

KANSAS REGISTER

State of Kansas

BILL GRAVES
Secretary of State

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State of Kansas
STATE BANK COMMISSIONER
STATE BANKING BOARD

NOTICE OF MEETING

The State Banking Board will meet at 9:30 a.m. Monday, May 15, in the conference room of the State Banking Department, Suite 300, 700 Jackson, Topeka. The board reviews matters relating to its supervisory authority set forth in K.S.A. 9-1801 *et seq.*

W. NEWTON MALE
 State Bank Commissioner

Doc. No. 007787

State of Kansas
SOCIAL AND REHABILITATION SERVICES

PUBLIC NOTICE

The implementation plan for fiscal year 1990 for the Community Services Block Grant is available for review and comment. Copies are available from Economic Opportunity Programs, West Hall, ground floor, 300 S.W. Oakley, Topeka 66606, (913) 296-4989. Comments must be received by May 31 to be considered for inclusion in the implementation plan.

WINSTON BARTON
 Secretary of Social and
 Rehabilitation Services

Doc. No. 007834

State of Kansas
**LEGISLATIVE DIVISION OF
 POST AUDIT**

INVITATION FOR BIDS

Sealed bid proposals in response to a Legislative Division of Post Audit invitation for bids on financial-compliance audit work will be received until 1 p.m. Monday, May 22. The invitation covers the audit work for the Kansas Public Employees Retirement System.

Copies of the invitation for bids may be obtained from the Legislative Division of Post Audit, 109 W. 9th, Suite 301, Topeka 66612, (913) 296-3792.

MEREDITH WILLIAMS
 Legislative Post Auditor

Doc. No. 007822

State of Kansas
SOCIAL AND REHABILITATION SERVICES
**KANSAS COMMISSION FOR THE
 DEAF AND HEARING IMPAIRED**

NOTICE OF MEETING

The Kansas Commission for the Deaf and Hearing Impaired will meet at 10 a.m. Saturday, May 20, at St. Joseph's Hospital, 3600 E. Harry, Wichita. Agenda items include education of the deaf issue; early identification/early intervention reports; budget discussion (fiscal year 1991); and a presentation on cochlear implants.

DAVID S. ROSENTHAL
 Executive Director

Doc. No. 007835

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Phone: (913) 296-3489

State of Kansas

PRIVATE INDUSTRY COUNCIL**REQUEST FOR PROPOSALS
FOR ECONOMIC DISLOCATION AND
WORKER ADJUSTMENT ASSISTANCE PROGRAM**

The Kansas Private Industry Council for the Job Training Partnership Act in Service Delivery Area III is soliciting comprehensive proposals to contract with any group, agency or institution—public or private—to provide the various services and training needed to serve eligible participants through the Economic Dislocation and Worker Adjustment Assistance Program (EDWAA) (Title III). The PIC seeks to contract the program with one provider who can handle intake, eligibility, case management and development of retraining services to program clients.

All services and training for the EDWAA are for funding from July 1, 1989, through June 30, 1990.

The solicitation for proposals instructions may be requested by contacting the Kansas Private Industry Council, 202 Gateway Centre II, 4th and State Ave., Kansas City, KS 66101.

PRIVATE INDUSTRY COUNCIL

Doc. No. 007832

State of Kansas

UNIVERSITY OF KANSAS**NOTICE TO BIDDERS**

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

Tuesday, May 30, 1989

RFQ 89 1083

Local Area Network, with Twelve (12) Nodes.

RFQ 89 1088

Fourier Transform Infrared Spectrometer and Data System.

RFQ 89 1092

Liquid Helium Continuous Flow-Through Optical Cryostat.

RFQ 89 1093

Liquid Scintillation System.

RFQ 89 1094

Rotors, for existing Beckman Ultracentrifuge.

RFQ 89 1095

Single Channel Gamma Counter.

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

Doc. No. 007825

State of Kansas

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

Notice is hereby given of the commencement of negotiations for technical services for concrete testing during construction of the Educational Communications Center at Kansas State University, Manhattan.

Any questions or expressions of interest should be directed to Bill Powell, Chief Architect, Construction Administration Section, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, on or before May 26.

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

Doc. No. 007842

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 the following projects:

—New Regents Center for the University of Kansas
127th and Quivira
Overland Park, Kansas
estimated construction cost, \$6,000,000

—New Armory for Adjutant General's Department
Five-acre site near Barton County Community
College
Great Bend, Kansas
estimated construction cost \$1,000,000

Any questions or expressions of interest should be directed to Gerald R. Carter, AIA, Director of Planning and Design, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, on or before May 26.

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

Doc. No. 007843

State of Kansas

KANSAS STATE UNIVERSITY**NOTICE TO BIDDERS**

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

Tuesday, May 23, 1989

#90110

Optical Spectrometric Multichannel Analyzer

WILLIAM H. SESLER
Director of Purchasing

Doc. No. 007831

State of Kansas

DEPARTMENT OF TRANSPORTATION**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

The Kansas Department of Transportation is proposing to amend K.A.R. 36-16-1, acquisition of real property for state highway purposes; relocation assistance. The proposed amendment will ensure that K.D.O.T. can comply with 49 C.F.R. Part 24, as of March 2, 1989, and all amendments thereto. These federal requirements provide for the fair treatment of people who are displaced by highway construction projects. If the proposed amendment is not adopted, Kansas will lose all federal highway aid.

The changes in relocation assistance can be carried out at current staffing and operating expenditure levels. The long-range fiscal effect of the new federal requirements is impossible to predict, but the best estimate would be that overall relocation costs may increase slightly.

A complete copy of the proposed amendment to K.A.R. 36-16-1 and a complete copy of 49 C.F.R. Part 24, as of March 2, 1989, and an economic impact statement can be obtained at the Kansas Department of Transportation, Office of Chief Counsel, Attention: Kent S. Jackson, Room 734-S, Docking State Office Building, Topeka 66612-1568, (913) 296-3831.

A public hearing on this amendment will be conducted at 2 p.m. Thursday, June 22, in the seventh floor conference room of the Kansas Department of Transportation, Docking State Office Building, Topeka.

The period of 30 days notice constitutes a public comment period for the purpose of receiving written public comments on the proposed rules and regulations.

Interested parties may present their views in writing at the hearing or by mailing such comments to the Kansas Department of Transportation, Office of Chief Counsel, Attention: Kent S. Jackson, at the address given above.

HORACE B. EDWARDS
Secretary of Transportation

Doc. No. 007839

State of Kansas

BOARD OF AGRICULTURE**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted at 9:30 a.m. Tuesday, June 13, in Conference Room A of the Kansas State Board of Agriculture, 109 S.W. 9th, Topeka, at which time all interested persons will have an opportunity to be heard regarding the adoption of proposed temporary and permanent rules and regulations of the Kansas State Board of Agriculture. The proposed permanent rules and regulations will become effective 45 days after their publication in the *Kansas Register* unless a specified date is contained in the regulation. The proposed temporary regulation will become effective on July 1, 1989.

All interested persons may attend the hearing and those attending will be given an opportunity to express comments either orally or in writing, or both. In addition, the period of at least 30 days notice constitutes a public comment period for the purpose of receiving public comments on the proposed rules and regulations.

Written comments and requests for copies of the regulations and the complete economic impact statement should be sent to Kenneth M. Wilke, Chief Counsel, Kansas State Board of Agriculture, 109 S.W. 9th, Topeka 66612, at or before the time of the hearing. Prior notice to this office would be helpful in arranging the agenda for persons intending to present oral testimony at the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentations to five minutes.

A summary of the proposed regulations is as follows:

K.A.R. 4-1-17 will increase the registration fee for agricultural chemicals from \$30 per product to \$130 per product.

K.A.R. 4-4-2 will increase the fertilizer inspection fee from \$.30 per ton to \$1.70 per ton.

Regarding the implementation of K.A.R. 4-1-17, as both a temporary and permanent regulation, there will be approximately \$720,000 additional revenue generated. There will be no fiscal or economic impact on other governmental agencies, individuals, private businesses or the general public, except for those entities that register pesticides for sale in this state.

Regarding the implementation of K.A.R. 4-4-2, as both a temporary and permanent regulation, there will be approximately \$1,491,654 additional revenue generated. There will be no fiscal or economic impact on other governmental agencies, individuals or private businesses, except for those entities that sell fertilizer in Kansas.

Copies of these regulations and the complete fiscal impact statements may be obtained by writing to Kenneth M. Wilke, Chief Counsel, Kansas State Board of Agriculture, at the address given above.

SAM BROWNBACK
Secretary of Agriculture

Doc. No. 007837

State of Kansas

KANSAS ADVOCACY AND PROTECTIVE SERVICES, INC.**NOTICE OF MEETING**

The Kansas Advocacy and Protective Services will conduct its governing board meeting at 6:30 p.m. Monday, May 15, at Le Picardy, 822 N. Kansas Ave., Topeka. For further information, call (KANS-A-N) 567-8670 or (913) 776-1541.

JOAN STRICKLER
Executive Director

Doc. No. 007838

(Published in the *Kansas Register*, May 11, 1989.)

NOTICE OF REDEMPTION

City of Frontenac, Kansas
Industrial Revenue Bonds
Series A—1979
Crawford County Cable, Inc.

Notice is hereby given that pursuant to Section 5 of Ordinance No. 1979 IRB 501 of the city of Frontenac, Kansas, passed and approved on October 15, 1979, all bonds maturing after April 1, 1989, will be redeemed on October 1, 1989, at a redemption price of 102.50 percent of the principal amount thereof, plus accrued interest thereon to said redemption date.

All bonds will be due and payable at the Exchange Bank of Schmidt and Koester, Marysville, Kansas. All coupons maturing subsequent to October 1, 1989, must be attached and surrendered with said bonds.

Dated April 26, 1989.

The Exchange Bank of Schmidt &
Koester—Trustee and Paying Agent
823 Broadway, P. O. Box 311
Marysville, KS 66508

Doc. No. 007824

State of Kansas

ATTORNEY GENERAL**Opinion No. 89-53**

Cities and Municipalities—City Manager Plan; Cities, First Class—Mayor-Council-City Manager Form of Government; Filling Council Vacancies.

Elections—City Elections—Partisan City Elections; Vacancies in City Offices.

Kansas Constitution—Corporations—Cities' Powers of Home Rule. Robert J. Watson, City Attorney, Overland Park, April 27, 1989.

The city of Overland park adopted a charter ordinance exempting itself from statutory provisions concerning filling city council vacancies. The charter ordinance was within the city's constitutional home rule powers, and was lawfully enacted.

In accordance with the language of the charter ordinance, if the council rejects the recommendation to fill a vacancy made by the precinct committeepersons, the

committeepersons must then recommend "another person," meaning someone else, or a different person. Cited herein: K.S.A. 12-1036a; 12-1036d; 25-2113; Kan. Const., Art. 12, § 5. RLN

Opinion No. 89-54

Consumer Credit Code—Finance Charges and Related Provisions; Consumer Credit Transaction; Other Charges and Modifications—Additional Charges; Blanket Single Interest Insurance Programs. Judith Bravence-Stringer, Consumer Credit Commissioner, Topeka, May 1, 1989.

A charge for single interest insurance may be excluded from the finance charge pursuant to the Uniform Consumer Credit Code if all appropriate disclosures are made, the insurer waives rights to subrogation against the consumer, and the consumer is allowed to choose the insurer (K.S.A. 16a-2-501(2)). The term "single interest insurance," for purposes of this statute, includes protection against physical property damage, confiscation and skip. Cited herein: K.S.A. 16a-1-301; 16a-2-501; 16a-4-106; 16a-4-302; 10 U.S.C. § 1605; 12 C.F.R. § 226.4 JLM

Opinion No. 89-55

Agriculture—County Extension Councils, Boards and Agents—Deposit of Moneys; Duties of Treasurers; Moneys Remaining in Account at the Conclusion of a Budgetary Year. Ted Ayres, General Counsel, Kansas Board of Regents, Topeka, May 1, 1989.

Funds derived from a tax levy made pursuant to K.S.A. 1988 Supp. 2-610 *et seq.* must be dispersed to the extension council in accordance with the provisions of the statutes. Once such funds are properly levied and dispersed, the county does not possess authority at the conclusion of a budgetary year to mandate the return of remaining funds to the county merely because the funds were not entirely expended by the extension council. Cited herein: K.S.A. 1988 Supp. 2-610; K.S.A. 2-612, 12-503a; 18-211; 18-212; 19-312; 19-318; 19-506; 19-508; 79-1807; 79-2934. TMN

Opinion No. 89-56

Public Health—Emergency Planning and Community Right-To-Know—State Emergency Response Commission; Local Planning Districts. Col. Mahlon G. Weed, Office of the Adjutant General, Division of Emergency Preparedness, Topeka, May 1, 1989.

Kansas Turnpike Authority property located within a planning district is part of the planning district. The responsibility for managing emergency incidents on such property is to be determined by the emergency plan formulated by the local emergency planning committee. The county, as a county, has no inherent authority over the Kansas Turnpike Authority. Cited herein: K.S.A. 1988 Supp. 65-5701 *et seq.*, 65-5703; K.S.A. 68-2004, 68-2019; 42 U.S.C.A. §§ 11001, 11003. MWS

ROBERT T. STEPHAN
Attorney General

Doc. No. 007840

(Published in the *Kansas Register*, May 11, 1989.)

SUMMARY NOTICE OF BOND SALE
City of Lawrence, Kansas
General Obligation Bonds, Series I 1989
 (general obligation bonds payable from
 unlimited ad valorem taxes)

Sealed Bids

Subject to the official notice of bond sale and preliminary official statement dated May 10, 1989, sealed bids will be received by the city clerk of the city of Lawrence, Kansas, on behalf of the governing body at City Hall, 6 E. 6th, Lawrence, until 11 a.m. C.D.T. on May 23, 1989, for the purchase of \$1,810,000 principal amount of General Obligation Bonds, Series I 1989. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 1, 1989, and will become due serially on March 1 in the years as follows:

Year	Principal Amount
1990	\$180,000
1991	180,000
1992	180,000
1993	180,000
1994	180,000
1995	180,000
1996	180,000
1997	180,000
1998	180,000
1999	190,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1990.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$36,200 (2 percent of the principal amount of the bonds).

Delivery

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before June 15, 1989, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1988 is \$193,331,408. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$28,264,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of

Gilmore & Bell, Overland Park, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the City Clerk, Raymond J. Hummert, 6 E. 6th, Lawrence, KS 66044, (913) 841-7711; or from Gilmore & Bell, Financial Plaza II, Suite 150, 6800 College Blvd., Overland Park, KS 66211, (913) 661-0001.

City of Lawrence, Kansas

Doc. No. 007828

(Published in the *Kansas Register*, May 11, 1989.)

SUMMARY NOTICE OF BOND SALE
City of Olathe, Kansas
General Obligation Bonds, Series 179
 (general obligation bonds payable from
 unlimited ad valorem taxes)

Sealed bids

Subject to the official notice of bond sale and preliminary official statement dated May 10, 1989, sealed bids will be received by the city clerk of the city of Olathe, Kansas, on behalf of the governing body at the City Hall, 100 W. Santa Fe, Olathe, until noon C.D.T. on Tuesday, May 23, 1989, for the purchase of \$3,800,000 principal amount of General Obligation Bonds, Series 179. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 1, 1989, and will become due serially on April 1 in the years as follows:

Year	Principal Amount
1990	\$375,000
1991	375,000
1992	375,000
1993	375,000
1994	375,000
1995	375,000
1996	375,000
1997	375,000
1998	400,000
1999	400,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning on October 1, 1989.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$76,000 (2 percent of the principal amount of the bonds).

Delivery

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about June 21, 1989, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1988 is \$217,357,747. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$66,156,050.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, Overland Park, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the City Clerk, 100 W. Santa Fe, Olathe, KS 66061, (913) 782-2600; or from the financial advisor, Evensen Dodge, Inc., 222 S. 9th, Suite 3800, Minneapolis, MN 55402, Attention: Christy Myers, (612) 338-3535.

Dated May 5, 1989.

CITY OF OLATHE, KANSAS

By H. Pevehouse
City Clerk

Doc. No. 007844

(Published in the *Kansas Register*, May 11, 1989.)

**SUMMARY NOTICE OF BOND SALE
McPherson County, Kansas
General Obligation Bonds, Series 1989
(general obligation bonds payable from
unlimited ad valorem taxes)**

Sealed bids

Subject to the official notice of bond sale and preliminary official statement dated April 20, 1989, sealed bids will be received by the county clerk of McPherson County, Kansas, on behalf of the governing body at the County Courthouse, McPherson, KS 67460, until 5 p.m. C.D.T. on Thursday, May 18, 1989, for the purchase of \$3,680,000 principal amount of General Obligation Bonds, Series 1989. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 1, 1989, and will become due serially on August 1 in the years as follows:

Year	Principal Amount
1990	\$140,000
1991	150,000
1992	165,000

1993	175,000
1994	190,000
1995	205,000
1996	220,000
1997	235,000
1998	255,000
1999	270,000
2000	290,000
2001	310,000
2002	335,000
2003	355,000
2004	385,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on February 1 and August 1 in each year, beginning on August 1, 1990.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$73,600 (2 percent of the principal amount of the bonds).

Delivery

The county will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before June 15, 1989, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1988 is \$146,489,893. The total general obligation indebtedness of the county as of the date of the bonds, including the bonds being sold, is \$3,680,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the county, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the County Clerk, County Courthouse, McPherson, KS 67460, (316) 241-3656; or from the financial advisor, Zahner and Company, 2850 City Center Square, 1100 Main, Kansas City, MO 64105, Attention: Jeffrey D. Sharp, (816) 221-4311.

McPherson County, Kansas

Doc. No. 007826

(Published in the *Kansas Register*, May 11, 1989.)

NOTICE OF BOND SALE
\$227,500

Sherman County, Kansas
General Obligation Bonds
Series A, 1989
(Equipment, Public Building and
Bridge Improvements)

Sealed Bids

Sealed bids for the purchase of \$227,500 principal amount of General Obligation Bonds, Series A, 1989 (Equipment, Public Building and Bridge Improvements) of the county hereinafter described will be received by the undersigned, county clerk of Sherman County, Kansas, on behalf of the governing body of the county at the Sherman County Courthouse, Goodland, KS 67735, until 1:30 p.m. M.D.T. on Monday, May 22, 1989. All bids will be publicly opened and read at said time and place and will be acted upon by the county immediately thereafter. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$2,500. The bonds will be dated May 1, 1989, and will become due serially on May 1 in the years as follows:

Year	Principal Amount
1990	\$12,500
1991	20,000
1992	20,000
1993	20,000
1994	20,000
1995	25,000
1996	25,000
1997	25,000
1998	30,000
1999	30,000

The bonds will bear interest at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning on May 1, 1990.

Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar). The principal of the bonds will be payable at maturity or upon earlier redemption to the registered owners upon presentation and surrender of the bonds at the office of the paying agent. Interest on the bonds will be paid by check or draft mailed by the paying agent to the persons in whose names the bonds are registered on the registration books maintained by the bond registrar at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date.

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

Redemption of Bonds Prior to Maturity

At the option of the county, bonds maturing on May 1, 1995, and thereafter, will be subject to redemption and payment prior to maturity on May 1, 1994, and thereafter in whole or in part on any interest payment date (bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the paying agent and bond registrar in such equitable manner as it shall designate), at the principal amount thereof, together with a premium of 2 percent, plus accrued interest to the redemption date.

Whenever the county is to select the bonds for the purpose of redemption, it shall, in the case of bonds in denominations greater than \$5,000, if less than all the bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered bond as though it were a separate bond of the denomination of \$5,000.

If the county shall elect to call any bond for redemption and payment prior to the maturity thereof, the county shall give written notice of its intention to redeem and pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the registered owners of said bonds, to the paying agent and bond registrar, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed at least 30 days prior to the redemption date. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of $\frac{1}{8}$ or $\frac{1}{20}$ of 1 percent. No interest rate shall exceed the index of treasury bonds published by the weekly *MuniWeek*, f/k/a *Credit Markets*, in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2 percent. No supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued interest will be considered. Each bid shall specify the total interest cost to the county during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the county on the basis of such bid. Each bid shall also specify the average annual net interest rate to the county on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering prices).

Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost to the county, which will be determined by subtracting the amount of the premium

bid, if any, from the total interest cost to the county. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the county shall determine which bid, if any, shall be accepted, and its determination shall be final.

Authorization, Purpose and Security for the Bonds

The bonds are being authorized and issued to permanently finance various equipment and internal improvements of the county. The bonds will be general obligations of the county payable as to both principal and interest from ad valorem taxes which may be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the county.

Internal Revenue Code of 1986

The Internal Revenue Code of 1986 imposes requirements on the county that must be met subsequent to the issuance of the bonds by the county and, as a result, the county will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The county's failure to comply with such requirements could adversely affect the tax-exempt status of the bonds. Purchasers of the bonds should be aware that should the bonds lose their status as tax-exempt obligations as a result of the county's failure to comply with such requirements, the bonds are neither callable nor will the rate of interest on the bonds be adjusted to reflect such circumstances.

The code includes interest on tax-exempt obligations, such as the bonds, in the adjusted net book income of certain corporations for taxable years beginning after December 31, 1986, and includes, through 1989, in the calculation of alternative minimum taxable income one-half of the excess of a corporation's adjusted net book income over its alternative minimum taxable income (determined without regard to this adjustment and prior to reduction for certain net operating losses). After 1989, the use of "book income" will be replaced by "adjusted current earnings," with certain other adjustments. Furthermore, Section 59A of the code, as added by the Superfund Amendments and Reauthorization Act of 1986, provides for a new environmental tax generally based on corporate alternative minimum taxable income. The amount of the tax is equal to 0.12 percent of the excess of alternative minimum taxable income, without regard to net operating losses and the deduction for this tax, over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax. The environmental tax, which is effective for taxable years beginning after December 31, 1986, may subject certain bondowners to additional taxation for interest earned on the bonds.

The code also requires property and casualty insurance companies, for taxable years beginning on or after January 1, 1987, to reduce the amount of their deductible underwriting losses by a percentage of the amount of tax-exempt interest received or accrued on obligations acquired after August 7, 1986.

With the exception of certain "qualified tax-exempt obligations," the code provides that banks and thrift insti-

tutions may not deduct any portion of the interest cost of purchasing or carrying tax-exempt obligations such as the bonds if such interest cost is incurred in taxable years ending after December 31, 1986, with respect to obligations acquired after August 7, 1986. The county does intend to designate the bonds as "qualified tax-exempt obligations" under Section 265 of the code.

Legal Opinion

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the county, printed on the bonds and delivered to the successful bidder when the bonds are delivered. Said opinion will also state that in the opinion of bond counsel, assuming continued compliance by the county with the provisions of the ordinance authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is exempt from federal income taxation. Interest on the bonds will also be excluded from the computation of Kansas adjusted gross income for taxable years commencing after December 31, 1987.

Delivery and Payment

The county will pay for printing the bonds and will deliver the bonds, without cost to the successful bidder, properly prepared, executed and registered, on or prior to June 15, 1989, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the county. The denominations of the bonds and the names, addresses and Social Security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the county and bond registrar not later than 10 a.m. M.D.T. on June 9, 1989. In the absence of such information, the county will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the county by 10 a.m. M.D.T. on June 12, 1989, a certificate acceptable to the county's bond counsel to the effect that: (i) the successful bidder has made a bona fide public offering of the bonds at the initial reoffering prices, and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that: (1) it is made on the best knowledge, information and belief of the successful bidder, and (2) 10 percent or more in par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

(continued)

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$4,550, payable to the order of the county to secure the county from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if the bid is not accepted. If a bid is accepted, said check shall be held by the county until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall be returned to the successful bidder or deducted from the purchase price at the option of the county. If a bid is accepted but the county shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check shall be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check shall be retained by the county as and for liquidated damages.

CUSIP Numbers

CUSIP identification numbers will be printed on the bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of this notice. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the county.

Bid Forms

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

Submission of Bids.

Bids must be submitted in sealed envelopes addressed to the undersigned county clerk and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at Sherman County Courthouse and must be received by the undersigned prior to 1:30 p.m. M.D.T. on May 22, 1989.

Official Statement

Upon the sale of the bonds, the county will adopt an official statement. Upon request, a reasonable number of copies of the official statement will be made available to the successful bidder without charge. Additional copies may be obtained at the expense of such bidder.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the county for the year 1988 is \$38,360,007. The total general obligation bonded indebtedness of the county as of the date of the bonds, including the bonds, is \$922,500. In accordance with the financial advisor's agreement with the county, the financial advisor will not

be submitting a bid or participating in a group submitting a bid for the purchase of the bonds.

Dated May 1, 1989.

SHERMAN COUNTY, KANSAS
Janet R. Rumpel
County Clerk
Sherman County Courthouse
813 Broadway
Goodland, KS 67735
(913) 899-7581

Doc. No. 007836

State of Kansas**DEPARTMENT OF HEALTH
AND ENVIRONMENT****NOTICE CONCERNING VARIANCE
REQUEST FROM HAZARDOUS
WASTE REGULATIONS**

The Kansas Department of Health and Environment, Forbes Field, Topeka, is providing public notice that on December 15, 1988, Business Systems, Inc., located at 222 Murdock, Wichita, submitted a request for a variance from specific hazardous waste regulations. The request for a variance was submitted in accordance with K.A.R. 28-31-3(a).

The variance is requested from K.A.R. 28-31-4(h), which adopts by reference 40 CFR 265.176. This regulation requires that containers holding ignitable hazardous waste must be located at least 15 meters (50 feet) from the facility's property line.

Business Systems, Inc. generates spent mineral spirits that are used in cleaning operations. The spent mineral spirits are stored prior to being shipped off-site for reclamation. Business Systems proposes to store this waste in a corner of its property immediately behind its building and within five feet of the property line. This location is not adjacent to any structures on adjoining property. The variance is requested because of the size of the property.

KDHE has reviewed this request and visited the site, and has concluded that the variance is justified. In accordance with K.A.R. 28-31-13(b), public notice is being provided of the decision to grant the variance.

In accordance with K.A.R. 28-31-13(b), public notice was provided that KDHE considered the request for a variance justified and made a tentative decision to grant the variance. A public comment period to receive comments regarding this tentative decision was established between March 27, 1989, and April 26, 1989. No adverse public comments regarding this decision were received.

In accordance with K.A.R. 28-31-13(b), KDHE is announcing its decision to approve the request for a variance and not to include any special conditions. The variance shall become effective on May 15, 1989, and shall remain in effect until May 15, 1994.

STANLEY C. GRANT
Secretary of Health
and Environment

Doc. No. 007833

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT****NOTICE OF INTENT TO DENY
A HAZARDOUS WASTE PERMIT**

The Kansas Department of Health and Environment, Forbes Field, Topeka, is providing public notice that it proposes to deny a hazardous waste storage facility permit for Heathwood Oil Company, 2011 N. 10th, Kansas City, Kansas.

Heathwood Oil Company has requested that the interim status for its hazardous waste storage facility be terminated. Kansas Administrative Regulation 28-31-9 requires that KDHE either issue or deny a permit in order to terminate a facility's interim status; therefore, KDHE intends to deny Heathwood Oil Company's hazardous waste facility permit in order to terminate its interim status.

Heathwood Oil Company (E.P.A. I.D. Number KSD031290182) has been operating a hazardous waste container and tank storage facility. On June 29, 1987, Heathwood Oil Company discontinued the Part B application and permitting procedures and submitted a closure plan. Approval to implement a modified closure plan was granted on May 5, 1988. On August 19, 1988, Heathwood Oil Company submitted certification of closure. An independent registered professional engineer submitted certification of closure on behalf of Heathwood Oil Company on August 23, 1988.

A "Notice of Intent to Deny a Permit" is a type of draft permit subject to procedures applicable to draft permits as set forth in K.S.A. 28-31-9, incorporating by reference 40 CFR Part 124, and is based upon the administrative record. The administrative record consists of the notice of intent to deny a hazardous waste permit; the statement of basis, which describes the reasons supporting the decision; the closure procedures; and data submitted by the facility.

Copies of the administrative record are available for public review at the EPA Region VII Headquarters, 726 Minnesota Ave., Kansas City, Kansas, from 7:30 a.m. to 4:30 p.m. weekdays; and at the KDHE, Building 730, Forbes Field, Topeka, and the KDHE district office, 808 W. 24th, Lawrence, from 8 a.m. to 4:30 p.m. weekdays.

Comments or requests for additional information may be directed to John Paul Goetz, Bureau of Waste Management, KDHE, Forbes Field, Topeka 66620. Additional information may also be requested by phone at (913) 296-1607. All comments must be submitted in writing by June 25.

A public hearing has not been scheduled; however, if requests are received that indicate a significant degree of public interest in this permit denial, a public hearing will be scheduled. Requests for a public hearing shall be in writing to the address listed for submittal of comments and shall state the nature of issues proposed to be raised at the hearing. Such requests shall be submitted prior to June 10. The public notice and public hearing procedures may be found in K.A.R. 28-31-9, incorporating by reference 40 CFR Sections 124.11 and 124.12.

After considering all comments received, KDHE will

make a final permit decision. If the determination is substantially unchanged from that announced by this notice, KDHE will notify all persons submitting written comments or requesting notice of final permit determination. If the determination is substantially changed from that announced by this notice, a new public notice will be issued and the public participation process will be reopened.

