law involving such beverages; amending K.S.A. 1987 Supp. 8-2106 and 22-2202 and repealing the existing sections.

House Resolutions

HCR 5046, by Representatives R. H. Miller, Goosen, Rolfs, Teagarden and Wisdom: A concurrent resolution commending and congratulating Meredith C. Williams on being elected President of the National Association of Government Accountants.

HCR 5047, by Committee on Judiciary: A concurrent resolution concerning the assessment and treatment of all juvenile offenders for alcohol and drug abuse problems.

HCR 5048, by Committee on Judiciary: A concurrent resolution urging the secretary of corrections to require screening and treatment of all inmates in the secretary's custody for drug and alcohol abuse problems.

HCR 5049, by Committee on Judiciary: A proposition to amend article 2 of the constitution of the state of Kansas by adding a new section thereto, relating to the legislative power to enact laws related to actions for personal injury or death.

HCR 5050, by Committee on Education: A concurrent resolution urging the Congress of the United States to amend the definition of the term school bus provided for in federal law.

HR 6035, by Representative Wilbert: A resolution congratulating and commending the Pittsburg State University football team and its coach, Dennis Franchione, on outstanding 1985, 1986 and 1987 seasons.

HR 6036, by Representative Bideau: A resolution urging the State of Kansas to permanently display the POW-MIA flag.

HR 6037, by Representative Wilbert: A resolution congratulating and commending the Pittsburg High School football team and its coach on their outstanding 1987 season.

Senate Resolutions

SR 1821, by Senator Doyen: A resolution honoring Joseph W. Snell upon his retirement from the Kansas State Historical Society.

SR 1822, by Senators Martin, Johnston, Talkington and Thiessen: A resolution congratulating and commending the Pittsburg State University football team and its coach, Dennis Franchione, on outstanding 1985, 1986 and 1987 seasons.

SR 1823, by Senator Martin: A resolution congratulating and commending the Pittsburg High School football team and its coach on their outstanding 1987 season.

SR 1824, by Senator Johnston: A resolution supporting the efforts of the United States Soccer Federation in bringing the 1994 World Cup to the United States.

SR 1825, by Senator Frey: A resolution congratulating and commending the City of Liberal on its Centennial Anniversary.

Doc. No. 006271

State of Kansas

DEPARTMENT OF CORRECTIONS

PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1988)

Article 6.—GOOD TIME CREDITS

44-6-136. Delinquent time lost on parole (DTLOP). (a) Delinquent time lost on parole shall be computed from the date on which the secretary's parole violation warrant, the conditional release violation warrant, or parole officer's arrest and detain order was issued to the date of the service of the warrant as shown on the warrant. This information shall be entered by the arresting officer on the back of the signed warrant. If the warrant is issued after confinement, no DTLOP shall be accrued. DTLOP shall be added to the controlling maximum date and the conditional release date shall be adjusted by that same amount.

(b) Delinquent time lost on parole shall only accumulate during the period of time in which the offender is classified as an absconder. Once the initial warrant has been served, delinquent time shall stop accumulating and time after service of the warrant shall not be considered when the sentences are adjusted for delinquent time lost on parole. Credit shall be allowed for any time spent in jail awaiting disposition on revocation hearings.

(c) In spite of the provisions of subsection (b), if the parolee or conditional releasee is arrested in another state for reasons other than the Kansas parole violation warrant, delinquent time lost on parole shall continue

to the date the parolee or conditional releasee is first available to be returned to Kansas.

(d) If, after the parolee or conditional releasee is located, the parole or conditional release is continued without revocation, no delinquent time lost on parole shall be shown.

(e) The arresting officer shall endorse, on the back of the parole violation warrant, the conditional release violation warrant, or the arrest and detain order, the date of service, arrest and incarceration. (Authorized by K.S.A. 75-5217 as amended by L. 1987, ch. 350, and K.S.A. 75-5251, 75-5210; implementing K.S.A. 22-3427, 75-5210, 75-5251, K.S.A. 1986 Supp. 21-4608, 22-3717; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended, T-86-4, March 22, 1985; amended May 1, 1986; amended May 1, 1988.)

44-6-138. Sentence begins date. (a) Jail credit. Each sentence begins date shall reflect all jail credit.

(b) Reimposed sentence, governed by date of reimposition; adjustment alternatives. The sentence begins date for reimposed sentences, including those reimposed for technical probation violators or persons returned by appellate mandates, shall be the date the court reimposed the sentence unless jail credit or prior penal credit is due. If the court instructs the inmate to surrender to correctional authorities after the sentence imposition date, that surrender date shall become the sentence begins date. This date may be further adjusted by jail credit.

(c) Multiple concurrent sentences governed by court order. The court orders in which multiple, non-consecutive sentences were imposed shall serve as the reference to ascertain the sentence begins date for use in computing the controlling minimum, maximum and conditional release dates, subject to the provisions of K.A.R. 44-6-137, 44-6-138, 44-6-139.

(d) Multiple consecutive sentences. When multiple sentences are imposed on the same date with the stipulation that one is to be consecutive to another, that date shall be used for the sentence begins date unless adjustments are necessary to allow for jail credit. Jail credits allowed shall reflect the largest amount given on any sentence.

(e) Consecutive before 1979 or after 1982. If a sentence for a crime committed prior to January 1, 1979 or after July 1, 1982 is to be consecutive to some previously imposed sentence, all dates shall be computed from the earliest sentence imposition date, allowing for jail credit and prior penal credit earned on that earliest sentence. If an inmate has been on probation, parole, or conditional release as a result of a previously imposed sentence, parole eligibility, conditional release and maximum dates shall also be adjusted to give credit for time served on probation, parole, or conditional release subject to K.S.A. 1986 Supp. 21-4608(e).

(f) Consecutive sentences between 1979 and 1982. If a sentence for a crime committed between January 1, 1979 and June 30, 1982 is to be consecutive to some previously imposed sentence, the sentence begins date shall be determined by the imposition date of the latest sentence. The sentence begins date shall then

be moved to an earlier date by an amount of time equal to jail credit and prior penal credit earned on the earlier sentence. Credit shall also be allowed for the time on the minimum term of the earlier sentence, including any time on probation or parole, up to a maximum reduction equal to the minimum term of the earlier sentence.

(g)(1) When a sentence for a crime committed on or after July 1, 1983 is to be consecutive to some previously imposed sentence, the aggregated minimums and maximums shall be computed and the aggregate sentence shall have the same sentence begins date as the newly imposed sentence. Credit shall be given on the aggregate in an amount equal to the time served on the earlier sentences included in the aggregate. However, for the purpose of computing the sentence begins date, the parole eligibility date, and the conditional release date, this credit shall not exceed the amount of time equal to the period from the sentence begins date, for the previous sentence, to the earliest possible parole eligibility date as if all good time credits had been earned on that previous sentence. An inmate serving a life sentence shall be allowed credit for the total time served not to exceed 15 years. An inmate serving a mandatory minimum sentence shall be allowed credit for all time served on the sentence prior to July 1, 1982 plus the remaining minimum time to serve less all good time credits allowable. When computing the maximum date, the inmate shall receive credit for all time served on the previous sentence.

(2) If the aggregate includes a sentence on which the inmate was serving probation, parole or conditional release, no credit for time spent on that probation, parole or conditional release shall be given in computations for the aggregate sentence.

(h) When computing the aggregate, the inmate shall be given credit for time spent on probation or parole if:

(1) An inmate is returned to prison as a parole violator with multiple new charges which have identical sentences running concurrent with each other but consecutive to the previous sentence on which parole was being served; and

(2) the date of offense on one or more new charges is prior to July 1, 1983 and another is after July 1, 1983. (Authorized by and implementing K.S.A. 21-4608 as amended by L. 1987, ch. 113, K.S.A. 22-3427, 75-5210, 75-5251, K.S.A. 1986 Supp. 21-4608, 22-3717; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended, T-85-37, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1988.)

44-6-141. Controlling maximum date. (a) Latest conditional release sentence controls. The sentence with the longest period of incarceration shall be designated as the sentence controlling the maximum date. The maximum term of the sentence controlling the conditional release date shall be added to the sentence begins date to establish the controlling maximum date.

(b) New concurrent—longest incarceration controls. For parole and conditional release violators ad-

mitted with new sentences that are to be concurrent to the old sentences, the conditional release date of each new sentence shall be calculated. The conditional release date or dates of the old sentences shall be reviewed to assure that all good time forfeitures have been applied. The sentence that requires the longest period of incarceration to reach conditional release shall be designated as the sentence controlling the maximum term and maximum date. That term shall be added to the sentence begins date to establish the controlling maximum date.

(c) Consecutives. Inmates admitted with consecutive sentences shall have the maximum terms of those sentences added together to determine the controlling maximum sentence. When sentences imposed on different dates are to be served consecutively, the inmate shall receive credit for all time served on the previous sentence when the controlling maximum sentence is computed.

(d) Concurrent—consecutive composites. When an inmate is admitted with a composite sentence that includes both concurrent and consecutive sentences, the conditional release date for the consecutive sentence maximum term, as determined in subsection (c), shall be compared to the conditional release date of any remaining concurrent sentences. The length of the sentence or sentences requiring the longest period of incarceration to reach conditional release shall be designated as the term controlling the maximum date. The length of this term shall be added to the sentence begins date to determine the controlling maximum date.

(e) Violator returned past conditional release without new sentence. When a conditional release violator is returned without new sentences and the conditional release date has been reached on all other sentences, the maximum term of each active sentence shall be added to each of the sentence begins dates. The sentence requiring the longest period of incarceration to reach the maximum date shall be identified as the controlling maximum date and its length of sentence shall be the controlling maximum term. (Authorized by and implementing K.S.A. 21-4608 as amended by L. 1987, ch. 113, K.S.A. 22-3427, 75-5210, 75-5251, K.S.A. 1986 Supp. 22-3717; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended May 1, 1988.)

Article 7.—PROGRAMS AND ACTIVITIES

44-7-104. Inmate visitation. (a) Each principal administrator shall promulgate orders to govern inmate communication with family, friends and relatives and others through visits to the institution or facility. The following rules and procedures shall be observed by the institutions and facilities in the administration of visits:

(1) A suitable area and reasonable space within the institution or facility shall be provided for inmate visitation. All visits shall be held in this area, except when authorization is granted by the principal ad-

(continued)

ministrator to visit an inmate elsewhere. The principal administrator, for reason of security and order of the institution or facility, may direct that a visit be allowed under circumstances where personal contact between the inmate and visitor is not permitted.

(2) Each inmate may make a list of not more than 10 friends or relatives whom he or she desires to have visit him or her in the institution or facility. A married couple living in the same household shall be considered as one eligible visitor. The list of potential visitors, including their full names, relationships to the inmate, residence or mailing address, and telephone numbers, if known, shall be submitted to the principal administrator for his or her approval. Prior to approving the list of visitors, designated officials shall:

(A) Inform the individuals listed that the inmate has requested permission to receive visits from them and ask if they want to make such visits;

(B) furnish to each potential visitor a copy of the principal administrator's orders concerning visits and a copy of the secretary of corrections' IMPP 012-115; search of visitors;

(C) conduct investigations necessary to verify the relationship to the visitor claimed by the inmate and confirm that no reasons exist for disapproving visitation;

(D) inform the proposed visitors that persons below age 18 may not visit, unless they are members of the immediate family. For the purpose of this section "immediate family" means siblings, step-siblings, and children, step-children, grandchildren, and spouse; and

(E) inform the proposed visitors that persons below age 18 who are members of the immediate family, except a spouse, may not visit unless they are accompanied by a parent, legal guardian, or an adult who has been given the power of attorney by the parent or legal guardian vesting the person with authority to transport and supervise the minor child on the premises of the institution or facility for the purpose of visiting an inmate.

(3) Regardless of any visiting list restrictions, visitation at reasonable times shall be permitted by an inmate's attorney or clergy, unless a clear abuse of this privilege has occurred or unless such a visit may prove dangerous or harmful to the security and order of the institution or facility or the rehabilitation of any inmate. The institution, facility and inmate may be visited at a reasonable time by members of the state legislature, judges of Kansas state courts, members of the Kansas parole board, ombudsman and corrections ombudsman board, and at any time by the attorney general, or the governor. The secretary of corrections, deputy secretary of institutional services, deputy secretary of management services, special agent, chief of security, or the legal counsel shall have full access at any time. Those individuals requesting visits with an inmate, who are not designated on the list or who have not yet been approved for visitation, shall be interviewed and identified by authorized personnel. If the requested visits conform to institutional, facility and departmental requirements, one visit may be approved pending further investigation and approval of

subsequent visits. Ex-inmates are prohibited visitation unless approval is given by the principal administrator. Parolees and probationers shall first be approved by the principal administrator and have written authorization from their supervisor prior to visitation. No individual involved in or convicted of any type of narcotic offense shall be permitted to visit an institution or facility without prior approval of the principal administrator. If an inmate refuses to see a particular visitor, the refusal shall be stated in writing and noted in the institution or facility's records.

(4) Visitors in the institution or facility shall:

(A) Wear appropriate attire as described and published by the principal administrator;

(B) not give or receive any written material, article, or merchandise of any sort except in accordance with approved principal administrator's orders or departmental regulations, or with the permission of the principal administrator;

(C) not be permitted to visit more than one inmate at any one visitation time unless the visitor is a member of the immediate family, as defined in K.A.R. 44-5-113(a), of more than one inmate confined in the institution or facility;

(D) sign the institution or facility's register before and after the visitation;

(E) be subject to search, photographing and fingerprinting;

(F) be restricted in visitation rights if institution or facility disturbances occur;

(G) completely fill out the visitors' security check card; and

(H) not distribute anything inside a correctional institution or facility without written permission from principal administrator.

