

KANSAS REGISTER



State of Kansas

BILL GRAVES
Secretary of State

Vol. 8, No. 32

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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, August 21, in the conference room of the State Banking Department, Suite 300, 700 S.W. 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. 008143

State of Kansas

ABSTRACTERS' BOARD OF EXAMINERS

NOTICE OF EXAMINATION

The Abstracters' Board of Examiners will conduct an examination for persons wanting to secure registration and become subject to engage in the business of making, compiling or completing and selling abstracts of title to real estate in the state of Kansas. The examination will be held at 8 a.m. Saturday, September 16, at the Marcus Center for Continuing Education, Wichita State University, 4201 E. 21st, Wichita.

Persons desiring to take the examination need to file an application with the executive secretary of the board, P.O. Box 218, Jetmore 67854, before September 9. A \$25 fee must be included with the application.

JOANNE CLARKE
Executive Secretary

Doc. No. 008144

State of Kansas

DEPARTMENT OF HUMAN RESOURCES
KANSAS APPRENTICESHIP COMMITTEE

NOTICE OF MEETING

The Kansas Apprenticeship Committee will meet from 10 a.m. to noon Friday, August 18, in the west classroom at 1309 Topeka Blvd., Topeka. The meeting agenda includes program standards for Wichita area machinists and a discussion on targeted jobs tax credit (TJTC).

The meeting is open to the public.

RAY D. SIEHNDEL
Acting Secretary of Human Resources

Doc. No. 008165

State of Kansas

DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURAL SERVICESNOTICE OF COMMENCEMENT
OF NEGOTIATIONS
FOR ARCHITECTURAL SERVICES

Notice is hereby given of the commencement of negotiations for architectural services for the remodeling of the Kansas Union Bookstore on the Lawrence campus.

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 August 25.

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

Doc. No. 008149

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PUBLISHED BY
Bill Graves
Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594



Phone: (913) 296-3489

State of Kansas

**DEPARTMENT OF ADMINISTRATION
STATE EMPLOYEES HEALTH CARE
COMMISSION**

NOTICE OF MEETING

The Kansas State Employees Health Care Commission will meet at 9 a.m. Friday, August 11, in the third floor conference room, Kansas Insurance Department, 420 S.W. 9th, Topeka.

SHELBY SMITH
Chairman

Doc. No. 008159

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 replacement of the locking system in A, B and C cellhouses at the Kansas State Industrial Reformatory in Hutchinson.

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 August 25.

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

Doc. No. 008161

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURAL SERVICES**

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

Notice is hereby given of the commencement of negotiations for engineering services for the study of the water system at the Kansas State Industrial Reformatory in Hutchinson.

Any questions or expressions of interest should be directed to Norman Moody, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, on or before August 25.

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

Doc. No. 008160

State of Kansas

KANSAS WATER AUTHORITY

NOTICE OF MEETING

The Kansas Water Authority will meet Wednesday, August 23, in Independence. Those persons not on the Kansas Water Authority mailing list may obtain an agenda of the meeting by contacting Dotty Kester, 109 S.W. 9th, Topeka 66612-1215, (913) 296-3185.

JOHN L. BALDWIN
Chairman

Doc. No. 008167

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURAL SERVICES**

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

Notice is hereby given of the commencement of negotiations for engineering services to study water transfer improvements for the Marais Des Cygnes Wildlife Area in Linn County. The work will consist of surveys, mapping, hydraulic analysis and design modifications to the existing man-made marsh pool system.

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 August 25.

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

Doc. No. 008155

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURAL SERVICES**

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

Notice is hereby given of the commencement of negotiations for engineering services for a major utility analysis of the electrical distribution system on the Lawrence campus of the University of Kansas. Services will include identification of and a construction cost estimate for the upgrade of the system.

Any questions or expressions of interest should be directed to Norman Moody, Director of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, on or before August 25.