STANLEY C. GRANT
Secretary of Health
and Environment

Doc. No. 007800

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 S.W. Jackson, Room 102, Topeka, until 2 p.m. C.D.T. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

Monday, May 22, 1989

#A-6155

University of Kansas Medical Center—
PREPARATION OF A TELECOMMUNICATIONS
EQUIPMENT ROOM

#27158

University of Kansas Medical Center—
RADIOPHARMACEUTICALS AND RADIO IMMUNO
ASSAY KITS

#79216

University of Kansas—COOLING TOWER

Tuesday, May 23, 1989

#27216

University of Kansas—DRY ICE

#27516

Statewide—JULY (1989) MEAT PRODUCTS

#27518

Statewide—CANNED GOODS

#78119A

Kansas State Penitentiary—SHOWER ROOM
EQUIPMENT

#79095

Kansas State University—ETHERNET
CONTROLLER FOR MAINFRAME

#79115

Kansas Neurological Institute—APPLIANCES

#79125

Kansas State University—LAB GLOVE BOX

#79126

Kansas Soldiers' Home—INSTALL AIR
CONDITIONING SYSTEM

Wednesday, May 24, 1989

#A-5769

Kansas State School for the Visually Handicapped—

(continued)

**HANDICAPPED ACCESSIBILITY—BRIGHTON
RECREATION CENTER**

#A-5936

Adjutant General's Department—PARTIAL REROOF
OF ARMORY, Mankato

#27157

Statewide—1990 CALENDARS

#27524

University of Kansas—JULY (1989) MEAT
PRODUCTS

#28022

University of Kansas Medical Center—
PHOTOGRAPHY SUPPLIES

#79116

Kansas State University—PAD STEAM RANGE

#79136

Kansas State University—LUMINAIRES AND
POLES

#79143

Department of Transportation—COAXIAL CABLE
AND CONNECTORS

#79151

Department of Transportation—RADIO TOWER,
Chanute

#79152

Ellsworth Correctional Work Facility—LAWN
EQUIPMENT

Thursday, May 25, 1989

#27474

University of Kansas Medical Center—JULY (1989)
MEAT PRODUCTS

#27553

Statewide—WIPING RAGS

#28024

Department of Corrections—AIR MONITORING
SERVICES, Norton

#79156

Kansas Correctional Institute at Lansing—
PLUMBING MATERIALS

#79157

University of Kansas Medical Center—NON-IMPACT
PAGE PRINTER/TYPESSETTER, 2-PAGE MONITOR,
AND SOFTWARE

#79167

Kansas State University—SUBSTATION

#79168

Department of Transportation—STEEL POSTS,
Salina

#79169

Department of Transportation—CONCRETE RIGHT-
OF-WAY MARKERS, Salina

#79170

The Wichita State University—PLAIN PAPER
COPIER

#79171

Department of Wildlife and Parks—FURNISH AND
INSTALL BOAT DOCKS, various locations

Friday, May 26, 1989

#79187

Pittsburg State University—MICROFILM SYSTEM

#79188

University of Kansas Medical Center—LOCAL AREA
NETWORK

#79189

Kansas Correctional Industries—SEWING
MACHINES AND EQUIPMENT, Hutchinson

#79192

Department of Social and Rehabilitation Services—
TELECOMMUNICATION DEVICES FOR THE
DEAF (TDD), Salina, Topeka

#79195

Adjutant General's Department—RADIOS

#79196

Kansas State University—AIR CONDITIONING
UNITS

#79197

Kansas State University—BROADCAST TV/
GRAPHICS/ANIMATION/CHARACTER
GENERATION WORK STATION

#79203

University of Kansas Medical Center—
AUDIOMETRIC SYSTEM

Tuesday, May 30, 1989

#A-5964, #A-5968

Department of Social and Rehabilitation Services—
GROUP THREE CAPITAL IMPROVEMENTS—
TOPEKA STATE HOSPITAL COMMODITY
WAREHOUSE, BRIGHAM AND AWL BUILDINGS

#A-5976

Department of Social and Rehabilitation Services—
GROUP THREE CAPITAL IMPROVEMENTS—
KANSAS NEUROLOGICAL INSTITUTE,
COTTONWOOD, SUNFLOWER AND
MEADOWLARK LODGES

#A-5978, #A-5980

Department of Social and Rehabilitation Services—
GROUP THREE CAPITAL IMPROVEMENTS—
YOUTH CENTER AT ATCHISON, COTTONWOOD,
HICKORY AND OAK COTTAGES/SOCIAL
SERVICES SCHOOL BUILDING

#A-5982

Department of Social and Rehabilitation Services—
GROUP THREE CAPITAL IMPROVEMENTS—
YOUTH CENTER AT TOPEKA, CHEROKEE AND
MOHAWK COTTAGES

REQUEST FOR PROPOSALS

Friday, May 26, 1989

#79202

MINICOMPUTER SYSTEM FOR THE
DEPARTMENT OF TRANSPORTATION

Tuesday, June 6, 1989

#28023

REVENUE ENHANCEMENT STUDY FOR THE
KANSAS STATE FAIR

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 007841

State of Kansas

LEGISLATURE

LEGISLATIVE BILLS INTRODUCED

The following numbers and titles of bills and resolutions have been recently introduced in the 1989 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 April 26—May 2:

House Bills

HB 2564, by Committee on Federal and State Affairs: An act amending the Kansas parimutuel racing act; amending K.S.A. 1988 Supp. 74-8802, 74-8814, 74-8817, 74-8830, 74-8831 and 74-8832 and repealing the existing sections.

HB 2565, by committee on Federal and State Affairs: An act concerning the oil inspection law; relating to fees for inspection expenses; amending K.S.A. 55-426, as amended by section 5 of 1989 Senate Bill No. 272, and repealing the existing section.

HB 2566, by Committee on Appropriations: An act concerning the state racing fund; authorizing transfers of money therefrom; amending K.S.A. 1988 Supp. 74-8826 and repealing the existing section.

HB 2567, by Committee on Appropriations: An act concerning the uniform commercial code; prescribing certain fees for filings and information requests; amending K.S.A. 1988 Supp. 84-9-403, 84-9-405, 84-9-406 and 84-9-407 and repealing the existing sections.

HB 2568, by Representative Mead: An act relating to property taxation; concerning the definition of fair market value; amending K.S.A. 1988 Supp. 79-501 and repealing the existing section.

HB 2569, by Committee on Appropriations: An act concerning the behavioral sciences regulatory board; concerning registration and licensure of certain persons; amending K.S.A. 1988 Supp. 75-5354, as amended by section 4 of 1989 House Bill No. 2434, and 75-5359, as amended by section 5 of 1989 House Bill No. 2434, and repealing the existing sections.

HB 2570, by Committee on Appropriations: An act amending the health care provider insurance availability act; concerning persons engaged in residency training; amending K.S.A. 40-3402 and K.S.A. 1988 Supp. 40-3401 and 40-3404 and repealing the existing sections.

HB 2571, by Committee on Appropriations: An act repealing K.S.A. 1988 Supp. 74-2913, as amended by section 91 of 1989 Substitute for House Bill No. 2004, concerning the all-sports hall of fame trust fund.

HB 2572, by Committee on Appropriations: An act repealing K.S.A. 1988 Supp. 83-309; relating to hearings before the state sealer on revocation, denial of renewal or suspension of scale testing and service company licenses.

HB 2573, by Committee on Appropriations: An act repealing K.S.A. 47-1705, as amended by section 158 of chapter 356 of the 1988 Session Laws of Kansas; relating to denial, suspension and revocation of certificates of registration for certain pounds, animal shelters and research facilities.

HB 2574, by Committee on Appropriations: An act repealing K.S.A. 1987 Supp. 65-3456, as amended by section 210 of chapter 356 of the 1988 Session Laws of Kansas; relating to orders of the secretary of health and environment with respect to hazardous waste clean-up activities.

HB 2575, by Committee on Appropriations: An act repealing K.S.A. 79-5016, as amended by section 347 of chapter 356 of the 1988 Session Laws of Kansas; relating to certain hearings of the state board of tax appeals on the matter of taxing subdivision compliance with aggregate tax levy limitations.

HB 2576, by Committee on Federal and State Affairs: An act concerning wildlife and parks; amending K.S.A. 75-4218a as amended by section 188 of 1989 House Bill No. 2005, K.S.A. 1988 Supp. 32-155b as amended by section 7 of 1989 House Bill No. 2200, K.S.A. 1988 Supp. 74-3323 as amended by section 111 of 1989 House Bill No. 2005, K.S.A. 1988 Supp. 74-4515 as amended by section 25 of 1989 House Bill No. 2005, K.S.A. 1988 Supp. 79-201a as amended by section 2 of 1989 House Bill No. 2534, section 105 of 1989 House Bill No. 2005 and section 109 of 1989 House Bill No. 2005 and repealing the existing sections; also repealing K.S.A. 75-4218a as amended by section 97 of 1989 Substitute for House Bill No. 2004, K.S.A. 1988 Supp. 32-104m

as amended by section 84 of 1989 Substitute for House Bill No. 2004, K.S.A. 1988 Supp. 32-155b as amended by section 136 of 1989 House Bill No. 2005, K.S.A. 1988 Supp. 32-164b as amended by section 1 of 1989 House Bill No. 2007, K.S.A. 1988 Supp. 74-3323 as amended by section 92 of 1989 Substitute for House Bill No. 2004, K.S.A. 1988 Supp. 74-4515 as amended by section 93 of 1989 Substitute for House Bill No. 2004 and K.S.A. 1988 Supp. 79-201a as amended by section 190 of 1989 House bill No. 2005.

HB 2577, by Committee on Appropriations, An act concerning community mental health services; providing for assessments of need and the adoption of plans to provide such services; prescribing certain powers, duties and functions in relation thereto; establishing the governor's commission on mental health services; amending K.S.A. 19-4002, 19-4002a, 19-4002b, 19-2905, 65-211 and 65-213 and K.S.A. 1988 Supp. 59-2901, 59-2902, 59-2908, 59-2912, 59-2914, 59-2914a, 59-2916, 59-2917, 59-2918, 59-2918a, 59-2924, 65-4434 and 65-5603 and repealing the existing sections; also repealing K.S.A. 1988 Supp. 75-3302d and 75-3302e.

HB 2578, by Committee on Appropriations: An act establishing the governor's commission on mental retardation services; relating to the composition thereof; prescribing functions therefor.

HB 2579, by Committee on Appropriations, An act creating the department of mental health and retardation services; amending K.S.A. 19-4002, 19-4002a, 19-4002b, 19-2905, 65-211, 65-213, 75-3303, 75-3303a, 75-3304a, 75-3307, 75-3315, 75-3328, 76-12a01, 76-12a22, 76-12a24, 76-12b01, 76-1305, 76-1306, 76-1307 and 76-17a10 and K.S.A. 1988 Supp. 59-2901, 59-2902, 59-2908, 59-2912, 59-2914, 59-2914a, 59-2916, 59-2917, 59-2918, 59-2918a, 59-2919, 59-2924, 65-4412, 65-4432, 65-4434, 65-5603, 75-3307b and 75-5372 and repealing the existing sections; also repealing K.S.A. 75-5308a, 75-5308b and 75-5308c and K.S.A. 1988 Supp. 75-3302d and 75-3302e.

Senate Bills

SB 398, by Committee on Ways and Means: An act enacting the Kansas storage tank act; providing for the regulation of storage tanks thereunder; establishing the petroleum storage tank release trust fund; providing authorities and duties for the secretary and department of health and environment; establishing an environmental assurance fee and providing duties and authorities for the department of revenue relating thereto; prescribing unlawful acts and providing penalties therefor.

SB 399, by Committee on Ways and Means: An act concerning the reproduction of records kept by public officers of the state; requiring compliance with certain standards; amending K.S.A. 75-3506, as amended by section 2 of 1989 Senate Bill No. 205, and repealing the existing section.

SB 400, by Committee on Ways and Means: An act concerning the commission on access to services for the medically indigent and the homeless; relating to the expiration date of statutes making provision therefor; amending K.S.A. 1988 Supp. 74-8505 and repealing the existing section; also repealing K.S.A. 1988 Supp. 74-8505 as amended by section 3 of 1989 House Bill No. 2444.

SB 401, by Committee on Ways and Means: An act concerning certain governmental employees; relating to civil actions or proceedings brought against certain health care providers in cases involving alleged violations of civil rights laws; amending K.S.A. 1988 Supp. 75-6116 and repealing the existing section.

SB 402, by Committee on Ways and Means: An act concerning certain alcohol and drug safety action programs; relating to certification of certain personnel; amending K.S.A. 1988 Supp. 8-1008 and repealing the existing section.

SB 403, by Committee on Ways and Means: An act concerning the probate code; relating to construction of certain wills containing formula marital clauses.

SB 404, by Committee on Ways and Means: An act concerning the census; making adjustments required by the constitution of Kansas; duties and responsibilities of the secretary of state and other persons; making certain acts unlawful and prescribing penalties for violations.

SB 405, by Committee on Federal and State Affairs: An act authorizing the state board of regents to sell or exchange certain real property in Saline county, Kansas; imposing conditions thereon; authorizing disposition of proceeds.

SB 406, by Committee on Federal and State Affairs: An act relating to motor vehicles; concerning certificates of title; amending K.S.A. 1988 Supp. 8-135, as amended by section 1 of 1989 House Bill No. 2177, and repealing the existing section.

(continued)

SB 407, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal years ending June 30, 1989, June 30, 1990 and June 30, 1991; authorizing certain transfers and fees, imposing certain restrictions and limitations and directing or authorizing certain receipts, disbursements, capital improvements and acts incidental to the foregoing; amending section 5 of 1989 House Bill No. 2064, section 10 of 1989 Senate Bill No. 29 and section 8 of 1989 Senate Bill No. 67 and repealing the existing sections; also repealing section 4 of 1989 Senate Bill No. 27.

SB 408, by Committee on Federal and State Affairs: An act concerning health insurance; establishing a program encouraging certain employers to offer health benefit plans to eligible employees; providing income tax credits for employer contributions to such health benefit plans.

SB 409, by Committee on Federal and State Affairs: An act concerning cities and counties; relating to public building commissions; amending K.S.A. 12-1757, 12-1759 and 12-1763 and K.S.A. 1988 Supp. 12-1758 and 12-1767 and repealing the existing sections; also repealing K.S.A. 12-1757, as amended by section 1 of 1989 Senate Bill No. 61, 12-1759, as amended by section 3 of 1989 Senate Bill No. 61, 12-1763, as amended by section 4 of 1989 Senate Bill No. 61, and K.S.A. 1988 Supp. 12-1758, as amended by section 2 of 1989 Senate Bill No. 61 and 12-1767, as amended by section 5 of 1989 Senate Bill No. 61, and section 6 of 1989 Senate Bill No. 61.

SB 410, by Committee on Federal and State Affairs: An act declaring the Norwich hospital district no. 1 of Kingman county, Kansas, to be a health care facilities and services hospital district.

SB 411, by Committee on Ways and Means: An act concerning capital improvement projects authorized under 1989 House Bill No. 2548; exempting such projects from local planning and zoning regulations.

SB 412, by Committee on Ways and Means: An act concerning capital improvement projects authorized under 1989 House Bill No. 2548; requiring that bond financing therefor be through public sale of bonds and that construction contracts for such projects be awarded pursuant to competitive bids.

House Concurrent Resolutions

HCR 5027, by Representatives Braden and Barkis: A concurrent resolution declaring the Province of Taiwan, the Republic of China, to be a sister-state of the State of Kansas.

HCR 5028, by Representative Larkin: A proposition to amend section 1 of article 11 of the constitution of the state of Kansas, relating to the taxation of property.

HCR 5029, by Representative Williams: A proposition to amend section 2 of article 2 of the constitution of the state of Kansas, relating to terms of legislators.

HCR 5030, by Representative Branson: A proposition to amend section 1 of article 10 of the constitution of the state of Kansas, relating to reapportionment of senatorial and representative districts.

HCR 5031, by Representative Braden: A concurrent resolution relating to the 1989 regular session of the legislature; and providing for an adjournment thereof.

House Resolutions

HR 6102, by Representative Heinemann: A resolution making specific exceptions to the limitations prescribed by subsection (k) of Joint Rule 4 of the house of representatives and senate.

HR 6103, by Representative Harder: A resolution congratulating Margaret Banker on being named the 1989 recipient of the Henry Peterson Professional of the Year Award.

HR 6104, by Representative Buehler: A resolution congratulating the United Methodist Church of Claffin, Kansas, on its 100th anniversary.

HR 6105, by Representative D. Miller: A resolution congratulating Mr. and Mrs. George Grosdidier on the occasion of their 65th wedding anniversary.

HR 6106, by Representatives Bunten and D. Miller: A resolution in memory of James W. Bibb, Jr.

HR 6107, by Representative Fry: A resolution congratulating and commending Walter L. Allton, one of eleven teachers to be inducted into the Kansas Teachers' Hall of Fame in Dodge City on June 17, 1989.

HR 6108, by Representative Gross: A resolution congratulating and commending Elouise Miller, one of eleven teachers to be inducted into the Kansas Teachers' Hall of Fame in Dodge City on June 17, 1989.

HR 6109, by Representative Gregory: A resolution congratulating and commending Joe G. Arkle, one of eleven teachers to be inducted into the Kansas Teachers' Hall of Fame in Dodge City on June 17, 1989.

HR 6110, by Representative Borum: A resolution congratulating and commending Vena Wright, one of eleven teachers to be inducted into the Kansas Teachers' Hall of Fame in Dodge City on June 17, 1989.

HR 6111, by Representative Flower: A resolution congratulating and commending Viola Reichart, one of eleven teachers to be inducted into the Kansas Teachers' Hall of Fame in Dodge City on June 17, 1989.

HR 6112, by Representative Shore: A resolution congratulating and commending Betty Jean Emberton, one of eleven teachers to be inducted into the Kansas Teachers' Hall of Fame in Dodge City on June 17, 1989.

HR 6113, by Representative Roenbaugh: A resolution congratulating and commending James H. Hood, one of eleven teachers to be inducted into the Kansas Teachers' Hall of Fame in Dodge City on June 17, 1989.

HR 6114, by Representative Branson: A resolution congratulating and commending Dorothy McGregor, one of eleven teachers to be inducted into the Kansas Teachers' Hall of Fame in Dodge City on June 17, 1989.

HR 6115, by Representative Jenkins: A resolution congratulating and commending the Lansing High School select choral group, The Lansing Sound Spectrum, on being selected the United States representative to FIESTA '89.

HR 6116, by Representative D. Miller: A resolution congratulating the Patrons Mutual Insurance Association on its 100th anniversary.

HR 6117, by Representatives Lynch and Turnquist: A resolution congratulating and commending Edward Sherraden, one of eleven teachers to be inducted into the Kansas Teachers' Hall of Fame in Dodge City on June 17, 1989.

HR 6118, by Representative Shumway: A resolution congratulating and commending the Ottawa High School Cytones on being selected to perform at Disneyland's "Magic Music Days."

HR 6119, by Representative Sebelius: A resolution congratulating the Potwin Presbyterian Church of Topeka, Kansas, on its centennial anniversary.

HR 6120, by Representative Buehler and Mead: A resolution congratulating and commending Clyde Merckle for his induction into the Kansas Oil Pioneers Hall of Fame.

HR 6121, by Representatives Buehler and Mead: A resolution in honor of the late Robert E. Davis for his induction into the Kansas Oil Pioneers Hall of Fame.

HR 6122, by Representative Bryant: A resolution congratulating the Marysville Mutual Insurance Company on its 100th anniversary.

HR 6123, by Representative Gatlin: A resolution congratulating and commending Archie Vernon, one of eleven teachers to be inducted into the Kansas Teachers' Hall of Fame in Dodge City on June 17, 1989.

HR 6124, by Representative Lowther: A resolution congratulating and commending Wanda Franzen, one of eleven teachers to be inducted into the Kansas Teachers Hall of Fame in Dodge City on June 17, 1989.

HR 6125, by Representative Justice: A resolution urging increased levels of activity by the President, Congress and other State Legislatures to bring a rapid end to the racial apartheid system in South Africa.

HR 6126, by Representative Hensley: A resolution proclaiming April 28, 1989, as Workers' Memorial Day in Kansas.

HR 6127, by Representative Blumenthal: A resolution congratulating and commending Robert J. Antonio, Professor of Sociology at the University of Kansas, for outstanding teaching and guidance.

HR 6128, by Representative Holmes: A resolution recognizing the occasion of the 50th anniversary of Dorothy Gale's homecoming and the release of The Wizard of Oz film.

HR 6129, by Representative Samuelson: A resolution congratulating and commending the Kansas Special Olympics Athletes for their performances at the Fourth International Winter Special Olympics Games.

HR 6130, by Representative Blumenthal: A resolution in memory of Alfonso E. Webb, Sr. of Merriam, Kansas.

HR 6131, by Representatives Hurt and Hochhauser: A resolution honoring Irving Peterson for serving Kansas as a Silver Haired Legislator and receiving the 1989 AARP National Community Service Award.

HR 6132, by Representative Helgeson: A resolution honoring Mary Jane Teall for 43 years of service to the Wichita Community Theatre.

HR 6133, by Representative Helgeson: A resolution urging the Governor and the Legislature to enact policies that will reduce poverty in Kansas.

HR 6134, by Representative Helgeson: A resolution recognizing the need and requesting a state plan for the identification and prevention of sports injuries.

HR 6135, by Representative Heinemann: A resolution in memory of Robert E. Arbuthnot of Haddam, Kansas.

Senate Concurrent Resolutions

SCR 1625, by Senators Burke and Johnston: A concurrent resolution declaring the Province of Taiwan, the Republic of China, to be a sister-state of the State of Kansas.

SCR 1626, by Senator Steineger: A concurrent resolution providing for a special committee to make a legislative study concerning reappraisal and classification of property.

Senate Resolutions

SR 1862, by Senator Burke: A resolution honoring Dr. James C. Thompson on his 25th anniversary as a professional educator.

SR 1863, by Senator F. Kerr: A resolution making a specific exception to the limitation prescribed by subsection (f) of Joint Rule 4 of the senate and house of representatives.

SR 1864, by Senator Johnston: A resolution commending Senator Joe Warren for his distinguished service to the State of Kansas.

SR 1865, by Senator Strick: A resolution congratulating and commending the Blessed Sacrament Parish on its 90th anniversary.

SR 1866, by Senators Oleen and Winter: A resolution congratulating and commending Phi Kappa Theta on its 100th anniversary and proclaiming April 29, 1989, as "Phi Kappa Theta Fraternity Day."

SR 1867, by Senator Vidricksen: A resolution congratulating and commending Winding Specialists Company, Inc., on being named 1989 Kansas and Region VII Prime Contractor of the Year.

SR 1868, by Senator Harder: A resolution congratulating and com-

mending Dr. Robert G. Rizza, proprietor of the Villarizza Vineyards, for being selected to receive the Vinifera Perpetual Monteith Trophy for 1989.

SR 1869, by Senator Montgomery: A resolution congratulating the Marysville Mutual Insurance Company on its 100th anniversary.

SR 1870, by Senator Vidricksen: A resolution congratulating and commending Richard Barlow on being named the 1989 Kansas Small Business Person of the Year.

SR 1871, by Senator Sallee: A resolution honoring Mel Langston on his retirement from Valley Falls U.S.D. 338.

SR 1872, by Senator Oleen: A resolution in memory of Howard W. Harper.

SR 1873, by Senator Vidricksen: A resolution honoring the Sports Car Club of America.

SR 1874, by Senator Allen: A resolution congratulating and commending the Ottawa High School Cytones on being selected to perform at Disneyland's "Magic Music Days."

SR 1875, by Senator Montgomery: A resolution congratulating and commending Wenger Manufacturing, Inc., Sabetha, Kansas, for winning the 1989 Governor's New Product Award.

SR 1876, by Senator Vidricksen: A resolution honoring Arnold Sollars upon his retirement as the State Director of the Loyal Order of Moose of Kansas and Oklahoma.

SR 1877, by Senators Doyen and Gaines: A resolution in memory of Robert E. Arbuthnot of Haddam, Kansas.

Doc. No. 007830

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1987 Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-2-25	Amended	V. 7, p. 1408
1-2-81	New	V. 7, p. 1816
1-2-81	New	V. 7, p. 1879
1-5-11	Amended	V. 8, p. 130
1-5-13	Amended	V. 8, p. 130
1-5-15	Amended	V. 8, p. 130
1-6-2	Amended	V. 7, p. 1816
1-6-2	Amended	V. 7, p. 1879
1-6-24	Amended	V. 8, p. 131
1-6-31	New	V. 8, p. 131
1-6-32	New	V. 7, p. 1816
1-6-32	New	V. 7, p. 1879
1-9-5	Amended	V. 7, p. 1408
1-9-6	Amended	V. 7, p. 1409
1-9-8	Amended	V. 7, p. 1410
1-9-19a	New	V. 7, p. 1816
1-9-19a	New	V. 7, p. 1879
1-14-11	Amended	V. 7, p. 1411
1-16-15	Amended	V. 7, p. 1411
1-16-18	Amended	V. 7, p. 1411
1-16-18a	Amended	V. 7, p. 1412
1-18-1a	Amended	V. 7, p. 1414
1-24-1	Amended	V. 7, p. 1414
1-24-2	Revoked	V. 7, p. 1414

AGENCY 4: BOARD OF AGRICULTURE

Reg. No.	Action	Register
4-1-17	Amended	V. 7, p. 315
4-2-1	Amended	V. 7, p. 1839
4-2-8	Amended	V. 7, p. 1839
4-2-9	Revoked	V. 7, p. 315

4-2-18	New	V. 7, p. 1839
4-3-47	Amended	V. 7, p. 315
4-3-48	Amended	V. 7, p. 315
4-3-49	New	V. 7, p. 315
4-3-50	New	V. 7, p. 315
4-7-716	Amended	V. 7, p. 1839
4-8-14	Amended	V. 7, p. 1839
4-8-15 through 4-8-27	Revoked	V. 7, p. 316
4-8-28 through 4-8-39	New	V. 7, p. 316, 317
4-8-39	Amended	V. 7, p. 1840
4-8-40	Amended	V. 7, p. 1840
4-10-1	Amended	V. 7, p. 317
4-10-2d	Amended	V. 7, p. 1840
4-10-2i	Amended	V. 7, p. 318
4-10-2k	Amended	V. 7, p. 1840
4-10-4	Amended	V. 7, p. 319
4-10-5	Amended	V. 7, p. 320
4-10-15	Amended	V. 7, p. 322
4-10-16	Amended	V. 7, p. 1841
4-10-17	New	V. 7, p. 322
4-13-9	Amended	V. 7, p. 322
4-13-11	Amended	V. 7, p. 1841
4-13-13	Amended	V. 7, p. 1843
4-13-14	Amended	V. 7, p. 325
4-13-16	Amended	V. 7, p. 325
4-13-20	Amended	V. 7, p. 325
4-13-33	Amended	V. 7, p. 325
4-13-34	Amended	V. 7, p. 1841
4-13-37	New	V. 7, p. 325, 326
4-13-34	Amended	V. 7, p. 1845
4-13-35	Amended	V. 7, p. 1845
4-13-36	Amended	V. 7, p. 1845
4-13-38	New	V. 7, p. 1846
4-13-60	Amended	V. 7, p. 325
4-13-37 through 4-13-65	New	V. 7, p. 1846-1848
4-16-1a	Amended	V. 7, p. 1848
4-16-1c	Amended	V. 7, p. 1848
4-16-3a	New	V. 7, p. 1849
4-16-7a	Amended	V. 7, p. 1849
4-16-252	New	V. 7, p. 1849
4-16-260	New	V. 7, p. 327
4-17-1a	New	V. 7, p. 1849
4-17-1c	New	V. 7, p. 1850
4-17-5	Revoked	V. 7, p. 1850
4-17-5a	New	V. 7, p. 1850
4-25-1	Revoked	V. 7, p. 1850
4-33-1	New	V. 8, p. 132

AGENCY 5: BOARD OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-10-1	Revoked	V. 7, p. 109
5-10-2	Revoked	V. 7, p. 109
5-10-3	Revoked	V. 7, p. 109
5-25-4	Amended	V. 7, p. 109

AGENCY 7: SECRETARY OF STATE

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7-31-4	Amended	V. 7, p. 112
7-33-1	New	V. 7, p. 1606

AGENCY 9: ANIMAL HEALTH DEPARTMENT

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9-7-7	Amended	V. 7, p. 1399
9-14-1 through 9-14-5	New	V. 7, p. 1400

AGENCY 11: STATE CONSERVATION COMMISSION

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11-1-1 through 11-1-5	Revoked	V. 7, p. 111
11-1-6	New	V. 7, p. 111
11-1-7	New	V. 7, p. 111
11-1-8	New	V. 7, p. 111
11-2-1	Revoked	V. 7, p. 111
11-2-2	Revoked	V. 7, p. 111
11-2-3	Revoked	V. 7, p. 111
11-2-4	New	V. 7, p. 111
11-2-5	New	V. 7, p. 111
11-2-6	New	V. 7, p. 111

AGENCY 13: ALCOHOLIC BEVERAGE CONTROL BOARD OF REVIEW

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13-1-2	Revoked	V. 7, p. 110
13-2-1 through 13-2-15	Revoked	V. 7, p. 110
13-3-1	Revoked	V. 7, p. 110
13-3-2	Revoked	V. 7, p. 110

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13-4-1		
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13-4-5	Revoked	V. 7, p. 110
13-5-1	Revoked	V. 7, p. 110
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13-6-1	Revoked	V. 7, p. 110

**AGENCY 14: DEPARTMENT OF REVENUE—
DIVISION OF ALCOHOLIC
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14-2-23	Revoked	V. 7, p. 779
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14-3-20	Revoked	V. 7, p. 780
14-3-22		
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14-3-42	Revoked	V. 7, p. 780, 781
14-4-1		
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14-4-11	Revoked	V. 7, p. 781
14-4-11a	Revoked	V. 7, p. 781
14-4-12		
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14-4-16	Revoked	V. 7, p. 781
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through		
14-4-23	Revoked	V. 7, p. 782
14-4-25		
through		
14-4-28	Revoked	V. 7, p. 782
14-5-1	Amended	V. 7, p. 782
14-5-2	Amended	V. 7, p. 782
14-5-3	Revoked	V. 7, p. 782
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14-5-6	Amended	V. 7, p. 782
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14-7-8	Amended	V. 7, p. 1401
14-8-1	Amended	V. 7, p. 1401
14-8-4	Revoked	V. 7, p. 783
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14-8-6	Amended	V. 7, p. 1401
14-8-7	Amended	V. 7, p. 1401
14-8-11	Revoked	V. 7, p. 783
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14-9-10	Revoked	V. 7, p. 783
14-10-1		
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14-10-4	Revoked	V. 7, p. 783
14-10-5		
through		
14-10-16	New	V. 7, p. 1401, 1402
14-11-2	Revoked	V. 7, p. 1876
14-11-8	Revoked	V. 7, p. 1876
14-11-10c	Revoked	V. 7, p. 1876
14-11-12	Revoked	V. 7, p. 1876
14-11-17	Revoked	V. 7, p. 1876
14-11-18	Revoked	V. 7, p. 1876
14-11-19	Revoked	V. 7, p. 1876
14-11-20	Revoked	V. 7, p. 1876
14-11-21	Revoked	V. 7, p. 1876
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14-13-13	New	V. 7, p. 783-788
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14-14-12	New	V. 7, p. 1402
14-14-1	Amended	V. 7, p. 1876
14-14-5	Amended	V. 7, p. 1877
14-14-13	New	V. 7, p. 1878
14-16-1	Revoked	V. 7, p. 789
14-16-3	Revoked	V. 7, p. 789
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14-16-5	Revoked	V. 7, p. 789
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14-16-12	Revoked	V. 7, p. 789
14-16-14		
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14-16-24	New	V. 7, p. 789-792
14-17-5	New	V. 7, p. 1402
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14-18-23	Revoked	V. 7, p. 793, 794
14-18-25	Revoked	V. 7, p. 794
14-18-26	Revoked	V. 7, p. 794
14-18-28	Revoked	V. 7, p. 794
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14-19-12	Revoked	V. 7, p. 794
14-19-13	Revoked	V. 7, p. 794
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14-19-37	New	V. 7, p. 794-801
14-20-1	Revoked	V. 7, p. 801
14-20-2	Revoked	V. 7, p. 801
14-20-4	Revoked	V. 7, p. 801
14-20-7		
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14-20-10	Revoked	V. 7, p. 801
14-20-14		
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14-20-39	New	V. 7, p. 801-809
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14-21-20	New	V. 7, p. 809-816
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14-22-14	New	V. 7, p. 816-821
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14-22-20	New	V. 7, p. 822
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14-23-15	New	V. 7, p. 822-826
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23-1-10	Amended	V. 7, p. 367
23-1-12	New	V. 7, p. 367
23-2-7	Amended	V. 7, p. 368
23-2-14	Amended	V. 7, p. 1503
23-2-14	Amended	V. 7, p. 1638
23-2-15	Amended	V. 7, p. 371
23-2-16	New	V. 7, p. 372
23-3-13	Amended	V. 7, p. 1504
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23-5-8	New	V. 7, p. 1504, 1505
23-5-1		
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23-5-8	New	V. 7, p. 1639, 1640
23-7-7	Amended	V. 7, p. 1506
23-7-7	Amended	V. 7, p. 1640
23-8-2	Amended	V. 7, p. 1506
23-18-1	Amended	V. 7, p. 373
23-18-3	New	V. 7, p. 373
23-18-4	New	V. 7, p. 374
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23-21-14	New	V. 7, p. 374-376