(5) No individual who was an employee of an institution or facility or who regularly worked at an institution or facility as an employee of an entity under contract to provide services to the institution or facility, shall be permitted to have visits, in other than a professional capacity, with an inmate for a minimum of one year after such employment terminated. Approval of visits after one year shall be at the discretion of the principal administrator upon application of the inmate or former employee. In the event the principal administrator disapproves the visits, the principal administrator shall notify the inmate and former employee of the specific reasons for the denial.

(6) Designated personnel shall be present during all visitations and shall supervise visits to the extent appropriate to the nature and privacy of the relationship between the inmate and visitor, and in accordance with maintenance of security and control.

(7) An individual's visiting privileges may be suspended if the individual violates any visitation regulations or rules while in the institution or violates K.S.A. 21-3826, or amendments thereto. The principal administrator shall determine the length of any suspension. The initial length of suspension shall not exceed one year and shall be reviewable on an annual basis thereafter at the request of the inmate.

(b) A place shall be provided for private consulta-

tion by attorneys and priests or ministers, or other persons having a statutory right of privileged communication to permit confidential conversation. Only those security measures necessary to preserve security shall be permitted to interfere with the consultation. No sound monitoring shall be conducted. Visual monitoring shall be permitted only where necessary to maintain security. (Authorized by and implementing K.S.A. 75-5210, 75-5251, 75-5252; effective May 1, 1980; amended May 1, 1987; amended May 1, 1988.)

Article 12.—CONDUCT AND PENALTIES

44-12-205. Unauthorized dealing or trading. Trading, borrowing, loaning, giving, receiving, or selling and buying between, or among inmates without written permission of principal administrator or designee, is prohibited. Violation shall be a class II offense. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended May 1, 1988.)

44-12-207. Gambling and bookmaking. An inmate shall not make any bet, operate or bank any gambling pool or game, keep book, or engage in any form of gambling. An inmate shall not possess, transfer, sell, distribute, nor obtain dice or other gambling paraphernalia. An inmate shall not receive, possess, distribute, sell, nor transfer lottery tickets. Violation of this rule shall be a class II offense. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended May 1, 1988.)

44-12-327. Interference with restraints. No inmate shall interfere or assist other inmates in interfering in any way with handcuffs or other restraints which have been applied to the inmate by an officer or employee. An inmate shall not remove or attempt to remove himself or another inmate from handcuffs or other restraints without approval of an officer or employee. Violation of this rule shall be a class I offense. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1988.)

44-12-401. Work performance. (a) No inmate shall intentionally interfere with, delay, or disrupt the work in progress or sabotage the work, machinery, systems, or products, nor shall any inmate assist or participate in such actions. Violation of this rule shall be a class I offense.

(b) All inmates shall perform work assigned in the manner prescribed and according to the directives of his or her supervisor. Intentional failure to report to or depart from work at the prescribed time and without unnecessary delay enroute is prohibited. Violation of this rule shall be a class II offense.

(c) No inmate shall slow the work progress through carelessness or neglect. Violation of this rule shall be a class II offense.

(d) No inmate shall be tardy for work. Violation of this rule shall be a class IV offense.

(e) Work as defined in this rule includes any work assignment, educational, vocational, counseling, or training program to which an inmate has been as-

signed. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended May 1, 1988.)

44-12-601. Mail. (a) Definitions.

(1) Legal mail means mail which effects the inmate's right of access to the courts or legal counsel. It includes letters between the inmate and the inmate's lawyer, a judge, a clerk of a court, any lawyer, or any intern or employee of legal services for prisoners.

(2) Official mail means any mail to an official of the state or federal government who has authority to control, or to obtain or conduct an investigation of, the custody or conditions of confinement of the inmate.

(3) Privileged mail means any mail between the inmate and the inmate's doctor.

(4) Censor means to remove or change any part or all of the correspondence or literature.

(5) Read means to read the contents of correspondence or literature to ascertain the content.

(6) Inspect means to open, shake out, look through, feel or otherwise check for contraband without reading or censoring.

(b) Inmates shall comply with the mail procedures and restrictions established by the order of the institution director or facility supervisor. Failure to comply with mail procedures or restrictions, or circumventing or attempting to circumvent mail procedures or restrictions by any means, shall be prohibited. Any delivery of mail through an employee, volunteer, teacher, or any other person who is not authorized to perform functions related to the established mail handling system shall be prohibited.

(c) Contraband. Except as provided in subsection (r), items identified as contraband items shall be removed from any incoming mail and returned at state expense to the sender. The mail officer shall give the inmate written notification of this action. The notice shall include a list of the items returned, the date, and the name of the sender to whom they were returned. Items which are illegal under Kansas or U.S. law shall be seized and held as evidence for other law enforcement officers.

(d) Direct communication with officials. Outgoing official or legal mail sent by any inmate shall not be opened. However, if any inmate threatens or terrorizes any person through such mail, subsequent mail, including official or legal mail, from the inmate to the person threatened or terrorized may, at the request of that person, be read and censored for a time period and to the extent necessary to remedy the abuse.

(e) Incoming mail which is clearly identified as legal, official, or privileged mail shall be opened only in the inmate's presence. Such mail shall be inspected for contraband but shall not be read or censored.

(f) Violation of mail regulations of the department of corrections, orders of the principal administrator, or the laws of Kansas or the United States may result in an investigation. Additional mail restrictions, sufficient to prevent the continuation or reoccurrence of the violation, may be placed upon the offender.

(g) Incoming or outgoing privileged mail shall not

(continued)

be censored or read unless a previous abuse of the right, or other good cause, is shown and documented.

(h) All funds sent to inmates shall be a money order, a cashier's check, or a certified check.

(i) Any incoming or outgoing mail, other than legal, official or privileged mail, may be inspected at any time. Such mail may be read and censored only when there is:

(1) A reasonable belief that there is a threat to institutional safety, order, or security;

(2) to the safety and security of public officials or the general public; or

(3) when there is reasonable belief the mail is being used in furtherance of illegal activities. Such mail may also be censored if it is obscene and the addressee, or the responsible parent or guardian of any addressee who is a minor, has filed with the principal administrator a written complaint regarding previous correspondence and a request that future correspondence be stopped.

(j) If any communication to or from an inmate is censored, the following procedures shall be conducted:

(1) Each inmate shall be given a written notice of the censorship and the reason for censorship without disclosing the censored material;

(2) each inmate shall be given the name and address of the sender of incoming mail or the addressee of outgoing mail and the date the item was received in the mail room;

(3) the author of that letter shall be given a reasonable opportunity to protest that decision; and

(4) complaints shall be referred to a prison official other than the person who originally disapproved the correspondence.

(k) Incoming bulk mail shall not be delivered unless each piece is individually addressed to the inmate by conviction name.

(l) Any outgoing first class letters may be sent to as many people and to whomever the inmate chooses.

(m) Outgoing inmate mail shall bear the full conviction name and address of the sender and the name and address of the intended recipient. No other words, drawings, or messages shall be placed on the outside of the envelope or package by an inmate except words describing the mail as being legal, official, privileged, or intended to aid postal officials in delivery of the item. Outgoing inmate mail shall be stamped by the institution to indicate that it was mailed from an institution operated by the department of corrections and that it has not been censored.

(n) The facility shall provide reasonable amounts of free writing paper and envelopes to all inmates, except those in a work release facility or employed by private industry. Inmates may also purchase stationery from the inmate canteen. The facility shall pay postage for the initial two pieces of first class domestic mail weighing one ounce or less each, per week, for each individual inmate, except those in a work release facility or employed by private industry. Any such domestic mail in excess of two pieces per week shall be paid by the inmate. All postage for legal and official

mail shall be paid by the institution or facility except for inmates in a work release facility or employed by private industry. The facility shall not pay postage for inmate groups or organizations.

(o) Inmates shall not correspond with any person who has filed a written objection to the correspondence with the institution director or facility supervisor. The inmate shall be notified of the objection in writing when it is received, but need not be informed of the exact contents of the objection. In the instance of unwanted correspondence to a minor, the objection shall be filed by the parent or guardian. The principal administrator of each institution shall develop orders to prevent further correspondence from being sent to those who have filed an objection. This regulation shall not prevent an inmate from writing to the inmate's natural or adoptive child, unless the child was the victim of the crime for which the inmate is incarcerated and the other parent files a written objection with the principal administrator.

(p) Publications.

(1) Any inmate may receive books, newspapers, and periodicals except that inmates at the reception center for evaluation purposes may receive newspaper publications only. Only books, newspapers, or periodicals received directly from a publisher or a vendor shall be accepted.

(2) The procedures for censorship of mail listed in subsection (j) of this regulation shall be used for censorship of publications.

(3) Inmates shall have the option of mailing censored publications out of the facility at their own expense, or discarding them.

(4) Publications which are obscene or otherwise illegal, or which meet the test for censorship of mail in subsection (i) of this regulation, shall not be allowed into the facility.

(5) On transfer between institutions or facilities, the inmate shall arrange change of address for newspapers and periodicals. Newspapers and periodicals shall not be forwarded for more than 30 days after the date of transfer.

(q) Packages. A procedure for the handling of packages, both incoming and outgoing, shall be established by order of the principal administrator.

(r) Each principal administrator may permit inmates to receive not more than two special holiday packages in November or December of each year. These packages shall be processed as follows:

(1) Inmates shall be given written notice of the number and types of items which are authorized to be included in these packages.

(2) Inmates shall be responsible for notifying persons sending packages to them of authorized contents.

(3) The principal administrator may destroy or donate to a charitable organization any unauthorized non-food items included in the packages. However, the inmate may elect to forward the items to another address, at the inmate's expense, within three days after being notified of receipt of the unauthorized items.

(4) The principal administrator may destroy or donate to a charitable organization any unauthorized

commercially prepared and packaged food items included in the packages. All homemade foods, fruits, and commercially packaged food not in its original packing shall be destroyed.

(s) Violation of this regulation shall be a class II offense. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended May 1, 1981; amended May 1, 1984; amended May 1, 1986; amended May 1, 1988.)

Article 13.—DISCIPLINARY PROCEDURE

44-13-402. Continuing the hearing. (a) In the event that the employee filing a complaint or the inmate charged is not prepared for the hearing, one continuance of five working days, excluding Saturdays, Sundays and holidays, shall be allowed for each side if requested by the employee at least 24 hours prior to the scheduled hearing or if requested by the inmate at the time the inmate receives notice of the final hearing as outlined in K.A.R. 44-13-401a. If the inmate is represented by Legal Services for Prisoners, Inc., and counsel is unavailable for the scheduled hearing, a continuance of five working days, excluding Saturdays, Sundays and holidays, shall be granted if requested at or prior to the scheduled hearing. In addition, one continuance of up to 15 working days, excluding Saturdays, Sundays and holidays, as requested, may be permitted to each side at the fair discretion of the hearing officer or board chairman or by the disciplinary administrator, if no board or hearing officer has yet been appointed for the case. The continuance dates shall be recorded on the institution or facility disciplinary board log. The board may continue the case for a reasonable period, as necessary, if:

(1) The inmate or the employee is unable to appear for medical or psychiatric reasons as certified by the facility or other licensed physician or psychiatrist;

(2) there is a delay to await determination of whether the case will go to trial in a court of law or to await the outcome of a trial;

(3) there is a delay awaiting the return of evidence from an analysis laboratory;

(4) the inmate is transferred to state reception and diagnostic center, out to court or to a mental hospital before hearing; or

(5) the inmate is on "escape" status. At the board's discretion the case may be dismissed, or heard *in absentia* on the record, unless the inmate has been apprehended and is available at a known location for return to department of corrections custody for the hearing within six months.

(b) To obtain a continuance in advance of the hearing, the requesting party shall make the request to the chairman of the board or to the disciplinary administrator. The continuance shall be granted if it complies with the rules. If there is a hearing officer appointed for the case, the request shall be forwarded to that officer. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended May 1, 1988.)

44-13-704. Administrative review. (a) In class I and II offense cases, within 10 days after preparation of the record, excluding Saturdays, Sundays, and holidays, there shall be a review of the case without the presentation of further arguments from either side. The principal administrator shall approve the decision, disapprove the decision and dismiss the case, reduce the penalty, provide for disposition of personal property which has been found to be the subject of a violation of one or more disciplinary rules in accordance with K.A.R. 44-5-111, or remand the case to the board or hearing officer and order a new hearing.

(b) The principal administrator shall notify the inmate of the results of the review without unnecessary delay, but in no case later than 10 days after receipt of the record, excluding Saturdays, Sundays and holidays. The date of receipt shall not be counted.

(c) In class III and IV cases, where possible, the reviewer shall not be the principal administrator. The principal administrator shall designate an impartial employee of suitable rank and experience to do the review. No person who was a member of the disciplinary board or who was the hearing officer may act as reviewing authority nor shall the reviewer be any person involved in the offense as witness or reporting officer. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended May 12, 1981; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1988.)

Article 15.—GRIEVANCE PROCEDURE FOR INMATES

44-15-101b. Time limit for filing grievance. Grievances shall be filed within 15 days from the date of the discovery of the event giving rise to the grievance, excluding Saturdays, Sundays and holidays. No grievance, regardless of time of discovery, shall be filed later than one year after the event. Any grievance filed later than these deadlines may be returned to the inmate without investigation. The name of the individual returning the grievance, the date of the return, and the reasons for the return shall be noted on the grievance. An inmate may move to the next stage of the grievance procedure if a timely response is not received at any step in the grievance process, unless an extension of time for the response is agreed to in writing by the inmate and staff person answering the grievance. (Authorized by and implementing K.S.A. 75-5210, 75-5251; effective May 1, 1984; amended May 1, 1988.)

44-15-102. Procedure. (a) Preliminary requirement; informal resolution and problem-solving at unit team level.

(1) Each inmate shall first seek information, advice, or help on any matter from the inmate's unit team, or from a member of the team. If unable to solve the problem, each unit team shall refer the inmate to the proper office or department. The unit team shall assist those inmates who are unable to complete the form themselves.