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

Doc. No. 008156

State of Kansas

LEGISLATURE

INTERIM COMMITTEE SCHEDULE

The following committee meetings have been scheduled during the period of August 14 through August 27:

Date	Room	Time	Committee	Agenda
August 14	519-S	10:00 a.m.	Special Committee on	Agenda unavailable.
August 15	519-S	9:00 a.m.	Agriculture and Livestock	
August 16	123-S	9:00 a.m.	Special Committee on Federal and State Affairs/ Governmental Organization	Proposal No. 28—Pari-mutuel Wagering.
August 17	529-S	10:00 a.m.	Joint Committee on Special	Hearing on claims filed to date.
August 18	529-S	9:00 a.m.	Claims Against the State	
August 17	519-S	10:00 a.m.	Special Committee on	17th: Hearings on Proposal No. 10— Taxation of Retired Military Personnel, and briefings on Proposal No. 8— Reappraisal and Classification. 18th: Hearings on Proposal No. 13— Neighborhood Assistance Tax Credits.
August 18	519-S	9:00 a.m.	Assessment and Taxation	
August 18	514-S	9:30 a.m.	Legislative Post Audit	Legislative matters.
August 21	514-S	10:00 a.m.	Joint Committee on	Agenda unavailable.
August 22	514-S	9:00 a.m.	Administrative Rules and Regulations	
August 21	519-S	9:30 a.m.	Joint Committee on	Agenda unavailable.
August 22	519-S	9:00 a.m.	Economic Development	
August 21	521-S	10:00 a.m.	Legislative Educational	Agenda not available.
August 22	521-S	9:00 a.m.	Planning Committee	
August 23	526-S	10:00 a.m.	Special Committee on	Agenda unavailable.
August 24	526-S	9:00 a.m.	Energy and Natural Resources	
August 23	519-S	10:00 a.m.	Special Committee on	23rd: Hearings on Proposal No. 17— Mental Health. 24th: Briefing by Department of Corrections on Proposal No. 15—Inmate Programs. Tour of Shawnee County Community Corrections programs.
August 24	519-S	9:00 a.m.	Corrections/Mental Health	
August 25			No Meetings scheduled	

EMIL LUTZ
Director of Legislative
Administrative Services

State of Kansas
WILDLIFE AND PARKS COMMISSION

**NOTICE OF MEETING AND
 HEARING ON PROPOSED
 ADMINISTRATIVE REGULATIONS**

A meeting of the Wildlife and Parks Commission is scheduled for 10 a.m. Friday, August 25, in the Court Yard Room of the Red Coach Inn, 3021 W. Highway 50, Emporia. The commission will conduct a workshop on regulations to be considered in November, the fiscal year 1991 budget, the Sikes Act, department relationship with military reservations, and the Education and Public Affairs Division of the department.

The meeting will continue at 7 p.m. with waterfowl season recommendations and a public hearing on regulations previously announced. The meeting will reconvene the next morning to conduct remaining business.

RONALD HOPKINS
 Chairman

Doc. No. 008171

State of Kansas
ATTORNEY GENERAL

**NOTICE OF ACCEPTANCE OF APPLICATIONS
 FOR EXECUTIVE DIRECTOR OF THE
 KANSAS SENTENCING COMMISSION**

Attorney General Robert T. Stephan, as chairman of the Kansas Sentencing Commission, is seeking applications for the position of executive director of the Kansas Sentencing Commission to serve at the will and pleasure of the commission (see L. 1989, Ch. 225).

Application can be made by sending a letter and resumé for receipt on or before August 18 to Attorney General Robert T. Stephan, 2nd Floor, Kansas Judicial Center, Topeka 66612. The State of Kansas is an Equal Opportunity Employer.

ROBERT T. STEPHAN
 Attorney General

Doc. No. 008162

State of Kansas
ATTORNEY GENERAL

Opinion No. 89-95

Waters and Watercourses—Water Districts; Rural Water Districts—Powers of Rural Water Districts; Contract with City for Purchase of Water. Tom Crossan, Attorney at Law, Rural Water District No. 1, Independence, July 27, 1989.

Pursuant to K.S.A. 66-104, a municipally owned and operated water company, which supplies a rural water district with surplus water pursuant to a contract, is not a public utility subject to the control of the state. Kansas law does not require city owned water companies to extend existing water services to new consumers residing

in rural water districts. Therefore, pursuant to a contract with a rural water district, a city may limit the availability of services to new consumers residing outside the city. Cited herein: K.S.A. 1988 Supp. 12-519; K.S.A. 12-707; K.S.A. 1988 Supp. 12-715b; K.S.A. 12-801; 12-808; K.S.A. 1988 Supp. 12-2001; 65-162a; 66-104; 66-131a; 66-133, 82a-612; 82a-619; 82a-625. TMN

Opinion No. 89-96

Mentally Ill, Incapacitated and Dependent Persons; Social Welfare—Adult Care Homes—Licensure and Receivership. William W. Bunten, State Representative, 54th District, Topeka, July 31, 1989.