**AGENCY 23: DEPARTMENT OF WILDLIFE
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24-1-1	New	V. 7, p. 1357

AGENCY 24: KANSAS WHEAT COMMISSION

Reg. No.	Action	Register
24-1-1	New	V. 7, p. 1357

**AGENCY 25: GRAIN INSPECTION
DEPARTMENT**

Reg. No.	Action	Register
25-4-1	Amended	V. 7, p. 1396
25-4-4	Amended	V. 7, p. 221

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26-1-1	Amended	V. 7, p. 1332
26-1-5	Amended	V. 7, p. 1334
26-1-7	New	V. 7, p. 1334
26-2-1	Amended	V. 7, p. 1335
26-2-3	Amended	V. 7, p. 1335
26-2-5	Amended	V. 7, p. 1336
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26-3-6	Amended	V. 7, p. 1338
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26-4-4	Amended	V. 7, p. 1338
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26-6-5	Amended	V. 7, p. 1340
26-6-6	Amended	V. 7, p. 1340

**AGENCY 28: DEPARTMENT OF HEALTH
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28-4-294	New	V. 7, p. 1431-1434
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28-4-294	New	V. 7, p. 1770-1773
28-4-525		
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28-4-529	New	V. 7, p. 714
28-14-2	Amended	V. 7, p. 714
28-15-35	Amended	V. 7, p. 714
28-15-36	Amended	V. 7, p. 714
28-16-110		
through		
28-16-138	New	V. 8, p. 517-520
28-16-56a	Amended	V. 7, p. 714
28-17-6	Amended	V. 7, p. 714
28-17-20	Amended	V. 7, p. 714
28-17-21	New	V. 7, p. 714
28-19-7	Amended	V. 7, p. 714
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28-19-18	Amended	V. 7, p. 715
28-19-19	Amended	V. 7, p. 715
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28-19-66	Amended	V. 7, p. 715
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28-19-75	Amended	V. 7, p. 715
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28-19-96	Amended	V. 7, p. 715
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through		
28-19-108	Amended	V. 7, p. 715
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28-19-109	Amended	V. 7, p. 715
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28-19-121a	Amended	V. 7, p. 715
28-19-123	Amended	V. 7, p. 715
28-19-124	Amended	V. 7, p. 715
28-19-125	Amended	V. 7, p. 715
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28-19-141	Amended	V. 7, p. 715
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28-19-150	Amended	V. 7, p. 715

28-19-153	Amended	V. 7, p. 715
28-19-154	Amended	V. 7, p. 715
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28-19-158	Amended	V. 7, p. 715
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28-31-14	Amended	V. 7, p. 715
28-33-1	Amended	V. 7, p. 716
28-33-2 through 28-33-10	Revoked	V. 7, p. 716
28-35-146	Amended	V. 7, p. 716
28-35-147	Amended	V. 7, p. 716
28-39-77	Amended	V. 8, p. 200
28-39-83	Amended	V. 7, p. 716
28-39-87	Amended	V. 7, p. 716
28-39-114 through 28-39-129	Revoked	V. 7, p. 716
28-39-130	Revoked	V. 7, p. 716
28-39-131	Revoked	V. 7, p. 716
28-39-139 through 28-39-143	Revoked	V. 7, p. 716
28-39-200	Revoked	V. 8, p. 201
28-39-202 through 28-39-218	Revoked	V. 8, p. 201
28-39-225	Amended	V. 8, p. 201
28-39-226	Amended	V. 8, p. 203
28-39-300 through 28-39-312	New	V. 7, p. 716
28-39-400 through 28-39-411	New	V. 7, p. 716
28-50-1	Amended	V. 7, p. 716
28-50-2	Amended	V. 7, p. 716
28-50-4 through 28-50-9	Amended	V. 7, p. 716
28-50-9	Amended	V. 7, p. 1354
28-50-14	Amended	V. 7, p. 716
28-60-1 through 28-60-9	Amended	V. 7, p. 716
28-60-1 through 28-60-6	Amended	V. 7, p. 1740, 1741
28-60-7	Revoked	V. 7, p. 1742
28-60-9	Amended	V. 7, p. 1742
28-65-1	New	V. 7, p. 716
28-65-2	New	V. 7, p. 716
28-65-3	Amended	V. 7, p. 1399

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-2-16	Amended	V. 7, p. 1402
30-4-34	Amended	V. 7, p. 716
30-4-35	Amended	V. 7, p. 717
30-4-36	Amended	V. 7, p. 717
30-4-41	Amended	V. 7, p. 717
30-4-50	Amended	V. 7, p. 1402
30-4-50	Amended	V. 7, p. 1437
30-4-54	Amended	V. 7, p. 717
30-4-56	Amended	V. 7, p. 717
30-4-57	Amended	V. 7, p. 1402
30-4-57	Amended	V. 7, p. 1437
30-4-58	Amended	V. 7, p. 1403
30-4-62	Amended	V. 7, p. 1403
30-4-62	Amended	V. 7, p. 1438
30-4-63	New	V. 7, p. 1403
30-4-63	Amended	V. 7, p. 1439
30-4-74	Amended	V. 7, p. 1404
30-4-75	Amended	V. 7, p. 717
30-4-78	Amended	V. 7, p. 717

30-4-80	Amended	V. 7, p. 1404
30-4-90	Amended	V. 7, p. 1404
30-4-91	Amended	V. 7, p. 718
30-4-95	Amended	V. 7, p. 1404
30-4-100	Amended	V. 7, p. 718
30-4-101	Amended	V. 7, p. 1404
30-4-102	Amended	V. 7, p. 1404
30-4-106	Amended	V. 7, p. 1404
30-4-108 through 30-4-113	Amended	V. 7, p. 718, 719
30-4-108	Amended	V. 7, p. 1404
30-4-110	Amended	V. 7, p. 1404
30-4-113	Amended	V. 7, p. 1404
30-4-120	Amended	V. 7, p. 1404
30-4-120	Amended	V. 7, p. 1440
30-4-130	Amended	V. 7, p. 719
30-5-58	Amended	V. 7, p. 1404
30-5-58	Amended	V. 7, p. 1441
30-5-58	Amended	V. 7, p. 1868
30-5-59	Amended	V. 7, p. 720
30-5-65	Amended	V. 7, p. 720
30-5-70	Amended	V. 7, p. 720
30-5-71	Amended	V. 7, p. 720
30-5-75	New	V. 7, p. 721
30-5-81	Amended	V. 7, p. 1405
30-5-81	Amended	V. 7, p. 1880
30-5-81	Amended	V. 7, p. 1868
30-5-81b	Amended	V. 7, p. 1405
30-5-81b	Amended	V. 7, p. 1444
30-5-81t	Amended	V. 7, p. 721
30-5-82	Amended	V. 7, p. 1868
30-5-83	Amended	V. 7, p. 1869
30-5-83a	Amended	V. 7, p. 721
30-5-84	Amended	V. 7, p. 721
30-5-84a	Amended	V. 7, p. 721
30-5-86	Amended	V. 7, p. 1869
30-5-86a	Amended	V. 7, p. 721
30-5-86b through 30-5-86e	Revoked	V. 7, p. 721
30-5-87	Amended	V. 7, p. 1869
30-5-87a	Amended	V. 7, p. 1869
30-5-88	Amended	V. 7, p. 1405
30-5-88	Amended	V. 7, p. 1869
30-5-88	Amended	V. 7, p. 1881
30-5-89	Amended	V. 7, p. 1869
30-5-92	Amended	V. 7, p. 1869
30-5-100	Amended	V. 7, p. 1869
30-5-100	Amended	V. 7, p. 1445
30-5-101	Amended	V. 7, p. 1869
30-5-102	Amended	V. 7, p. 722
30-5-103	Amended	V. 7, p. 1869
30-5-104	Amended	V. 7, p. 1869
30-5-106a	Amended	V. 7, p. 722
30-5-108	Amended	V. 7, p. 1869
30-5-110	Amended	V. 7, p. 722
30-5-110a	Amended	V. 7, p. 722
30-5-112	Amended	V. 7, p. 1869
30-5-113	New	V. 7, p. 1869
30-5-113a	New	V. 7, p. 722
30-5-114	New	V. 7, p. 722
30-5-114a	New	V. 7, p. 723
30-5-150	Amended	V. 7, p. 723
30-5-151	Amended	V. 7, p. 723
30-5-152	Amended	V. 7, p. 723
30-5-154	Amended	V. 7, p. 723
30-5-155	Amended	V. 7, p. 1869
30-5-156	Amended	V. 7, p. 723
30-5-157	Amended	V. 7, p. 723
30-5-159 through 30-5-163	Amended	V. 7, p. 723, 724
30-5-67 through 30-5-171	Amended	V. 7, p. 724
30-6-35	Amended	V. 7, p. 724
30-6-36	Amended	V. 7, p. 724
30-6-41	Amended	V. 7, p. 1405
30-6-53	Amended	V. 7, p. 1405
30-6-53	Amended	V. 7, p. 1869
30-6-54	Amended	V. 7, p. 724
30-6-56	Amended	V. 7, p. 1405
30-6-57	Amended	V. 7, p. 724
30-6-58	Amended	V. 7, p. 1405
30-6-65	Amended	V. 7, p. 1405

30-6-65	Amended	V. 7, p. 1445
30-6-74	Amended	V. 7, p. 1405
30-6-77	New	V. 7, p. 1405
30-6-78	Amended	V. 7, p. 1406
30-6-79	Amended	V. 7, p. 725
30-6-86	New	V. 7, p. 1869
30-6-103	Amended	V. 7, p. 1406
30-6-103	Amended	V. 7, p. 1869
30-6-106 through 30-6-113	Amended	V. 7, p. 725, 726
30-6-106	Amended	V. 7, p. 1406
30-6-107	Amended	V. 7, p. 1406
30-6-107	Amended	V. 7, p. 1870
30-6-108	Amended	V. 7, p. 1406
30-6-109	Amended	V. 7, p. 1406
30-6-112	Amended	V. 7, p. 1406
30-6-113	Amended	V. 7, p. 1407
30-10-1a	Amended	V. 7, p. 1870
30-10-1b	Amended	V. 7, p. 1870
30-10-2	Amended	V. 7, p. 727
30-10-3	Amended	V. 7, p. 727
30-10-4	Amended	V. 7, p. 727
30-10-7	Amended	V. 7, p. 1870
30-10-9	Amended	V. 7, p. 727
30-10-11	Amended	V. 7, p. 1870
30-10-15a	Amended	V. 7, p. 1871
30-10-15b	Amended	V. 7, p. 1871
30-10-16	Amended	V. 7, p. 1871
30-10-17	Amended	V. 7, p. 1871
30-10-18	Amended	V. 7, p. 1871
30-10-19	Amended	V. 7, p. 1871
30-10-20	Amended	V. 7, p. 1871
30-10-21	Amended	V. 7, p. 1871
30-10-23a	Amended	V. 7, p. 727
30-10-24	Amended	V. 7, p. 1871
30-10-25	Amended	V. 7, p. 728
30-10-28	Amended	V. 7, p. 1873
30-10-29	Amended	V. 7, p. 728
30-22-30	Amended	V. 7, p. 728
30-22-32	Amended	V. 7, p. 729
30-31-2	Amended	V. 7, p. 729
30-31-3	Amended	V. 7, p. 729
30-31-4	Amended	V. 7, p. 729
30-46-1 through 30-46-6	New	V. 7, p. 729, 730
30-46-1 through 30-46-6	Revoked	V. 7, p. 1873
30-46-10 through 30-46-17	New	V. 7, p. 1873, 1874
30-51-1 through 30-51-5	New	V. 7, p. 730, 731

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-27-2	Amended	V. 7, p. 217
36-27-3	Amended	V. 7, p. 217
36-27-4	Amended	V. 7, p. 217
36-27-5a	New	V. 7, p. 217
36-27-6	Amended	V. 7, p. 217
36-27-7	Amended	V. 7, p. 217
36-27-8	Amended	V. 7, p. 218
36-27-11	Amended	V. 7, p. 218
36-27-12	Amended	V. 7, p. 218
36-27-13	Amended	V. 7, p. 219

AGENCY 38: SAVINGS AND LOAN DEPARTMENT

Reg. No.	Action	Register
38-10-1 through 38-10-7	New	V. 7, p. 222

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-28	Amended	V. 8, p. 452

(continued)

40-1-29	Revoked	V. 7, p. 584
40-1-36	Amended	V. 7, p. 584
40-2-12	Amended	V. 8, p. 452
40-2-14	Amended	V. 7, p. 585
40-2-15	Amended	V. 7, p. 586
40-2-16	Amended	V. 7, p. 586
40-2-22	Amended	V. 7, p. 586
40-3-5	Amended	V. 8, p. 454
40-3-12	Amended	V. 7, p. 588
40-3-33	Amended	V. 7, p. 588
40-3-44	New	V. 8, p. 454
40-4-22	Amended	V. 7, p. 591
40-4-35	Amended	V. 8, p. 515
40-4-35	Amended	V. 8, p. 558
40-4-35a	New	V. 7, p. 2059
40-4-35a	New	V. 8, p. 454
40-4-37	New	V. 7, p. 1329
40-4-38	New	V. 8, p. 455
40-5-107	Amended	V. 7, p. 592
40-5-108	Amended	V. 7, p. 592
40-5-109	Amended	V. 7, p. 593
40-7-7	Amended	V. 8, p. 455
40-7-13	Amended	V. 8, p. 455
40-7-20	Revoked	V. 8, p. 455
40-7-20a	New	V. 8, p. 455
40-7-21	Amended	V. 8, p. 457
40-7-21	Amended	V. 8, p. 516
40-9-118	Amended	V. 7, p. 593
40-10-15	Amended	V. 7, p. 593

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-6-136	Amended	V. 7, p. 308
44-6-138	Amended	V. 7, p. 308
44-6-141	Amended	V. 7, p. 309
44-7-104	Amended	V. 7, p. 309
44-11-111	Amended	V. 7, p. 2031
44-11-113	Amended	V. 8, p. 451
44-11-114	Amended	V. 7, p. 2032
44-11-116	Amended	V. 7, p. 2032
44-11-119	Amended	V. 7, p. 2032
44-11-121	Amended	V. 8, p. 451
44-11-122	Amended	V. 7, p. 2032
44-11-123	Amended	V. 8, p. 451
44-11-125	Revoked	V. 7, p. 2033
44-11-128	Amended	V. 7, p. 2033
44-11-129	New	V. 7, p. 2033
44-12-205	Amended	V. 7, p. 311
44-12-207	Amended	V. 7, p. 311
44-12-327	New	V. 7, p. 311
44-12-401	Amended	V. 7, p. 311
44-12-601	Amended	V. 7, p. 311
44-13-402	Amended	V. 7, p. 313
44-13-704	Amended	V. 7, p. 313
44-15-101b	Amended	V. 7, p. 313
44-15-102	Amended	V. 7, p. 313
44-16-103	Amended	V. 7, p. 1875
44-16-104	Amended	V. 7, p. 1875
44-16-108	Amended	V. 7, p. 1875

AGENCY 45: KANSAS PAROLE BOARD

Reg. No.	Action	Register
45-4-7	Amended	V. 7, p. 219
45-7-1	Amended	V. 7, p. 219
45-9-1	Amended	V. 7, p. 219

AGENCY 47: MINED-LAND CONSERVATION AND RECLAMATION BOARD

Reg. No.	Action	Register
47-2-75	Amended	V. 7, p. 409
47-3-42	Amended	V. 7, p. 410
47-7-2	Amended	V. 7, p. 411
47-9-1	Amended	V. 7, p. 411
47-10-1	Amended	V. 7, p. 412
47-12-4	Amended	V. 7, p. 412

AGENCY 49: DEPARTMENT OF HUMAN RESOURCES

Reg. No.	Action	Register
49-49-1	Amended	V. 7, p. 223

AGENCY 50: DEPARTMENT OF HUMAN RESOURCES— DIVISION OF EMPLOYMENT

Reg. No.	Action	Register
50-3-1	Amended	V. 7, p. 399
50-4-2	Amended	V. 7, p. 400

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES— DIVISION OF WORKERS' COMPENSATION

Reg. No.	Action	Register
51-2-5	Amended	V. 7, p. 514
51-7-8	Amended	V. 7, p. 514
51-9-7	Amended	V. 7, p. 515
51-15-2	Amended	V. 7, p. 515
51-24-3 through 51-24-7	New	V. 7, p. 515-517

AGENCY 53: STATE RECORDS BOARD

Reg. No.	Action	Register
53-3-1	New	V. 7, p. 1739
53-4-1	New	V. 7, p. 1739

AGENCY 54: KANSAS STATE LIBRARY

Reg. No.	Action	Register
54-3-3	Amended	V. 7, p. 1943

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-4-101	Amended	V. 7, p. 18
60-11-104a	New	V. 7, p. 2056
60-11-104a	New	V. 8, p. 14
60-13-102 through 60-13-108	New	V. 7, p. 361, 362
60-15-101 through 60-15-104	Amended	V. 7, p. 1612, 1613
60-15-101 through 60-15-104	Amended	V. 7, p. 2056, 2057

AGENCY 61: BOARD OF BARBER EXAMINERS

Reg. No.	Action	Register
61-1-19	Amended	V. 7, p. 401
61-3-7	Amended	V. 7, p. 401
61-3-22	Amended	V. 7, p. 401
61-3-26	New	V. 7, p. 401

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-1	Amended	V. 7, p. 362
63-1-5	Amended	V. 7, p. 363
63-1-7	Revoked	V. 7, p. 364
63-1-8	Revoked	V. 7, p. 364
63-1-14 through 63-1-18	Revoked	V. 7, p. 364
63-1-18	Revoked	V. 7, p. 364
63-1-20	Revoked	V. 7, p. 364
63-1-21	Revoked	V. 7, p. 364
63-1-22	Revoked	V. 7, p. 364
63-2-8	Revoked	V. 7, p. 364
63-2-13	Amended	V. 7, p. 364
63-3-10	Amended	V. 7, p. 365
63-3-13	Amended	V. 7, p. 365
63-4-1	Amended	V. 7, p. 365
63-5-1	New	V. 7, p. 365
63-5-2	New	V. 7, p. 365
63-6-1 through 63-6-8	New	V. 7, p. 365, 366

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-6-6	Revoked	V. 7, p. 358

65-6-8	Amended	V. 7, p. 358
65-6-11	Amended	V. 7, p. 358
65-6-12	Amended	V. 7, p. 358
65-6-17	Revoked	V. 7, p. 358
65-6-24	Revoked	V. 7, p. 358
65-6-25	Amended	V. 7, p. 358
65-6-30	Amended	V. 7, p. 359
65-6-31	Revoked	V. 7, p. 360
65-6-32	Revoked	V. 7, p. 360
65-6-33	Amended	V. 7, p. 360
65-6-37	New	V. 7, p. 360
65-7-3	Revoked	V. 7, p. 360
65-7-10	Revoked	V. 7, p. 360

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-2	Amended	V. 8, p. 252
68-2-5	Amended	V. 7, p. 327
68-2-20	Amended	V. 7, p. 327
68-5-1	Amended	V. 7, p. 327
68-5-11	Revoked	V. 8, p. 252
68-7-11	Amended	V. 8, p. 252
68-7-12	Amended	V. 8, p. 253
68-7-13	Amended	V. 7, p. 329
68-7-14	Amended	V. 7, p. 329
68-8-1	Amended	V. 7, p. 329
68-9-1	Amended	V. 8, p. 253
68-11-1	Amended	V. 7, p. 329
68-11-2	Amended	V. 7, p. 330
68-12-2	New	V. 7, p. 330
68-13-1	New	V. 7, p. 330
68-20-1	Amended	V. 8, p. 254
68-20-11	Amended	V. 7, p. 330
68-20-15a	Amended	V. 7, p. 331
68-20-16	Amended	V. 8, p. 255
68-20-18	Amended	V. 7, p. 332

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-3-23	New	V. 7, p. 406
69-3-24	New	V. 7, p. 406
69-3-25	New	V. 7, p. 407
69-11-1	Amended	V. 7, p. 407

AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS

Reg. No.	Action	Register
70-1-3	Revoked	V. 7, p. 358
70-5-1	Amended	V. 7, p. 1264

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-14	Revoked	V. 7, p. 377
71-1-15	New	V. 7, p. 377
71-2-1 through 71-2-7	Amended	V. 8, p. 161, 162
71-2-9	Amended	V. 8, p. 162
71-2-11	Amended	V. 8, p. 163
71-2-12	Amended	V. 8, p. 163
71-2-13	Revoked	V. 8, p. 163

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-5-202	Amended	V. 8, p. 493
74-5-203	Amended	V. 8, p. 493
74-7-2	Amended	V. 7, p. 378
74-8-2	Amended	V. 7, p. 378
74-8-5	New	V. 7, p. 378
74-12-1	Amended	V. 8, p. 493

AGENCY 75: CONSUMER CREDIT COMMISSIONER

Reg. No.	Action	Register
75-6-12	Revoked	V. 7, p. 1503
75-6-13	Revoked	V. 7, p. 1503
75-6-19	Revoked	V. 7, p. 1943
75-6-24	Amended	V. 7, p. 1328
75-6-26	Amended	V. 7, p. 1396
75-6-27	Revoked	V. 7, p. 1503

75-6-28 Revoked V. 7, p. 1503
 75-6-29 New V. 7, p. 1943

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-2-1	Amended	V. 7, p. 401
81-3-2	Amended	V. 7, p. 1534
81-3-2	Amended	V. 7, p. 1606
81-4-1	Amended	V. 7, p. 401
81-5-6	Amended	V. 8, p. 132
81-5-6	Amended	V. 8, p. 333
81-5-8	Amended	V. 7, p. 402
81-7-1	Amended	V. 7, p. 1534
81-8-1	Amended	V. 7, p. 405
81-9-1	Amended	V. 7, p. 405

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-1-231	Amended	V. 7, p. 413
82-1-231a	New	V. 7, p. 416
82-3-101	Amended	V. 8, p. 423
82-3-103	Amended	V. 7, p. 420
82-3-103a	New	V. 8, p. 425
82-3-106	through	
82-3-109	Amended	V. 7, p. 421-423
82-3-105	Amended	V. 8, p. 425
82-3-106	Amended	V. 8, p. 425
82-3-107	Amended	V. 8, p. 426
82-3-109	Amended	V. 8, p. 427
82-3-112	Amended	V. 7, p. 423
82-3-114	Amended	V. 8, p. 427
82-3-117	Amended	V. 7, p. 424
82-3-120	Amended	V. 8, p. 428
82-3-123	Amended	V. 8, p. 428
82-3-123a	New	V. 8, p. 429
82-3-124	Amended	V. 8, p. 429
82-3-130	Amended	V. 8, p. 430
82-3-131	Amended	V. 7, p. 425
82-3-132	Amended	V. 7, p. 426
82-3-135	Amended	V. 7, p. 426
82-3-138	Amended	V. 7, p. 426
82-3-139	Amended	V. 8, p. 430
82-3-140	Amended	V. 8, p. 430
82-3-141	New	V. 7, p. 427
82-3-142	New	V. 8, p. 430
82-3-143	New	V. 8, p. 430
82-3-202	Amended	V. 7, p. 427
82-3-203	Amended	V. 8, p. 431
82-3-204	Amended	V. 7, p. 428
82-3-205	Amended	V. 8, p. 431
82-3-207	Amended	V. 7, p. 428
82-3-300	Amended	V. 7, p. 428
82-3-302	Revoked	V. 7, p. 428
82-3-304	Amended	V. 7, p. 428
82-3-305	Amended	V. 8, p. 431
82-3-306	Amended	V. 7, p. 429
82-3-311	Amended	V. 8, p. 431
82-3-312	Amended	V. 7, p. 429
82-3-400	Amended	V. 8, p. 432
82-3-401	Amended	V. 8, p. 432
82-3-402	Amended	V. 8, p. 434
82-3-405	Amended	V. 8, p. 434
82-3-407	Amended	V. 8, p. 435
82-3-408	Amended	V. 8, p. 435
82-3-409	Amended	V. 8, p. 435
82-3-502	Amended	V. 7, p. 431
82-3-602	Amended	V. 7, p. 432
82-3-603	Amended	V. 7, p. 432
82-4-3	Amended	V. 7, p. 432
82-4-20	Amended	V. 7, p. 433
82-4-65	Amended	V. 7, p. 433
82-11-1	through	
82-11-7	Revoked	V. 8, p. 517
82-11-1	through	
82-11-9	New	V. 8, p. 377-383

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-5	Amended	V. 7, p. 1398
86-1-11	Amended	V. 7, p. 1398
86-1-13	Amended	V. 7, p. 408
86-1-16	New	V. 7, p. 1398
86-3-6a	Amended	V. 7, p. 408
86-3-18	Amended	V. 7, p. 408
86-3-22	New	V. 7, p. 409

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-3-10	New	V. 7, p. 465
88-3-11	New	V. 7, p. 465
88-3-12	New	V. 7, p. 1632
88-8-1	through	
88-8-8	New	V. 7, p. 465, 466
88-9-1	through	
88-9-6	New	V. 7, p. 1632, 1633
88-10-6	Amended	V. 7, p. 466
88-11-7	Amended	V. 7, p. 467
88-13-1	Amended	V. 7, p. 1807
88-13-1	Amended	V. 7, p. 1944
88-13-4	Amended	V. 7, p. 1808
88-13-4	Amended	V. 7, p. 1944
88-13-11	Amended	V. 7, p. 1808
88-13-11	Amended	V. 7, p. 1945
88-14-1	through	
88-14-4	New	V. 7, p. 467
88-15-1	Amended	V. 7, p. 1809
88-15-1	Amended	V. 7, p. 1910
88-15-2	Amended	V. 7, p. 1809
88-15-2	Amended	V. 7, p. 1910
88-16-1	Amended	V. 7, p. 1810
88-16-1	Amended	V. 7, p. 1911
88-16-1a	Amended	V. 7, p. 1911
88-16-2	Amended	V. 7, p. 1810
88-16-2	Amended	V. 7, p. 1912
88-16-5	Amended	V. 7, p. 1811
88-16-5	Amended	V. 7, p. 1912
88-17-2	New	V. 7, p. 468
88-17-3	New	V. 7, p. 468
88-17-4	New	V. 7, p. 468
88-18-1	through	
88-18-8	New	V. 7, p. 1814, 1815
88-19-1	through	
88-19-4	New	V. 7, p. 1815

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-27	Amended	V. 7, p. 517
91-1-27b	Amended	V. 8, p. 94
91-1-28	Amended	V. 7, p. 518
91-1-32	Amended	V. 8, p. 94
91-1-32a	Revoked	V. 8, p. 94
91-1-33	Amended	V. 8, p. 94
91-1-38	Revoked	V. 8, p. 95
91-1-44	Amended	V. 7, p. 518
91-1-58	Amended	V. 8, p. 95
91-1-60	Amended	V. 8, p. 95
91-1-79	Amended	V. 8, p. 95
91-1-85	Amended	V. 8, p. 95
91-1-92	Amended	V. 8, p. 96
91-1-101b	New	V. 7, p. 519
91-1-107a	Amended	V. 8, p. 96
91-1-110b	New	V. 7, p. 520
91-1-112a	Amended	V. 7, p. 521
91-1-128a	Amended	V. 8, p. 98
91-1-129a	Amended	V. 8, p. 98
91-1-131	Amended	V. 8, p. 99
91-1-132a	Amended	V. 8, p. 100
91-1-146d	Amended	V. 7, p. 522
91-1-146e	New	V. 7, p. 523
91-1-147	Revoked	V. 7, p. 523
91-1-149	New	V. 8, p. 101
91-1-150	New	V. 8, p. 101

91-12-22	through	
91-12-25	Amended	V. 7, p. 523-528
91-12-24	Revoked	V. 7, p. 1709
91-12-24a	New	V. 7, p. 1709
91-12-26	Revoked	V. 7, p. 1710
91-12-28	Amended	V. 7, p. 1710
91-12-31	Amended	V. 7, p. 529
91-12-32	Amended	V. 7, p. 529
91-12-40	Amended	V. 7, p. 530
91-12-50	through	
91-12-55	Amended	V. 7, p. 531-534
91-12-58	Amended	V. 7, p. 535
91-12-61	Amended	V. 7, p. 1711
91-12-62	Amended	V. 7, p. 536
91-12-72	Amended	V. 7, p. 536
91-16-30	New	V. 8, p. 423
91-19-1	Amended	V. 8, p. 101
91-19-2	Amended	V. 8, p. 101
91-19-6	Amended	V. 8, p. 102
91-25-1a	Amended	V. 7, p. 537
91-25-1c	Amended	V. 7, p. 538
91-31-1	Amended	V. 8, p. 102
91-31-2	Amended	V. 8, p. 102
91-31-3	Amended	V. 7, p. 539
91-31-5	Amended	V. 7, p. 540
91-31-6	Amended	V. 7, p. 540
91-31-7	Amended	V. 8, p. 103
91-31-9	Amended	V. 7, p. 542
91-31-11	Amended	V. 7, p. 542
91-31-12a	through	
91-31-12h	Amended	V. 7, p. 542-544
91-31-12a	Amended	V. 8, p. 104
91-31-13	Amended	V. 8, p. 104
91-31-14	New	V. 8, p. 105
91-31-14a	Amended	V. 8, p. 105
91-33-1	through	
91-33-9	Amended	V. 7, p. 545-549
91-33-1	Amended	V. 8, p. 105
91-33-5	Amended	V. 8, p. 106
91-34-1	through	
91-34-14	New	V. 7, p. 549-553
91-34-1	Amended	V. 8, p. 106
91-34-2	Amended	V. 8, p. 106
91-34-3	Amended	V. 8, p. 107

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-1-1	Amended	V. 7, p. 649
92-1-2	Amended	V. 7, p. 650
92-1-3	Amended	V. 7, p. 650
92-1-4	through	
92-1-8	Revoked	V. 7, p. 650
92-12-106	New	V. 7, p. 650
92-13-10	Amended	V. 7, p. 651
92-19-3	Amended	V. 7, p. 651
92-19-5	Amended	V. 7, p. 651
92-19-6	Amended	V. 7, p. 651
92-19-8	Amended	V. 7, p. 651
92-19-9	Revoked	V. 7, p. 652
92-19-10	Amended	V. 7, p. 652
92-19-12	Amended	V. 7, p. 652
92-19-16	Amended	V. 7, p. 652
92-19-18	Amended	V. 7, p. 653
92-19-19	Amended	V. 7, p. 653
92-19-23	Amended	V. 7, p. 653
92-19-24	Amended	V. 7, p. 654
92-19-28	Amended	V. 7, p. 654
92-19-30	Amended	V. 7, p. 655
92-19-30a	New	V. 7, p. 656
92-19-31	Revoked	V. 7, p. 656
92-19-32	Amended	V. 7, p. 656
92-19-40	Amended	V. 7, p. 657
92-19-41	Revoked	V. 7, p. 657
92-19-46	New	V. 7, p. 657
92-19-47	New	V. 7, p. 657
92-19-49	through	
92-19-59	New	V. 7, p. 658-662