(2) If any inmate receives no response within 10 calendar days from the unit team, a grievance report may be sent to the principal administrator without the

(continued)

unit team signature or signatures. Each grievance report form shall include an explanation of the absence of the signature or signatures.

(b) Grievance step one; complaint to the principal administrator. If any inmate receives a response but does not obtain a satisfactory solution to the problem through the informal resolution process within 10 calendar days, the inmate may fill out an inmate grievance report form and submit it, within three calendar days after the deadline for informal resolution, to a staff member for transmittal to the principal administrator.

(1) The inmate shall attach copies of all inmate request forms used to attempt to solve the problem and shall indicate on the inmate grievance report the following information:

(A) A specific complaint that states what or who is the subject of the complaint, related dates and places, and what effect the situation, problem, or person is having on the inmate which makes the complaint necessary;

(B) title and number, if possible, of any order or regulation, that may be the subject of the complaint;

(C) the action the inmate wants the principal administrator to take to solve the problem;

(D) the name and signature of the responsible institution employee or employees or of the parole officer from whom the inmate sought assistance. This signature shall be on either an inmate request form, or the grievance report form. The date the help was sought shall be entered by the employee on the form; and

(E) the date the completed grievance report was delivered to the staff member for transmittal to the office of the principal administrator.

(2) The staff member shall forward the report to the principal administrator before the end of the next working day, and shall give a receipt to the inmate.

(3) Principal administrator's response.

(A) (i) Upon receipt of each grievance report form, the principal administrator shall assign a serial number and shall indicate the date of receipt. The principal administrator shall ascertain the nature of the grievance.

(ii) If a grievance is determined to challenge policies or practices of the institution or department, the principal administrator or designee shall prepare and post a notice setting out the nature of the general policy or practice which is the subject of the complaint and shall solicit written comments from both inmates and employees concerning the practice or policy. The notice shall direct any interested inmate or employee to submit a written comment to the principal administrator no later than five calendar days from the date notice is posted.

(iii) Each grievance which is the subject of inmate and employee comment shall be returned to the inmate, with an answer, within 15 calendar days from the date of receipt. All other inmate grievances shall be returned to the inmate, with an answer, within 10 calendar days from the date of receipt.

(B) Each answer shall contain findings of fact, conclusions drawn, the reasons for those conclusions and the action taken by the principal administrator. Each answer shall inform the inmate that the inmate may appeal by submitting the appropriate form to the secretary of corrections.

(C) In all cases, the principal administrator shall

return the original and one copy of the grievance report to the inmate. The copy shall be retained by the inmate for the inmate's file. The original may be used for appeal to the secretary if the inmate desires. The principal administrator shall provide the necessary copies.

(D) A second copy shall be retained by the principal administrator.

(E) Each institution or facility shall maintain a file on grievance reports indexed by inmate name and subject matter. Grievance report forms shall not be placed in the inmate's institution file.

(F) Any grievance report form may be rejected by the principal administrator if the form does not document any unit team action as required for the preliminary informal resolution process. The grievance report form shall then be sent back to the unit team for an immediate answer to the inmate.

(G) If no response is received from the principal administrator in the time allowed, any grievance may be sent by an inmate to the secretary of corrections with an explanation of the reason for the delay.

(c) Grievance step two; appeal to the secretary of corrections.

(1) If the principal administrator's answer is not satisfactory, the inmate may appeal to the secretary's office by indicating on the grievance appeal form exactly what the inmate is displeased with and what action the inmate believes the secretary should take. The inmate's appeal shall be made within three calendar days of receipt of the principal administrator's decision, or within three calendar days of the deadline for that decision, whichever is earlier.

(2) The appeal shall then be sent directly and promptly to the department of corrections office in Topeka.

(3) When an appeal of the principal administrator's decision is made to the secretary, the secretary shall then have 20 calendar days from receipt to return the grievance report form to the inmate with an answer. The answer shall include findings of fact, conclusions made and actions taken.

(4) If any grievance report form is submitted to the secretary without prior action by the principal administrator, the form may be returned to the principal administrator. If the principal administrator did not respond in a timely manner, the form shall be accepted by the Secretary.

(5) Each answer by the secretary of corrections shall be in the same form as that by the principal administrator. The secretary may designate an appropriate deputy secretary to prepare the answer. (Authorized by and implementing K.S.A. 75-5210, 75-5251; effective May 1, 1980; amended May 1, 1984; amended May 1, 1985; amended May 1, 1988.)

ROGER V. ENDELL
Secretary of Corrections

Doc. No. 006231

State of Kansas

BOARD OF AGRICULTURE**PERMANENT ADMINISTRATIVE
REGULATIONS**

(Effective May 1, 1988)

Article 1.—AGRICULTURAL CHEMICALS

4-1-17. Registration fee. The annual registration fee for each agricultural chemical registered shall be \$30.00. This regulation shall be effective for all agricultural chemicals registered for registration periods occurring from and after December 31, 1987 regardless of when the registration is received. (Authorized by K.S.A. 2-2204 as amended by L. 1987, Ch. 12, § 8, 2-2205; implementing K.S.A. 2-2204 as amended by L. 1987, Ch. 12, § 8; effective, T-83-35, Nov. 10, 1982; effective May 1, 1983; amended, T-88-46, Nov. 10, 1987; amended May 1, 1988.)

Article 2.—AGRICULTURAL SEED

4-2-9. (Authorized by K.S.A. 2-1427; effective Jan. 1, 1966; revoked May 1, 1988.)

Article 3.—COMMERCIAL FEEDING STUFFS

4-3-47. Adoption by reference. The definitions of feed ingredients and feed terms adopted by the "Association of American Feed Control Officials," as published on pages 99 through 190 of the "Official Publication of Association of American Feed Control Officials Incorporated" on January 1, 1987, are adopted by reference and shall apply to commercial feeding stuffs in this state. Copies of these definitions and terms may be obtained from the control office of the division of inspections of the state board of agriculture, Topeka, Kansas. (Authorized by K.S.A. 2-1013 as amended by L. 1987, Ch. 7, § 1; implementing K.S.A. 2-1002 and 2-1013 as amended by L. 1987, Ch. 7, § 1; effective May 1, 1981; amended May 1, 1982; amended May 1, 1984; amended May 1, 1988.)

4-3-48. Official and tentative definitions. Despite the designation of various definitions of feed ingredients as "official" or "tentative," in the "Official Publication of Association of American Feed Control Officials Incorporated" adopted by reference in K.A.R. 4-3-47, all definitions shall become effective upon the adoption of this regulation. (Authorized by K.S.A. 2-1013 as amended by L. 1987, Ch. 7, § 1; implementing K.S.A. 2-1002 and 2-1013 as amended by L. 1987, Ch. 7, § 1; effective May 1, 1981; amended May 1, 1982; amended May 1, 1984; amended May 1, 1988.)

4-3-49. Good manufacturing practices-adoption by reference. All of part 225 of title 9 of the code of federal regulations revised as of April 1, 1987, are hereby adopted by reference and shall apply to good manufacturing practices for the production of commercial feeding stuffs in Kansas. Copies of these regulations or the pertinent portions thereof are available from the office of control, division of inspections,

Kansas state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2-1013 as amended by L. 1987, Ch. 7, § 1; effective T-88-46, Nov. 10, 1987; effective May 1, 1988.)

4-3-50. Good manufacturing practices-additional definitions. (a) All references to any "form," either by number or by any other designation, in the portions of the code of federal regulations adopted by reference in K.A.R. 4-3-49 shall mean a form supplied by the division of inspections of the state board of agriculture.

(b) All references to "state feed control officials" in the portions of the code of federal regulations adopted by reference in K.A.R. 4-3-49 shall mean the secretary of the state board of agriculture or the secretary's authorized representative.

(c) All references to "the center for veterinary medicine" contained in the portions of the code of federal regulations adopted by reference in K.A.R. 4-3-49 shall mean the division of inspections, Kansas state board of agriculture unless the context requires otherwise.

(d) Term "Type A medicated feed" or "Type A medicated article" means a feeding stuff or ingredient for a feeding stuff which is intended solely for use in the manufacture of either another Type A medicated article or a Type B or Type C medicated feed.

(e) The term "Type B medicated feed" means a feeding stuff or an ingredient for a feeding stuff which contains a substantial quantity of nutrients including vitamins or minerals or other nutritional ingredients in an amount not less than 25% of the weight of the Type A medicated article and which is intended solely for the manufacture of other medicated feeds, either Type B or Type C.

(f) The term "Type C medicated feed" means a feeding stuff or an ingredient for a feeding stuff which contains a substantial quantity of nutrients including vitamins, minerals, or other nutritional ingredients and which is intended as the complete feed for the animal. (Authorized by and implementing K.S.A. 2-1013 as amended by L. 1987, Ch. 7, § 1; effective T-88-46, Nov. 10, 1987; effective May 1, 1988.)

Article 8.—NOXIOUS WEEDS

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

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

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

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

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

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

(g) "MSMA" shall mean monosodium methanearsonate.

(h) "Sulfomethuron" shall mean methyl 2[[[[[4,6-

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dimethyl-2-pyrimidinyl)amino]carbonyl]amino]sulfonyl]benzoate.

(i) "Chlorsulfuron" shall mean 2-chloro-N-(4-methoxy-6-methyl-1,3,5 triazin-2-y)aminocarbonyl]benzenesulfonamide.

(j) "Trifluralin" shall mean (a,a,a-trifluoro-2,6-dinitro-N,N-dupropyl-p-toluidine).

(k) "Fluazifop" shall mean butyl (RS)-2-[4-[[5-trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoate.

(l) "Sethoxydim" shall mean 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one.

(m) "Imazapyr" shall mean 2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H imidazol-2-yl]-3-pyridinecarboxylic acid. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1982; amended May 1, 1984; amended May 1, 1986; amended May 1, 1988.)

4-8-15. (Authorized by K.S.A. 2-1315; implementing K.S.A. 2-1315; effective May 1, 1982; revoked May 1, 1988.)

4-8-16. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1982; amended May, 1 1986; revoked May 1, 1988.)

4-8-17. (Authorized by K.S.A. 2-1315; implementing K.S.A. 2-1315; effective May 1, 1982; amended May, 1 1984; revoked May 1, 1988.)

4-8-18. (Authorized by K.S.A. 2-1315; implementing K.S.A. 2-1315; effective May 1, 1982; revoked May 1, 1988.)

4-8-19. (Authorized by K.S.A. 2-1315; implementing K.S.A. 2-1315; effective May 1, 1982; revoked May 1, 1988.)

4-8-20. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1982; amended May 1, 1986; revoked May 1, 1988.)

4-8-21. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1982; amended May 1, 1986; revoked May 1, 1988.)

4-8-22. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1982; revoked May 1, 1988.)

4-8-23. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1982; amended May 1, 1986; revoked May 1, 1988.)

4-8-24. (Authorized by K.S.A. 2-1315; implementing K.S.A. 2-1315; effective May 1, 1982; revoked May 1, 1988.)

4-8-25. (Authorized by K.S.A. 2-1315; implementing K.S.A. 2-1315; effective May 1, 1982; revoked May 1, 1988.)

4-8-26. (Authorized by K.S.A. 2-1315; implementing K.S.A. 2-1315; effective May 1, 1982; amended May 1, 1986; revoked May 1, 1988.)

4-8-27. Adoption by reference. Control practices contained in the "Official Musk Thistle Control Program" published by the Kansas state board of agricul-

ture on July 27, 1987 is hereby adopted by reference and shall apply to the control and eradication of musk thistle in the state of Kansas. Copies of this publication are available from the plant health division of the Kansas state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1988.)

4-8-28. Adoption by reference. Control practices contained in the "Official Johnsongrass Control Program" published by the Kansas state board of agriculture on July 27, 1987 is hereby adopted by reference and shall apply to the control and eradication of johnsongrass in the state of Kansas. Copies of this publication are available from the plant health division of the Kansas state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1988.)

4-8-29. Adoption by reference. Control practices contained in the "Official Field Bindweed Control Program" published by the Kansas state board of agriculture on July 7, 1987 is hereby adopted by reference and shall apply to the control and eradication of field bindweed in the state of Kansas. Copies of this publication are available from the plant health division of the Kansas state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1988.)

4-8-30. Adoption by reference. Control practices contained in the "Official Hoary Cress Control Program" published by the Kansas state board of agriculture on July 27, 1987 is hereby adopted by reference and shall apply to the control and eradication of hoary cress in the state of Kansas. Copies of this publication are available from the plant health division of the Kansas state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1988.)

4-8-31. Adoption by reference. Control practices contained in the "Official Russian Knapweed Control Program" published by the Kansas state board of agriculture on July 27, 1987 is hereby adopted by reference and shall apply to the control and eradication of Russian Knapweed in the state of Kansas. Copies of this publication are available from the plant health division of the Kansas state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1988.)

4-8-32. Adoption by reference. Control practices contained in the "Official Bur Ragweed Control Program" published by the Kansas state board of agriculture on July 27, 1987 is hereby adopted by reference and shall apply to the control and eradication of bur ragweed, also known as bursage, in the state of Kansas. Copies of this publication are available from the plant health division of the Kansas state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1988.)

4-8-33. Adoption by reference. Control practices contained in the "Official Canada Thistle Control Program" published by the Kansas state board of agricul-

culture on July 27, 1987 is hereby adopted by reference and shall apply to the control and eradication of Canada thistle in the state of Kansas. Copies of this publication are available from the plant health division of the Kansas state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1988.)

4-8-34. Adoption by reference. Control practices contained in the "Official Leafy Spurge Control Program" published by the Kansas state board of agriculture on July 27, 1987 is hereby adopted by reference and shall apply to the control and eradication of leafy spurge in the state of Kansas. Copies of this publication are available from the plant health division of the Kansas state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1988.)