(continued)

92-19-61 through 92-19-66	New	V. 7, p. 662, 663
92-19-66a through 92-19-66d	New	V. 7, p. 664-666
92-19-67 through 92-19-80	New	V. 7, p. 666-670
92-19-80	Revoked	V. 7, p. 1036
92-20-11	Amended	V. 7, p. 1632
92-20-13	Amended	V. 7, p. 671
92-21-6	Amended	V. 7, p. 671
92-21-8	Amended	V. 7, p. 672
92-21-10	Amended	V. 7, p. 672
92-21-14	Amended	V. 7, p. 672
92-24-9	Amended	V. 7, p. 672
92-24-10	Amended	V. 7, p. 672
92-24-11	Amended	V. 7, p. 673
92-24-13	Amended	V. 7, p. 673
92-24-15 through 92-24-19	Amended	V. 7, p. 673, 674
92-24-20	Revoked	V. 7, p. 674
92-24-21 through 92-24-24	Amended	V. 7, p. 674
92-26-1 through 92-26-7	Amended	V. 7, p. 675-676
92-51-41	Amended	V. 7, p. 676
92-52-1	Amended	V. 7, p. 676

AGENCY 94: BOARD OF TAX APPEALS

Reg. No.	Action	Register
94-1-1 through 94-1-9	Revoked	V. 7, p. 469
94-2-1 through 94-2-12	Amended	V. 7, p. 469-473
94-3-1	Amended	V. 7, p. 473
94-3-2	Amended	V. 7, p. 473

AGENCY 99: BOARD OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES

Reg. No.	Action	Register
99-8-8	Amended	V. 7, p. 468
99-8-9	New	V. 7, p. 468
99-31-1	Amended	V. 8, p. 132
99-31-2 through 99-31-6	Amended	V. 7, p. 1838, 1839
99-32-1 through 99-32-6	Amended	V. 7, p. 468, 469

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-2-1	Revoked	V. 7, p. 474
100-2-3	Amended	V. 7, p. 474
100-2-5	Revoked	V. 7, p. 474
100-2-6	Revoked	V. 7, p. 474
100-5-1	Amended	V. 7, p. 474
100-5-2	Amended	V. 7, p. 474
100-5-3	Revoked	V. 7, p. 475
100-8-4	Amended	V. 7, p. 475
100-9-2	Revoked	V. 7, p. 475
100-10-1	Revoked	V. 7, p. 475
100-10a-1 through 100-10a-6	New	V. 7, p. 475-476
100-11-1	Amended	V. 8, p. 654
100-11-5	New	V. 7, p. 476
100-12-1	Amended	V. 7, p. 476
100-15-3	New	V. 7, p. 476
100-19-1	Amended	V. 7, p. 476
100-22-2	New	V. 7, p. 477
100-42-1	Revoked	V. 7, p. 477
100-42-2	Amended	V. 7, p. 477
100-46-5	Amended	V. 7, p. 477
100-49-4	Amended	V. 8, p. 654

100-54-1 through 100-54-9	New	V. 7, p. 477-480
100-55-1 through 100-55-8	New	V. 7, p. 480-483
100-60-7	Revoked	V. 7, p. 483
100-60-8 through 100-60-14	New	V. 7, p. 483-485

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-2-1a	Amended	V. 8, p. 204
102-2-4b	Amended	V. 7, p. 462
102-2-7	Amended	V. 7, p. 463
102-3-1	New	V. 7, p. 1258
102-3-2	Amended	V. 7, p. 464
102-3-3 through 102-3-13	New	V. 7, p. 1258-1263
102-4-1	New	V. 8, p. 204
102-4-1	New	V. 8, p. 335
102-4-2	New	V. 7, p. 464
102-4-3 through 102-4-11	New	V. 8, p. 205-209
102-4-3 through 102-4-11	New	V. 8, p. 335-339

AGENCY 104: CONSUMER CREDIT COMMISSIONER

Reg. No.	Action	Register
104-1-1	Revoked	V. 7, p. 398
104-1-2	New	V. 7, p. 398

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-2-1	Amended	V. 7, p. 1579
105-3-1	Amended	V. 7, p. 1579
105-3-2	Amended	V. 7, p. 1579
105-5-2	Amended	V. 7, p. 1579
105-5-6	Amended	V. 7, p. 1579
105-5-7	Amended	V. 7, p. 1580
105-5-8	Amended	V. 7, p. 1580
105-7-8	Amended	V. 7, p. 406
105-9-4	Revoked	V. 7, p. 1580
105-10-1	Amended	V. 7, p. 1580

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-1	Amended	V. 7, p. 1581
108-1-1	Amended	V. 7, p. 1611

AGENCY 109: EMERGENCY MEDICAL SERVICES BOARD

Reg. No.	Action	Register
109-1-1	Amended	V. 7, p. 485
109-2-5 through 109-2-8	Amended	V. 7, p. 486-488
109-5-1	Amended	V. 7, p. 489
109-5-3	Amended	V. 7, p. 490
109-6-1	New	V. 7, p. 491
109-8-1	New	V. 8, p. 163
109-9-1	New	V. 8, p. 163
109-9-2	New	V. 8, p. 164
109-9-3	New	V. 7, p. 1635
109-9-4	New	V. 8, p. 164
109-10-1	New	V. 8, p. 164
109-11-1 through 109-11-8	New	V. 8, p. 164-166

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-1-1	Amended	V. 7, p. 434
110-1-2	Amended	V. 7, p. 434
110-2-1	New	V. 7, p. 434
110-2-2	New	V. 7, p. 435
110-3-1 through 110-3-11	New	V. 8, p. 28-30

AGENCY 111: THE KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 8, p. 586
111-2-1	Amended	V. 7, p. 1995
111-2-5	New	V. 8, p. 13
111-2-6	New	V. 8, p. 134
111-2-7	Amended	V. 8, p. 586
111-2-8	New	V. 8, p. 376
111-2-9	New	V. 8, p. 587
111-2-10	New	V. 8, p. 587
111-3-1	Amended	V. 7, p. 1061
111-3-3	Revoked	V. 7, p. 1062
111-3-4	Revoked	V. 7, p. 1062
111-3-7	Revoked	V. 7, p. 1714
111-3-9	Amended	V. 7, p. 1190
111-3-10 through 111-3-31	New	V. 7, p. 201-206
111-3-10	Revoked	V. 7, p. 1062
111-3-11	Amended	V. 8, p. 299
111-3-12	New	V. 8, p. 587
111-3-13	Amended	V. 7, p. 1062
111-3-14	Amended	V. 8, p. 587
111-3-14a	New	V. 8, p. 588
111-3-16	Amended	V. 7, p. 1309
111-3-17	Revoked	V. 7, p. 1714
111-3-19 through 111-3-22	Amended	V. 7, p. 1309, 1310
111-3-20	Amended	V. 8, p. 588
111-3-21	Amended	V. 7, p. 1606
111-3-22	Amended	V. 8, p. 588
111-3-22a	New	V. 8, p. 589
111-3-25	New	V. 7, p. 1310
111-3-27	New	V. 7, p. 1310
111-3-30	Revoked	V. 7, p. 1310
111-3-31	Amended	V. 8, p. 209
111-3-32	New	V. 7, p. 931
111-3-33	New	V. 7, p. 1434
111-4-1	Amended	V. 8, p. 134
111-4-2	Amended	V. 7, p. 1063
111-4-4	Amended	V. 7, p. 1063
111-4-6	Amended	V. 7, p. 1434
111-4-7	Amended	V. 7, p. 1945
111-4-8	Amended	V. 7, p. 1064
111-4-12	Amended	V. 7, p. 1190
111-4-16	Revoked	V. 8, p. 209
111-4-19	Revoked	V. 7, p. 206
111-4-22 through 111-4-40	Revoked	V. 7, p. 206, 207
111-4-41	Revoked	V. 7, p. 1435
111-4-42	Revoked	V. 7, p. 1435
111-4-43	Revoked	V. 7, p. 207
111-4-44	Revoked	V. 7, p. 1435
111-4-46 through 111-4-64	Revoked	V. 7, p. 207
111-4-66 through 111-4-77	New	V. 7, p. 207-209
111-4-66	Amended	V. 8, p. 589
111-4-67	Amended	V. 8, p. 590
111-4-68	Amended	V. 7, p. 931
111-4-69	Amended	V. 7, p. 931
111-4-70	Amended	V. 8, p. 134
111-4-71	Amended	V. 8, p. 590
111-4-71a	Amended	V. 7, p. 1435
111-4-71b	New	V. 8, p. 333
111-4-72	Amended	V. 8, p. 134
111-4-73	Amended	V. 8, p. 590

111-4-73a	Revoked	V. 8, p. 134	111-6-17	New	V. 7, p. 1191	112-4-15	New	V. 8, p. 596
111-4-74	Amended	V. 7, p. 931	111-7-1			112-4-16	New	V. 8, p. 92
111-4-77a	Amended	V. 8, p. 590	through			112-4-16	New	V. 8, p. 258
111-4-77b	New	V. 8, p. 590	111-7-10	New	V. 7, p. 1192, 1193	112-4-17	New	V. 8, p. 92
111-4-78			111-7-1	Amended	V. 8, p. 212	112-4-17	New	V. 8, p. 258
through			111-7-4	Amended	V. 7, p. 1610	112-4-18	New	V. 8, p. 92
111-4-82	Revoked	V. 8, p. 13	111-7-5	Amended	V. 7, p. 1610	112-4-18	New	V. 8, p. 258
111-4-82a	Revoked	V. 8, p. 13	111-7-11	New	V. 7, p. 1224	112-4-19	New	V. 8, p. 596
111-4-83			111-7-12			112-4-20	New	V. 8, p. 92
through			through			112-4-20	New	V. 8, p. 258
111-4-87	Revoked	V. 8, p. 13	111-7-32	New	V. 7, p. 1194-1196	112-4-22	New	V. 8, p. 596
111-4-88			111-7-12			112-5-1		
through			through			through		
111-4-91	Revoked	V. 8, p. 210	111-7-27	Revoked	V. 7, p. 1436, 1437	112-5-9	New	V. 8, p. 92
111-4-92			111-7-28	Amended	V. 8, p. 300	112-5-1		
through			111-7-32a	New	V. 7, p. 1196	through		
111-4-95	Revoked	V. 8, p. 299	111-7-32b	Amended	V. 8, p. 333	112-5-9	New	V. 8, p. 258-260
111-4-96			111-7-33			112-6-1		
through			through			through		
111-4-114	New	V. 7, p. 1606-1610	111-7-43	New	V. 7, p. 1197, 1198	112-6-8	New	V. 8, p. 92, 93
111-4-99a	New	V. 7, p. 1807	111-7-33	Revoked	V. 7, p. 1437	112-6-1		
111-4-99b	New	V. 7, p. 1807	111-7-33a	New	V. 8, p. 300	through		
111-4-115			111-7-34a	Amended	V. 8, p. 592	112-6-8	New	V. 8, p. 261-263
through			111-7-37a	Amended	V. 8, p. 593	112-7-2		
111-4-118	New	V. 7, p. 1946, 1947	111-7-43	Revoked	V. 8, p. 212	through		
111-4-118a	New	V. 8, p. 13	111-8-1	New	V. 7, p. 1633	112-7-22	New	V. 8, p. 593, 594
111-4-119			111-8-2	New	V. 7, p. 1633	112-7-2		
through			111-8-3	New	V. 7, p. 1633	through		
111-4-125	New	V. 8, p. 135, 136	111-8-4	New	V. 7, p. 1714	112-7-22	New	V. 8, p. 641-648
111-4-126			111-8-4a	New	V. 7, p. 1995	112-8-2		
through			111-8-5			through		
111-4-129	New	V. 8, p. 376, 377	through			112-8-12	New	V. 8, p. 93
111-4-130			111-8-13	New	V. 7, p. 1634	112-8-2		
through			111-9-1			through		
111-4-137	New	V. 8, p. 591, 592	through			112-8-12	New	V. 8, p. 263-267
111-4-138			111-9-12	New	V. 7, p. 1714-1716	112-8-3	Amended	V. 8, p. 596
through			111-9-13			112-8-9	Amended	V. 8, p. 596
111-4-152	New	V. 8, p. 654-656	through			112-9-2		
111-5-1			111-9-18	New	V. 8, p. 300, 301	through		
through			111-10-1			112-9-38	New	V. 8, p. 596-598
111-5-23	New	V. 7, p. 209-213	through			112-10-2		
111-5-9			111-10-9	New	V. 8, p. 136-138	through		
through			111-10-7	Amended	V. 8, p. 301	112-10-12	New	V. 8, p. 598
111-5-15	Amended	V. 8, p. 210, 211	AGENCY 112: KANSAS RACING COMMISSION					
111-5-17	Amended	V. 8, p. 211	Reg. No.	Action	Register	112-11-1		
111-5-19	Amended	V. 8, p. 212	112-3-1			through		
111-5-20	Revoked	V. 8, p. 212	through			112-11-19	New	V. 8, p. 594, 595
111-5-21	New	V. 8, p. 299	112-3-20	New	V. 7, p. 1357-1370	112-11-1		
111-6-1			112-4-1			through		
through			through			112-11-19	New	V. 8, p. 648-653
111-6-15	New	V. 7, p. 213-217	112-4-14			112-11-21	New	V. 8, p. 595
111-6-1	Amended	V. 8, p. 212	112-4-1			112-11-21	New	V. 8, p. 653
111-6-12	Amended	V. 8, p. 212	through			112-12-2		
111-6-13	Amended	V. 8, p. 299	112-4-14	New	V. 8, p. 92	through		
111-6-16	Revoked	V. 8, p. 212	112-4-1			112-12-13	New	V. 8, p. 595, 596
			through			112-13-2	New	V. 8, p. 596
			112-4-14	New	V. 8, p. 255-257	112-13-2	New	V. 8, p. 267
						112-13-3	New	V. 8, p. 598

State of Kansas

BOARD OF MORTUARY ARTS

PERMANENT ADMINISTRATIVE
REGULATIONSArticle 1.—EMBALMING; CONTINUING
EDUCATION OF EMBALMERS AND
FUNERAL DIRECTORS

63-1-3. Registration and apprenticeship. (a) Each person desiring to enter the practice of embalming dead human bodies within the state of Kansas shall apply to the board for a "certificate of registration," no later than 30 days before the examination date. Application forms provided by the board shall be used. Each application form shall be accompanied by:

(1) Official transcripts of accredited institutions of higher learning showing the applicant has met the educational requirements or the equivalent of K.S.A. 65-1701a; and

(2) statements that the school, institute, community college, or university where the applicant completed education meets the following qualifications:

(A) The school, institute, community college, college, or university is accredited by the board; and

(B) the school, institute, community college, college, or university is accredited by the American board of funeral service education or by any agency recognized by the United States commissioner of education as the proper agency for the accrediting of these schools.

(b) If an applicant has successfully completed the educational requirements stated in K.S.A. 65-1701a, the applicant may file the college or the university transcript and the prescribed fee with the board. Upon receiving a "certificate of completion" or the degree offered by the school, each applicant shall be eligible to apply to take the embalmer's examination given by this board.

(c) If the student enrolls in an approved school of mortuary science offering only mortuary science courses, the student shall complete 60 hours in an accredited college or university. Each student shall obtain a minimum of 30 hours of mortuary science courses before being eligible to apply to take the embalmer's examination given by this board.

(d) Upon passing the examination, each applicant shall be registered under a Kansas licensed embalmer for an embalmer apprenticeship. Each licensee under whom an apprentice is registered shall file quarterly reports of progress with the board. Upon successful completion of the apprenticeship, an embalmer's license shall be issued by the board upon payment of the pro-rated biennial fee.

(e) Each transcript and record filed with the board shall become part of the board's permanent files and records.

(f) If the applicant does not pass the examination within two years from the date of first application, that application shall automatically be canceled. Time served in the armed forces shall not be counted in computing this period. If the applicant desires to re-apply, the applicant shall make a new application and shall comply with the requirements of the board.

(g) If an apprentice embalmer fails to complete the apprenticeship within two years following the successful

completion of the examination, the apprenticeship shall be canceled. Time served in the armed forces shall not be counted in computing this period. If the applicant later desires to complete the apprenticeship, the applicant shall first retake and pass the embalmer's examination.

(h) Each applicant who passes the examination shall receive credit toward the apprenticeship for time spent in the armed forces if the applicant's primary duties were preparation of, and caring for, dead human bodies under the supervision of a person holding a valid embalmer's license in any state. The supervising licensee shall certify as to the duties of the applicant.

(i) Each embalmer apprentice shall serve full time. (Authorized by K.S.A. 44-534, K.S.A. 44-573, 74-1704; implementing K.S.A. 65-1702, K.S.A. 65-1701a, 65-1727; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1969; amended Jan. 1, 1974; amended, E-76-14, Feb. 28, 1975; amended May 1, 1976; amended May 1, 1978; amended May 1, 1982; amended May 1, 1983; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended June 26, 1989.)

63-1-4. Examination. (a) Each embalmer's examination shall address the following subjects in separate sections: anatomy, chemistry, embalming, microbiology, mortuary administration, pathology, restorative art, and such other subjects as the board may require. Only applicants who have met the requirements of K.S.A. 65-1701a and K.A.R. 63-1-3 may take the examination. Each applicant shall pass all subjects to be eligible for apprenticeship and licensure.

(b) Any applicant who fails the examination may appear before the board at the next regular embalmer's examination and complete a remedial examination on the subjects that the applicant failed, without paying any additional fees. If the applicant fails in any subjects in the remedial examination or fails to appear for it, the applicant may make a new application within six months for which the applicant shall pay another examination fee. The applicant shall then be eligible to complete a second examination.

(c) The results of the second examination shall be final unless the applicant shows that he or she has since attended and passed courses on the subjects so failed and the applicant successfully passes a new examination on all required subjects. Each course shall have been given by an accredited school of mortuary science. (Authorized by K.S.A. 74-1704; implementing K.S.A. 65-1701a; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1987; amended June 26, 1989.)

63-1-6. General rules relating to the practice of embalming and funeral directing. (a) Verified proof of the loss or destruction of the license of any embalmer, funeral director or establishment license shall be required before the board shall issue a duplicate.

(b) Each licensee shall promptly notify the board of all changes in the licensee's address.

(c) Each licensee shall promptly and fully cooperate at all times with the state department of health and environment and with the board in all matters pertaining to the general practice of embalming.

(d) Any licensee's name may be used in the form of

an endorsement of a funeral plan if the recommendation is genuine and representative of the current opinion of the licensee. The endorsement shall apply to the plan advertised. The licensee making the recommendation shall disclose any financial interest in the plan or a related entity, or any direct or indirect benefit as a stockholder, officer or employee.

(e) A licensee shall not be connected in any way with an insurance company if:

(1) Policies are payable in merchandise, or require the service of a designated funeral director or a member of a designated group of funeral directors; or

(2) the certificate or policy of that company provides for a reduction on the value of merchandise or services furnished or the price to be paid for them. (Authorized K.S.A. 74-1704, 74-1707; implementing K.S.A. 65-1701, 74-1707, 65-1711a; effective Jan. 1, 1966; modified, L. 1979, ch. 345, May 1, 1979; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended May 1, 1988; amended June 26, 1989.)

63-1-12. Embalmers biennial renewals. (a) Each embalmer license shall be paid on a biennial basis. Each renewal fee shall be pro-rated to the nearest whole month on a one time basis, to establish the biennial renewal process.

(b) Each expiration date shall be assigned alphabetically according to the first letter of each licensee's surname, as follows:

- (1) A and M shall expire on January 31;
- (2) B and N shall expire on February 28;
- (3) C and O shall expire on March 31;
- (4) D and P shall expire on April 30;
- (5) E and Q shall expire on May 31;
- (6) F and R shall expire on June 30;
- (7) G and S shall expire on July 31;
- (8) H and T shall expire on August 31;
- (9) I and U shall expire on September 30;
- (10) J and V shall expire on October 31;
- (11) K and W shall expire on November 30; and
- (12) L and X, Y and Z shall expire on December 31;

Licensees whose surname begins with the letters A through L shall renew on even-numbered years; M through Z shall renew on odd-numbered years.

(c) Any expired license within six months of the date of expiration may be reinstated upon payment of the renewal fee in arrears and a reinstatement fee in the amount equal to the renewal fee.

(d) When a license has expired for more than six months and more than six months have elapsed the applicant shall reapply for licensure under current requirements and pay all renewal fees in arrears and a reinstatement fee in the amount equal to the pro-rated renewal fee.

(e) Each licensee shall make-up all past continuing education hours accrued during the expiration period within one year of reinstatement.

(f) Subsection (a) shall not apply to apprentice licensees or the period of apprenticeship under K.S.A. 1987 Supp. 65-1701a. The initial licensure fee for new embalmers shall be charged on a pro rata basis to place new licensees within the expiration dates of subsection (b).

(g) Each licensee changing the licensee's surnames shall notify the board of the change and the expiration date shall be adjusted to the month so designated in subsection (b). (Authorized by K.S.A. 74-1704; effective, E-80-17, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1986; amended May 1, 1988; amended June 26, 1989.)

Article 2.—FUNERAL DIRECTING

63-2-14. Funeral director's biennial renewals. (a) Each funeral director's license shall be renewed on a biennial basis.

(b) Expiration dates shall be established alphabetically according to the first letter of each licensee's surname, as follows:

- (1) A and M shall expire on January 31;
- (2) B and N shall expire on February 28;
- (3) C and O shall expire on March 31;
- (4) D and P shall expire on April 30;
- (5) E and Q shall expire on May 31;
- (6) F and R shall expire on June 30;
- (7) G and S shall expire on July 31;
- (8) H and T shall expire on August 31;
- (9) I and U shall expire on September 30;
- (10) J and V shall expire on October 31;
- (11) K and W shall expire on November 30; and
- (12) L and X, Y, and Z shall expire on December 31.

Each licensee whose surname begins with letter A through L shall renew on even-numbered years. Each licensee whose surname begins with letter M through Z shall renew on odd-numbered years.

(c) Any expired license within six months of the date of expiration may be reinstated upon payment of the renewal fee in arrears and a reinstatement fee in an amount equal to the renewal fee.

(d) Each licensee shall make-up all past continuing education hours accrued during the expiration period within one year of reinstatement.

(e) Each licensee changing the licensee's surname shall notify the secretary to the board of the change and the expiration date shall be adjusted to the month designated in subsection (b). (Authorized by and implementing K.S.A. 65-1716; effective, E-80-17, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1987; amended June 26, 1989.)

Article 6.—CONTINUING EDUCATION

63-6-3. Post approval and review. (a) Each licensee seeking credit for attendance and participation in an educational program that is not conducted by an accredited sponsor and that is not otherwise approved shall submit to the board, within 30 days after completion of the activity, the activity's dates, subjects, instructors and their qualifications, and number of credit hours requested. Within 90 days after receipt of the application, the licensee shall be advised by the board, in writing and by mail, whether the activity is approved and the number of credit hours allowed. Any licensee may be denied credit if the licensee fails to comply with the requirements of this subsection.

(b) Review of programs. Any continuing education

(continued)

course or workshop already approved by the board may be monitored or reviewed by the board, and upon evidence of significant variation in the program presented from the program approved, all or any part of the program may be disapproved. (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective May 1, 1988; amended June 26, 1989.)

63-6-6. Inactive status. (a) Disability or illness shall be a sufficient cause for exemption under K.S.A. 65-1702(e) and 65-1716(e).

(b) Any licensee who is not engaged in practice in the state of Kansas may be granted a waiver of compliance and obtain a certificate of exemption upon written application to the board. Each application shall contain a statement that the applicant will not engage in the practice of embalming in Kansas without first complying with all regulations governing reinstatement after exemption. Each application for a certificate of exemption shall be submitted on the form provided by the board.

(c) Each inactive practitioner who has been granted a waiver of compliance with these regulations, and who obtains a certificate of exemption, shall give notice to the board of the termination of their inactive status.

(1) Within one year of reinstatement, each licensee shall make-up all past continuing education hours for all the years of inactive licensure.

(2) Failure to comply with subsection (c)(1) will result in automatic termination of active status. (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective May 1, 1988; amended June 26, 1989.)

63-6-7. (Authorized by K.S.A. 65-1712, 65-1723; implementing K.S.A. 65-1702, 65-1716; effective May 1, 1988; revoked June 26, 1989.)

63-6-8. (Authorized by and implementing K.S.A. 65-1702, 65-1716; effective May 1, 1988; revoked June 26, 1989.)

DOUGLAS "MACK" SMITH
Executive Secretary

Doc. No. 007827

State of Kansas SOCIAL AND REHABILITATION SERVICES

PERMANENT ADMINISTRATIVE REGULATIONS (Effective July 1, 1989)

The complete text of the following regulations has not been published because of its length and the resulting cost of publication. Copies of the complete text of any of the following regulations may be obtained by contacting the Office of Policy, Department of Social and Rehabilitation Services, Room 606-N, Docking State Office Building, Topeka 66612, (913) 296-3969.

Article 4.—PUBLIC ASSISTANCE PROGRAM

1. 30-4-35. Application process. This regulation is being amended to provide that if the agency takes action to deny an application within the 45-day timely processing period and the applicant reapplies or provides required information within the 45-day time period, such appli-

cation is to be reactivated and, if eligible, benefits shall be provided from the date of application.

2. 30-4-41. Assistance planning. This regulation is being amended to restrict the definition of who may qualify to be an essential person. As a result of a change in federal regulations, an essential person is limited to an individual in the home who does not otherwise qualify for ADC and who provides one of the following benefits or services:

Child care which enables a caretaker relative to work on a full-time basis outside of the home;

care for an incapacitated family member in the home;

child care that enables a caretaker relative to receive training on a full-time basis;

child care that enables a caretaker relative to attend high school or general education development classes on a full-time basis; or

child care for a period not to exceed two months that enables a caretaker relative to participate in an agency-approved work-related activity.

3. 30-4-56. Transfer of property. This regulation is being revoked as a result of legislation which removes the transfer of property provisions in state statutes.

4. 30-4-57. Job search requirements. This regulation is being amended to delete reference to the work incentive (WIN) program. This change is being made to accommodate the revocation of K.A.R. 30-4-75.

5. 30-4-58. Potential employment. This regulation is being amended to delete reference to the work incentive (WIN) program. This change is being made to accommodate the revocation of K.A.R. 30-4-75.

6. 30-4-62. Community work experience program requirements. This regulation is being amended to reflect a technical change in the list of exemptions to accommodate the changes being made in K.A.R. 30-4-63.

7. 30-4-63. KanWork program requirements. This regulation is being amended to establish a set of criteria to be used in determining who is exempt from participating in the KanWork program. Only those persons listed below will be exempt from participation:

A person who is ill, incapacitated, or of advanced age;
a person who is needed in the home because of the illness or incapacity of another member of the household;
a parent or other relative who is personally providing care for a child under age three;

a person who is employed 30 or more hours a week;

a child who is under age 16 or attends full-time an elementary, secondary, vocational or technical school;

a woman who is three or more months pregnant;

a person who resides in an area of the state where the program is not available; and

a parent or other caretaker of a child when another adult relative in the plan is participating in the KanWork program and the youngest child in the plan is under the age of six. If all children in the plan are age six or older, both parents would be required to participate in the KanWork program.

In addition to the above, the KanWork program has been designated as the state's WIN demonstration program which replaces the WIN program set out in K.A.R. 30-4-75.

8. 30-4-70. Eligibility factors specific to the ADC program. This regulation is being amended to delete a cross-

reference to the WIN regulation. This is a technical change.

9. **30-4-70. Deprivation in ADC.** This regulation is being amended to replace reference to the WIN program with reference to the KanWork program. This is a technical change.

10. **30-4-74. Persons whose needs shall be considered with the needs of the ADC child.** This regulation is being amended to provide that the caretaker relative of an SSI child who meets the criteria contained in K.A.R. 30-4-72 and 30-4-73 may receive ADC without the inclusion of the SSI child's siblings.

11. **30-4-75. ADC work incentive program registration requirements.** This regulation is being revoked. Under the authority of 45 CFR 205.80 and section 445 of Title IV of the Social Security Act, the state has designated the KanWork program as its WIN demonstration project. Under the demonstration project, all KanWork counties will be considered WIN counties for ADC program purposes. This change is being made to accommodate other changes that will be forthcoming as a result of the Welfare Reform Act and its focus on the new JOBS program. Other technical changes have also been made throughout the regulations to delete reference to the WIN provisions and/or to reference the KanWork program when appropriate.

12. **30-4-85a. Eligibility factors specific to the EA program.** This regulation is being amended to clarify that members of the household are ineligible for emergency assistance if a household member is ineligible for public assistance due to failure to meet a work-related requirement or refused, without good cause, to accept potential employment, training for employment or is unemployed as a result of a strike.

13. **30-4-90. Eligibility factors specific to the GA-unrestricted (GAU) program.** This regulation is being amended to delete the provision that a mentally ill person be actively participating in a treatment program in order to qualify for and continue to receive GA.

14. **30-4-100. Payment standards for budgetary requirements in the ADC, ADC-FC, APW, GA and GA-FC programs.** This regulation is being amended to clarify the policy for prorating needs of a GA person who resides with other persons who are not on the assistance plan.

15. **30-4-101. Standards for persons in own home, other family home, specialized living, commercial board and room, or commercial room-only living arrangements.** This regulation is being amended to increase the basic standards by \$3 per person. This change is being made as a result of the department's FY90 budget appropriations for public assistance recipients. The increase is represented as an increase in the energy supplement and with USDA approval, the increase will not be counted as income for purposes of the food stamp program.

This regulation is being further amended to reflect several changes in the county groupings for the purpose of establishing the shelter standards. County Groups I and II have been combined into a single grouping with a new shelter standard of \$92 per month. McPherson, Miami, Reno and Rice counties have been reassigned to the \$109 shelter grouping and Douglas County has been reassigned to the \$135 shelter grouping.

16. **30-4-102. Standards for children in foster care.** This regulation is being amended to increase the foster family care rate by 5 percent per child. This change is being made as a result of the Governor's budget recommendation.

17. **30-4-110. Income.** This regulation is being amended to reflect a technical change in a cross-reference to another regulation.

18. **30-4-112. Income exempt from consideration as income and as a cash asset.** This regulation is being amended to exempt the proceeds of a bona fide loan received by an applicant or recipient. This change is being made to achieve consistency between the cash, medical and food stamp programs. It also recognizes the recently interpreted federal provision which now considers that loans requiring repayment need not be considered as available income even though the proceeds may be available to meet needs contained in the basic standards.

19. **30-4-113. Income exempt as applicable income.** This regulation is being amended to delete work incentive payments in the WIN program from the listing of exempt incomes. This is a technical change resulting from the deletion of the WIN program.

20. **30-4-130. Types of payments.** This regulation is being amended to change a cross-reference in the body of the regulation from referring to the WIN program to the KanWork program. This is a technical change.