4-8-35. Adoption by reference. Control practices contained in the "Official Quackgrass Control Program" published by the Kansas state board of agriculture on July 27, 1987 is hereby adopted by reference and shall apply to the control and eradication of quackgrass in the state of Kansas. Copies of this publication are available from the plant health division of the Kansas state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1988.)

4-8-36. Adoption by reference. Control practices contained in the "Official Pignut Control Program" published by the Kansas state board of agriculture on July 27, 1987 is hereby adopted by reference and shall apply to the control and eradication of pignut in the state of Kansas. Copies of this publication are available from the plant health division of the Kansas state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1988.)

4-8-37. Adoption by reference. Control practices contained in the "Official Kudzu Control Program" published by the Kansas state board of agriculture on July 27, 1987 is hereby adopted by reference and shall apply to the control and eradication of kudzu in the state of Kansas. Copies of this publication are available from the plant health division of the Kansas state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1988.)

4-8-38. Secretary's approval of county, city or district weed supervisor employment. (a) The secretary of the state board of agriculture shall conditionally approve the employment of each county, city or district weed supervisor who:

- (1) has been employed as a weed supervisor by a county or city commission;
- (2) has earned a high school diploma or equivalent; and
- (3) has two years experience in governmental or commercial weed control work or in agricultural production. Two years experience in college or trade school training related to weed control work may be substituted for work experience in weed control.

(b) Final approval of the employment shall be issued by the secretary when the county, city or district weed supervisor has:

- (1) obtained certification as a pesticide applicator in category 9a, regulatory pest control, noxious weed control, under the provision of K.S.A. 2-2438a et seq.; and
 - (2) successfully completed the noxious weed basic short course offered by the Kansas state board of agriculture, plant health division.
- (c) The secretary shall renew approval of the employment of a previously approved county, city or district weed supervisor who:
- (1) is still employed by the same county, city or district; and
 - (2) is currently certified as a pesticide applicator as outlined in subparagraph (b)(1) of this regulation; and
 - (3) has timely filed the annual weed eradication progress report and any other records or reports requested by the agency.

(d) The secretary's approval of the employment of any county, city, or district weed supervisor shall be withdrawn when the weed supervisor has failed to comply with any of the conditions in paragraph (c) of this regulation without just cause. (Authorized by K.S.A. 2-1315; implementing K.S.A. 2-1316; effective May 1, 1988.)

4-8-39. Adoption by reference. Control practices contained in the "Official Multiflora Rose Control Program" published by the Kansas state board of agriculture on July 27, 1987 is hereby adopted by reference and shall apply to the control of multiflora rose in the state of Kansas. Copies of this publication are available from the plant health division of the Kansas state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1988.)

Article 10.—ANHYDROUS AMMONIA

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

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

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

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

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

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

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

(h) "F." means Fahrenheit.

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(i) "Code" means parts UG-1 through UG-136 inclusive, entitled "general requirements for all methods of construction and all materials" and parts UF-1 through UF-136, entitled "requirements for pressure vessels fabricated by forging," as published in section VIII, division 1, of the ASME boiler and pressure vessel code, July 1, 1983 edition, as amended and supplemented on February 1, 1986, as the context requires.

(j) "ASME schedule 80" or "ASME schedule 40" means pipe specifications contained in the "specification for pipe, steel, black and hot-dipped, zinc-coated welded and seamless" and the accompanying appendices, as published in section II, of the ASME boiler and pressure vessel code, July 1, 1983 edition, as amended and supplemented on February 1, 1986.

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

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

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

(n) "Public assembly area" means any building, structure, or area used by a gathering of persons for civic, political, travel, religious, recreational or education purposes, or for the involuntary detention of persons.

(o) "Non-code welding" means welding which does not comply with parts UW-1 through UW-65, entitled "requirements pertaining to methods of fabrication of pressure vessels," as published in section VIII, division 1, of the ASME boiler and pressure vessel code, July 1, 1983 edition, as amended and supplemented on February 1, 1986.

(p) "Permanent storage container" means tank or container having a volume of not less than 3,000 water gallons which is used in the sale or dispensing of anhydrous ammonia. The permanent storage container may be mounted on either piers or skids.

(q) "Permanent storage installation" means any assembly of equipment consisting of appurtenances, pumps, compressors, interconnecting pipes, and at least one permanent storage container. (Authorized by and implementing K.S.A. 2-1212; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1973; amended May 1, 1986; amended T-87-9, May 1, 1986; amended May 1, 1987 amended May 1, 1988.)

4-10-2d. Basic rules for location of containers.

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

(1) outside of densely populated areas;

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

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

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

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

(c) From and after May 1, 1988, each new permanent storage container or unloading facility shall be located outside of municipalities or other densely populated areas unless the location has been approved in writing by the appropriate local governing body. Each existing permanent storage container or unloading facility located in a municipality or densely populated area shall not be relocated within the municipality or densely populated area without first obtaining written approval from the appropriate local governing body. (Authorized by and implementing K.S.A. 2-1212; effective May 1 1987; amended May 1, 1988.)

4-10-2i. General rules regarding filling densities and transfer of liquids. (a) Filling densities.

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

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

(b) Transfer of liquids.

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

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

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

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

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

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

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

(4) Compressors used for transferring or refrigerating anhydrous ammonia shall be recommended and labeled for anhydrous ammonia service by the manufacturer.

(A) Compressors may be of the reciprocating or

rotary type and shall be designed for 250 psig working pressure.

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

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

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

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

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

(6) Flammable gases or gases which will react with anhydrous ammonia, such as air, shall not be used to unload tank cars or transport trucks. (Authorized by and implementing K.S.A. 2-1212; effective May 1, 1987; amended May 1, 1988.)

4-10-2k. General rules—miscellaneous provisions. (a) Liquid level gauging device.

(1) Each container, except containers filled by weight, shall be equipped with a liquid level gauging device of approved design.

(2) Each gauging device shall be arranged so that the maximum liquid level to which the container may be filled is readily determinable.

(3) Each gauging device that requires bleeding of the product to the atmosphere shall be so designed that the bleed valve maximum opening is not larger than a No. 54 drill size, unless provided with an excess flow valve. This requirement shall not apply to containers subject to K.A.R. 4-10-7.

(4) Gauging devices shall have a design pressure at least equal to the design pressure of the storage tank on which they are used.

(5) Fixed liquid level gauges shall be so designed that the maximum volume of the container filled by liquid shall not exceed 85 percent of its water capacity. The coupling into which the fixed liquid level gauge is threaded shall be placed at the 85 percent level of the container. If located elsewhere, the dip tube of this gauge shall be installed in such a manner that it cannot be readily removed, such as by the use of a nipple attached directly to the coupling or to a multiheaded valve.

(6) Gauge glasses of the columnar type shall be restricted to bulk storage installations. Gauge glasses shall be equipped with valves having metallic hand-wheels, with excess flow valves, and with extra heavy glass adequately protected with a metal housing applied by the gauge manufacturer. Such gauge glasses shall be shielded against the direct rays of the sun.

(b) Painting. The reflective surfaces of each above

ground container shall be maintained in good condition. Surfaces which require paint shall be painted with white or any other light-reflecting color.

(c) Reports. Any accident involving the storage, transportation or application of anhydrous ammonia shall be reported to the secretary or the secretary's authorized representative so that an investigation of the accident may be made. The required report shall be made by telephone within 72 hours after the accident followed by a written report which must be mailed within five working days after the accident.

(d) Railroad tank cars. Railroad tank cars shall not be used for the storage of anhydrous ammonia unless they are retested and meet the requirements of these regulations.

(e) Welding on containers. Non-code welding, if necessary, shall be made only on saddles or brackets originally welded to the container by the manufacturer. Non-code welding directly to the container or any parts subject to pressure shall not be permitted.

(f) Use of containers for other service. Anhydrous ammonia containers of 3,000-gallon water capacity or under shall not be used for any other commodity. (Authorized by and implementing K.S.A. 2-1212; effective May 1, 1987; amended May 1, 1988.)

4-10-4. Stationary, pier, skid-mounted, or underground non-refrigerated storage installations. Each stationary, pier, skid-mounted, or underground non-refrigerated storage shall meet the following requirements.

(a) Design pressure of containers. Each container shall be constructed in accordance with K.A.R. 4-10-2b and shall have a minimum design pressure of 250 psig.

(b) Installation of storage containers.

(1) Each container installed aboveground shall be provided with substantial reinforced concrete footings and foundations, or structural steel supports mounted on reinforced concrete foundations. The reinforced concrete foundations or footings shall extend below the established frost line and shall be constructed with sufficient width and thickness to support adequately the total weight of the containers and their contents. If the tank is equipped with bottom withdrawal, the tank's foundation shall maintain the lowest point of the tank at not less than 18 inches above ground level. If the load-bearing surface of a skid assembly has sufficient area to properly support the skid-mounted tank, reinforced concrete footings or foundations are not required.

(2) Each horizontal aboveground container shall be mounted on its foundation in such a manner as to permit expansion and contraction. Each container shall be adequately supported so as to prevent the concentration of excessive loads on the supporting portion of the shell. Suitable corrosion prevention measures shall be utilized on any portion of the container which is in contact with either the foundation or saddles.

(3) Secure anchorage or adequate pier height shall be provided to prevent container flotation during high flood water.

(continued)

(c) Container valves and appurtenances.

(1) All containers shall be equipped with a fixed, liquid level gauge.

(2) Each container shall be equipped with a fully operational pressure indicating gauge with a dial graduated from 0-400 psig.

(3) Each filling connection shall be fitted with an approved combination back pressure check valve and excess flow valve.

(4) Each container shall be equipped with an approved vapor return valve. Except for safety relief valves and those connections specifically exempted by K.A.R. 4-10-2e(b) and K.A.R. 4-10-2e(d), each vapor or liquid connection shall be equipped with either approved excess flow valves or with approved quick-closing internal valves which shall remain closed except during periods of operation.

(d) Safety devices. Each container shall be provided with one or more spring-loaded or equivalent safety relief valves. Each container shall also comply with the following requirements:

(1) The discharge from each safety relief valve shall be directed upward and away from the container and shall flow in an unobstructed manner into the open air from a height of at least seven feet above the working area. The secretary or an authorized representative of the secretary may grant a variance where venting of safety relief valves as previously described is hazardous, economically unfeasible, structurally unsound or for other just cause.

(2) Vent pipes shall not be restricted or smaller in size than the relief valve outlet connection. All relief valve discharges shall have suitable rain caps. Suitable provision shall be made to drain any accumulated condensate.

(3) Vent pipes from two or more safety relief devices located on the same container, or similar lines from two or more different containers, may be connected and channeled into a common header, if the cross-sectional area of the header is at least equal to the sum of the cross-sectional areas of each of the individual vent pipes.

(e) Marking of containers.

(1) Each tank or group of tanks shall be marked on at least two sides either with the words "caution ammonia" or "anhydrous ammonia" in sharply contrasting colors with letters not less than six inches high.

(2) From and after May 1, 1989, the name of the storage facility and the name and telephone number of individuals to be contacted in case of an emergency shall be posted on the storage facility using letters not less than two inches high.

(f) Capacity of containers. Individual storage container capacity shall be limited only by good engineering practice.

(g) Protection of tank appurtenances.

(1) All container appurtenances shall be protected from tampering and mechanical damage and shall also be protected during transportation of containers. Manually controlled valves which, if open, would allow gas to discharge into the atmosphere, shall be kept locked during non-business hours.

(2) Storage containers shall be grounded.

(3) All areas occupied by storage installations shall be kept free of dry grass and other readily ignitable materials.

(4) Containers and appurtenances shall be protected from damage by vehicles.

(h) Testing of damaged containers. Damaged containers shall be tested by a person certified as required by K.A.R. 4-10-2b(c).

(i) Safety. All stationary plants shall have readily available the following equipment for emergency and rescue purposes:

(1) An approved gas mask with current ammonia canisters having intact seals which covers the entire face;

(2) one pair of rubber or suitable plastic protective gloves;

(3) one pair of rubber or suitable plastic protective boots;

(4) one rubber or suitable plastic protective slicker or rubber or suitable plastic protective rain suit, or both;

(5) an easily accessible shower or a container of clean water of sufficient size to immerse or cleanse an individual; and

(6) a flexible-fitting, splash-proof pair of goggles.

(j) Electrical equipment.

(1) The conduit system and electrical equipment for use at ammonia storage installations may be general purpose, dust-tight, or weather-resistant as appropriate.

(2) Electrical systems shall be installed and grounded in a manner approved by state or local ordinance.

(3) Electrical switches for each pump shall be installed at a remote distance from the pump.

(k) Venting Procedure.

(1) Anhydrous ammonia shall be vented into an adequate portable supply of water. Any aqueous ammonia solution resulting from the venting process shall be disposed of safely and properly.

(2) Anhydrous ammonia shall not be vented into the air. Each transport truck unloading point at an anhydrous ammonia facility shall have a valve for venting purposes installed in the piping at or near the point where the piping and the hose from the transport truck are connected. In the alternative, anhydrous ammonia from any transport truck hose shall be vented into an adequate portable supply of water supplied by the anhydrous ammonia facility. For this purpose, an adequate supply of water means five gallons of water for each gallon of liquid ammonia or fraction thereof which could be contained in the hose. Any aqueous ammonia solution resulting from the venting process shall be disposed of properly. (Authorized by and implementing K.S.A. 2-1212; effective Jan. 1, 1966; amended Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1973; amended May 1, 1986; amended, T-87-9, May 1, 1986; amended May 1, 1987; amended May 1, 1988.)

4-10-5. Tank trucks, semi-trailers and trailers for transportation of anhydrous ammonia. Each tank

truck, semi-trailer and trailer, except implements of husbandry, used for transportation of anhydrous ammonia shall meet the following requirements:

(a) Design pressure of containers.

(1) Each container shall be constructed in accordance with K.A.R. 4-10-2b and shall have a minimum design pressure of 250 psig.