21. **30-4-140. Payments.** This regulation is being amended to establish penalty provisions for persons found to have committed fraud either through an administrative disqualification hearing or by a court of appropriate jurisdiction or who have signed either a waiver of right to an administrative disqualification hearing or a disqualification consent agreement in cases referred for prosecution. Such persons shall be ineligible for assistance for:

- Six months for the first violation;
- twelve months for the second violation; and
- permanently for the third violation.

A court may impose an additional 18 months disqualification period for the first and second convictions on criminal cases only. If a court fails to impose a disqualification period, the disqualification periods outlined above shall be imposed unless it is contrary to the court order.

Article 5—PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REIMBURSEMENTS FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

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

Delete the requirement of 25 patients from the definition of "special hospital"; and

Add the following new terms and definitions:

"Accept medicare assignment" means accept the medicare allowed payment rate as payment in full for services provided to a recipient.

"Admission" means the condition of entry into a hospital for the purpose of receiving inpatient medical treatment.

"Border cities" mean those communities outside of the state of Kansas but within a 50-mile range of the state border.

(continued)

"Cost outlier" means a general hospital inpatient stay with an estimated cost which exceeds the cost outlier limit established for the respective diagnosis related group.

"Cost outlier limit" means the maximum cost of a general hospital inpatient stay established according to a methodology specified by the secretary for each diagnosis related group.

"Day outlier" means a general hospital inpatient length of stay which exceeds the day outlier limit established for the respective diagnosis related group.

"Day outlier limit" means the maximum general hospital inpatient length of stay established according to a methodology specified by the secretary for each diagnosis related group.

"Diagnosis related group (DRG)" means the classification system which arranges medical diagnoses into mutually exclusive groups.

"Diagnosis related group (DRG) adjustment percent" means a percentage assigned by the secretary to a diagnosis related group for purposes of computing reimbursement.

"Diagnosis related group (DRG) daily rate" means the dollar amount assigned by the secretary to a diagnosis related group for purposes of computing reimbursement when a rate per day is required.

"Diagnosis related group (DRG) reimbursement system" means a reimbursement system in the Kansas medicaid/medikan program for general hospital inpatient services which uses diagnosis related groups for determining reimbursement on a prospective basis.

"Diagnosis related group (DRG) weight" means the numeric value assigned to a diagnosis related group for purposes of computing reimbursement.

"Discharge" means the condition of release from a hospital. A discharge shall occur when the recipient leaves the hospital or dies. A transfer to another unit within a hospital, except to a swing bed, and a transfer to another general or special hospital shall not be a discharge.

"Discharging hospital" means, in instances of the transfer of a recipient, the hospital which discharges the recipient admitted from the last transferring hospital.

"Election period" means the period of time for the receipt of hospice care, beginning with the first day of hospice care as provided in the election statement and continuing through any subsequent days excluding any days of hospice care earlier than the date the election statement is signed.

"Election statement" means the revokable statement signed by a recipient which if filed with a particular hospice and which consists of:

Identification of the hospice selected to provide care; acknowledgement that the recipient has been given a full explanation of hospice care;

acknowledgement by the recipient that other medicaid services are waived;

effective date of the election period; and

the recipient's signature or the signature of the recipient's legal representative.

"Estimated cost" means the cost of general hospital inpatient services provided to a recipient which are computed using a methodology specified by the secretary.

"General hospital" means an establishment with an or-

ganized medical staff of physicians, with permanent facilities that include inpatient beds, with medical services, including physician services and continuous registered professional nursing services for not less than 24 hours of every day, and which provides diagnosis and treatment for nonrelated patients who have a variety of medical conditions.

"General hospital group" means the category to which a general hospital is assigned for purposes of computing reimbursement.

"General hospital inpatient beds" mean the number of beds as reported by the general hospital on the hospital and hospital health care complex cost report form excluding those beds designated as skilled nursing facility or intermediate care facility beds. For hospitals not filing the hospital and hospital health care complex cost report form, the number of beds shall be obtained from the provider application for participation in the Kansas medicaid/medikan program form.

"Group reimbursement rate" means the dollar value assigned by the secretary to each general hospital group for a diagnosis related group weight of one.

"Hospice" means a public agency or private organization, or a subdivision of either, that primarily engages in providing care to terminally ill individuals, which meets the medicare conditions of participation for hospices, and which has enrolled to provide hospice services pursuant to K.A.R. 30-5-59.

"Length of stay as an inpatient in a general hospital" means the number of days an individual remains for treatment as an inpatient in a general hospital from and including the day of admission, to and excluding the day of discharge.

"Metropolitan statistical area (MSA)" means a geographic area designated as such by the United States executive office of management and budget.

"Participating provider" means any individual or entity that has in effect an agreement with the Kansas department of social and rehabilitation services to furnish medicaid services.

"Qualified medicare beneficiary (QMB)" means an individual who is entitled to medicare hospital insurance benefits under part A, whose income does not exceed a specified percent of the official poverty level as defined by the United States executive office of management and budget, and whose resources do not exceed twice the supplemental security income resource limit.

"Readmission" means the subsequent admission of a recipient as an inpatient into a hospital within 30 days of discharge as an inpatient from the same or another DRG hospital.

"Revocation statement" means the statement signed by the recipient which revokes the election of hospice service.

"Standard diagnosis related group (DRG) amount" means the amount computed by multiplying the group reimbursement rate for the general hospital by the diagnosis related group weight.

"Stay as an inpatient in a general hospital" means the period of time spent in a general hospital from admission to discharge.

"Terminally ill" means the medical condition of an in-

dividual whose life expectancy is six months or less as determined by a physician.

"Transfer" means the movement of an individual receiving general hospital inpatient services from one hospital to another hospital for additional related inpatient care after admission to the previous hospital or hospitals.

"Transferring hospital" means the hospital which transfers a recipient to another hospital. There may be more than one transferring hospital for the same recipient until discharge.

2. 30-5-59. Provider participation requirements. This regulation is being amended to:

add that adult care home providers are exempt from the requirements of this regulation;

add that providers must obtain and maintain professional or agency-specified credentials as determined by the secretary in the jurisdiction where the service is provided and for the time period when the service is provided, and if applicable, be registered;

add that providers must accept medicare assignment for services provided to a recipient and not charge a recipient the difference between the medicare allowed payment rate and the provider's charge for services;

add that providers shall notify the Kansas Department of Social and Rehabilitation Services if any of the original information provided on the application shall change during the term of participation in the medicaid/medikan program;

add that providers shall enter into and keep a provider agreement with the Kansas Department of Social and Rehabilitation Services after the necessary application forms have been completed and the notice of approval to participate has been received from the department;

add that providers shall notify the Kansas Department of Social and Rehabilitation Services when a change of provider ownership occurs, submit new ownership information on forms for application for participation in the medicaid/medikan program, and be approved by the department for participation as a new provider before reimbursement for services rendered to medicaid/medikan program recipients shall be made;

add that providers shall comply with applicable state and federal laws, regulations or other program requirements;

add that providers shall comply with the terms of the provider agreement;

add that providers shall submit accurate claims or cost reports;

add that providers shall submit claims only for covered services provided to recipients;

add that providers shall engage in ethical and professional conduct;

add that providers shall provide goods, services or supplies which meet professionally recognized standards of quality;

add that providers who submit a claim for payment shall be required to submit a new application for participation in the medicaid/medikan program if at least 18 months have elapsed since a previous claim for payment was submitted;

add that providers shall not be eligible to participate if an overpayment is not refunded to the program within a period of time specified by the secretary;

add that providers shall maintain and furnish any information for five years from the date of service that the Kansas Department of Social and Rehabilitation Services; its designee or any other governmental agency acting in its official capacity may request to assure proper payment by the medicaid/medikan program, to substantiate claims for medicaid/medikan program payments, and to complete determinations of medicaid/medikan program overpayments;

add that providers shall permit the Kansas Department of Social and Rehabilitation Services, its designee, or any other governmental agency acting in its official capacity to examine any records and documents that are necessary to ascertain information pertinent to the determination of the proper amount of a payment due from the medicaid/medikan program;

add that providers shall submit claims for payment on claim forms approved and prescribed by the secretary;

add that providers shall be subject to the payment limitations pursuant to K.A.R. 30-5-70; and

add that the Kansas Department of Social and Rehabilitation Services may refuse to allow a provider to participate in the medicaid/medikan program for any of the reasons set forth in K.A.R. 30-5-60.

3. 30-5-60. Provider termination. This regulation is being amended to:

add that the suspension or termination of registration is a reason why the agency may terminate a provider's participation in the medicaid/medikan program;

add that civil or criminal fraud against medicare is a reason why the agency may terminate a provider's participation in the medicaid/medikan program; and

add that exclusion by the Secretary of Health and Human Services from Titles XVIII or XIX programs is a reason why the agency may terminate a provider's participation in the medicaid/medikan program.

4. 30-5-70. Payment of medical expenses for eligible recipients. This regulation is being amended to:

add that payment for covered services shall be made only to those providers participating in the program pursuant to K.A.R. 30-5-59, excepting that payment for medical services provided to foster care or adoption support recipients may be made to providers not participating in the program;

add that payment for covered services may be made on behalf of recipients participating in the KanWork Program; and

add that payment for a medical expense may be denied if the service was provided by an unregistered or non-certified provider if registration or certification is a requirement for a provider to participate in the medicaid/medikan program.

5. 30-5-76. Scope of services and reimbursement for services for qualified medicare beneficiaries. The secretary is promulgating a new regulation to establish the scope of services and reimbursement methodology for individuals meeting the criteria as Qualified Medicare Beneficiaries. This is a federal mandate. The text of the regulation is set forth below:

30-5-76. Scope of services and reimbursement for services for qualified medicare beneficiaries. The scope of

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services for qualified medicare beneficiaries shall be the reimbursement of medicare cost sharing expenses which are the premiums, deductibles and coinsurance under part A and part B of medicare for covered and noncovered medicaid/medikan services. The reimbursement rates shall be based upon the methodologies specified in this article and shall not exceed current medicaid/medikan reimbursement rates. Reimbursement rates for noncovered medicaid/medikan services shall be the rates which pay the medicare deductibles and coinsurance in full or shall be determined by the secretary. The effective date of this regulation shall be July 1, 1989.

6. 30-5-81. Scope of hospital services. This regulation is being amended to:

Add the requirement that transplant surgery shall be limited to performing hospitals which are members of and abide by the rules of the Organ Procurement and Transplantation Network (federal mandate);

delete the subsection that prohibits coverage of the procurement of organs for transplant;

delete the utilization review requirements being obsoleted by the implementation of the diagnosis related group reimbursement system;

delete the documentation of medical necessity relating to stays exceeding the 75th percentile of number of days of stay which is being obsoleted by the implementation of the diagnosis related group reimbursement system;

delete the limitation of days of stay for psychiatric services which is being obsoleted by the implementation of the diagnosis related group reimbursement system;

delete the limitation of days for acute detoxification services which is being obsoleted by the implementation of the diagnosis related group reimbursement system;

delete the day limitation for substance abuse treatment which is being obsoleted by the implementation of the diagnosis related group reimbursement system;

delete the limitations of therapeutic home visits which are being obsoleted by the implementation of the diagnosis related group reimbursement system;

delete the limitation for uncomplicated vaginal deliveries which is being obsoleted by the implementation of the diagnosis related group reimbursement system; and

update the cross reference citation to federal regulations which have been revised as of October 1, 1987.

7. 30-5-81a. Participation in the hospital prospective payment system. This regulation is being amended to:

Change the title of the regulation to "Participation in the diagnosis related group reimbursement system"; and

require that all general hospitals, not just Kansas general hospitals, participating in and receiving payments from the medicaid/medikan program shall participate in the Kansas Department of Social and Rehabilitation Services diagnosis related group reimbursement system.

8. 30-5-81b. The basis of reimbursement for hospital services. This regulation is being amended to:

Replace the reimbursement method for general hospital inpatient services from that of the prospective per diem rate to that of the diagnosis related group reimbursement system;

delete the provision of the reimbursement of a quarterly premium;

change the implementation of disproportionate share payments to hospitals from three years to two years; and update the cross reference citations to federal regulations which have been revised as of October 1, 1987.

9. 30-5-81d. Hospital prospective payment system review committee. This regulation is being revoked because it is being obsoleted by the diagnosis related groups reimbursement system.

10. 30-5-81q. Per diem rate calculations. This regulation is being revoked because it is being obsoleted by the diagnosis related groups reimbursement system.

11. 30-5-81r. Per diem rate limitations. This regulation is being revoked because it is being obsoleted by the diagnosis related groups reimbursement system.

12. 30-5-81s. Modification of per diem rates and day maximums for medicaid/medikan program. This regulation is being revoked because it is being obsoleted by the diagnosis related groups reimbursement system.

13. 30-5-81t. Hospital change ownership. This regulation is being amended to:

Add that a hospital failing to provide 60 days advance notice of change of ownership, dissolution of the business entity, or the sale, exchange or gift of 5% or more of the depreciable assets of the business entity may be released from penalty if the agency finds there to be good cause;

change the penalty for failure to provide 60 days advance notice to the forfeiture of rights to payment for covered services provided to recipients in the 60-day period prior to the effective date of the change of ownership; and

add that even when the new owners assume responsibility for any overpayments before the effective date of the change of ownership, this shall not release the previous owner of responsibility for an overpayment.

14. 30-5-81u. General hospital groups under the diagnosis related group (DRG) reimbursement system. The secretary is promulgating a new regulation to establish the diagnosis related group (DRG) reimbursement system as a replacement to the hospital prospective payment system. The text of the regulation is set forth below:

30-5-81u. General hospital groups under the diagnosis related group (DRG) reimbursement system. (a) The Kansas department of social and rehabilitation services shall assign general hospitals participating in the Kansas medicaid/medikan program to one of three groups and shall annually notify in writing each general hospital of its group assignment.

(1) A general hospital assigned to group one shall be:

(A) Located within a metropolitan statistical area within the state of Kansas or its border cities and have a minimum of 200 general hospital inpatient beds;

(B) located within 10 miles of a general hospital meeting the criteria set forth in subsection (a)(1)(A); or

(C) located outside of the state of Kansas or its border cities with a minimum of 200 general hospital inpatient beds.

(2) A general hospital assigned to group two shall be:

(A) Located within a metropolitan statistical area in the state of Kansas or its border cities and have less than 200 general hospital inpatient beds;

(B) located outside of a metropolitan statistical area in the state of Kansas or its border cities and have a minimum of 100 general hospital inpatient beds;

(C) located within 10 miles of a general hospital meeting the criteria set forth in subsections (a)(2)(A) or (B); or
 (D) located outside of the state of Kansas or its border cities with at least 100 but less than 200 general hospital inpatient beds.

(3) A general hospital shall be assigned to group three if it does not meet the criteria pursuant to subsections (a)(1) or (a)(2) above.

(4) A general hospital shall be assigned to group one if it meets the criteria for assignment to both group one and group two.

(b) General hospital group assignments shall be re-determined annually by the department based upon the criteria in subsection (a). The effective date of this regulation shall be July 1, 1989.

15. 30-5-81v. Reimbursement for general hospital inpatient services under the diagnosis related group (DRG) reimbursement system. The secretary is promulgating a new regulation to establish the diagnosis related group (DRG) reimbursement system. The text of the regulation is set forth below:

30-5-81v. Reimbursement for general hospital inpatient services under the diagnosis related group (DRG) reimbursement system. (a) The Kansas department of social and rehabilitation services shall reimburse general hospitals for inpatient services provided to recipients covered pursuant to K.A.R. 30-5-81 on the basis of the diagnosis related group (DRG) reimbursement system.

(b) Reimbursement shall be determined as follows:

(1) The standard DRG amount shall constitute reimbursement for each covered general hospital inpatient stay except in circumstances described in subsections (b)(5) and (b)(6) below. An additional payment shall be made for each day outlier or each cost outlier pursuant to subsections (b)(2), (b)(3) and (b)(4) below.

(2) If a covered general hospital inpatient stay is determined to be a cost outlier, the reimbursement for the cost outlier additional payment shall be obtained by multiplying two items: The DRG adjustment percentage and the difference between the estimated cost of the covered inpatient stay and the cost outlier limit.

(3) If a covered general hospital inpatient stay is determined to be a day outlier, the reimbursement for the day outlier additional payment shall be obtained by multiplying three items: The DRG daily rate, the DRG adjustment percentage, and the difference between the actual covered length of inpatient stay and the day outlier limit.

(4) If a covered general hospital inpatient stay is determined to be both a cost outlier and a day outlier, the additional payment shall be the greater of the amounts computed in subsections (b)(2) or (b)(3) above.

(5) If a recipient is transferred during a covered general hospital inpatient stay from one hospital to another hospital, the reimbursement to both hospitals shall be determined by a methodology specified by the secretary.

(6) Reimbursement shall not be made for a recipient's readmission to a hospital if the readmission for the same recipient is determined to have resulted from an inappropriate discharge. The effective date of this regulation change shall be July 1, 1989.

16. 30-5-82. Scope of rural health clinic services. This

regulation is being amended to add that licensed practical nurses shall be able to provide nursing services in a rural health clinic.

17. 30-5-84. Scope of home and community based services. This regulation is being amended by deleting hospice services from those services available under the scope of home and community based services. Hospice services will be provided pursuant to K.A.R. 30-5-115.

18. 30-5-88. Scope of physician services. This regulation is being amended to delete the section which prohibits coverage of the procurement of organs for transplant.

19. 30-5-89. Scope of home health services. This regulation is being amended to make technical changes.

20. 30-5-94. Reimbursement for pharmacy services. This regulation is being amended to delete the effective date for changes in professional fees from August 1 of each year.

21. 30-5-95. Cost report requirement for pharmacy services. This regulation is being amended to change the consequences of a pharmacy failing to file a cost report to the assignment to that pharmacy of the lowest professional fee in the state of Kansas as determined from the cost report calculations for pharmacies filing cost reports.

22. 30-5-108. Scope of services for durable medical equipment, medical supplies, orthotics, and prosthetics. This regulation is being amended to change from "trained" to "enrolled to participate pursuant to K.A.R. 30-5-59" as a requirement for orthotics and prosthetics dealers who provide services to program recipients.

23. 30-5-110. Scope of partial hospitalization programs. This regulation is being amended to:

Add crisis stabilization partial hospitalization services in the amount of 960 hours per medicaid recipient per calendar year; and

make technical changes.

24. 30-5-115. Scope of hospice services. The secretary is promulgating a new regulation to establish the provision of hospice services to medicaid and medikan recipients. The text of the regulation is set forth below:

30-5-115. Scope of hospice services. Hospice services shall be covered for medicaid and medikan recipients who have been determined to be terminally ill by a physician and who have filed an election statement with a hospice enrolled to participate in the medicaid/medikan program. Hospice services shall be covered pursuant to Public Law 99-272, section 9505, effective April 7, 1986. Medicare hospice beneficiaries who are also simultaneously eligible for the program and who reside in adult care homes shall have room and board reimbursed. The effective date of this regulation shall be July 1, 1989.

25. 30-5-115a. Reimbursement for hospice services. The secretary is promulgating a new regulation to establish the reimbursement methodology for hospice services. The text of the regulation is set forth below:

30-5-115a. Reimbursement for hospice services. Reasonable fees as related to the medicare standards of hospice reimbursement as established pursuant to Public Law 99-272, section 9505, effective April 7, 1986, shall be paid for hospice services. The effective date of this regulation shall be July 1, 1989.

26. 30-5-116. Scope of rehabilitation services. The secretary is promulgating a new regulation to establish re-

(continued)

habilitation services for medicaid and medikan recipients. The text of the regulation is set forth below:

30-5-116. Scope of rehabilitation services. Rehabilitation services (behavior management services) shall be covered for medicaid and medikan recipients when provided by a rehabilitation service provider enrolled pursuant to K.A.R. 30-5-59. Services may include: (a) Substance abuse treatment rendered by a facility licensed by the alcohol and drug abuse commission within the Kansas department of social and rehabilitation services and approved by the division of medical programs;

(b) family mental health treatment rendered by a provider recommend by the youth services commission within the Kansas department of social and rehabilitation services and prior authorized;

(c) group mental health treatment rendered by a provider recommended by the youth services commission within the Kansas department of social and rehabilitation services and prior authorized; and

(d) physical therapy, speech pathology or occupational therapy services provided when medically necessary to recipients under the age of 21 and when rendered by physical therapists, speech pathologists or occupational therapists employed by or under contract with enrolled local education agencies which have been approved by the division of medical programs. The effective date of this regulation shall be July 1, 1989.

27. 30-5-116a. Reimbursement for rehabilitation services. The secretary is promulgating a new regulation to establish the reimbursement methodology for rehabilitation services. The text of the new regulation is set forth below:

30-5-116a. Reimbursement for rehabilitation services. Reasonable fees as related to customary charges shall be paid for rehabilitation services, except no fee shall be paid in excess of the range maximum. The range of charges shall provide the base for computations. The effective date of this regulation shall be July 1, 1989.

28. 30-5-169. Scope of partial hospitalization programs for medikan program recipients. This regulation is being amended to:

Add crisis stabilization partial hospitalization services in the amount of 960 hours per medikan recipient per calendar year; and

make technical changes.

Article 6.—MEDICAL ASSISTANCE PROGRAM— CLIENTS' ELIGIBILITY FOR PARTICIPATION

1. 30-6-35. Application process. This regulation is being amended to provide that if the agency takes action to deny an application within either the 45 or 60-day timely processing period, as indicated in this regulation, and the applicant reapplies or provides required information within the 45 or 60-day time period, such application shall be reactivated.

2. 30-6-53. Financial eligibility. This regulation is being amended to permit medical expenses which the client has incurred and is still obligated for outside of the appropriate eligibility base period to be allowable against spend-down, provided that such expenses have not been perviously applied to spenddown.

3. 30-6-56. Transfer of property. This regulation is being amended to restrict the transfer provisions to in-

stitutionalized individuals. An institutionalized individual is defined as a person who is residing in a nursing facility, in a medical institution that is providing the individual a level of care equivalent to the care provided by a nursing facility, or in a home- and community-based services living arrangement.

An institutionalized individual shall not be eligible for coverage of institutional or home- and community-based services if such individual transferred property without adequate consideration within a 30-month time period prior to or after the date the individual received or was otherwise eligible to receive such services.

The following transfers shall not affect eligibility:

Transfers of property with an uncompensated value of less than the average private pay rate of all nursing facilities in the state;

transfers of property that occurred more than 30 months prior to or after the date the individual received or was otherwise eligible to receive institutional or home- and community-based services;

transfers of property at or near fair market value. For purposes of this provision, adequate consideration shall be granted if the compensation received for a non-cash asset is equal to or greater that 75 percent of the market value;

transfers of property with an uncompensated value which, when added to the value of other nonexempt resources, does not exceed the allowable resource limits;

transfers of property that have been approved by the agency. The agency shall grant approval if the transfer is for adequate consideration and is a bona fide transaction; a transfer of property executed pursuant to the division of assets provisions contained in K.A.R. 30-6-106;

transfer of the institutionalized individual's home to the spouse of the institutionalized individual; a child of the institutionalized individual who is under the age of 21 or who meets the blindness or disability criteria of K.A.R. 30-6-85; a sibling of the institutionalized individual who has an equity interest in such home and who was residing in the home for a period of at least one year immediately before the date the individual entered the institutional or home- and community-based services arrangement; or a child of the institutionalized individual other than the child described above, who was residing in the home for a period of at least two years immediately before the date the individual entered the institutional or home- and community-based services arrangement and who provided care to the institutionalized individual which permitted the individual to reside at home rather than in such institutionalized or home- and community-based services arrangement; and

property transferred to the institutionalized individual's spouse (or to another for the sole benefit of the individual's spouse) if such spouse does not transfer such property to another person other than the institutionalized individual without adequate consideration; or the institutionalized individual's child who meets the blindness or disability criteria of K.A.R. 30-6-85.

The uncompensated value of the property transferred in excess of the property's resource limit, less the difference bewteen the value of the nonexempt resources of the institutionalized individual and the allowable nonexempt resource limit, shall be divided by the average pri-

vate pay rate of all nursing facilities in the state to determine the number of months of ineligibility. The period of ineligibility shall commence with the month in which the property was transferred for applicants and no later than the second month following the month of transfer for recipients giving timely and adequate notice.

The period of ineligibility due to the transfer of property shall not in any event exceed 30 months from the month of the transfer of the property in question.

4. **30-6-73. Deprivation in ADC.** This regulation is being amended to replace reference to the WIN program with reference to the KanWork program. This is a technical change.

5. **30-6-74. Persons whose needs are to be considered with the needs of the ADC child.** This regulation is being amended to provide that the caretaker relative of an SSI child who meets the criteria contained in K.A.R. 30-6-72 and 30-6-73 may receive ADC without the inclusion of the SSI child's siblings.

6. **30-6-77. Poverty level pregnant women and young children; determined eligibles.** This regulation is being amended to extend medical coverage to pregnant women and infants whose income does not exceed 150 percent of the official federal poverty income guidelines and to extend medical coverage to children ages one to five whose family income does not exceed 100 percent of the official federal poverty income guidelines. Other technical changes have been made to the regulation to accommodate this program expansion. These changes are as a result of legislated appropriations for FY90.

This regulation is being further amended to clarify that if the pregnant woman is a minor, the needs of her parents shall be included if living together with the minor.

This regulation is being further amended to delete reference to 100 percent of the federal poverty level and replace it with a cross-reference to the federal poverty income guidelines established in K.A.R. 30-6-103.

7. **30-6-86. Poverty level medicare beneficiaries; determined eligibles.** This regulation is being amended to specify that each individual must be entitled to Medicare part A benefits to qualify for this group in accordance with federal statute.

This regulation is being further amended to delete reference to 85 percent of the federal poverty level and replace it with a cross-reference to the federal poverty income guidelines established in K.A.R. 30-6-103.

8. **30-6-103. Determined eligibles; protected income levels.** This regulation is being amended to increase the protected income level for two persons in independent living from \$466 to \$475 per month. This increase is being made due to the increase in the cash assistance standards which takes effect on July 1, 1989.

This regulation is being further amended to state that the protected income level for pregnant women and infants shall equal 150 percent of the official federal poverty income guidelines and that the protected income level for children between one and five years of age shall equal 100 percent of the official federal poverty income guidelines.

9. **30-6-106. General rules for consideration of resources, including real property, personal property, and income.** This regulation is being amended to reflect a technical change.

10. **30-6-109. Personal property.** This regulation is being amended for SSI to exempt pension funds owned by an applicant's or recipient's spouse or parent if such spouse or parent is not an applicant for or recipient of SSI.

11. **30-6-112. Income exempt from consideration as income and as a cash asset.** This regulation is being amended to expand the exemption of bona fide loans to non-SSI applicants and recipients.

12. **30-6-113. Income exempt as applicable income.** This regulation is being amended to delete work incentive payments in the WIN program from the listing of exempt incomes. This is a technical change resulting from the deletion of the WIN program.

This regulation is being further amended for SSI to exempt the income of an applicant's or recipient's spouse or parent which was counted or excluded in determining the amount of a public assistance payment, if such spouse or parent is not an applicant for or recipient of SSI.

This regulation is being further amended for SSI to exempt the income of an applicant's or recipient's spouse or parent which is used to make support payments under a court order or title IV-D support order, if such spouse or parent is not an applicant for or recipient of SSI.

Article 7.—COMPLAINTS, APPEALS AND FAIR HEARINGS

1. **30-7-26 TO 30-7-63.** These regulations are being revoked and are being redrafted as set forth below.

2. **30-7-64. Definitions.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-64. Definitions. (a) "Appellant" means an individual or entity that has requested a fair hearing from an agency decision affecting the individual or entity.

(b) "Applicant" means an individual who has applied for or requested assistance or benefits from a program administered by the agency.

(c) "Recipient" means an individual who is receiving assistance or benefits from a program administered by the agency. The effective date of this regulation shall be July 1, 1989.

3. **30-7-65. Notice to recipients of intended action.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-65. Notice to recipients of intended action. (a)(1) "Adequate" means a written notice that includes a statement of what action the agency intends to take, the reasons for the intended agency action, the specific policies supporting the action, explanation of the individual's right to request a fair hearing, and the circumstances under which assistance is continued if a hearing is requested.

(2) "Timely" means that the notice shall be mailed at least 10 days before the date upon which the action would become effective.

(b) In cases of intended action to discontinue, terminate, suspend or reduce assistance, the agency shall give timely and adequate notice, except as set forth in section (c) of this regulation.

(c) The agency may dispense with timely notice but shall send adequate notice not later than the date of action when:

(continued)

(1) The agency has factual information confirming the death of a recipient or of the ADC payee when there is no relative available to serve as new payee;

(2) the agency receives a clear written statement signed by a recipient that the recipient no longer wishes assistance or that gives information which requires termination or reduction of assistance, and the recipient has indicated, in writing, an understanding that termination or reduction of assistance shall be the consequence of supplying the information;

(3) the recipient has been admitted or committed to an institution, and further payments to that individual are not authorized by program regulations as long as the person resides in the institution;

(4) the recipient has been placed in skilled nursing care, intermediate care or long-term hospitalization;

(5) the recipient's whereabouts are unknown and agency mail directed to the recipient has been returned by the post office indicating no known forwarding address. The check shall, however, be made available to the recipient if the recipient's whereabouts become known during the payment period covered by a returned check;

(6) a recipient has been accepted for assistance in a new jurisdiction and that fact has been established by the agency;

(7) a child is removed from the home as a result of a judicial determination, or voluntarily placed in foster care by the child's legal guardian;

(8) a change in level of medical care is prescribed by the recipient-patient's physician;

(9) a special allowance granted for a specific period is terminated and the recipient has been informed in writing at the time of initiation that the allowance shall automatically terminate at the end of the specified period; or

(10) the agency takes action because of information the recipient furnished in a monthly status report or because the recipient has failed to submit a complete or timely monthly status report without good cause. The effective date of this regulation shall be July 1, 1989.

4. 30-7-66. Continuation of assistance. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-66. Continuation of assistance. (a) If the recipient requests a hearing within the timely notice period as required by K.A.R. 30-7-65, assistance shall not be suspended, reduced, discontinued, or terminated (but is subject to recovery by the agency if its action is sustained), until an initial decision of the hearing officer is rendered in the matter, unless:

(1) The request for fair hearing concerns the suspension of program payments to a provider or the termination of a provider from program participation;

(2) the request for a fair hearing concerns a discontinued program or service;

(3) a determination is made by the hearing officer that the sole issue is one of federal or state law, regulation or policy, or change in federal or state law, regulation or policy and not one of incorrect grant computation; or

(4) a change affecting the recipient's assistance occurs while the hearing decision is pending and the recipient fails to request a hearing after notice of the change.

(b) The agency shall promptly inform the recipient in

writing if assistance is to be discontinued pending the hearing decision.

(c) In any case where action was taken without timely notice, if the recipient requests a hearing within 10 days of the mailing of the notice of the action, and the agency determines that the action resulted from other than the application of federal or state law or policy or a change in federal or state law, assistance shall be reinstated and continued until a decision is rendered in the matter except as set forth in (a)(1), (2), (3), or (4). The effective date of this regulation shall be July 1, 1989.

5. 30-7-67. Administrative hearings section, hearing officer. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-67. Administrative hearings section, hearing officer. The administrative hearings section shall administer the agency's fair hearing program. The effective date of this regulation shall be July 1, 1989.