(2) The shell or head thickness of each container shall not be less than $\frac{3}{16}$ of an inch.

(3) Baffles shall not be required for any cargo tank which is designed so that the container is loaded to capacity and discharged at one unloading point. All other containers having a capacity in excess of 500 gallons shall be equipped with suitable, semi-rigid baffle plates.

(4) Except for safety relief valves, liquid level gauging devices and pressure gauges, all container openings shall be labeled to designate whether they communicate with liquid or vapor space. Labels may be located on valves.

(b) Mounting containers on truck.

(1) The container shall be attached to the cradle, frame or chassis of a vehicle in a manner designed to withstand, in any direction, that amount of static loading which is equal to twice the weight of the container when filled and the attachments thereto. The safety factor used shall be not less than four and shall be based on the ultimate strength of the material to be used.

(2) "Hold-down" devices, when used, shall anchor the container to the cradle, frame or chassis in a suitable and safe manner that will not introduce an undue concentration of stresses.

(3) Whenever any vehicle is designed and constructed so that cargo tanks constitute, in whole or in part, the stress member used in lieu of a frame, the cargo tanks shall be designed to withstand the stresses thereby imposed.

(4) All connections, including hose installed in the bottom of a container, shall not be lower than the lowest horizontal edge of the trailer axle.

(5) While in transit, both ends of each transfer hose shall be secured.

(6) When the cradle and the container are not welded together, a suitable material shall be used between them to eliminate metal-to-metal friction.

(c) Container valves and appurtenances.

(1) Each container shall be equipped with a fixed liquid level gauge.

(2) Each container shall be equipped with a fully operational pressure-indicating gauge which has a dial graduated from 0-400 psi.

(3) Non-recessed container fittings and appurtenances shall be protected against damage.

(4) Filling connections shall be provided with approved automatic valves to prevent back flow whenever the filling connection is broken.

(5) Except for safety relief valves and those connections specifically exempted by K.A.R. 4-10-2e(b) and K.A.R. 4-10-2e(d), all connections to containers shall be provided with approved excess-flow valves.

(6) All containers shall be equipped with an approved vapor return valve.

(d) Safety devices.

(1) The discharge from each safety relief valve shall be directed upward and away from the container and shall flow in an unobstructed manner into the atmosphere. Loose fitting rain caps shall be used.

(2) Each unloading line shall be provided with an excess-flow valve at the point where the hose leaves the truck.

(e) Marking of containers. Each side and the rear of every container shall be conspicuously and legibly marked on a background of sharply contrasting color with the words "anhydrous ammonia" in letters at least four inches high and shall be placarded in compliance with applicable D.O.T. regulations.

(f) Piping, tubing and fittings.

(1) All piping, tubing, and metering or dispensing devices shall be securely mounted and shall be protected against damage.

(2) Threaded pipe shall be extra heavy and comply with ASME schedule 80. Standard weight pipe which complies with ASME schedule 40 may be used when the joints are welded.

(g) Electrical equipment and lighting. Tank trucks, tank trailers, and tank semi-trailers shall not be equipped with any artificial light other than electric light. Electric lighting circuits shall have suitable overcurrent protection.

(h) Trailers and semi-trailers.

(1) Each trailer or semi-trailer shall be equipped with a reliable system of brakes which comply with D.O.T. regulations.

(2) Each trailer or semi-trailer shall have lights which comply with D.O.T. regulations.

(i) Safety equipment. All tank trucks, trailers, and semi-trailers shall be equipped with the following:

(1) An approved gas mask with current ammonia canisters having intact seals which covers the entire face;

(2) One pair of rubber or suitable plastic protective gloves;

(3) One pair of rubber or suitable plastic protective boots;

(4) One rubber or suitable plastic protective slicker, or rubber or suitable plastic protective rain suit, or both;

(5) A pair of flexible-fitting, splash-proof goggles; and

(6) A container of not less than five gallons of clean water.

(j) Transfer of liquids.

(1) Each container shall be loaded by:

(A) weight;

(B) a suitable liquid level gauging device; or

(C) a suitable meter.

(2) Pumps or compressors which are designed and installed in accordance with K.A.R. 4-10-2(j) and properly protected against physical damage may be mounted on ammonia tank trucks and trailers.

(k) Protection against collision. Each end-fitted tank truck and each semi-trailer shall be provided with properly attached steel bumpers or chassis extension

(continued)

to protect the tank, piping, valves and fittings in case of collision.

(l) Conversion from other service to anhydrous ammonia. Tanks used for the transporting or storage of materials other than anhydrous ammonia shall be emptied of the material previously hauled and the pressure in the tank shall be reduced to atmospheric pressure. If the material previously hauled in the container will be harmful to the anhydrous ammonia, then the tank shall be purged prior to being placed in anhydrous ammonia service, and all appurtenances shall be changed to comply with these regulations.

(m) Mobile containers. Mobile containers shall be unloaded only at approved locations.

(n) Parking. Except in emergencies, tank trucks, semi-trailers or trailers transporting anhydrous ammonia shall not be parked in cities or in densely populated areas.

(o) Conversion of tanks from anhydrous ammonia to other service. Tanks used for the transportation of anhydrous ammonia shall be emptied and purged. Ammonia vapor shall be vented into an adequate portable supply of water and not into the atmosphere. An adequate supply of water shall be deemed as five gallons of water per each one gallon of liquid ammonia. The aqueous ammonia solution resulting from the purging process shall be disposed of properly. (Authorized by and implementing K.S.A. 2-1212; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1973; amended May 1, 1986; amended, T-87-9, May 1, 1986; amended May 1, 1987; amended May 1, 1988.)

4-10-15. Adoption by reference. The state board of agriculture bulletin entitled "Guidelines to Kansas Anhydrous Ammonia Regulations and Inspections" as published in May 1, 1988, is hereby adopted by reference. Copies of this material or the pertinent portions of it are available from the office of control, division of inspections of the state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2-1212, effective May 1, 1987; amended May 1, 1988.)

4-10-16. Reactor units for production of ammoniated solutions. (a) Reactor units shall operate only at sites approved by the secretary.

(b) When removing anhydrous ammonia from tank cars or trucks to manufacture ammoniated solutions, portable reactor units shall be equipped with approved safety devices. These safety devices shall include:

- (1) Approved air operated or manually operated remote controlled shut-off devices located both on the tank car connection immediately preceding the hose attachment and on the discharge side of the pump; and
- (2) a back check pressure valve on the inlet for the portable reactor.

(c) When anhydrous ammonia is transported to a stationary reactor unit in an implement of husbandry, the implement of husbandry shall be equipped with a manually operated remote controlled shut-off device on the discharge valve immediately preceding any hose attachments, and a back check pressure valve installed in the rigid piping leading to the reactor unit at the point of connection for the transfer hose. The

implement of husbandry shall be monitored at all times during the manufacturing process. The transfer hose shall be disconnected from the reactor unit when the reactor unit is not operating.

(d) The required air-operated or manually operated remote controlled shut-off device shall be tested prior to each production run of ammoniated solutions and at least once every 24 hours during the production run.

(e) The operator of a portable reactor unit shall notify the secretary in writing of each location where a portable reactor will be operating at least 72 hours prior to its operation.

(f) No person shall operate any reactor unit that does not comply with these regulations.

(g) Safety equipment. Each reactor unit shall have on hand the following equipment for emergency and rescue purposes:

- (1) an approved, full-face type gas mask with ammonia canisters;
- (2) a container or hydrant of clean water of sufficient size to immerse or cleanse an individual's body;
- (3) one pair of gloves made of rubber or other suitable protective material;
- (4) one pair of rubber or suitable plastic boots;
- (5) one rubber or suitable plastic slicker or suitable rubber or plastic pants and jacket; protective rain suit or both; and
- (6) flexible, fitted, splash proof goggles. (Authorized by and implementing K.S.A. 2-1212; effective May 1, 1986; amended May 1, 1988.)

4-10-17. Proof of inspection seal. (a) Proof of inspection seal shall be a decal or pressure sensitive seal which shows the date on which the permanent storage container was inspected.

(b) No proof of inspection seal shall be affixed to a permanent storage container unless the container has been inspected and found to comply with the applicable requirements of K.A.R. 4-10-1 et seq., at the time of inspection.

(c) From and after May 1, 1989, no person shall fill a permanent storage container with anhydrous ammonia from a rail car or transport truck unless the permanent storage container has affixed to it a proof of inspection seal issued within the preceding 365 calendar days. (Authorized by and implementing K.S.A. 2-1212; effective May 1, 1988.)

Article 13.—PESTICIDES

4-13-9. Report of address, name, personnel change by business. A pesticide business licensee shall notify the secretary of any change in the business address or business name, and of any change in service personnel involved in the application of pesticides on a provided form or in writing, by the tenth day of the month following the month during which any such change occurred. The pesticide business licensee shall submit with each such report the required \$10.00 fee for each previously unreported uncertified individual employed to apply pesticides for a total of more than 10 days or for a period of five or more consecutive days during the month covered by this report. This report shall provide the full name, home address,

social security number and birth date of each certified and uncertified applicator of pesticides listed therein. (Authorized by K.S.A. 2-2467a as amended by L. 1987, Ch. 12, § 5; implementing K.S.A. 2-2440 as amended by L. 1987, Ch. 12, § 9; effective, E-78-26, Sep. 7, 1977; effective May 1, 1978; amended, T-88-46; amended May 1, 1988.)

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

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

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

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

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

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

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

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

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

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

(2) Each examination shall test the applicant's practical knowledge of the category and subcategory

of applicator certification in which the applicant wishes to be certified.

(A) Agricultural pest control.

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

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

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

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

(C) Ornamental and turf pest control.

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

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

(D) Seed treatment. Each examination for seed treatment applicators shall test the applicant's practical knowledge of the types of seeds that require protection against pests, factors which may affect germi-

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nation, including seed coloration, carriers and surface active agents, hazards associated with handling, storing, mixing and misuse of treated seeds and proper disposal of unused treated seeds.

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

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

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

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

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

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

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

(v) Each examination for structural pest control applicators shall test the applicant's practical knowledge of the wide variety of pests found in buildings, including their life cycles; types of pesticide formulations appropriate for their control and methods of application that avoid contamination of food, damage and contamination of habitat and exposure of people and pets; specific factors which may lead to a hazard-

ous condition, including continuous exposure in the various situations encountered in this category; and environmental conditions particularly related to this activity.

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

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

(I) Regulatory pest control.

(i) Each examination for noxious weed control applicators shall test the applicant's practical knowledge of pest weeds as regulated by the Kansas noxious weed law, the potential impact on the environment of restricted use pesticides used in suppression and eradication programs, and factors influencing introductions, spread, and population dynamics of those pest weeds.

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

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

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

(c) A grade of 75% correct answers shall be required to pass any commercial applicator examination. (Authorized by K.S.A. 2-2467a, as amended by L. 1987, Ch. 12, § 5; implementing K.S.A. 2-2443a and

2-2467a, as amended by L. 1987, Ch. 12, § 5; effective, E-78-26, Sept. 7, 1977; effective May 1, 1978; amended May 1, 1985; amended T-87-39, Nov. 19, 1986; amended May 1, 1987; amended May 1, 1988.)

4-13-14. Private applicator examination. Initial examinations for certified private applicators shall be taken in the presence of a representative of the Kansas state board of agriculture or the Kansas state university extension service. The applicant for this certification is required to answer 75% of the questions correctly to pass the examination.

Examinations for private applicator certification shall test the applicant's knowledge in those subject areas set out in K.S.A. 2-2445 involving pest control practices associated with the applicant's agricultural operation and the applicant's legal responsibility as a certified applicator of restricted pesticides. The applicant will be tested to determine the applicant's ability to:

(1) Recognize common pests to be controlled and damage caused by them;

(2) read and understand the label and labeling information including the common name of the pesticide he applies; pest or pests to be controlled; timing and methods of application; safety precautions; any pre-harvest re-entry restrictions; and any specific disposal procedures;

(3) apply pesticides in accordance with label instructions and warnings, including the ability to prepare the proper concentration of pesticide to be used under particular circumstances taking into account such factors as area to be covered, speed at which application equipment will be driven, and the quantity dispersed in a given period of operation;

(4) recognize local environmental situations that must be considered during application to avoid contamination;

(5) recognize poisoning symptoms and procedures to follow in case of a pesticide accident; and

(6) understand federal and state supervisory requirements, including labeling, which must be met by a certified private applicator in supervising non-certified application of restricted pesticides. This includes verifiable instruction of the applicator, availability during application and added restrictions which may be imposed for specific pesticides through labeling. Such restrictions may include the required physical presence of the supervising applicator during the application. (Authorized by K.S.A. 1977 Supp. 2-2467a, as amended by L. 1987, Ch. 12, § 5; implementing K.S.A. 2-2445a, as amended by L. 1987, Ch. 13, § 1; effective, E-78-26, Sep. 7, 1977; effective May 1, 1978; amended May 1, 1988.)

4-13-16. Supervision of uncertified applicators. An uncertified applicator of restricted use pesticides shall be considered to be under the supervision of a certified applicator when the certified applicator has provided the uncertified applicator with detailed instructions in the handling and application of the pesticide being used. The certified applicator shall be available to the uncertified applicator by telephone, 2-way radio or other comparable means of communi-

cation during the times the restricted use pesticide is being applied. The certified applicator shall be physically present when such presence is required by the pesticide label. The certified applicator shall verify that the above requirements were met when requested to do so by the secretary or the secretary's authorized representative. Additionally, any uncertified applicator of restricted use pesticides, including registered pest control technicians, shall be considered to be under the supervision of a certified commercial applicator only if both individuals are stationed at and work from the same business address. (Authorized by K.S.A. 2-2467a, as amended by L. 1987, Ch. 12, § 5; implementing K.S.A. 2-2441a; effective, E-78-26, Sep. 7, 1977; effective May 1, 1978; T-88-46, Nov. 10 1987; effective May 1, 1988.)