6. 30-7-68. Request for fair hearing. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-68. Request for fair hearing. (a) Unless preempted by federal law, a request for fair hearing shall be in writing and received by the agency within 30 days from the date the order or notice of action is mailed. Pursuant to K.S.A. 1988 Supp. 77-531, an additional three days shall be allowed if the request is mailed.

A request for fair hearing involving food stamps shall be received by the agency within 60 days from the date the notice of action is mailed. Pursuant to K.S.A. 1988 Supp. 77-531, an additional three days shall be allowed if the request is mailed.

(b) The freedom to request a fair hearing shall not be limited or interfered with by the agency. The effective date of this regulation shall be July 1, 1989.

7. 30-7-69. Pre-appeal administrative remedies. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-69. Pre-appeal administrative remedies. (a) A pre-appeal administrative remedy is any procedure or process, the purpose of which is to encourage settlement or otherwise resolve the dispute before appeal to the administrative hearings section.

(b) Pre-appeal administrative remedies are to be encouraged to promote the resolution of disputes between the parties involved. Pre-appeal administrative remedies may also be used by the parties to narrow and define the issues to be appealed to the administrative hearings section. The effective date of this regulation shall be July 1, 1989.

8. 30-7-70. Agency's review of decision. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-70. Agency's review of decision. (a) Upon receipt of notice that a request for fair hearing has been made, the agency shall review its action or decision. Upon reconsideration, the agency may amend or change its action or decision before or during the hearing.

(b) If a satisfactory adjustment is reached prior to the hearing, the agency shall submit a report to the hearing officer, in writing, but the appeal shall remain pending until the appellant submits a signed, written statement withdrawing the appellant's request for fair hearing. If the

appellant fails to timely submit a signed, written statement withdrawing the request for fair hearing, the hearing officer may dismiss the request for fair hearing. The effective date of this regulation shall be July 1, 1989.

9. 30-7-71. Venue. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-71. Venue. (a) Fair hearings for applicants or recipients shall be held in the social and rehabilitation services' administrative area in which the applicant or recipient resides unless another site has been designed by the hearing officer or the hearing is conducted pursuant to the provisions of K.A.R. 30-7-72.

(b) Fair hearings for other appellants shall be held in Topeka, Kansas unless another site has been designated by the hearing officer or the hearing is conducted pursuant to the provisions of K.A.R. 30-7-72. The effective date of this regulation shall be July 1, 1989.

10. 30-7-72. Telephone hearings. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-72. Telephone hearings. The hearing officer may conduct the fair hearing or any prehearing by telephone or other electronic means if each participant in the hearing or prehearing has an opportunity to participate in the entire proceeding while the proceeding is taking place. A party may be granted a face to face hearing or prehearing if good cause can be shown that a fair and impartial hearing or prehearing could not be conducted by telephone or other electronic means. The effective date of this regulation shall be July 1, 1989.

11. 30-7-73. Summary reversals. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-73. Summary reversals. The hearing officer may, without notice or hearing, summarily reverse the agency's decision or action in the matter if it is clear from the agency's summary that the agency's decision or action was incorrect. The effective date of this regulation shall be July 1, 1989.

12. 30-7-74. Independent medical, psychiatric and psychological examinations. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-74. Independent medical, psychiatric and psychological examinations. When the hearing involves medical, psychiatric or psychological issues, the hearing officer may order on the hearing officer's own motion that an independent medical, psychiatric or psychological assessment other than that of the person or persons involved in making the original decision shall be obtained at agency expense and made part of the record if the hearing officer considers it necessary. If a party requests the independent assessment, that party shall pay the costs incurred in obtaining the assessment. If the party requesting the assessment signs a poverty affidavit, the independent medical, psychiatric or psychological assessment shall be performed at agency expense. The effective date of this regulation shall be July 1, 1989.

13. 30-7-75. Agency's summary. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-75. Agency's summary. Within seven days after notification of the request for fair hearing the agency shall

furnish the appellant and the administrative hearings section with a summary setting forth the following information:

- (a) Name and address of the appellant;
- (b) a summary statement concerning why the appellant is filing a request for a fair hearing;
- (c) a brief chronological summary of the agency's action in relationship to the appellant's request for a fair hearing;
- (d) a statement of the basis of the agency's decision;
- (e) a citation of the applicable policies relied upon by the agency;
- (f) a copy of the notice which notified appellant of the decision in question;
- (g) applicable correspondence; and
- (h) the name and title of the person or persons who will represent the agency at the hearing. The effective date of this regulation shall be July 1, 1989.

14. 30-7-76. Transcripts. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-76. Transcripts. (a) A transcript of the hearing may be prepared if requested by an appellant, the agency, the hearing officer, the state appeals committee or the secretary. The party requesting the transcript shall pay any costs associated in obtaining a transcript.

(b) If an appellant requests a transcript, the agency shall pay the costs of transcribing the recording if the appellant signs a poverty affidavit.

(c) If a transcript is prepared, the reporter shall sign the following certification on all copies: "This is to certify that _____ conducted a hearing on the

application of _____ in _____ county, state of Kansas, on _____ at _____ and that

the foregoing is a true and correct transcript of the record of the hearing."

Signature of Reporter

The effective date of this regulation shall be July 1, 1989.

15. 30-7-77. Rehearing. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-77. Rehearing. (a) Any party, within 15 days after service of the hearing officer's decision, may file a petition for rehearing with the administrative hearings section, stating the specific grounds upon which the rehearing of the hearing officer's decision is requested.

(b) A rehearing may be granted to either party on all or part of the issues when it appears that the rights of the party are substantially affected because of:

- (1) An erroneous ruling of the hearing officer;
- (2) the decision in whole or in part is contrary to the evidence; or
- (3) newly discovered evidence which the moving party could not with reasonable diligence have discovered or produced at the hearing.

(c) The filing of a petition for rehearing is not a prerequisite for review at any stage of the proceedings. The filing of a petition for review does not stay any time limits or further proceedings that may be conducted under the

(continued)

Kansas administrative procedures act, K.S.A. 77-501 *et seq.* and amendments thereto, or any other provision of law. The effective date of this regulation shall be July 1, 1989.

16. 30-7-78. State appeals committee. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-7-78. State appeals committee. (a) The secretary may appoint one or more state appeals committees to hear appeals from the decisions or orders of the hearing officers.

(b) The committees shall consist of three impartial persons.

(c) Decisions of the committee shall be by majority vote. The effective date of this regulation shall be July 1, 1989.

WINSTON BARTON
Secretary of Social and
Rehabilitation Services

Doc. No. 007823

State of Kansas

KANSAS RACING COMMISSION

PERMANENT ADMINISTRATIVE REGULATIONS

Article 4.—OCCUPATION AND CONCESSIONAIRE LICENSES

112-4-15. Suspended trainer engaged in the training of race horses under the parimutuel racing program of the state of Kansas. (a) Each spouse, parent, grandparent, brother, sister, child, grandchild, uncle, aunt, parent-in-law, brother-in-law or sister-in-law of a trainer engaged in the training of race horses under the parimutuel racing program of the state of Kansas, suspended by the commission or otherwise shall not assume any of the trainer's responsibilities, acts or duties during the term of the suspended trainer's suspension.

(b) Each individual assuming the responsibility for the care, custody or control of the horses of a suspended trainer shall not be paid a salary directly or indirectly by the suspended trainer during the term of the suspended trainer's suspension.

(c) Each trainer assuming the responsibility for the care, custody or control of the horses of a suspended trainer, during the period of the suspended trainer's suspension, shall:

- (1) Not use the farm or individual name of the suspended trainer to bill customers;
- (2) bill customers directly on the trainer's own bill forms for any services rendered;
- (3) maintain a separate account from the suspended trainer for deposits and payments of expenses, including wages of employees;
- (4) maintain records of withholding of taxes and deductions from employee pay checks;
- (5) maintain records of invoices for all expenses paid during the term of the suspension;
- (6) have a written lease, approved by the commission, for the use of any equipment of the suspended trainer;

(7) make no payments of any kind to the suspended trainer, the suspended trainer's family as listed in subsection (a) of this regulation or any entity owned or controlled by the above parties, or to any other person for transfer of right to race, coach or train any of the suspended trainer's horses;

(8) not borrow funds from a suspended trainer or the suspended trainer's family as listed in subsection (a) of this regulation or any entity owned or controlled by the above parties for the purpose of going into the business of training; and

(9) not allow a suspended trainer, the suspended trainer's family as listed in subsection (a) of this regulation, or any entity owned or controlled by the above parties to sign any notes or loans for the trainer for the purpose of going into the business of training.

(d) Any suspended trainer and any trainer taking over the horses of a suspended trainer may be requested to deliver books, canceled checks, invoices, tax returns and other evidence to the commission to prove the details of any relationship between trainers and suspended trainers.

(e) Each suspended trainer found to have engaged in the responsibilities, acts or duties of a trainer during the term of the suspended trainer's suspension shall be subject to a second suspension, or fine, or both, which shall be consecutive to and in addition to the first term of suspension of fine or both. (Authorized by K.S.A. 1988 Supp. 74-8804, 74-8816; implementing K.S.A. 1988 Supp. 74-8816; effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-4-19. Horse or greyhound ownership by corporation, partnership, syndicate or other association or entity. (a) If the legal owner of any horse or greyhound is a corporation, partnership, syndicate or other association or entity, each shareholder or partner with a 10 percent or more interest shall be licensed as a horse or greyhound owner; provided that if there are more than 10 shareholders or partners, no more than 10 shall be required to be licensed unless the stewards, racing judges, or the commission determine that the best interests of racing dictate that any other, or all, shareholders or partners should be licensed.

(b) Each corporation, partnership, syndicate, or other association or entity that owns a horse or greyhound at a racetrack facility shall file the following information with the commission:

- (1) Organizational documents for the entity identifying each shareholder by name and mailing address including zip code;
- (2) relative proportion of ownership interest;
- (3) terms of sale with contingencies, arrangements or leases;
- (4) documents declaring to whom winnings are payable and under what name the horse or greyhound shall be run; and
- (5) the name and address including zip code of each licensed person or persons who assumes all responsibilities as owner of the horse or greyhound.

(c) Each part owner of any horse or greyhound shall not assign the ownership interest without the written consent of the other partners that shall be filed with the commission.

(d) Each person or persons who owns a horse or greyhound as a corporation, partnership, syndicate or other association or entity shall register the information required by the regulations and pay the required fee or fees for the appropriate entity. (Authorized by K.S.A. 1988 Supp. 74-8804; implementing K.S.A. 1988 Supp. 74-8816; effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-4-22. Licensing required. Each license procedure required by the commission shall be completed by the applicant before the applicant assumes any duties at a racetrack facility. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804, effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

Article 8.—RULES OF RACING

112-8-3. Entries. (a) Each greyhound entered in a race shall be entered in the name of the registered owner, lessee or a kennel name. The following information shall be registered with the racing secretary before each greyhound starts at any meet:

(1) The full name of each person having any ownership interest in a greyhound or in a greyhound's winnings; and

(2) the full name of each person who is party to a transaction whereby the ownership interest in a greyhound or in the greyhound's winnings changes during the race meeting.

(b) Each entrance in a race shall be free unless otherwise stipulated in the conditions. If the conditions require an entrance fee, the fee shall accompany the entry.

(c) The person having the greatest ownership or property interest in a greyhound shall assume all rights or duties of an owner as provided by these regulations, including but not limited to the right of entry and withdrawal.

(d) Any racing judge may call on any person in whose name a greyhound is entered to produce proof that the greyhound entered is not owned wholly or in part by any person who is disqualified, or to produce proof of the extent of any ownership or property interest in the greyhound, and, if the racing judge is not satisfied by the proof, shall scratch the greyhound from the race.

(e) Each greyhound that has not been fully identified shall not start in any race.

(f) Each person who misrepresents the identity of a greyhound or its ownership shall be liable as an owner would be liable and shall be subject to the same penalty as the owner in the case of fraud or attempted fraud.

(g) Each greyhound shall not enter or start any race if:

(1) The greyhound has been disqualified;

(2) the greyhound is owned in whole or in part or is under the control, directly or indirectly, of a disqualified person;

(3) the greyhound is not under the control of a licensed trainer or a licensed assistant trainer; or

(4) the greyhound is on the veterinarian's list or schooling list.

(h) a female greyhound in season shall not be permitted on the racetrack. A female greyhound in milk shall not school officially or race.

(i) The racing secretary shall compile without delay and conspicuously post each entry that has been closed.

(j) Each kennel shall not have more than two greyhounds any race except in stakes races. Double entries shall not be allowed until all single entries are used.

(k) Each entry for all official races shall be established by blind draw by the racing secretary or the racing secretary's designee in the presence of a racing judge and in full view of any licensed persons wishing to observe the draw. The time and place of each draw shall be posted in the paddock, and each draw shall occur at least one race day before the running of each race. The kennel owners and trainers shall be represented at the draw at the designated time. The racing secretary may select entries for two Grade A-Feature races weekly without using the blind draw method.

(l) Each post position for all official races shall be established by blind draw by the racing secretary or the racing secretary's designee in the presence of a racing judge and in full view of any persons wishing to observe the draw. Each draw shall be held at least one day before the running of each race at a time and place posted in the paddock. The kennel owners and trainers shall be represented at the draw at the designated time. The racing secretary shall draw post positions for official schooling races.

(m) Each organization licensee shall have the right to withdraw or change any unclosed race.

(1) Each entry for stakes races, the conditions of which have been published previously, shall be closed at the time advertised, and no entry shall be received after that time.

(2) Unless notice is given, each entrance and withdrawal for stakes races that close during or on the eve of a race meet shall close at the office of the racing secretary. Each entrance and withdrawal for all other stakes races shall close at the office of the organization licensee.

(3) If the number of entries to any stakes race exceeds the number of greyhounds that may be permitted to start because of track limitations, the racing secretary shall determine the starters for the race in accordance with the conditions of the race.

(4) Each person entering a greyhound shall be liable for the entrance fee, nominating fee, sustaining fee and starting fee. Each subscriber or a subscriber's transferee shall not receive any refund of fees because of the death or withdrawal of a greyhound, its failure to start or a mistake in its entry if the greyhound is ineligible.

(5) The entrance money, starting fees and subscription fees in every race shall be distributed as provided in the conditions of the race. If a race is not run, all stakes or entrance money shall be refunded.

(6) Each entry, subscription or right of entry under it shall not become void upon the death of the nominator or subscriber.

(7) Each greyhound shall not start in a race unless any stakes or entrance money payable for the race has been duly paid.

(8) Each racing secretary shall be authorized to receive entries and withdrawals. (Authorized by an implementing K.S.A. 1988 Supp. 74-8804 effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-8-9. Before the race. (a) One assistant animal
(continued)

health officer, one racing judge and one representative of the organization licensee shall walk the racing strip before the commencement of the first race of each performance to determine whether the racing strip is safe for racing.

(b) If the assistant animal health officer, the racing judge and the representative of the organization licensee determine formful and safe racing cannot be conducted, then the assistant animal health officer and the racing judge or management shall cancel the remainder of the race program.

(c) One representative of the kennel operators and trainers may accompany the assistant animal health officer, the representative of the organization licensee and the racing judge during the walk around the racing strip. The number of individuals walking the racing strip before the first race of each performance shall not exceed four. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804; effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

Article 9.—PARIMUTUEL WAGERING

112-9-2. Mutuel facilities. (a) Each organization licensee shall provide:

(1) A window for each teller-cashier with a clear, legible sign, visible by the public, and showing the number of the window; and

(2) a ticket issuing machine for each teller or teller-cashier.

(b) Each organization licensee shall use ticket issuing machines linked to a computer based totalisator system that shall:

(1) Record the progressive, aggregate, in final total of dollars bet in each pool and on each wagering entry or mutuel field;

(2) compute the approximate and final odds in the win pool for each wagering entry in each race in intervals not greater than 90 seconds or at such other lesser intervals, and relay those odds to the infield display board and, if applicable to other display devices;

(3) compute commissions, breaks and components thereof; and

(4) compute the pay-off prices.

(c) for the purpose of confirming the final record of parimutuel sales for each race each organization licensee shall for win, place, show and feature pools:

(1) Obtain a ticket issuing machine take off, teller history, or store on magnetic media, the following information for each ticket issuing machine:

(A) Each bet sold on each wagering entry or combination of entries; and

(B) the total number of bets sold on each entry and combination of entries and their dollar equivalent by each ticket issuing machine and in total; and

(2) produce upon request by the commission or its designated representatives a computer print-out that shows the information required in subparagraph (B).

(d) Each organization licensee shall provide an emergency or alternate system of electrical supply to provide sufficient power to operate the central processing unit or unit for data that accepts or stores wagering data.

(e) Each organization licensee shall provide, for the

purpose of locking ticket issuing machines at the start of each race:

(1) one device located in an approved area within the stewards or judges stand; and

(2) one device located in the totalisator room for use as an emergency locking device.

(f) The totalisator and ticket issuing machine control device referred to in paragraph (e)(1) shall be controlled by a commission representative. This device shall logically disable all ticket issuing machines from issuing tickets on the current race. The device shall stop betting on a race no later than the official start of such race, and it shall be the primary responsibility of the steward or racing judge and secondary responsibility of the mutuels department to assure that stop wagering occurs. No wagers shall be accepted or tickets cancelled after the related stop wagering command has been issued.

(g) Each ticket shall be identified by a unique computer-generated ticket number and where non resettable ticket issuing machine counters are used, each counter shall be read and recorded before the start and after the finish of wagering for each race, or where the counts are accumulated by machine, the sales accumulators shall be set to zero after the sales have been recorded and before wagering on the next race begins. (Authorized by K.S.A. 1988 Supp. 74-8804 (c) and 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8804 (p); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-3. Parimutuel wagering. Each form of wagering shall be used only with permission of the commission and in accordance with the provisions of the Kansas parimutuel racing act. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 8819 (b); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-4. Parimutuel tickets. (a) Each parimutuel ticket shall be evidence of a contribution to the parimutuel pool operated by the organization licensee and shall be evidence of the obligation of the organization licensee to pay to each holder the portion of the distributable amount of the parimutuel pool that is represented by each valid parimutuel ticket. Each organization licensee shall cash each valid, unutilized winning ticket when each ticket is presented for payment during the course of the meeting where sold, and for a period of 60 days after the close of the race meeting.

(b) Each valid parimutuel ticket shall have been issued by a parimutuel ticket machine operated by the organization licensee and recorded as a ticket entitled to a share of the parimutuel pool, and contained imprinted information as to:

(1) The name of the organization licensee operating the meeting and the racetrack;

(2) the date of the wagering transaction and the date of the race;

(3) a unique identifying number or code;

(4) the race number for which the pool is conducted;

(5) the type or types of wager represented;

(6) the number or numbers representing the wagering interest for which the wager is recorded;

(7) the amount or amounts of the contribution to the

parimutuel pool or pools for which the ticket is evidence; and

(8) the number of ticket issuing machine.

(c) Each parimutuel ticket recorded or reported as previously paid, canceled or nonexistent shall be deemed an invalid parimutuel ticket by the organization licensee.

(d) Any organization licensee may withhold payment and may refuse to cash any parimutuel ticket deemed not valid. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8819; effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-5. Claim for payment for parimutuel pool. (a) Each organization licensee shall accept a written, verified claim for payment from a parimutuel pool in any case where the organization licensee has withheld payment or has refused to cash a parimutuel ticket presented for payment within 60 days after the close of the race meeting. Each claim shall be made on a form approved by the commission. Each claimant making a claim shall do so under penalty of perjury. The original of each claim shall be promptly forwarded to the commission.

(b) Each organization licensee shall deliver to the commission each claim made for payment of a mutilated parimutuel ticket that does not contain the total imprinted elements required in K.A.R. 112-9-4 to be positively identified as to whether or not it is a winning ticket.

(c) Each claim shall be adjudicated and decided by the commission. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. Supp. 74-8822; effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-6. Lost or destroyed tickets. Each claim for a lost or destroyed parimutuel ticket shall not be accepted by the organization licensee nor by the commission. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8822; effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-7. Uncashed tickets. (a) Each organization licensee shall carry on its books an account that shows the total amount due on outstanding uncashed mutuel tickets. In the event of a payoff discrepancy, each winning ticket remaining unpaid at the close of each performance shall be entered in a book known as the "outsbook" at the actual price paid to the public. A record of all unpaid parimutuel tickets shall be prepared and forwarded to the commission within 61 days after the close of the race meeting. Each unclaimed ticket cashed after the close of the season shall bear the date it was paid, check number, and the amount paid. No ticket shall be cashed more than 60 days after the race meeting in which the ticket was issued.

(b) when outsbooks are compiled by data processing systems or computerized totalisator equipment, the following minimum requirements shall apply:

(1) All printed outs summaries and printed outs ledger sheets shall be placed in a separate binder in chronological order. Each organization licensee shall safeguard these records; and

(2) the daily ledger sheets shall include the date, race, winning number, price paid per ticket, amount outstanding from previous performance, tickets paid for each performance, and new balance outstanding.

(c) A copy of the money room reports showing the daily outs and a copy of the outstanding tickets report prepared by the calculating room showing the daily accumulation of the outs totals shall be delivered to the track chief auditor of the commission by the association within 48 hours after the close of each performance.

(d) Each organization licensee shall safeguard all records pertaining to parimutuel operations including all cash winning parimutuel tickets and admission records, for as long as the commission requires. The records shall not be destroyed without written permission of the commission. (Authorized by K.S.A. 1988 Supp. 74-8804 (c) and 8804 (p); implementing K.S.A. 1988 Supp. 74-8822; effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-8. Accounting. (a) Each organization licensee conducting race meetings shall keep books and records that clearly show the total number of paid admissions, passes and occupation licensees, not employed by the organization licensee or the commission, admitted to the racetrack facility, the total amount contributed to each parimutuel pool on each race and the amount of money received daily from paid admission fees within 120 days after the conclusion of each organizational licensee's fiscal year. Each licensee shall submit to the commission two copies of the complete audit report on its accounts certified by a public accountant licensed to practice in the state of Kansas. Each audit report shall include all information required by the commission.

(b) Each report shall become part of and be maintained in the commission's files. (Authorized by K.S.A. 1988 Supp. 74-8804 (c) and 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8804 (p), 74-8823, 74-8824; effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-9. Parimutuel pools. (a) Each organization licensee shall provide win, place and show pools in each race in which there are five or more separate wagering interests that are obligated to start.

(b) Each organization licensee shall provide win and place pools in each race where there are four separate wagering interests that are obligated to start.

(c) Each organization licensee shall provide win pool in each race where less than four separate wagering interests are obligated to start.

(d) The requirement for a place or show pool in any race may be waived by the stewards or racing judges. (Authorized by K.S.A. 1988 Supp. 74-8804 (p) and implementing K.S.A. 74-8819 (b); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-10. Distribution of pools. After the results of each race have been declared official by the stewards or racing judges, each parimutuel pool shall be distributed to each parimutuel ticket holder entitled to share in a respective pool in accordance with the provisions of the Kansas parimutuel racing act and article 112 of these regulations. If two wagering interests finish in a race, the show pool, if any, shall be distributed the same as in a place pool. When only one wagering interest finishes in a race, the place pool and show pool, if any, shall be distributed the same as in a win pool. If no wagering

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interest finishes in a race or the race is declared a no contest by the stewards or racing judges, all money wagered on the race shall be refunded to ticket holders. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing 74-8819 (b); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-11. Race declared official. (a) Each decision of the stewards or racing judges regarding the order of finish shall be final at the time the stewards or racing judges order the official sign displayed on the totalisator board. Each ruling of the stewards or racing judges or the commission regarding the order of finish or any award of purse money made after the result of the race has been declared official shall not affect the parimutuel payoff or the distribution of any parimutuel pool. An inadvertant mistake in the posting of the official order of finish may be corrected by the stewards or judges before tickets are cashed.

(b) Each racing animal shall be considered a starter for a race when the doors of the starting gate or starting box open in the front of the racing animal at the time the official starter dispatches the racing animals. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804; effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-12. Win pool. (a) Each takeout shall be deducted from the total wagered in the straight pool. The balance shall be the net pool.

(b) The amount wagered on the winners shall be divided into the net pool. The quotient obtained shall be the payoff price on the winner for each dollar wagered, and shall include the dollar wagered on the winner.

(c) If an entry wins and no money is wagered on the entry to win, the straight pool shall be apportioned among the holders of the place tickets on that entry. If no money is wagered on the entry to place, the straight pool shall be apportioned among holders of the show tickets.

(d) Multiple entries for the same wagering interest shall be paid in proportion to the number of the parts of the entry. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8819 (b); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-13. Place pool. (a) The takeout authorized by law shall be deducted from the sum total wagered in the place pool. The balance shall be the net pool.

(b) The amount wagered in the place pool on the entries placed first and second shall be deducted from the net pool. The remainder shall be the profits or winnings. The profit shall be divided into two equal parts between those who wagered in the place pool on the winner, and those who wagered on the entry that was placed second.

(c) Using the amount wagered in the place pool on the winner to place as a divisor and one-half of the profits of the place pool as specified in subsection (b) of this regulation as a dividend, the quotient shall be the profit-per-dollar wagered in the place pool on the winner to place.

(d) Using the amount wagered in the place pool on the entry placed second to place as a divisor and the other half of the profits as specified in subsection (b) of this regulation as a dividend, the quotient shall be the profit-

per-dollar wagered in the place pool on the second entry to place.

(e) In each of the subsections (c) and (d) of this regulation, the profit-per-dollar wagered shall be the resultant. The sums wagered on the entries placed first and second shall be returned. The quotient added to the dollar take out of the net pool in subsection (b) shall be the pay-off price for each dollar wagered on entries placed first and second in the place pool.

(f) If no money is wagered to place on an entry that is placed first or second in a race, the place pool for the race shall be apportioned among the holders of the place tickets on the other entries that have placed first or second.

(g) If no money is wagered on either the win or place entries, the pool shall be distributed to show ticket holders on place entries.

(h) Multiple entries for the same wagering interest shall be paid in proportion to the number of the parts of the entry. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8819 (b); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-14. Show pool. (a) Each takeout shall be deducted from the total wagered in the show pool. Each balance shall be the net pool.

(b) The total wagered in the show pool on each entry placed first, second and third shall be deducted from the net pool. The remainder shall be the profit, or winnings. The profit shall be divided into three equal parts among those who wagered in the show pool on the winner, the second place entry and the third place entry.

(c) Using the total wagered in the show pool on the winner to show as a divisor and one-third of the profits as specified in subsection (b) of this regulation as a dividend, the quotient shall be the profit-per-dollar in the show pool wagered on the winner to show.

(d) Using the total wagered in the show pool on the entry placed second to show as a divisor and one-third of the profits as specified in paragraph (b) of this regulation as a dividend, the quotient shall be the profit-per-dollar in the show pool wagered on the second entry to show.

(e) Using the total wagered in the show pool on the entry placed third to show as a divisor and one-third of the profits specified in subsection (b) in the regulation as a dividend, the quotient shall be the profit-per-dollar in the show pool wagered on the third-place entry.

(f) In each of the subsection (c), (d) and (e) of this regulation, the profits-per-dollar wagered shall be the resultant. The sums wagered on the entries placed first, second, and third shall be returned. The quotient added to the dollar taken out of the net pool in subsection (b) of this regulation shall be the pay-off price for each dollar wagered on the entries placed first, second, and third in the show pool.

(g) If no money has been wagered to show on an entry that placed first, second, or third in a race, the show pool in that race shall be apportioned among holders of show tickets on the other entries that are placed first, second, or third in that race and calculated as a win pool respectively.

(h) Multiple entries for the same wagering interest shall be paid in proportion to the number of the parts of the

entry. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8819 (b); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-15. Daily double. (a) Each daily double shall not be a parlay and shall have no connection with or relation to the win, place and show pools shown on the totalisator board. Each daily double shall be a contract by the purchaser of a ticket selecting the entries that will later finish first as officially posted in two different races. Each daily double ticket shall be calculated in a separate pool using the win pool requirements in K.A.R. 112-9-12.

(b) If no ticket is sold that selects the winner of the first race of the daily double, the entire daily double pool, less takeout and breakage, shall be distributed equally to the holders of tickets that select the winner of the second race of the daily double.

(c) If no ticket is sold that selects the winner of the second race of the daily double, the entire daily double pool, less takeout and breakage, shall be distributed equally to the holders of tickets that include the winner of the first race of the daily double.

(d) If no ticket is sold that selects the winner of either race of the daily double, the entire daily double pool, less takeout and breakage, shall be distributed equally to holders of tickets that select the entries finishing second in the two races of the daily double.

(e) If no ticket is sold that would require distribution of the daily double pool under this regulation, the organization shall make a complete refund of the daily double pool.

(f) If the first race of a daily double is cancelled, the organization licensee shall make available a complete refund of the daily double pool.

(g) If the second race of the daily double is canceled after the first race of the daily double has been completed, the entire daily double pool, less takeout and breakage, shall be distributed to holders of tickets that select the winner of the first race of the daily double.

(h) If any entry in either the first or second half of the daily double is scratched, excused by the stewards or racing judges, or prevented from racing before the race in the first half of the daily double is run, all money wagered on any entry or entries excused or prevented from racing shall be deducted from the daily double pool and refunded to the purchaser or purchasers of tickets on the entry or entries excused or prevented from racing.

(i) If any entry is scratched, excused by the stewards or racing judges, or prevented from racing because of the failure of the stall doors or starting gate to open in the last half of the daily double and after the first race in the daily double has been run, a consolation double shall be awarded. Each ticket including the entry prevented from racing shall be deducted from the daily double pool, and the pool of pools formed shall be distributed as a straight pool or pools to the holders of tickets combining the winner of the first half with the entry or entries prevented from completing the daily double.

(j) Each field entry or coupled entry in a race comprising the daily double shall race as a single wagering interest for the purpose of mutuel pool calculations and payoffs to the public. If any part of the field entry or a

coupled entry is a starter, there shall be no refund to persons wagering on the field entry.

(k) If a dead heat occurs in the first or second race of the daily double, the total pool shall be figured as a place pool. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8819 (b); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-16. Quinella. (a) Each quinella shall not be a parlay and shall have no connection with the win, place and show pools shown on the totalisator board. Each quinella shall be a contract by the wagerer that selects the entries that will later finish either first and second or second and first as officially posted in the race. Each ticket on the quinella will be calculated in a separate pool using the win pool requirements in K.A.R. 112-9-12.

(b) Each quinella ticket shall be for the win and place combination only. Each wagerer shall select two entries at the time of purchase of each quinella ticket. Payoff on the ticket shall occur when the two entries selected finish either first and second or second and first.

(c) Each coupled entry or field entry in a race comprising the quinella shall race as a single wagering interest for the purposes of mutuel pool calculations and payoffs to the public. If any part of a coupled entry or the field entry is a starter, there shall be no refund to persons wagering on the field entry. If any part of a field entry finishes first, the order of finish of all other entries making up the field entry shall be disregarded in determining which entry finished second.

(d) If any entry entered in a quinella race is scratched or excused by the stewards or racing judges after wagering has begun, or should any entry or entries be prevented from racing because of the failure of the starting gate or starting box to open, each ticket selecting the entry or entries shall be deducted from the quinella pool and the money shall be refunded to the wagerers on the entry or entries excused or prevented from racing.