4-13-20. Pesticide business license fees. The application fee for a pesticide business license or for the renewal of a pesticide business license shall be \$100.00 for each category in which the applicant applies for a pesticide business license or renewal of that license. An additional fee of \$10.00 for each uncertified individual employed by the applicant to apply pesticides shall also be paid. This regulation shall apply to all pesticide business licenses, or renewals thereof, that will be effective for calendar years commencing after December 31, 1987, regardless of when the application is received by the agency. (Authorized by K.S.A. 2-2440 as amended by L. 1987, Ch. 12, § 9, 2-2467a as amended by L. 1987, Ch. 12, § 5; implementing K.S.A. 2-2440 as amended by L. 1987, Ch. 12, § 9; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983; amended T-88-46, Nov. 10, 1987; amended May 1, 1988.)

4-13-33. Pest Control Technician registration fee. The application fee for a pest control technician registration or for the renewal of a pest control technician registration shall be \$25.00. Any fee paid by the applicant pursuant to K.A.R. 4-13-9 shall be applied toward payment of the fee required by this regulation. This regulation shall apply to all pest control technician registrations, or renewals thereof, that will be effective for calendar years commencing after December 31, 1987, regardless of when the application is received by the agency. (Authorized by L. 1987, Ch. 12, § 2, 2-2467a as amended by L. 1987, Ch. 12, § 5; implementing L. 1987, Ch. 12, § 2; effective T-88-46, Nov. 10, 1987; amended May 1, 1988.)

4-13-34. Verification of training of registered pest control technicians. Each pesticide business licensee who applies pesticides or causes pesticides to be applied for the control of wood destroying pests or structural pests shall maintain records to verify that each registered pest control technician employed by the business licensee has received the required training. These training records shall contain the following information for each training session:

- (1) the typed or printed name of the trainee;
- (2) the subject matter covered;
- (3) the type of training, classroom or on-the-job;

(continued)

- (4) the date on which the training occurred;
- (5) the duration of the training in hours;
- (6) the signature of each trainee; and
- (7) the signature of the authorized officer or representative of the pesticide business licensee who administered the training. (Authorized by K.S.A. 2-2467a, as amended by L. 1987, Ch. 12, § 5; implementing L. 1987, Ch. 12, § 6; T-88-46, Nov. 10, 1987; effective May 1, 1988.)

4-13-35. Registered pest control technician identification cards. The secretary shall issue an identification card to each registered pest control technician upon satisfactory completion of the requirements for registration. This identification card shall show the registered technician's typed name and signature, the name of the business licensee employing the registered technician, the date on which the identification card was issued, and the expiration date of the registration. The registered pest control technician shall have this identification card in the technician's possession when applying any pesticide for the control of wood destroying pests or structural pests or when supervising the application of any general use pesticide. The technician shall produce this identification card when requested to do so by any customer, law enforcement official, the secretary or any authorized representative of the secretary. This regulation does not authorize any registered pest control technician to supervise the use of, or to apply, any restricted use pesticide unless the application is supervised by a commercial applicator who is certified to apply restricted use pesticides for the control of wood destroying pests or structural pests. (Authorized by K.S.A. 2-2467a, as amended by L. 1987, Ch. 12, § 5; implementing L. 1987, Ch. 12, § 2; T-88-46, Nov. 10, 1987; effective May 1, 1988.)

4-13-36. Training of registered pest control technicians. All applicants for pest control technician registration shall have completed a minimum of 40 hours of verifiable training, 30 hours of which must consist of supervised application of pesticides in and around structures, and 10 hours of which must be classroom instruction. Training shall include the following:

- (1) The proper use and maintenance of equipment, including calibration, "crack and crevice" and "spot" application, and other application techniques;
- (2) The potential dangers involved in applying the pesticides, including:
 - (a) hazards to the applicator resulting from mixing, loading and applying pesticides, poisoning prevention, symptoms and first aid for pesticide poisoning;
 - (b) hazards to the occupants of the structures where pesticides are applied with particular emphasis on children, the aged and infirm;
 - (c) procedures for preventing pesticide contamination of food, groundwater, wells and cisterns, and the air within the structure being treated;
 - (d) basic information about each pesticide used for control of structural pests, including common names of the pesticides, where and how each pesticide may be applied, and the kinds of pests controlled;

- (e) basic information about prevention and cleanup of spills; and
- (f) the use of non-chemical means to control wood destroying and structural pests.

(3) Calculating the concentration of pesticides to be used and the quantities of diluted pesticide necessary to complete a particular treatment;

(4) Identification of common pests to be controlled and damages caused by such pests, including the life cycles and basic biology of subterranean termites, carpenter ants, wood decaying fungi, German, American and oriental cockroaches, silverfish, fleas, ticks, spiders, pantry pests, house mice, field mice, and Norway rats, and conditions which favor structural infestation by these pests;

(5) Protective clothing and equipment including the use and maintenance of rubber gloves and respirators;

(6) General precautions to be followed in the disposal of containers and rinsate, as well as the cleaning and decontamination of equipment;

(7) Applicable state and federal pesticide laws and regulations germane to the work of a technician, including following label directions, direct supervision, information required on statements of services, and termite control application procedures;

(8) Basic information regarding elements of construction likely to be encountered including heating and plumbing systems and such terms as footing, foundation wall, wall voids, sill plate, joists, subfloor, and slab-on-grade. (Authorized by K.S.A. 2-2467a, as amended by L. 1987, Ch. 12, § 5; implementing L. 1987, Ch. 12, § 3; T-88-46, Nov. 10, 1987; effective May 1, 1988.)

4-13-37. Renewal of pest control technician registration. A pest control technician's registration may be renewed for a succeeding one-year period by paying the fees prescribed by law, completing the renewal application form provided by the secretary, and completing successfully six hours of classroom training in approved subjects during the effective period of the technician's registration. This training may be conducted by the pesticide business licensee, or in the alternative, the pest control technician may attend a training course approved by the secretary. The pesticide business licensee shall verify and maintain records to support the verification that each pest control technician it employs has satisfactorily completed the training required for renewal. (Authorized by K.S.A. 2-2467a, as amended by L. 1987, Ch. 12, § 5; implementing L. 1987, Ch. 12, § 4; T-88-46, Nov. 10, 1987; effective May 1, 1988.)

Article 16.—MEAT AND MEAT PRODUCTS INSPECTION

4-16-1c. Adoption by reference. (a) The following sections of title 9 of the code of federal regulations, revised as of September 9, 1985, are hereby adopted by reference:

- (1) All of part 301 except subparagraphs s, iii and kkk of part 301.2;
- (2) All of part 302 except section 302.2;

- (3) All of part 303;
- (4) All of parts 304 through 306 inclusive;
- (5) All of part 307 except section 307.6;
- (6) All of parts 308 through 311 inclusive;
- (7) All of part 312 except sections 312.7 and 312.8;
- (8) All of parts 313 through 316 inclusive; and
- (9) All of part 317 except section 317.7;
- (10) All of parts 318 through 320 inclusive except sections 319.15(a), 319.15(b) and 319.15(e);
- (11) All of part 325 except section 325.3;
- (12) All of part 329 except 329.8 and 329.9.

(b) All of part 381 of title 9 of the code of federal regulations revised as of January 1, 1985 except sections 381.10, 381.185, 381.186, 381.195 through 381.209 inclusive and 381.220 through 381.236 inclusive are adopted by reference.

(c) Copies of this material or the pertinent portions thereof are available from the division of inspections of the state board of agriculture, Topeka, Kansas. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 65-6a20, 65-6a21, 65-6a22, 65-6a23, 65-6a25 and 65-6a30; effective May 1, 1986; amended May 1, 1988.)

4-16-260. Miscellaneous beef products. (a) Chopped beef or ground beef. "Chopped beef" or "ground beef" is fresh or frozen skeletal muscle of cattle or a combination thereof, which has been chopped or ground without the addition of fat, as such, and with or without seasoning. Chopped beef or ground beef shall not contain added water, binders, extenders, hearts, tongues, or partially defatted beef fatty tissue, and shall not contain more than 30% fat by laboratory analysis. When cheek meat is used in the preparation of chopped or ground beef, the amount of cheek meat shall be limited to 25%. If the amount of cheek meat exceeds the amount normally present in one carcass, its presence shall be declared on the label in the required ingredient statement, if any. If there is no ingredient statement, the amount of cheek meat shall be declared contiguous to the name of the product.

(b) Hamburger. "Hamburger" is fresh or frozen skeletal muscle of cattle or a combination thereof, which has been chopped or ground with or without the addition of fat, as such, and with or without seasoning. Hamburger shall not contain added water, binders, extenders, hearts, tongues or partially defatted beef fatty tissue, shall not contain more than 30% fat by laboratory analysis, and cheek meat shall not exceed 25%. If the amount of cheek meat exceeds the amount normally present in one carcass, its presence shall be declared on the label in the required ingredient statement, if any. Otherwise, the amount of cheek meat shall be declared contiguous to the name of the product.

(c) Cheek meat. "Cheek meat" is trimmed cheeks of the carcass of cattle.

(d) Partially defatted beef fatty tissue. "Partially defatted beef fatty tissue" is a beef by-product derived from a low temperature, not exceeding 120°, rendering of fresh beef fatty tissue. Such product shall have a pinkish color and a fresh odor and appearance. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 65-6a20; effective May 1, 1988.)

SAM BROWNBACK
Secretary of Agriculture

State of Kansas

BOARD OF PHARMACY

PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1988)

Article 2.—DRUG STORES

68-2-5. Joint registrants. Whenever a pharmacy registration shall be issued to a person who is not a licensed pharmacist in charge, such registration shall be issued jointly with the non-licensed person, partnership, corporation or other association in the name of the licensed pharmacist in charge. Whenever the pharmacist in charge severs the relationship with the joint registrant, the registration shall become null and void and the pharmacist in charge shall remove and forward the registration to the executive secretary of the board within five days of the termination date. Except for just cause, no pharmacist, in charge shall terminate the relationship with a joint registrant unless at least two weeks prior written notice has been given to the joint registrant and a copy of the notice is filed with the executive secretary of the board. (Authorized by and implementing K.S.A. 65-1630; effective Jan. 1, 1966; amended, E-76-31, Aug. 11, 1975; amended May 1, 1976; amended May 1, 1978; amended May 1, 1988.)

68-2-20. Pharmacist's function in filling a prescription. The following steps are those judgmental functions which constitute the filling or refilling of a prescription and which shall be performed by a licensed pharmacist:

(a) Reading and interpreting the prescription of a licensed practitioner, whether transmitted to the pharmacist in writing or orally; if orally, reducing each oral prescription to a written or printed copy.

(b) compounding the necessary ingredients and verifying the counting and measuring of ingredients, if performed by supportive personnel, in order to accurately fill the prescription;

(c) identifying the pharmacist dispensing the prescription on the prescription hard copy and affixing label directions as necessary to assist the patient's understanding of the practitioner's intention and verifying the accuracy of the completed prescription;

(d) initiating oral patient consultation on new prescriptions as a matter of routine to encourage proper patient drug utilization and administration. Exceptions may be authorized by the pharmacist on a case by case basis in special situations. In no case may exceptions exceed general regulations providing for patient consultations. (Authorized by and implementing K.S.A. 65-1630; effective, E-77-39, July 22, 1976; effective Feb. 15, 1977; amended May 1, 1978; amended May 1, 1988.)

Article 5.—GENERAL RULES

68-5-1. Definitions. The following words as used throughout these regulations shall have the following

(continued)

meanings unless otherwise shown from the context of the specific regulation.

(a) Intern. The word "intern" shall mean a prospective candidate for examination as a licensed pharmacist, who is qualified to receive, and is obtaining pharmaceutical experience as set forth in the pharmacy act of the state of Kansas and regulations thereunder. (Authorized by and implementing K.S.A. 65-1630; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1968; amended, E-76-31, Aug. 11, 1975; amended May 1, 1976; amended May 1, 1988.)

Article 7.—MISCELLANEOUS PROVISIONS

68-7-11. Medical care facility pharmacy. The scope of pharmaceutical services within a medical care facility pharmacy shall conform with federal and state laws pertaining to medical care facility pharmacies and shall conform to the following regulations:

(a) The board registered pharmacist in charge shall be responsible for developing programs and supervising all personnel in the distribution and control of prescription medication and all pharmaceutical service in the medical care facility. Such programs shall be subject to the approval of the administration of the medical care facility.

(b) The services of the pharmacist in charge shall be available to the extent deemed necessary by the administrator of the medical care facility and the board to insure comprehensive pharmaceutical services.

(c) The pharmacist in charge shall develop a policy and procedural manual for the medical care facility pharmacy. This manual shall be approved by the pharmacy and therapeutics committee or an equivalent committee governing the control and distribution of prescription medication within such facility.

(d) The pharmacist in charge shall be responsible for the maintenance of all emergency medication kits.

(e) The pharmacist in charge shall be responsible for developing procedures for distribution and control of drugs within the medical care facility when a pharmacist is not on the premises. These procedures shall be consistent with the following:

(1) In-patient service. Drugs may be obtained upon a practitioner's drug order for administration to the in-patient by a designated registered nurse or nurses with approval and supervision of the pharmacist in charge. Adequate records of such withdrawals shall be maintained.

(2) Emergency out-patient service. An interim supply of pre-packaged medication shall be supplied to an out-patient by a designated nurse or nurses pursuant to a practitioner's drug order when a pharmacist is not on the premises and a prescription cannot be filled. Such interim supply shall conform with the following labeling requirements:

(A) Name, address and telephone number of the medical care facility;

(B) patient's name;

(C) adequate directions;

(D) practitioner's name;

(E) date and identifying number;

(F) name, quantity and strength of medication; and
(G) auxiliary labels, if needed.