(e) If no ticket is sold on the winning combination in a quinella race, each quinella ticket bearing the number of the individual win entry and each quinella ticket bearing the number of the individual place entry shall be a winning ticket. The payoff shall be calculated as a place pool.

(f) If no ticket is sold on the winning combination in a quinella race, and there is no quinella ticket sold bearing the number of the individual win entry, each quinella ticket bearing the number of the individual place entry shall be a winning ticket. The payoff shall be calculated as a win pool using the requirements of K.A.R. 112-9-12.

(g) If no ticket is sold on the winning combination in a quinella race, and no quinella ticket bearing the number of the individual place entry, each quinella ticket bearing the number of the individual win entry shall be a winning ticket. The payoff shall be calculated using the win pool requirements of K.A.R. 112-9-12.

(h) If no ticket on the winning combination in a quinella race is sold and no quinella ticket is sold bearing the number of the individual win entry, and no quinella ticket is sold bearing the number of the individual place entry,

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each quinella shall be a no contest. All money in the quinella shall be promptly refunded.

(i) If an official start occurs and any one entry finishes the quinella race, the total money shall be figured as a win pool under the requirements of K.A.R. 112-9-12. Only those who have picked the finishing entry in the race shall participate in the pool.

(j) If a dead heat for win occurs in a quinella race, each entry involved in the dead heat shall be a winner of the quinella race and payoffs figured accordingly.

(k) If a dead heat for place occurs in a quinella race, each combination coupling the winning entries with the individual place entries shall be winners of the quinella race and payoffs shall be calculated accordingly. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8819 (b); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-17. Exacta. (a) Each exacta shall not be a parlay and shall have no connection with a relation to the win, place and show pools shown on the totalisator board. Each exacta shall be the purchase of a ticket selecting the entries that will later finish first and second when officially posted in the race. Each ticket on the exacta shall be calculated in a separate pool using the win pool requirements in K.A.R. 112-9-12.

(b) Each exacta ticket shall be for the win and place combination only. Each wagerer purchasing an exacta ticket shall select the exact order in which the first two entries will finish in the exacta race.

(c) Each field entry in a race comprising the exacta shall race as a single wagering interest for the purposes of mutuel pool calculations and payoff to the wagerer. If any part of a field entry or a coupled entry is a starter, persons wagering on the field entry shall receive no refund. If any part of a coupled entry or the field entry finishes first, the order of finish of all other entrants making up the entry shall be disregarded in determining which entrants finished second for the purposes of exacta wagering.

(d) If any entry in an exacta race is scratched or excused by the stewards or racing judges after wagering has commenced, or if any entry is prevented from racing because of the failure of the starting gate or starting box to open, each ticket that selects the entry shall be deducted from the exacta pool and the money shall be refunded to each wagerer on the entry excused.

(e) If no ticket is sold on the winning combination of an exacta pool, the net pool shall be distributed equally among each holder of a ticket that selects the winning entry to finish first and each holder of a ticket that selects the second place entry to finish second.

(f) If a dead heat occurs between two entries for first place, the net pool shall be calculated and distributed as a place pool to holders of the winning combinations under the requirements of K.A.R. 112-9-13.

(g) If no ticket is sold on the winning combination of an exacta pool, the net pool shall be distributed equally among each holder of ticket that selects the winning entry to finish first and each holder of a ticket that selects the second place entry to finish second.

(h) If a dead heat occurs between two entries for first place, the net pool shall be calculated and distributed as

a place pool to holders of the winning combinations under the requirements of K.A.R. 112-9-13.

(g) If a dead heat occurs between two or more entries for place, each ticket that selects the proper first entry to win that is coupled with any of the place entries involved in a dead heat shall be the winner of the exacta race and payoffs shall be calculated according to their respective interest in the net pool.

(h) If a dead heat for second place occurs and no ticket is sold on one of the two winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the other winning combinations. If no tickets combine the winning entry with either of the place entries in the dead heat, the exacta pool shall be calculated and distributed to holders of tickets designating the winning entry of either of the place entries according to their respective interest in the net pool.

(i) If a dead heat occurs among three or more entries for first place, the net pool shall be calculated and distributed to holders of tickets designating any two of the entries participating in the dead heat according to their respective interest in the net pool.

(j) If no ticket is sold that would require distribution to any winner as defined above, the exacta shall be a no contest. All money in the exacta pool shall be promptly refunded. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8819 (b); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-18. Trifecta pool. (a) Each trifecta shall not be parlay and shall have no connection with the win, place and show pools shown on the totalisator board and shall be calculated as an entirely separate pool.

(b) Each trifecta shall be the purchase of a ticket that combines three entries in a single race that will finish first, second and third in the race. Payment of the ticket shall be made only to the purchaser who has selected the same order of finish as officially posted.

(c) Each trifecta ticket shall not be sold in less than a one dollar denomination.

(d) If no ticket is sold on the winning combination of a trifecta pool, the net pool shall be distributed to each holder of a ticket that selects the win and place finishers in that order. If no ticket is sold combining the win and place finish, that pool shall be distributed to each holder of a ticket that selects the winner.

(e) If no ticket is sold that would require distribution of the net trifecta pool to a winner as outlined above, all money in the pool shall be refunded.

(f) If a dead heat or dead heats occur, each trifecta ticket that selects the correct order of finish, counting the entry in a dead heat as finishing in either position in which there is a dead heat, shall be a winning ticket. The payoff shall be calculated as a place pool.

(g) If a scratch occurs in the trifecta, no exchange shall be made. Each ticket that selects the scratched entry shall be eliminated from further participation in the trifecta pool and shall be refunded.

(h) Each coupled entry or field entry shall be prohibited in trifecta races without prior commission approval.

(i) Trifecta tickets shall be sold only by the organization licensee through parimutuel machines. Resale of the tick-

ets from one individual to another shall be prohibited and shall be grounds for ejection.

(j) Each organization licensee using this form of wagering shall post a reprint of this regulation in bold print and in clear view of any wagerer that is near the wagering windows. The location of the posted rules shall appear in the program. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8819 (b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-19. Twin quinella pool. (a) Each twin quinella shall be a form of parimutuel wagering. To wager in a twin quinella, the wagerer shall make a choice of the first two entries to finish as officially posted in each of two consecutive races. Parimutuel wagering tickets shall be sold upon the first race of the two races only. The division of the pool shall be calculated as in a straight pool, subject to the provisions of these regulations.

(b) Each twin quinella ticket shall be sold only by the organization licensee for not less than two dollars. Resale of the tickets from one individual to another shall be prohibited and shall be grounds for ejection.

(c) Each wagerer purchasing a twin quinella ticket shall designate two selections as the first two entries to finish in the first race of the two races.

(d) After the official declaration of the first two entries to finish the first of the twin quinella races, each wagerer holding a ticket combining the qualifying two entries to finish, shall, before the running of the second race, exchange the winning ticket for a twin quinella exchange ticket at the twin quinella windows. At that time the exchange ticket holders shall select the first two entries to finish in the second race of the twin quinella. Money shall not be required of the holder of a ticket to make the exchange.

(e) Each twin quinella exchange ticket upon the second race shall not be issued except upon the surrender of the twin quinella ticket from the first race. The twin quinella pool obtained from the sale of twin quinella tickets upon the first race shall be held subject to these rules, and divided among the winning tickets of the twin quinella exchange tickets, subject to these regulations. Each twin quinella window shall be open for the purpose of making the exchange as described only after the first race has been declared official. Each twin quinella window shall close at official post time at the start of the second race of the twin quinella races.

(f) If a winning twin quinella ticket from the first race is not presented for exchange within the time provided, the wagerer shall forfeit all rights to any distribution or refund unless the second half of the twin quinella is canceled or declared no race or if no exchange ticket is presented that selects either the first or second racing animal of the second half of the twin quinella.

(g) If any entry is scratched in the first race of the twin quinella races, each twin quinella ticket on the scratched entry shall be refunded.

(h) If any entry is scratched in the second race of the twin quinella, each exchange ticket combining the scratched entry shall become a consolation ticket and shall be paid a price-per-dollar denomination calculated as follows: the net twin quinella pool, which is the gross pool

less takeout, shall be divided by the total purchase price of all tickets combining the winner of the first race of the twin quinella. The quotient shall be the price to be paid to each holder of exchange tickets combining the scratched entry in the second race of the twin quinella. The entire consolation pool, which is the number of eligible tickets times the consolation price, plus the breakage shall be deducted from the net twin quinella pool.

(i) If no twin quinella ticket is sold as a winning combination in the first race of the twin quinella, the twin quinella pool shall be divided among wagerers having tickets that selected the entry finishing first or second. The distribution shall be calculated as a place pool. If no twin quinella ticket is sold as a winning combination in the first race, the twin quinella race shall end and the pool shall be closed for the day.

(j) If no twin quinella exchange ticket is issued on the winning combination, the net pool shall be distributed to holders of tickets that selected the entry finishing first and holders of tickets that selected the entry finishing second in the same manner in which a place pool is calculated and distributed.

(k) If a twin quinella exchange ticket combines only one of the two winners and no twin quinella exchange ticket combines the other winner, the entire pool shall be distributed as a straight pool to the holders of the tickets.

(l) If no exchange ticket is purchased to select either the first or second entry of the second half of the twin quinella, the entire net pool shall be distributed as a straight pool to each holder of an exchange ticket and each winning combination of the first half that has not been exchanged.

(m) If a dead heat for place in the first race of the twin quinella races occurs, each twin quinella ticket combining the first entry with either of the place entries shall be eligible for exchange for a twin quinella exchange ticket.

(n) If a dead heat for place in the second race of the twin quinella races occurs, the twin quinella pool shall be divided, calculated and distributed as a place pool to each holder of a twin quinella exchange ticket combining the first entry and either of the place entries. If a dead heat for place occurs, and there are no tickets sold on one combination, the other combination having winning entries shall be declared the winner.

(o) If no exchange ticket combines the winning entry with either of the entries in the dead heat for place, the net twin quinella pool shall be paid to each holder of a ticket that selects any of the three win and place entries as in a win, place, or show pool.

(p) If the first race of the twin quinella races is canceled or declared no race, a complete refund shall be made from the twin quinella pool.

(q) If the second of the twin quinella races is canceled or declared no race, the pool shall be calculated as a straight pool and shall be distributed among each holder of a ticket combining the first two entries of the first race of the twin quinella otherwise eligible for twin quinella exchange tickets and also distributed to holders of the twin quinella exchange tickets.

(r) If a dead heat for the winning entries in either of

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the two consecutive races for the twin quinella occurs, the calculation of distribution of the twin quinella pool shall be made in the manner in which the ordinary quinella pool would be made should there be a dead heat from the win despite the number of entries involved in the dead heat.

(s) If an incorrect exchange ticket is issued during the second half of the twin quinella pool, the ticket shall be delivered by a mutuels clerk to the state auditor before the running of the second half of the twin quinella. Each ticket shall be deducted from both exchange and individual combination totals.

(t) Each organization licensee using this form of wagering shall post a reprint of the rule in bold print in clear view of any wagerer that is near the wagering windows. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8819 (p); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-20. Twin exacta pool. (a) The twin exacta shall be a form of parimutuel wagering. To wager in a twin exacta, the wagerer shall select the two entries that will finish first and second in each of two designated races in the exact order as officially posted.

(b) Each twin exacta ticket shall be sold only by the organization licensee for not less than two dollars. Resale of twin exacta tickets from one individual to another is prohibited and shall be grounds for ejection.

(c) Each wager purchasing a twin exacta ticket shall designate the two selections as the first two entries to finish and the order of finish in the first race of the two designated races.

(d) After the official declaration of the first two entries to finish in the first race of the twin exacta, each wagerer holding a ticket combining the first two entries in the exact order of finish shall, before the running of the second twin exacta race, exchange the winning ticket for a twin exacta exchange ticket and at the time shall select two entries to finish in the second race of the twin exacta in the exact order as officially posted. Money shall not be required of the holder of the ticket to make the exchange.

(e) Each twin exacta exchange ticket upon the second race shall not be issued except upon surrender of the twin exacta ticket from the first race. The twin exacta pool obtained from the sales of twin exacta tickets upon the first race shall be held, subject to these regulations, and divided among the winning tickets of the twin exacta exchange tickets. Each twin exacta window shall be open for the purpose of making the exchange only after the first race has been declared official and the windows shall close at the official post time at the start of the second race of the twin exacta races.

(f) If a winning twin exacta ticket from the first race is not presented for exchange within the time provided, the wagerer shall forfeit all rights to any distribution or refund unless the second half of the twin exacta is canceled or declared no race or if no exchange ticket is presented that selects the first of second entry of the second half of the twin exacta.

(g) If an entry is scratched in a first race of the twin exacta races, each twin exacta ticket on the scratched entry shall be refunded.

(h) If an entry is scratched in the second race of the twin exacta, each exchange ticket combining the scratched entry shall be a consolation ticket and shall be paid a price-per-dollar denomination calculated as follows: the new twin exacta pool, which is the gross pool less takeout, shall be divided by the total purchase price of all tickets combining the winners of the first race of the twin exacta. The quotient shall be the price to be paid to each holder of exchange tickets combining the scratched entry in the second race of the twin exacta. The entire consolation pool, which is the number of eligible tickets times the consolation price plus the breakage, shall be deducted from the net twin exacta pool.

(i) If no twin exacta ticket is sold as a winning combination in the first race of the twin exacta, the twin exacta pool shall be divided among those wagerers that select the entry finishing first or second and the distribution shall be calculated and made as a place pool. If no twin exacta ticket is sold as a winning combination in the first race, the twin exacta race shall end and the pool shall be closed for the day.

(j) If no twin exacta exchange ticket is sold on the winning combination, the net pool shall then be apportioned equally among those wagerers that select the entry finishing first and those wagerers that select the entry finishing second in the same manner in which a place pool is calculated and distributed.

(k) If a twin exacta exchange ticket combines only one of the two winners and no twin exacta exchange ticket combines the other winner, the entire pool shall be distributed as a straight pool to the holders of the tickets.

(l) If no exchange ticket is purchased to select either the first or second entry of the second half of the twin exacta, the entire net pool shall be distributed as a straight pool to each holder of an exchange ticket and each winning combination of the first half that has not been exchanged.

(m) If a dead heat for place in the first race of the twin exacta races occurs, each twin exacta ticket combining the winning entry and either of the place entries shall be eligible for exchange for a twin exacta exchange ticket.

(n) If a dead heat for place in the second race of the twin exacta races occurs, the twin exacta pool shall be divided, calculated and distributed as a place pool to each holder of a twin exacta exchange ticket combining the first entries and either of the place entries. If a dead heat to place occurs, and there are no tickets sold on one combination, the other combination having the winning entries shall be declared the winner. If no exchange ticket combines the winning horse or greyhound with either of the place entries in the dead heat, the twin exacta pool shall be calculated and distributed as a place to each holder of a ticket representing any interest in the net pool.

(o) If the second of the twin exacta races is canceled or declared no race, the pool shall be calculated as a straight pool and shall be distributed among the holders of tickets that combine the first two entries of the first race of the twin exacta and shall be distributed to each holder of a twin exacta exchange ticket for the canceled race.

(p) If a dead heat for the winning entry in either of the two designated races for the twin exacta occurs, the

calculation of distribution of the twin exacta pool shall be made in the manner in which any ordinary exacta pool would be made should there be a dead heat for the win despite the number of entries involved in the dead heat.

(q) Each organization licensee using this form of wagering shall post a reprint of the regulation in bold print in clear view of any wagerer that is near the wagering windows. Each location of posted rules shall appear in the program. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8819 (b); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-21. Daily triple. (a) Each daily triple parimutuel pool shall not be a parlay and shall have no connection with or relation to any other parimutuel pool conducted by the association, nor to any win, place and show pool shown on the totalisator board, nor to the rules governing the distribution of the other pools. The daily triple shall be a contract by the purchaser of a ticket selecting the entries that will finish first as officially posted in each of three races.

(b) Each valid daily triple ticket shall be evidence of a binding contract between the holder of the ticket and the organization licensee, and the ticket shall be an acceptance of the daily triple provisions in the regulations.

(c) Any daily triple may be given a distinctive name selected by the organization licensee conducting such races, including "pick three," subject to the prior approval of the commission.

(d) The daily triple parimutuel pool shall consist of the amount contributed for a selection for win only in each of three consecutive races. Each daily triple race designated by the organization licensee shall be subject to the prior approval of the commission. Each person purchasing a daily triple ticket shall designate the winning entry in each of the three races comprising the daily triple.

(e) Each entry constituting a coupled entry or the field entry in a race comprising the daily triple shall race as a single wagering interest for the purpose of the daily triple parimutuel pool calculations and payoff to the public. If any part of either a coupled entry or the field entry racing as a single interest is a starter in a race, the entry or the field selection shall remain as the designated selection to win in that race for the daily triple calculation. The selection shall not be a scratch.

(f) The net amount in the parimutuel pool subject to distribution shall be distributed among holders of tickets that correctly select the winners in all three races comprising the daily triple.

(g) If no ticket is sold combining the three winners of the daily triple, then that amount in the parimutuel pool shall be distributed among holders of tickets that select the winners of two of the three races comprising the daily triple.

(h) If no ticket is sold combining at least two winners of the daily triple, then that amount in the parimutuel pool shall be distributed among holders of tickets that select the winner of any one race comprising the daily triple.

(i) If no ticket is sold that would require distribution of the daily triple pool to a winner under this regulation, the organization licensee shall make a complete refund of the daily triple pool.

(j) If one of the races comprising the daily triple is cancelled, the net amount of the parimutuel pool shall be distributed as provided above in sections (g), (h) and (i).

(k) If two or more of the races comprising the daily triple are canceled, a complete refund shall be made of the daily triple pool.

(l) If a daily triple ticket selects an entry in any one or more of the races comprising the daily triple and that entry is scratched, excused or determined by the stewards or racing judges to be a non starter in the race, the actual favorite, as determined by the amounts wagered in the win pool at the time of the start of the race, shall be substituted for the non starting selection for all purposes, including pool calculations and payoffs. If two or more actual favorites have the same odds and the same amounts wagered in the win pool, the actual favorite with the lowest post position will be substituted.

(m) If a dead heat for win between two or more entries in any daily triple race occurs, all entries in the dead heat for win shall be considered as winning entries in the race for the purpose of calculating the pool.

(n) Each parimutuel ticket for the daily triple pool shall not be sold, exchanged or canceled after the time of closing of wagering in the first of the three races comprising the daily triple, except for the refunds on daily triple tickets required by the regulation.

(o) No person shall disclose the number of tickets sold in the daily triple pool or the number or amount of tickets selecting winners of daily triple racing until the stewards or racing judges have determined the last race comprising the daily triple to be official. At the conclusion of the second of the three races comprising the daily triple, any organization licensee may, with the prior approval of the commission, display the potential distribution to ticket holders depending upon the outcome of the third race of the daily triple. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8819 (b); effective; T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-22. Pick (N). (a) Each pick (N) parimutuel pool shall not be a parlay and shall have no connection with or relation to any other parimutuel pool conducted by the organization licensee, or to any win, place and show pool shown on the totalisator, nor to the regulations governing the distribution of the other pools. Each pick (N) wager placed during a performance shall not be paid on the outcome of a later performance on a different day of racing.

(b) The pick (N) parimutuel pool shall consist of amounts contributed to select winning entries only in each of certain races occurring during a single performance in a single day of racing designated by the organization licensee and approved by the commission. Each wagerer purchasing a pick (N) ticket shall designate the wagerer's choices of the winning entries as officially posted in each of a certain number of races during a single performance during a single day of racing comprising the pick (N). The organization licensee shall issue the pick (N) wagerer a ticket that reflects the participant's selections in the designated contests. The number of races designated may

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be four, five, six, seven, eight, nine or ten. At the time an organization licensee has decided the number of races comprising the pick (N), it shall not change the number during a race meet without prior approval of the commission, which may be given if it is in the best interests of the wagering public to do so.

(c) Each validly issued pick (N) ticket timely surrendered to the organization licensee by the legal holder of it shall be the only evidence of a wagerer's participation in a pick (N) parimutuel pool. The acceptance of a pick (N) ticket by taking an issued ticket away from the window or terminal from which it is purchased shall be an acknowledgement by the wagerer of the correctness of the ticket. Each pick (N) wagerer shall be bound by the terms of this regulation.

(d) Each entry constituting an interest of coupled entries or each entry coupled to constitute the field in a race comprising the pick (N) shall race as a single wagering interest for the purpose of the pick (N) parimutuel pool calculations and payoff to wagerers. If any part of either a coupled entry or the field racing as a single wagering interest is a starter in a race, the entry or the field selection shall remain as the designated selection to win in that race for pick (N) calculation and the selection shall not be a scratch.

(e) Each pick (N) shall be composed of two separate parimutuel pools. Seventy-five percent of the net amount of all sums wagered on pick (N) tickets on each performance shall be paid into a parimutuel pool to be known as share number one. The remaining 25 percent of the net amount of all sums wagered on pick (N) tickets for that performance shall be paid into a parimutuel pool known as share number two.

(f) Subject to the provisions of this regulation pertaining to refunds, the net amount in share number one subject to distribution among winning wagerers shall be distributed only among the holders of pick (N) tickets that correctly designate all official winners of the races comprising the pick (N) for that performance in a single day of racing.

(g) Subject to the provisions of this regulation pertaining to refunds, the net amount in share number two subject to distribution among winning ticket holders shall be distributed among the holders of pick (N) tickets that correctly designate the most official winners of the races comprising the pick (N) for that performance in a single day of racing.

(h) If no pick (N) ticket is issued that would entitle the ticket holder to the share number one, the entire share number one shall be carried over and included in the share number one pool for the next pick (N) performance. The share number one shall be supplemented each performance by the amount added to it from all previous performances' share number one pools that have not been won by a holder of a pick (N) ticket that correctly selects all official winners of the contests comprising the pick (N) for any performance.

(i) If the accumulated share number one has not been distributed before the closing day of the meeting in which the share number one was generated, the accumulated share number one and the share number two pool subject to distribution among winning ticket holders shall be distributed among closing day holders of pick (N) tickets that correctly designate the most official winners of the races

comprising the closing day pick (N). Where a split meet is held, all share number one and share number two pools shall be distributed as started in this subsection (i) on the final day of each portion of the split meet.

(j) If the organization licensee is unable to distribute share number one from any previous performance by the end of the race meet in accordance with the provisions of subsection due to cancellation of the final day of racing or any other reason beyond the control of the organization licensee, share number one shall be carried forward to the next race meeting conducted at the same location having a pick (N). The carried over share number one shall be included in the share number two pool during one day previously approved by the commission of the first five days of racing at the following race meeting. If a share number one is carried forward under the provisions of this subsection (j), and the carry-over period is greater than five days, then share number one shall be segregated in an interest bearing account and all interest earned on share number one shall accrue to it.

(k) If a pick (N) ticket selects to win in any one or more of the races comprising the pick (N), a single wagering interest that is scratched, excused or determined by the stewards or judges to be a non-starter in the race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start will be substituted for the non-starting selection for all purposes, including pool calculations and payoffs, provided further, that if the win pool for two or more favorites is identical, the selection in the lowest program post position shall be substituted for the non-starting selection.

(l) If one or more of the contests comprising the pick (N) is canceled, the distribution of the net amount subject to distribution in share number two shall be among the holders of parimutuel tickets that correctly select the most official winners in all of the remaining contests comprising the pick (N) in such performances, except that if there is officially canceled or declared as no contest three or more of the contests comprising the pick (N), four or more of the contests comprising the pick nine, or five or more of the contests comprising the pick 10, all parimutuel tickets on the pick (N) for that performance shall be refunded and the pick (N) shall be canceled for the performance. No wagerer shall win share number one unless that wagerer holds a pick (N) ticket that correctly designates the official winners of all the scheduled contests comprising the pick (N) for that performance. The cancellation of one or more races comprising the pick (N) in any performance shall result in the contribution to share number two of the amount contributed that day to share number one. The contribution to that performance's share number one will then be distributed along with the remainder of share number two to the winners of the share number two. Any contributions to share number one from previous performances will remain in share number one to be carried over and included in share number one for the next performance as prescribed in subsection (h).

(m) If a dead heat occurs for win between two or more entrants in any pick (N) race, all the entrants in the dead heat for win shall be considered as the winner in the race for the purpose of distributing share number one and share number two.

(n) No person or organization licensee shall disclose the

number of tickets sold, the total dollars wagered, or the number of tickets with potential to win the pick (N) or any other information about pick (N) tickets. The totalisator system shall be constructed or programmed to suppress the publication or printing of any of the information from the beginning of the first race until the stewards have determined the races comprising the pick (N) in any one performance to be official, except for the total dollars wagered in the pick (N) pool.

(o) Each parimutuel ticket for pick (N) shall not be sold, exchanged or canceled after the time of the close of mutual windows for wagering in the first of the contests comprising the pick (N), except for such refunds on pick (N) tickets as are required under this regulation.

(p) Each payment in excess of \$100,000 from any pick (N) pool shall be paid by an organization licensee check or certified check.

(q) Each share number one pool shall have a cap that the pool shall not exceed. The cap for a pick four share number one pool shall be \$4,000, or 2,000 times the minimum wager, whichever is less. The cap for a pick five share number one pool shall be \$30,000, or 15,000 times the minimum wager, whichever is less. The cap for a pick six share number one pool shall be \$1,000,000 or 500,000 times the minimum wager, whichever is less. The cap for a pick seven share number one pool shall be \$1,000,000. The cap for a pick eight share number one pool shall be \$2,000,000. The cap for a pick nine share number one pool shall be \$5,000,000. The cap for a pick 10 share number one pool shall also be \$5,000,000. Before the opening of each race meet, the organization licensee may declare a cap for the jackpot pool less than the cap imposed by this regulation, provided the cap is in increments of \$1,000. If the organization licensee has elected a cap, the organization licensee shall not alter the cap without providing the commission with prior written notice. If, at the close of any performance, the amount accumulated in the share number one pool equals or exceeds the cap, the share number one pool shall be frozen until it is won under the other provisions of the applicable pick (N) regulation. After the share number one pool is frozen, 100 percent of all later contributions shall go to the share number two pool and be distributed accordingly. Nothing in this regulation shall affect the total distribution of both pools on the closing day of any meet or portion of a split meet.

(r) Before the opening of a race meet at which a pick (N) wager will be offered, any organization licensee may elect to force an early payout of the share number one pool by informing the commission in writing before the opening of the race meet of the organization licensee's intent to force an early payout if the conditions of this subsection (r) are met. Early payout of the share number one pool shall be as follows. Within 24 hours after the share number one reaches its cap, the organization licensee shall designate the performance at which the early payout will be made by informing the commission in writing of the designated performance. The designated performance shall not be sooner than six calendar days after the cap is reached and not later than 13 calendar days after the cap is reached. If at the conclusion of the last race comprising the pick (N) of the designated perform-

ance, no wagerer has won the share number one pool, the funds in the share number one pool shall be transferred to the share number two pool for the designated performance and distributed in the manner in which the share number two pool is distributed. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8819 (b); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-23. Payoff on minus pool. Each organization licensee shall pay to each holder of any ticket entitling the holder to participate in the distribution of a parimutuel pool the amount wagered by the holder plus a minimum of five percent of it minus a breakage calculated in multiples of \$.05. This requirement shall be unaffected by the existence of a parimutuel pool that does not contain sufficient money to distribute the five percent to each person holding the tickets. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8819 (b); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-24. Errors in posted payoff. If an error is discovered in the payoff amounts posted on the public board, the error shall be corrected promptly and an announcement of the correction shall be made over the public address system. After the error is discovered, the correct amount shall be used in the payoff. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8819 (b); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-25. Payment for errors. (a) If an error occurs in the payment amounts for parimutuel tickets that are cashed or entitled to be cashed, and as a result of the error the parimutuel pool involved in the error is not correctly distributed among winning ticket holders, the following shall apply:

(1) If the error creates an overpayment to ticket holders, the organization licensee shall be responsible for the overpayment; and

(2) if the error creates an underpayment to ticket holders, the organization licensee shall add the amount of the underpayment to the next similar parimutuel pool, whether during the race meet at which the underpayment occurred or the first similar parimutuel pool of the following race meet. (Authorized by K.S.A. 1899 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8819 (b); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-26. Mutuel Managers. (a) Each mutuel manager shall be responsible for the correctness of all posted payoff prices.

(b) If any emergency arises in connection with the operation of the parimutuel department of the organization licensee not covered by the parimutuel regulations and an immediate decision is necessary, the manager of the parimutuel department shall make the decision and shall deliver a detailed, written report to the commission within 24 hours of the incident. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804 (p); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

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1988 Supp. 74-8804 (p); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-27. Cooperation of parimutuel department. Each parimutuel manager and each representative of any totalisator company or service providing parimutuel equipment or service at any race meeting shall cooperate fully in any investigation by the commission or in any proceeding before the commission relating to any parimutuel operations. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804 (c) and 74-8804 (p); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-28. Acceptance of wagers from outside enclosure. Each organization licensee shall accept no mail or telephone wagers, nor knowingly accept any wagers by or for a person who is prohibited from participating in parimutuel wagering. (Authorized by K.S.A. 1988 Supp. 74-8804; implementing K.S.A. 1988 Supp. 74-8804, 74-8810, 74-8819; effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-29. Probable odds or morning line. Each organization licensee shall calculate and print in the official program the probable win odds for each wagering interest in each race. Probable odds shall be subject to the approval of the stewards or racing judges. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804 (p); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-30. Closing of wagering in a race. Coincident with the start of a race, the stewards or racing judges shall lock the parimutuel machines and shall close the wagering in the race, after which time no parimutuel tickets shall be sold for the race. Each organization licensee shall maintain in good order an electrical or other system approved by the commission for locking the parimutuel machines. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804 (p) and 74-8818 (a); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-31. Wagering by minors prohibited. Each person under 18 years of age shall not buy or cash any parimutuel ticket. Each employee of the organization licensee shall not knowingly sell or cash for a person under 18 years of age any parimutuel ticket. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8810; effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-32. Wagering prohibited. Each mutuel department employee shall not wager on the result of a race while on duty at the racetrack facility of employment. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8810; effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-33. Racing selection services. Each organization licensee shall prohibit the sale, offering for sale, or gift of any racing selection sheet or other racing prediction upon the premises of the organization licensee, except for any service that is authorized by the organization licensee and is licensed by the commission. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804 (p) and 74-8816 (a)(2); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-34. Wagering by jockey. Each jockey shall not make any wager, or have any wager made in his behalf, in any race in which he participates, except through the owner or trainer and on the horse that he rides. Each owner or trainer wagering for the jockey shall maintain a record of all the wagers and all other presents or gratuities the owner or trainer gives any jockey. The records shall be furnished to the stewards or the commission or its investigators upon demand. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804 (c) and 74-8804 (p); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-35. Wagering interest. A wagering interest may be any one entry in a race, or may be two or more entries coupled as a single wagering interest, including a field entry. A declaration or withdrawal of one entry from a wagering interest which consists of more than one entry shall have no effect on any wagers made on the wagering interest. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804 (p) and 74-8819 (b); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-36. Evidence of pool distribution. In the event of loss by the organization licensee, its agent or employees, of any evidence of proper distribution of parimutuel pools, including, but not limited to, parimutuel tickets that have been cashed, outs ledgers, parimutuel machine recording registers, or cashier outslips, the organization licensee shall upon discovery of the loss immediately notify the commission and file with the commission within 72 hours of the discovery of the loss, a report and supporting affidavits. The report of loss may be accepted or the matter may be heard by the commission in its discretion. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804 (c) and 74-8804 (p); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-37. Dead Heats. (a) In each dead heat in the straight pool, the pay-off price shall be figured as in a place pool.

(b) In each dead heat for second in the place pool, each winner of the race shall receive one-half share of the profits in that pool, and each of the two entries that run a dead heat for second shall receive one-half of the remaining half of the profits.

(c) In each dead heat for third or show in the show pool, each of the two entries that place first and second each shall receive a normal one-third of the profits in that pool; and of the two entries that run a dead heat for third, each shall receive one-half of the remaining third of the profits.

(d) If two or more entries racing for one interest or field participate in dead heats, each dead heat entry shall be entitled to the proportionate share of the profits in the pool in which the dead heat occurs and the other pools affected.

(e) If two or more entries racing for one interest or field run a dead heat or run a multiple dead heat in one race, each dead heat entry shall be entitled to the proportionate award of the profits in whatever pool or pools are affected by the dead heat or dead heats. The sum of total profits in each pool for the entry or field shall then be used as a dividend to calculate the payoff for the dead

heat entry in that pool. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8819 (b); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-9-38. Purses for dead heats. Each purse, prize or award for a race in which a dead heat has occurred shall be divided equitably by determination of the stewards. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804 (p); effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

Article 10.—ANIMAL HEALTH

112-10-2. Assistant animal health officers. (a) Each assistant animal health officer employed by the commission shall be licensed to practice veterinary medicine in the state of Kansas.

(b) Each assistant animal health officer shall not treat or prescribe medication for any horse located at a racetrack facility or registered to race at a racetrack facility except in an emergency. Each assistant animal health officer who treats or prescribes medication for a horse in an emergency immediately shall file a complete report of the circumstances and veterinary procedure with the stewards and the animal health officer.

(c) Each owner and trainer shall not employ nor pay any compensation to an assistant animal health officer, directly or indirectly, while the assistant animal health officer is employed by the commission.

(d) One assistant animal health officer shall be designated by the animal health officer as the senior assistant animal health officer. The senior assistant animal health officer shall assign duties among the other assistants as needed.

(e) Each senior assistant shall:

(1) Supervise practicing veterinarians at the racetrack facility and recommend to the stewards or the commission the discipline to be imposed upon each practicing veterinarian who violates commission regulations;

(2) place any horse on the veterinarian's list and remove any horse from the veterinarian's list when in the senior assistant animal health officer's discretion the placement or removal is proper. Each horse shall not be entered in a race before its name is removed from the veterinarian's list;

(3) supervise the collection of urine, blood or other specimens from horses, as designated by the senior assistant animal health officer, the stewards or commission and maintain identification records for the specimens as required by the commission;

(4) supervise the procedure for witnessing, sealing and delivering each test specimen to the designated test laboratory;

(5) report immediately the name and tattoo number of each horse at a racetrack facility that dies or is humanely destroyed and the reason for the death to the animal health officer; and

(6) perform other duties prescribed by the animal health officer and the commission.

(f) Each other assistant animal health officer shall:

(1) Be at the racing secretary's or stewards' office to report to the racing secretary or stewards on the assistant animal health officer's inspection of horses and the horses'

conditions before scratch time on each race day at the time designated by the stewards;

(2) scratch a horse at any time until the horse enters the starting gate;

(3) determine whether each horse is sound to race and, if a horse is unsound, place the horse's name on the veterinarian's list where it shall remain a minimum of four calendar days;

(4) direct a horse to be isolated or declare the horse ineligible to race if it has symptoms of chronic unsoundness. If a horse is declared ineligible to race, the assistant animal health officer shall report the fact to the stewards who shall write a formal ruling against the horse and write the reason for the ruling on the horse's registration papers;

(5) accompany and observe each field of horses from the time the horses enter the paddock to be saddled for the race until they are dispatched from the starting gate;

(6) be in the paddock to inspect horses after the finish of each race;

(7) in an emergency, treat any horse or humanely destroy any horse that is so seriously injured that the assistant animal health officer believes the action is necessary. Each horse owner and trainer at a racetrack facility, or trainer if the owner is not present, shall consent to the assistant animal health officer's humane destruction of a seriously injured horse; and

(8) perform other duties prescribed by the animal health officer, the senior assistant animal health officer, the stewards or the commission. (Authorized by K.S.A. 1988 Supp. 74-8804; implementing K.S.A. 1988 Supp. 74-8806, 74-8810; effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-10-3. Practicing veterinarians. (a) Each practicing veterinarian at a racetrack facility shall be licensed to practice veterinary medicine in the state of Kansas and shall secure an occupation license in accordance with the Kansas parimutuel racing act and commission regulations. Before an occupation license issues, each practicing veterinarian shall meet with the animal health officer to verify that the practicing veterinarian has reviewed article 112 of the Kansas administrative regulations and is informed about existing medication practice. Each practicing veterinarian, the animal health officer and each assistant animal health officer shall be the only individuals who may administer veterinary treatment, medicine or medication to any horse at the racetrack facility or to any horse registered to race at the racetrack facility. Recognized feed supplements, oral tonics or substances approved by the animal health officer shall not be subject to this regulation.

(b) Each practicing veterinarian at a racetrack facility who treats a horse for any contagious or communicable disease shall report the fact immediately in writing to the animal health officer or assistant animal health officers on a form approved by the animal health officer.

(c) Each practicing veterinarian who treats a horse at a racetrack facility shall record the treatment in a log that has been approved by the animal health officer. Each practicing veterinarian shall deliver the log by 10:00 a.m. of the day after the treatment to the assistant animal

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health officers' office at the racetrack facility. Each log shall be the practicing veterinarian's commission report.

(d) Each practicing veterinarian at a racetrack facility also shall maintain a treatment record on each horse the practicing veterinarian treats during a race meeting. The records shall be compiled in a form similar to the treatment record ordinarily maintained by the practicing veterinarian in private practice. Each practicing veterinarian shall promptly surrender the treatment records to the commission upon its request. Information to be recorded in the treatment record shall include but not be limited to the:

- (1) Name and location of the horse treated;
- (2) name of the trainer;
- (3) nature of the condition treated or probable diagnosis;
- (4) nature of the treatment and medication administered; and
- (5) date and hour of treatment.

(e) Each veterinarian shall not leave or abandon or deliver to another individual at a racetrack facility a syringe or injectable medication except upon written authorization of the animal health officer or racing senior assistant animal health officer. (Authorized by K.S.A. 1988 Supp. 74-8804; implementing K.S.A. 1988 Supp. 74-8810, 74-8816; effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-10-4. Drugs or medication. Except as authorized by article 112 of the Kansas administrative regulations, each individual shall not administer any drug or medication to any horse entered in a race for 24 hours before the race in which the horse is to run and continuing until after the race is run. If the presence of any drug, its metabolites or analogs, or any substance foreign to the natural horse is detected in the test sample taken from a horse at a racetrack facility, the horse shall be disqualified by the stewards. Each owner or owners of a horse disqualified because of a violation of this regulation shall not be paid any portion of the purse or stakes. Each trophy or other award delivered to the owner or owners of a disqualified horse shall be returned. (Authorized by and implementing K.S.A. 1988 Supp. 74-8811; effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-10-5. Authorized medication. (a) Effective January 1, 1990, furosemide may be administered to any horse that is entered in a race meet subject to the requirements of article 112 of the Kansas administrative regulations. Except upon the instructions of the animal health officer or assistant animal health officers to remove the horse from the veterinarian's list or to facilitate the collection of a post race urine sample, the administration of furosemide shall be permitted only upon the following conditions:

(1) The animal health officer or senior assistant animal health officer has placed the horse's name on the bleeder list;

(2) at a location approved by the senior assistant animal health officer and at least four hours before post time for the race in which each horse is entered:

(A) a blood sample for testing shall be taken from each horse by the animal health officer or senior assistant animal health officer, and

(B) a practicing veterinarian designated by the trainer then shall administer the furosemide to each horse under the supervision of the animal health officer or senior assistant animal health officer;

(3) each dose of furosemide administered shall not exceed 250 mg.;

(4) only sealed vials and sterile, disposable syringes and needles shall be used to administer furosemide. The animal health officer or senior assistant animal health officer shall preserve multiple dose vials between administrations;

(5) after furosemide is administered to each horse, it shall remain under the care, custody and control of the trainer or the designated representative until it is time for each horse to be removed to the saddling paddock; and

(6) each owner shall pay all expenses resulting from the administration of furosemide. Costs shall include but not be limited to:

- (A) Administration;
- (B) injection;
- (C) blood testing;
- (D) laryngoscopic examination;
- (E) custody; and
- (F) security.

(b) Effective January 1, 1990, phenylbutazone may be administered to any horse that is entered in a race meet subject to the requirements set out in the following subsections.

(1) Each trainer shall file a request to administer phenylbutazone with the senior assistant animal health officer. Each request shall be recorded on a form approved by the animal health officer, and each trainer shall secure written approval of the request from the senior assistant animal health officer before the horse is entered in a race.

(2) When approved, phenylbutazone shall be administered:

(A) At least 24 hours before the scheduled post time for the race in which the horse is entered; and

(B) in a dose that shall not cause a test sample taken from the horse after the race to exceed a level of 5 micrograms of drug substance or its metabolites or analogs per milliliter of blood plasma.

(3) When authorized, phenylbutazone shall be administered only to horses three years old or older.

(4) Each other nonsteroidal anti-inflammatory drug shall not be authorized. (Authorized by and implementing K.S.A. 1988 Supp. 74-8811; effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-10-6. Bleeder list. (a) Subject to the requirements of article 112 of the Kansas administrative regulations, furosemide may be administered to any horse that is entered in a race and that has its name on the bleeder list. Any horse's name may be placed on the bleeder list if any of the following conditions are met:

(1) The animal health officer or senior assistant animal health officer observes a horse shed blood from one or both nostrils during or following exercise or a race; or

(2) a laryngoscopic examination conducted by a practicing veterinarian employed by the horse's owner or the owner's agent and conducted under the observation of the

animal health officer or senior assistant animal health officer determines that a horse is a certified bleeder; and

(3) each owner or the owner's agent files a bleeder certificate for the horse in the racing secretary's office, if the certificate is from a jurisdiction that uses bleeder qualification criteria satisfactory to the senior assistant animal health officer. Each certificate shall bear the signature of the racing commission official in the state of origin.

(b) Each owner shall receive a bleeder certificate signed by the animal health officer or senior assistant animal health officer if the owner's horse's name is placed on the bleeder list. Each horse name shall be removed from the bleeder list only by the animal health officer or senior assistant animal health officer who shall notify the stewards in writing of the reason for removal.

(c) Each bleeder list shall be current and shall be posted in the racing secretary's office:

(d) Each horse that has a bleeder certificate and is racing after the administration of furosemide shall be subject to the following restrictions:

(1) The first time a horse is observed bleeding, its name shall be placed on the bleeder list, and it shall remain there for 14 days or until the animal health officer or senior assistant animal health officer removes it, whichever occurs last;

(2) the second time a horse is observed bleeding, its name shall be placed on the bleeder list, and it shall remain there for 28 days or until the animal health officer or senior assistant animal health officer removes it, whichever occurs last; and

(3) the third time a horse is observed bleeding, the horse shall be barred from parimutuel racing in Kansas. (Authorized by and implementing K.S.A. 1988 Supp. 74-8806, 74-8811; effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-10-7. Test barn. (a) Each organization licensee shall provide a test barn suitable for taking test samples from horses. Each test barn shall include:

(1) An office area with at least 100 square feet of floor area that can be locked;

(2) a wash rack that measures at least 12 feet by 12 feet;

(3) a minimum of two stalls that measure at least 10 feet by 10 feet, equipped with dutch doors and observation portholes adjacent to the office;

(4) a freezer that measures at least 10 cubic feet;

(5) hot and cold running water; and

(6) a walking ring measuring at least 40 feet by 60 feet adjacent to the office.

(b) Each organization licensee shall furnish security personnel and procedures approved by the director of security to secure the test barn during races and until the last test sample is taken for the day.

(c) At the written request of an organization licensee, the commission may approve alternative facilities for the test barn. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804; effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-10-8. Testing. (a) Any horse entered in a race may be required to submit to a blood test or other pre-race test by the stewards. Each horse shall not be eligible

to start in a race until the owner or trainer complies with the required test procedure.

(b) A blood, urine or other sample shall be taken from the winner of each race and from each other horse designated by the stewards under the supervision of the animal health officer or senior assistant animal health officer.

(c) Each blood, urine or other sample specimen shall be taken under the supervision of the animal health officer or senior assistant animal health officer. Each sample shall be taken in the test barn unless approved otherwise by the animal health officer or senior assistant animal health officer.

(d) After each horse enters the test barn, it shall be cooled out for a minimum of 30 minutes before the sample is taken.

(e) Each trainer, owner or their authorized representative shall witness and confirm the taking of test samples.

(f) When any horse has been in the test barn for more than one and one-half hours, the senior assistant animal health officer may take a blood sample in lieu of a urine sample and submit the blood plasma from the sample to the test laboratory for testing.

(g) Each test sample shall remain in the custody of the animal health officer or senior assistant animal health officer from the time it is secured until it is delivered for shipment to the test laboratory.

(h) Each person shall not tamper with, adulterate, add to, break the seal of, remove or otherwise attempt to alter or violate any test sample taken, except that preservatives or additives necessary for analysis of the sample may be added by the commission-approved test laboratory.

(i) The commission may direct the test laboratory or the animal health officer and senior assistant animal health officer to retain and preserve test samples for future analysis.

(j) The fact that purse money has been paid before the issuance of a laboratory report shall not be deemed a finding that no prohibited substance has been administered to the horse earning the purse money in violation of article 112 of the Kansas administrative regulations. (Authorized by K.S.A. 1988 Supp. 74-8804, implementing K.S.A. 1988 74-8806, 74-8810, and 74-8811; effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-10-9. Split samples. (a) At the direction of the senior assistant animal health officer and when the quantity of the test sample permits, each test sample shall be divided into two portions.

(b) Each first portion shall be submitted by the commission to the official test laboratory for initial testing for prohibited substances.

(c) Each second portion shall be submitted by the commission to a test laboratory designated and approved by the commission if the trainer or owner files a written request for the submission with the stewards within 48 hours after the owner or trainer receives notice of a positive report on a test sample taken from the horse.

(d) No provision of article 112 of the Kansas administrative regulations shall prevent the commission or the executive director from ordering both test sample portions to be delivered to the official test laboratory for initial testing.

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(e) The test results on the second portion of a sample tested pursuant to article 112 of the Kansas administrative regulations shall not prevent disqualification of the horse tested under this article.

(f) Each person who requests testing of the second portion of a sample shall pay all costs for the transportation and testing of the sample.

(g) The freezing, storage and safeguarding of each portion of a test sample shall remain the responsibility of the animal health officer and each senior assistant animal health officer. (Authorized by and implementing K.S.A. 1988 Supp. 74-8811; effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-10-10. Bandages. Only bandages approved by an assistant animal health officer shall be used on a horse during a race. Each other leg covering shall be removed before the horse enters the saddling paddock. (Authorized by K.S.A. 1988 Supp. 74-8804; implementing K.S.A. 1988 Supp. 74-8806, 74-8810; effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-10-11. Posterior digital neurectomy. (a) Each person shall not deliver to a racetrack facility, enter or cause to be entered in any race, sell or offer for sale or act as a bloodstock agent in the sale of a horse that has been "nerved" or has had any nerve removed from its leg except as provided in article 112 of the Kansas administrative regulations.

(b) Any horse that has had a posterior digital neurectomy may be eligible to race if:

(1) An assistant animal health officer finds that the loss of sensation resulting from the posterior digital neurectomy will not endanger the horse or rider;

(2) an assistant animal health officer has approved the presence of the horse at the racetrack facility;

(3) the horse is registered or eligible and the racing secretary has been notified that the horse has been nerved at the time the horse is admitted to the racetrack facility or while it is at the racetrack facility; and

(4) the fact the horse has been nerved is recorded on the horse's eligibility certificate.

(c) Each posterior digital neurectomy that is performed at a racetrack facility shall be reported immediately to the racing secretary.

(d) Each horse shall not be eligible to race if it has had a neurectomy above the fetlock. (Authorized by K.S.A. 1988 Supp. 74-8804; implementing K.S.A. 1988 Supp. 74-8806; effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

112-10-12. Postmortem examination. (a) Each racing horse that dies or suffers a breakdown while training or racing at a racetrack facility and is destroyed shall undergo a postmortem examination. Each postmortem examination shall be sufficiently comprehensive to identify the injury or medical condition causing the death and shall be conducted at a time and place approved by the senior assistant animal health officer.

(b) The senior assistant animal health officer may require any other horse that dies at a racetrack facility to undergo a postmortem examination.

(c) Each postmortem examination shall be conducted

by a practicing veterinarian employed by the owner or trainer.

(d) The senior assistant animal health officer may attend the postmortem examination.

(e) The senior assistant animal health officer may secure test samples, including tissue and other specimens during the postmortem examination and, if secured, shall send them to the official test laboratory or a diagnostic laboratory for testing and consultation as the senior assistant animal health officer directs. When practical, the senior assistant animal health officer shall secure the test samples for the detection of prohibited substances before the horse is destroyed.

(f) Each owner shall pay the expenses of the practicing veterinarian employed by the owner or trainer to conduct the postmortem examination.

(g) Each practicing veterinarian shall file a report detailing each postmortem examination on a form approved by the animal health officer with the senior assistant animal health officer within 72 hours of the horse's death. Each owner of a horse upon which a postmortem examination is conducted shall receive a copy of the report upon request.

(h) Each owner and trainer shall comply with each provision for postmortem examination contained in article 112 of the Kansas administrative regulations as a condition of the owner's and trainer's occupation license. (Authorized by K.S.A. 1988 Supp. 74-8804; implementing K.S.A. 1988 Supp. 74-8806; effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

Article 13.—KANSAS WHELPE PROGRAM

112-13-3. Kansas whelped program, resident racing program. (a) Each kennel owner who contracts to provide greyhounds for racing at a Kansas racetrack facility shall maintain a 20 percent population of Kansas-whelped greyhounds in the contract kennel.

(b) Any racetrack facility may provide a public kennel to accommodate owners or lessees of Kansas-whelped greyhounds that are not otherwise the subject of a kennel contract with the racetrack under the following conditions:

(1) Each greyhound kenneled in a public kennel shall be a Kansas-whelped greyhound;

(2) each owner or lessee of each greyhound kenneled in a public kennel shall be a Kansas resident as defined by K.A.R. 112-13-1;

(3) each salary, fee or compensation of any nature to be paid each public kennel trainer shall be approved by the commission at least 30 days before the first race in which a public kennel greyhound is entered; and

(4) each public kennel facility, each public kennel operation and each individual and greyhound at a public kennel shall be governed by article 112 of the Kansas administrative regulations. (Authorized by K.S.A. 1988 Supp. 74-8804, 74-8833; implementing K.S.A. 1988 Supp. 74-8833; effective T-112-3-31-89, March 31, 1989; effective June 26, 1989.)

JIMMY D. GRENZ
Executive Director

Doc. No. 007788

State of Kansas
OFFICE OF SECRETARY OF STATE

I, Bill Graves, Secretary of State of the State of Kansas, do hereby certify that each of the following bills 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.

BILL GRAVES
Secretary of State

(Published in the *Kansas Register*, May 11, 1989.)

SENATE BILL No. 362

AN ACT concerning the Kansas development finance authority; relating to the issuance of bonds for loans to public water supply systems.

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

Section 1. The provisions of subsection (a) of K.S.A. 1988 Supp. 74-8905, and amendments thereto, shall not prohibit the issuance of bonds by the Kansas development finance authority for the purpose of making loans for the construction of public improvements to a public water supply system owned by a municipality, rural water district or other governmental agency, and any such issuance of bonds is exempt from the provisions of subsection (a) of K.S.A. 1988 Supp. 74-8905, and amendments thereto.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the *Kansas Register*, May 11, 1989.)

SENATE BILL No. 400

AN ACT concerning the commission on access to services for the medically indigent and the homeless; relating to the expiration date of statutes making provision therefor; amending K.S.A. 1988 Supp. 74-8505 and repealing the existing section; also repealing K.S.A. 1988 Supp. 74-8505 as amended by section 3 of 1989 House Bill No. 2444.

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

Section 1. K.S.A. 1988 Supp. 74-8505 is hereby amended to read as follows: 74-8505. The provisions of K.S.A. ~~1987~~ 1988 Supp. 74-8501 ~~to through 74-8505, inclusive and amendments thereto~~, shall expire ~~18 months from the date of appointment of the last member appointed to the commission on December 31, 1990.~~

Sec. 2. K.S.A. 1988 Supp. 74-8505 is hereby repealed.

Sec. 3. On July 1, 1989, K.S.A. 1988 Supp. 74-8505, as amended by section 3 of 1989 House Bill No. 2444, shall be and hereby is repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the *Kansas Register*, May 11, 1989.)

SENATE BILL No. 381

AN ACT making and concerning appropriations for the fiscal years ending June 30, 1989, and June 30, 1990, to initiate and complete a capital improvement project for the Kansas correctional institution at Lansing; authorizing certain transfers; imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing; amending section 5 of chapter 32 of the 1988 Session Laws of Kansas and repealing the existing section.

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

Section 1. Section 5 of chapter 32 of the 1988 Session Laws of Kansas is hereby amended to read as follows: Sec. 5.

KANSAS CORRECTIONAL INSTITUTION AT LANSING

(a) The above agency is hereby authorized to initiate and com-

plete a capital improvement project to plan, construct and equip an inmate housing unit, *renovate existing facilities and related construction and improvements, including the razing of existing buildings* subject to the restrictions and limitations imposed by this section.

(b) There is appropriated for the above agency from the correctional institutions building fund for the capital improvement project and for the fiscal years specified as follows:

Plan, construct and equip inmate housing unit, <i>renovate existing facilities and related construction and improvements, including razing of existing buildings</i>	
For the fiscal year ending June 30, 1988	\$1,950,000
For the fiscal year ending June 30, 1989	1,847,428
For the fiscal year ending June 30, 1990	378,820

Provided, That expenditures may be made from this account to raze existing structures on the site for this project: *Provided, however*, That no expenditures shall be made from this account to raze existing structures for such project unless the secretary of corrections has advised and consulted with the joint committee on state building construction on the proposed structures to be razed: *Provided further*, That no expenditures shall be made from this account for final planning for such project unless the secretary of corrections has advised and consulted with the joint committee on state building construction on the preliminary plans for such project.

(c) On June 30, 1988, the director of accounts and reports shall transfer \$1,000,000 from the correctional institutions building fund to the state general fund.

(d) No moneys appropriated for the above agency by this section shall be expended for the acquisition, including pursuant to any lease-purchase agreement or any other lease agreement with the option to purchase, of any chillers or chilling units to be used to provide air conditioning of cells or other areas used to confine inmates in any building or facility acquired, renovated, constructed, or expanded as part of a capital improvement project authorized by this section.

Sec. 2. Section 5 of chapter 32 of the 1988 Session Laws of Kansas is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the *Kansas Register*, May 11, 1989.)

SENATE BILL No. 409

AN ACT concerning cities and counties; relating to public building commissions; amending K.S.A. 12-1757, 12-1759 and 12-1763 and K.S.A. 1988 Supp. 12-1758 and 12-1767 and repealing the existing sections; also repealing K.S.A. 12-1757, as amended by section 1 of 1989 Senate Bill No. 61, 12-1759, as amended by section 3 of 1989 Senate Bill No. 61, 12-1763, as amended by section 4 of 1989 Senate Bill No. 61, and K.S.A. 1988 Supp. 12-1758, as amended by section 2 of 1989 Senate Bill No. 61 and 12-1767, as amended by section 5 of 1989 Senate Bill No. 61, and section 6 of 1989 Senate Bill No. 61.

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

Section 1. K.S.A. 12-1757 is hereby amended to read as follows: 12-1757. There is hereby authorized to be created in any city or county of the state, a public building commission. Such public building commission shall be a municipal corporation and shall be created only under the conditions ~~hereinafter~~ set forth in this act and authorized to exercise the powers ~~hereinafter~~ provided.

Sec. 2. K.S.A. 1988 Supp. 12-1758 is hereby amended to read as follows: 12-1758. (a) Any ~~such~~ city or county, by *appropriate ordinance or resolution*, may create a public building commission for the purposes of acquiring a site or sites for and constructing, reconstructing, equipping and furnishing a building or buildings or other facilities of a revenue producing character, including parking facilities, or for purchasing or otherwise acquiring such building or buildings or facilities ~~and~~. Such building or buildings or facilities shall be maintained and operated for a county courthouse, ~~and~~ the housing and accommodation of county offices or county business or for city offices or such other purposes as are commonly carried on in connection with such facilities or in county courthouses and general city buildings, including administrative offices for school districts and housing, accommodations and parking facilities for offices of state and federal agencies. ~~In addition to the above, public building commissions~~

(b) A public building commission created by a city or county

(continued)

may acquire land and facilities adjacent to or near any state university, may acquire by lease, land and facilities constituting a part of the campus of any state university, including campus property as such term is defined in subsection (c) of K.S.A. 76-3a01 and amendments thereto, and educational institution under the supervision and control of the state board of regents or may acquire by lease, land and facilities constituting a part of the campus of any such institution. Any public building commission may construct, reconstruct, equip and furnish such facilities on such land and lease such land and facilities to any board of trustees of such university or to the official governing body of such university institution. Any such lease entered into shall pledge the net revenue from such land and facilities and may also. Any city also may pledge such funds as may be necessary from those which are provided to be paid over to such the board of trustees from the annual tax levy by any city as provided by K.S.A. 76-3a07, and amendments thereto, and. The governing body of such city is hereby authorized to designate any surplus from such tax levy as may be necessary to guarantee the rentals under any such lease, and any such city is hereby exempted from the provisions of K.S.A. 10-1101 to 10-1122, inclusive, and 79-2925, and amendments to these sections thereto, to the extent necessary to enable such city to make a covenant to effect such guarantee.

Sec. 3. K.S.A. 12-1759 is hereby amended to read as follows: 12-1759. ~~Such~~ The ordinance or resolution creating a public building commission shall specify the purposes and functions of such public building commission and shall specify the number of members for the governing body of such commission, which shall not be fewer than three (3) nor more than nine (9), except that where such commission will provide for a building which will house offices or agencies of the state, city, county or a school district, the secretary of administration and the governing bodies of such county and school district shall be represented by not less than one (1) on such commission.

Sec. 4. K.S.A. 12-1763 is hereby amended to read as follows: 12-1763. The public building commission shall have the authority to rent all or any part of its buildings or other facilities to any federal, state, city or county governmental agency, or any municipal corporation, quasi-municipal corporation, political subdivision or body politic, or agency thereof, doing business, maintaining an office or rendering a public service in the county seat or county in which the commission was organized and to rent any space as may not be needed by such governmental agencies for such service facilities as such public building commission may determine will primarily serve the comfort and convenience of the occupants of its buildings or other facilities. ~~Provided~~. In any city having a population of more than ~~fifty thousand (50,000)~~ 50,000 which is located in a county which is designated as an urban area, no more than ~~fifty percent (50%)~~ 50% of the floor space of any such building shall be used for city facilities.

Sec. 5. K.S.A. 1988 Supp. 12-1767 is hereby amended to read as follows: 12-1767. (a) Any revenue bonds ~~authorized by this act proposed to be issued by a public building commission created by a city~~ shall be issued as provided in K.S.A. 10-1201 *et seq.*, and amendments thereto, except to the extent that such statutes are in conflict with this act. Before any revenue bonds are authorized or issued under the provisions of this act, the public building commission shall adopt a resolution specifying the amount of such bonds and the purpose of the issuance thereof. The resolution shall provide that if within 30 days after the last date of publication of the resolution a petition in opposition to the resolution, signed by not less than 5% of the electors of the city or by not less than 5% of the electors of the county or school district if the lease is with such entity, is filed with the county clerk, the board shall submit the question to the voters at an election called for that purpose or at the next general election. Such resolution shall be published once a week for two consecutive weeks in the official city newspaper or in a newspaper having general circulation in the county if the lease is with a county or school district.

(b) No construction contract shall be let or approved by a public building commission until after the expiration of the protest period provided under this section.

New Sec. 6. (a) Any revenue bonds proposed to be issued by a public building commission created by a county shall be issued as provided in K.S.A. 10-1201 *et seq.*, and amendments thereto, except to the extent that such statutes are in conflict with this act. Before any revenue bonds are authorized or issued under the provisions of this act, the public building commission shall adopt a resolution specifying the amount of such bonds and the purpose of the issuance thereof. The resolution shall provide that if within 30 days after the last date of publication of the resolution a petition in opposition to the resolution, signed by not less than 5% of the electors of the county is filed with the county clerk, the board shall submit the question to the voters at an election called for that purpose or at the next general election. Such resolution shall be published once a week for two consecutive weeks in the official county newspaper.

(b) No construction contract shall be let or approved by a public building commission until after the expiration of the protest period provided under this section.

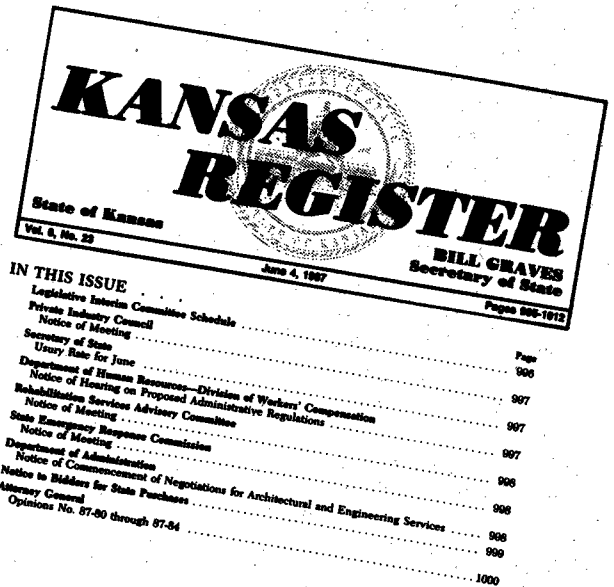
Sec. 7. K.S.A. 12-1757, 12-1759 and 12-1763 and K.S.A. 1988 Supp. 12-1758 and 12-1767 are hereby repealed.

Sec. 8. On July 1, 1989, K.S.A. 12-1757, as amended by section 1 of 1989 Senate Bill No. 61, 12-1759, as amended by section 3 of 1989 Senate Bill No. 61, 12-1763, as amended by section 4 of 1989 Senate Bill No. 61, and K.S.A. 1988 Supp. 12-1758, as amended by section 2 of 1989 Senate Bill No. 61 and 12-1767, as amended by section 5 of 1989 Senate Bill No. 61, and section 6 of 1989 Senate Bill No. 61, shall be and hereby are repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.

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