Such interim supply shall be limited in quantity to an amount sufficient to supply the out-patient's needs until a prescription can be filled. Adequate records of the distribution of such interim supply shall be maintained and shall include the following information:

(H) The original or a copy of the practitioner's order;

(I) if an oral order, the designated registered nurse or nurses shall reduce the oral order to writing, which shall be signed by the designated registered nurse or nurses and the practitioner;

(J) the name and age of the patient, date, drug, strength, quantity distributed, directions for use, practitioner's name and DEA number, if appropriate.

(3) The designated registered nurse or nurses may enter the medical care facility, remove promptly labeled pharmacy stock containers, commercially labeled packages, or properly labeled prepackaged units of medication. A nurse shall not transfer medication from one container to another for future use, but may transfer a single dose from a stock container for immediate administration to the ultimate user.

(f) The pharmacist in charge of the medical care facility pharmacy shall maintain documentation of at least quarterly checks of drug records, drug storage and conditions of drug storage, in all locations within such facility, including nursing stations, emergency rooms, out-patient departments and operating suites.

(g) The pharmacist in charge, together with the pharmacy and therapeutics committee or an equivalent committee shall be responsible for formulating broad professional policies regarding the evaluation, appraisal, selection, procurement, storage, distribution, use and safety procedures for drugs within the medical care facility.

(h) The pharmacist in charge shall be responsible for establishing a drug recall procedure that can be effectively implemented.

(i) The pharmacist in charge is responsible for developing written procedures for maintaining records of dispensing, prepackaging, and bulk compounding. Prepackaged medication shall include the name of the drug, strength, quantity, lot number and expiration date, if applicable. Prepackaged medications must be packaged in suitable containers and shall be subject to all other provisions of the Kansas state board of pharmacy regulations under the uniform controlled substances act of the state of Kansas and under the pharmacy act of the state of Kansas.

(j) The pharmacist in charge shall be responsible for maintaining a drug information reference library.

(k) The pharmacist in charge shall be responsible for pharmacist supervision of supportive personnel and for confining the activities of such personnel to non-judgmental functions. Records shall be maintained describing:

(1) The "on-the-job" training and related education for non-judgmental functions performed by supportive personnel;

(2) Written procedures designating the person or

persons functioning as supportive personnel, describing the functions of such personnel and documenting the procedural steps taken by the pharmacist in charge to limit the functions of supportive personnel to non-judgmental functions.

(l) The pharmacist in charge shall be responsible for establishing policies and procedures for the mixing or preparation of parenteral admixtures. Whenever drugs are added to intravenous solutions, distinctive supplemental labels shall be affixed that indicate the name and the amount of the drug added, the date and the time of addition and the name or initials of the person who prepared the admixture.

(m) The pharmacist shall interpret the practitioner's original order, or a direct copy thereof, before the medication is dispensed. This shall not preclude orders transmitted by the practitioner through data processing equipment. Variations in this procedure with "after-the-fact" review of the practitioner's original order shall be consistent with medical care facility procedures established by the pharmacist in charge subject to the approval of the medical care facility.

(n) Pharmacy services to out-patients during pharmacy hours shall be in accordance with Kansas pharmacy laws, rules and regulations governing community pharmacy practice. (Authorized by and implementing K.S.A. 65-1630; effective, E-77-39, July 22, 1976; effective Feb. 15, 1977; amended May 1, 1978; amended May 1, 1988.)

68-7-13. Pharmacist in charge of more than one location. No pharmacist shall be a pharmacist in charge of more than one full-time pharmacy operation, which is defined as being one where the on-premises pharmacist services total 30 hours or more weekly. (Authorized by and implementing K.S.A. 65-1630; effective, E-77-39, July 22, 1976; effective Feb. 15, 1977; amended May 1, 1988.)

68-7-14. Prescription labels. The label of each prescription medication shall be typed or machine printed and shall include the following information:

- (a) The name, address and telephone number of the pharmacy dispensing the prescription;
- (b) the name of the prescribing practitioner;
- (c) the full name of the patient;
- (d) the identification number assigned to the prescription by the dispensing pharmacy;
- (e) the date the prescription was filled or refilled;
- (f) adequate directions for use;
- (g) the expiration date of the prescription medication dispensed, if applicable, and;
- (h) the brand name or corresponding generic name, the manufacturer or distributor and the strength, unless otherwise specified by the practitioner. (Authorized by and implementing K.S.A. 65-1630; effective, E-77-39, July 22, 1976; effective Feb. 15, 1977; amended May 1, 1978; amended May 1, 1980; amended May 1, 1988.)

Article 8.—ADVERTISING

68-8-1. Advertising. (a) Definitions.

- (1) "Advertising" or "to advertise" means to inform

the consumer of the current charges by that pharmacy for prescription-only drugs and services by any means other than by posting a list of such charges within the pharmacy, and shall include direct mail, handbills, price lists, newspaper, radio, television, magazines or other forms of media communication.

(2) "Advertiser" means any person or firm which advertises.

(b) Each advertiser shall possess those tests, studies or other data, including endorsements or testimonials, which substantiate any claim, statement or representation made in an advertisement comparing, directly or indirectly, prescription prices, professional and convenience services or a statement concerning prescription medication.

(c) Any advertisement of a sale or other temporary change in prices, shall disclose, as explicitly as possible, the terms or quantities available, and the period during which the advertised prices will be available.

(d) An advertisement of a prescription drug shall not encourage a patient to select a certain treatment regimen, or to self-prescribe or self-diagnose.

(e) Each prescription price disclosure shall include a statement as to whether or not "the prescription charge or charges can be applied on a per-unit basis for other than a quantity specified." This information shall be printed in readily readable type size and style.

(f) The advertiser shall disclose the regular price in addition to the advertised price if the two are not the same.

(g) The name of the manufacturer or distributor, or both, shall be given for all advertised products.

(h) Each advertisement shall include:

- (1) The drug's brand name, if any;
- (2) the established or generic name;
- (3) the drug's strength, if the product contains a single active ingredient or if the product contains more than one active ingredient and a relative strength can be assigned without listing all ingredients. Products with multiple active ingredients without any special identification may be listed by brand name without strength for any ingredients;
- (4) dosage form; and
- (5) the price or prices charged for a specific quantity or quantities of the drug product. (Authorized by and implementing K.S.A. 65-1630; implementing K.S.A. 65-1650; modified, L. 1978, ch. 466, May 1, 1978; amended May 1, 1985; amended May 1, 1988.)

Article 11.—FEES

68-11-1. Fees for examination and licensure as a pharmacist. The following fees shall be paid to the board by each applicant for examination and licensure as a pharmacist:

- (a) Each applicant for examination shall pay a fee of \$250.00;
- (b) each applicant for reciprocal licensure shall pay a fee of \$250.00;
- (c) each applicant for reciprocal licensure or for examination who graduated from a school or college of

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pharmacy not accredited by the American council on pharmaceutical education ACPE shall pay an additional fee of \$250.00 for a school evaluation.

(d) each licensed pharmacist shall pay an annual renewal fee of \$55.00. (Authorized by K.S.A. 65-1630; implementing K.S.A. 65-1645 as amended by L. 1987, Ch. 236, Sec. 5; effective May 1, 1983; amended May 1, 1986; amended May 1, 1988.)

68-11-2. Fees for premises registrations and permits. (a) Pharmacy registration and permit fees shall be:

- (1) New pharmacy registration, \$125.00;
- (2) renewal pharmacy registration, \$105.00.

(b) Manufacturer registration and permit fees shall be:

- (1) New manufacturer registration, \$250.00;
- (2) renewal manufacturer registration, \$250.00.

(c) Wholesaler registration and permit fees shall be:

- (1) New wholesaler registration, \$250.00;
- (2) renewal wholesaler registration, \$250.00;
- (3) each wholesaler who deals exclusively in non-prescription drugs and for which no registration is required under the uniform controlled substances act, \$50.00.

(d) Institutional drug room registration and permit fees shall be:

- (1) New institutional drug room registration, \$25.00;
- (2) renewal institutional drug room registration, \$20.00.

(e) Other registration and permit fees shall be:

- (1) Each retail dealer selling more than 12 different nonprescription drug products, \$12.00;
- (2) auction permit, \$35.00;
- (3) a sample distribution permit, \$30.00. (Authorized by and implementing K.S.A. 65-1645 as amended by L. 1987, Ch. 236, Sec. 5; effective May 1, 1983; amended May 1, 1988.)

Article 12.—RESALE OF MEDICATION

68-12-2. Resale of dispensed prescription medication. Except for prescription medications in unit dose systems where the medication has not reached the patient and is still intact, prescription medication which has been dispensed to the final consumer shall not be resold, redispensed or distributed by a pharmacy. (Authorized by K.S.A. 65-1630; implementing K.S.A. 1986 Supp. 65-1634, effective May 1, 1988.)

Articles 13.—PARENTERAL PRODUCTS

68-13-1. Preparation, compounding and dispensing of parenteral products for other than immediate use. (a) A pharmacist or pharmacy engaged in the preparation and compounding of sterile parenteral products shall have available the following resources:

- (1) A laminar airflow hood or other suitable aseptic environment that is annually certified to assure aseptic conditions within the working area;
- (2) an aseptic work area that is designed to avoid outside traffic and outside airflow and that is ventilated so that it does not interfere with aseptic condi-

tions. The aseptic work area shall not be used for bulk storage of supplies or other materials;

(3) a sink located nearby that is suitable for cleaning purposes;

(4) a current copy of a reference text in intravenous incompatibilities and stabilities;

(5) a current policy and procedure manual that includes the following subjects:

- (i) sanitation;
- (ii) storage;
- (iii) dispensing;
- (iv) labeling;
- (v) destruction and returns;
- (vi) recordkeeping;
- (vii) recall procedures;
- (viii) responsibilities and duties of supportive personnel; and
- (ix) aseptic compounding techniques.

(b) All sterile parenteral products for other than immediate use shall be prepared under aseptic conditions and shall be stored and shipped in a manner that assures parenteral product stability.

(1) Preparation of insulin mixtures shall be made in an aseptic environment where available;

(2) cancer chemotherapeutic agents shall be prepared in a vertical airflow aseptic environment where available. Such agents shall not be prepared in a horizontal airflow hood.

(c) Prior to dispensing sterile parenteral products for use, the pharmacist in charge shall verify the following programs or services are contemporaneously available or have been provided:

- (1) 24 hour emergency services;
- (2) monitoring of clinical laboratory data as needed;
- (3) documentation and reporting of potential drug interactions and side effects to the prescribing practitioner;
- (4) maintenance of patient histories and therapy plans; and
- (5) education and training of the patient or primary care giver.

(d) A pharmacist engaged in the dispensing of parenteral products shall conform to all labeling requirements under state and federal law. In addition, parenteral product labels must bear the following information:

- (1) parenteral product name and additive or additives names and quantities;
- (2) expiration date;
- (3) prescribed flow rate; and
- (4) the storage instructions, if applicable. (Authorized by and implementing K.S.A. 65-1630, effective May, 1, 1988.)

Article 20.—CONTROLLED SUBSTANCES

68-20-11. Applications for registration. (a) The expiration date of all registrations shall be the last day of June in each year.

(b) Each application for the following types of registration shall include the controlled substances code number for each basic class or substance to be covered by the registration:

(1) Registration to handle any basic class of controlled substances listed in schedule I, except registration to conduct chemical analysis with such classes;

(2) registration to manufacture a basic class of controlled substances listed in schedules II through V; and

(3) registration to conduct research with any narcotic controlled substance in schedules II through V.

(c) Each application, attachment, or other document filed as part of an application, shall be signed by:

(1) the applicant, if an individual;

(2) the authorized representative, if the registration is for a location;

(3) a partner of the applicant, if a partnership; or

(4) by an officer of the applicant, if a corporation, corporate division, association, trust or other entity.

(d) Any applicant may authorize one or more individuals to sign applications for the applicant or location by filing, with the executive secretary of the board, a power of attorney for each such individual. The power of attorney shall contain the signature of the individual who shall be authorized to sign applications pursuant to that power of attorney. The power of attorney shall be valid until revoked by the applicant.

(e) Any person required to obtain more than one registration may submit all applications in one package. Each application shall be completed and should not refer to any accompanying application for required information.

(f) Applications submitted for filing shall be dated upon receipt. Completed applications shall be accepted for filing. If completed with only minor defects, the board may accept the application for filing and send a request to the applicant for additional information. A defective application shall be returned to the applicant within 10 days following its receipt with a statement of the reason for refusal to accept the application for filing. A defective application may be corrected and resubmitted for filing at any time.

(g) Additional information. The Board may require any applicant or the applicant's authorized representative to submit such documents or written statements of fact relevant to the application as it deems necessary to determine whether the application should be granted. The failure of the applicant or authorized representative to provide the documents or statements within a reasonable time after being requested to do so shall be deemed to be a waiver of an opportunity to present the documents or facts for consideration by the board in granting or denying the application.

(h) Amendments to and withdrawal of applications.

(1) Any application may be amended or withdrawn without permission of the board at any time before the date on which the applicant or the applicant's authorized representative receives an order to show cause pursuant to K.S.A. 65-4119. Any application may be amended or withdrawn with permission of the board at any time good cause is shown by the applicant or the applicant's authorized representative, or when the amendment or withdrawal is in the public interest.

(2) After an application has been accepted for filing,

a request by the applicant or the applicant's authorized representative for return of the application or failure of the applicant or authorized representative to respond to official correspondence regarding the application, when sent by registered or certified mail, return receipt requested, shall be deemed to be a withdrawal of the application. (Authorized by and implementing K.S.A. 65-4116 as amended by L. 1987, Ch. 244, Sec. 3; effective, E-72-24, Aug. 25, 1972; effective Jan. 1, 1973; amended May 1, 1985; amended May 1, 1988.)

68-20-15a. Security requirements. (a) General security requirements. Every applicant and registrant shall provide effective controls and procedures to guard against theft and diversion of controlled substances in conformance with the security requirements of federal law, including the requirements prescribed in part 1301.71 of title 21 of the code of federal regulations, April 1, 1980.

(b) Physical security controls for nonpractitioners; storage areas. Raw materials, bulk materials awaiting further processing, and finished products which are controlled substances shall be stored in secured storage areas in conformance with the requirements of federal law, including the requirements prescribed in part 1301.72 of title 21 of the code of federal regulations, April 1, 1980.

(c) Physical security controls for nonpractitioners; manufacturing and compounding areas. All manufacturing activities, including processing, packaging and labelling, involving controlled substances listed in any schedule and all activities of compounding shall be conducted in conformance with the security requirements of federal law, including the requirements prescribed in part 1301.73 of title 21 of the code of federal regulations, April 1, 1980.

(d) Other security controls for nonpractitioners. (1) Good faith inquiry. Before distributing a controlled substance to any person who the registrant does not know to be registered to possess a controlled substance, the registrant shall make a good faith inquiry with the board to determine that the person is registered to possess a controlled substance.

(2) Suspicious orders. The registrant shall design an operative system to disclose to the registrant suspicious orders of controlled substances. The registrant shall inform the board of suspicious orders when discovered. Suspicious orders shall include orders of unusual size, orders deviating from a normal pattern and orders of unusual frequency.

(3) Any controlled substance listed in schedules II through V shall not be distributed as complimentary samples.

(e) Physical security controls for practitioners. All practitioners shall provide effective controls and procedures to guard against theft and diversion of controlled substances in conformance with the security requirements of federal law, including requirements prescribed in part 1301.75 of title 21 of the code of federal regulations, April 1, 1980.

(f) Other security controls for practitioners. (1) In

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order to minimize the opportunities for diversion of controlled substances, practitioners shall provide effective physical security, shall initiate additional procedures to reduce access by unauthorized personnel and shall provide an alarm system if necessary.

(2) Minimum security standards for practitioners as set forth in these regulations shall be considered as guidelines to be used in evaluating security. The board may require additional security controls and operating procedures to prevent diversion of controlled substances. (Authorized by K.S.A. 65-4102; implementing K.S.A. 65-4116 as amended by L. 1987, Ch. 244, Sec. 3; effective May 1, 1983; amended May 1, 1988.)

68-20-18. Information concerning prescriptions.

(a) Persons entitled to issue prescriptions. A prescription for a controlled substance may be issued only by a practitioner who is:

(1) Legally authorized to prescribe controlled substances in Kansas or any other competent jurisdiction; and

(2) either registered or exempted from registration under K.S.A. 65-4116 (d).

(b) Purpose of issue of prescription.

(1) To be effective, a prescription for a controlled substance must be issued for a legitimate medical purpose by a practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. The person filling an unlawful prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled substances.

(2) A prescription shall not be issued in order for a practitioner to obtain controlled substances for supplying himself or any other practitioner for the purpose of general dispensing to patients.

(3) A prescription shall not be issued for the dispensing of narcotic drugs listed, in any schedule, to a narcotic drug dependent person for the purpose of continuing his dependence upon such drugs, except in the course of conducting an authorized clinical investigation in the development of a narcotic addict rehabilitation program.

(c) Manner of issuance of prescriptions.

(1) All prescriptions for controlled substances shall be dated and signed on the day issued and shall bear the full name, address and registration number of the practitioner. A practitioner shall sign a prescription in the same manner as he would sign a check or legal document. Where an oral order is not permitted, prescriptions shall be written with ink or indelible pencil or typewriter and shall be manually signed by the practitioner. The prescriptions may be prepared by a secretary or agent for the signature of a practitioner, but the prescribing practitioner is responsible if the prescription does not conform in all essential respects to the law and regulations. A corresponding liability rests upon the pharmacist who fills a prescription not prepared in the form prescribed by these regulations.

(2) An intern, resident, foreign physician, or foreign medical graduate exempted from registration under K.S.A. 65-4116(d) shall include on all prescriptions issued the registration number of the hospital or other institution and the special internal code number assigned to the intern, resident, foreign physician, or foreign medical graduate by the hospital or other institution as provided in paragraphs 68-20-10D (2) (e) and (f) of these regulations. This requirement is in lieu of the registration number of the practitioner otherwise required by this section. Each prescription shall have the name of the intern, resident, foreign physician, or foreign medical graduate stamped or printed on it, as well as the signature of the physician.

(3) An official exempted from registration under paragraph 68-20-10E of these regulations shall include on all prescriptions issued, his branch of service or agency and his service identification number. This requirement is in lieu of the registration number of the practitioner otherwise required by this section. The service identification number for a public health service employee is his social security identification number. Each prescription shall have the name of the officer stamped or printed on it, as well as the signature of the officer.

(d) Persons entitled to fill prescriptions.

(1) A prescription for controlled substances may only be filled by a pharmacist acting in the usual course of his professional practice in a registered pharmacy, hospital drug room, or other registered place of employment, or a pharmacist intern acting under the immediate personal direction and supervision of a licensed pharmacist.

(2) For the purposes of this regulation, an intern shall mean a prospective candidate for examination as a licensed pharmacist who is qualified to receive, and is obtaining, pharmaceutical experience as required by law.

(3) A medical care facility or other institution registered with the board may administer or dispense directly a controlled substance listed in schedule III, IV, and legend V, only pursuant to a written prescription signed by the prescribing practitioner or to an order for medication made by a practitioner which is dispensed for immediate administration to the ultimate user.

(e) Dispensing of narcotic drugs for maintenance purposes. The administering or direct dispensing of narcotic drugs, listed in any schedule, to a narcotic drug dependent person for the purpose of continuing his dependence upon such drugs in the course of conducting a federally authorized clinical investigation in the development of a narcotic addict rehabilitation program shall be deemed to be within the meaning of the term "in the course of professional practice or research," of K.S.A. 65-4102(v). (Authorized by and implementing K.S.A. 1986 Supp. 65-4123; effective, E-72-24, Aug. 25, 1972; effective Jan. 1, 1973; amended May 1, 1988.)

TOM C. HITCHCOCK
Executive Secretary

(Published in the *Kansas Register*, March 3, 1988.)

SENATE BILL No. 496

AN ACT relating to banks and banking; concerning capital requirements; amending K.S.A. 1987 Supp. 9-901b and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1987 Supp. 9-901b is hereby amended to read as follows: 9-901b. (a) The state bank commissioner, with the prior approval of the state banking board, may establish minimum capital requirements for a bank which vary from capital requirements otherwise prescribed in K.S.A. 9-901a, and amendments thereto, but which result in not less than a 4% capital to assets ratio, whenever the commissioner determines that economic conditions necessitate such action to provide greater operational flexibility to well-managed, economically sound banks. A bank wanting to establish a minimum capital requirement under this section shall: (1) Be an agricultural or oil and gas bank or both; and (2) submit to the bank commissioner a written plan for restoring capital to the minimums required by the state banking board K.S.A. 9-901a, and amendments thereto, in appropriate incremental amounts by no later than January 1, 1993 1995. The establishment of capital requirements may be subject to such other conditions as the commissioner and board deem advisable. Such other conditions, including capital requirements, shall be established by special order which shall not be subject to the provisions of article 4 of chapter 77 of the Kansas Statutes Annotated, and amendments thereto.

(b) As used in this section, "agricultural" or "oil and gas bank" means a bank whose agricultural and oil and gas loans in the aggregate are equal to, or greater than, 25% of the bank's total loans and leases, net of unearned income.

(c) The provisions of this section shall expire on January 1, 1993 1995.

Sec. 2. K.S.A. 1987 Supp. 9-901b is hereby repealed.

Sec. 3 This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body February 3, 1988.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE February 17, 1988.

JAMES D. BRADEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED February 25, 1988.

MIKE HAYDEN
Governor.

STATE OF KANSAS
Office of Secretary of State

I, BILL GRAVES, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 25th day of February, 1988.

BILL GRAVES
Secretary of State.

(Published in the *Kansas Register*, March 3, 1988.)

SENATE BILL No. 506

AN ACT relating to savings and loan associations; concerning guarantee stock; amending K.S.A. 17-5421 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 17-5421 is hereby amended to read as follows: 17-5421. Guarantee shares stock, which shall be considered a secondary reserve out of which losses shall be paid after all other available reserves have been exhausted, may be issued, subject to the approval of the commissioner, upon compliance with conditions set forth in K.S.A. 17-5421 to 17-5427, and amendments thereto. Such shares hereafter described as guarantee stock shall be personal property in the hands of the owners thereof, and shall be of one class only, with a par value not in excess of one hundred dollars (\$100) \$100 per share. ~~Provided, That~~ In the event of reduction of capital, fractional shares may be issued. All shareholders in such class shall be treated mutually alike in all respects. In the event of liquidation or dissolution of an association which has issued guarantee stock, such guarantee stock may not be withdrawn until after all liabilities of the association have been satisfied in full, including the withdrawal value of all other types or classes of shares. No guarantee stock shall be issued for a consideration other than cash or for a price less than the par value thereof, except that stock dividends may be declared out of otherwise unallocated surplus, unallocated reserves, or undivided profits and with the consent of the commissioner, and guarantee stock may be issued for a consideration other than cash in connection with mergers, consolidations or transfers. ~~No association shall pay any commission or other compensation for, or on account of, any subscription to, or sale of, its guarantee stock.~~

Sec. 2. K.S.A. 17-5421 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body February 3, 1988.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE February 17, 1988.

JAMES D. BRADEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED February 25, 1988.

MIKE HAYDEN
Governor.

STATE OF KANSAS
Office of Secretary of State

I, BILL GRAVES, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 25th day of February, 1988.

BILL GRAVES
Secretary of State.

(Published in the *Kansas Register*, March 3, 1988.)

HOUSE BILL No. 2218

AN ACT relating to juveniles; concerning certain court records relating thereto; amending K.S.A. 38-1506 and 38-1607 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 38-1506 is hereby amended to read as follows: 38-1506. (a) *Official file*. The official file of proceedings pursuant to this code shall consist of the petition, process, service of process, orders, writs and journal entries reflecting hearings held and judgments and decrees entered by the court. The official file shall be kept separate from other records of the court. The official file shall be privileged and shall not be disclosed directly or indirectly to anyone except:

- (1) A judge of the district court and members of the staff of the court designated by a judge of the district court;
- (2) the guardian *ad litem* and the parties to the proceedings and their attorneys;
- (3) a public or private agency or institution having custody of the child under court order; and
- (4) any other person when authorized by a court order, subject to any conditions imposed by the order.

(b) *Social file*. Reports and information received by the court, other than the official file, shall be privileged and open to inspection only by the guardian *ad litem* or an attorney for an interested party or upon court order. The reports shall not be further disclosed by the guardian *ad litem* or attorney without approval of the court or by being presented as admissible evidence.

(c) *Preservation of records*. The Kansas state historical society shall be allowed to take possession for preservation in the state archives of any court records related to proceedings under the Kansas code for care of children whenever such records otherwise would be destroyed. No such records in the custody of the Kansas state historical society shall be disclosed directly or indirectly to anyone for 100 years after creation of the records, except as provided in subsections (a) and (b). Pursuant to subsections (a)(4) and (b), a judge of the district court may allow inspection for research purposes of any court records in the custody of the Kansas state historical society related to proceedings under the Kansas code for care of children.

Sec. 2. K.S.A. 38-1607 is hereby amended to read as follows: 38-1607. (a) *Official file*. The official file of proceedings pursuant to this code shall consist of the complaint, process, service of process, orders, writs and journal entries reflecting hearings held and judgments and decrees entered by the court. The official file shall be kept separate from other records of the court. The official file shall be open for public inspection as to any juvenile 16 or more years of age at the time any act is alleged to have been committed. The official file shall be privileged as to any juvenile less than 16 years of age at the time any act is alleged to have been committed and shall not be disclosed directly or indirectly to anyone except:

- (1) A judge of the district court and members of the staff of the court designated by the judge;
- (2) parties to the proceedings and their attorneys;
- (3) a public or private agency or institution having custody of the juvenile under court order;
- (4) law enforcement officers or county or district attorneys or their staff when necessary for the discharge of their official duties; and
- (5) any other person when authorized by a court order, subject to any conditions imposed by the order.

(b) *Social file*. Reports and information received by the court other than the official file shall be privileged and open to inspection only by attorneys for the parties or upon order of a judge of the district court or an appellate court. The reports shall not be further disclosed by the attorney without approval of the court or by being presented as admissible evidence.

(c) *Preservation of records*. The Kansas state historical society shall be allowed to take possession for preservation in the state archives of any court records related to proceedings under the Kansas juvenile offenders code whenever such records otherwise would be destroyed. The Kansas state historical society

shall make available for public inspection any unexpunged docket entry or official file in its custody concerning any juvenile 16 or more years of age at the time an offense is alleged to have been committed by the juvenile. No other such records in the custody of the Kansas state historical society shall be disclosed directly or indirectly to anyone for 100 years after creation of the records, except as provided in subsections (a) and (b). Pursuant to subsections (a)(5) and (b), a judge of the district court may allow inspection for research purposes of any court records in the custody of the Kansas state historical society related to proceedings under the Kansas juvenile offenders code.

Sec. 3. K.S.A. 38-1506 and 38-1607 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 5, 1987.

HOUSE concurred in SENATE amendments February 5, 1988.
 JAMES D. BRADEN
Speaker of the House.
 GENEVA SEWARD
Chief Clerk of the House.

Passed the SENATE as amended February 3, 1988.
 ROBERT V. TALKINGTON
President of the Senate.
 LU KENNEY
Secretary of the Senate.

APPROVED February 19, 1988.

MIKE HAYDEN
Governor.

STATE OF KANSAS
 Office of Secretary of State

I, BILL GRAVES, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 19th day of February, 1988.

BILL GRAVES
Secretary of State.

(SEAL)

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