Where an owner of a building that is leased by an adult care home business does not have an express or implied interest in the business of operating the adult care home, it is our opinion that the legislature did not intend to impose a duty upon the owner to assume such an interest. Rent moneys owed to such an owner should be paid to the owner by a receiver unless such moneys are otherwise subject to valid legal claims. However, where a landlord has an interest in the operation of the adult care home and merely seeks to escape licensure requirements or financial responsibility for operation of an adult care home business, that landlord should be on the license and will be subject to cost recovery procedures set forth in K.S.A. 39-960 and 39-961. Cited herein: K.S.A. 39-923; 39-926; 39-954; 39-959; 39-960; 39-961; 39-962; 39-963. TMN

Opinion No. 89-97

Crimes and Punishments—Kansas Criminal Code; Crimes Against the Public Morals—Promotion to Minors of Obscenity Harmful to Minors; Constitutionality of a Ban on Profane or Obscene Bumper Stickers or T-Shirts. Representative Alfred Ramirez, 40th District, Bonner Springs, August 2, 1989.

Obscene bumper stickers or T-shirts are governed by K.S.A. 21-4301c only if they are displayed by a person having custody, control or supervision of any commercial enterprise and only if they meet the definitional requirements of that statute. A bill prohibiting public display of profane bumper stickers and T-shirts entirely would encounter some constitutional problems. A bill limiting obscene bumper stickers and T-shirts is more likely to fall into the parameters of speech that can be regulated under the constitution, although courts may see fit to place additional requirements on restricted speech. Cited herein: K.S.A. 21-4301c. EVP

ROBERT T. STEPHAN
 Attorney General

Doc. No. 008163

State of Kansas

UNIVERSITY OF KANSAS

NOTICE TO BIDDERS

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

Monday, August 21, 1989

RFQ 90 0217

Graphics computer workstation with 32-bit CPU

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

Doc. No. 008158

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, August 21, 1989

#28088

University of Kansas—TRANSPORTATION SERVICES

#80528

University of Kansas Medical Center—COMPUTER TOMOGRAPHY SYSTEM

#80529

University of Kansas Medical Center—ASBESTOS PROTECTIVE EQUIPMENT

#80539

Kansas State University—AIR CONDITIONING EQUIPMENT

#80569

Department of Transportation—PAVEMENT MARKING TAPE

#80644

Wichita State University—IBM 3720 MODEL 1 COMMUNICATIONS CONTROLLER

Tuesday, August 22, 1989

#28072

Emporia State University—RECIPROCATING AIR CONDITIONING COMPRESSORS

#80546

Topeka State Hospital—TRUCK

#80557

Department of Transportation—GRAPHIC FILM AND PROCESSING SUPPLIES

#80572

University of Kansas—WASTE BASKETS

Wednesday, August 23, 1989

#80578

Kansas State Industrial Reformatory—PRINTER/TYPESETTER

#80579

Department of Transportation—TRAFFIC PAINT, Salina

#80588

Kansas State University—LAB EQUIPMENT

#80589

Kansas Correctional Industries—COLD ROLLED STEEL SHEETS

#80590

Fort Hays State University—FURNISH AND INSTALL AUTOMATIC DOOR OPERATORS

#80594

Winfield State Hospital and Training Center—DINING ROOM SUPPLIES

#80597

Department of Administration, Division of Printing—WATERMARK PAPER

#80598

Department of Human Resources—K-CNS 100 CONTINUOUS FORM

Thursday, August 24, 1989

#27524

University of Kansas—OCTOBER (1989) MEAT PRODUCTS

#28079

Emporia State University—EMERGENCY EXIT AND EMERGENCY LIGHT UNITS

#80610

Larned State Hospital—FOOD MIXER

#80615

Department of Transportation—TANK TESTING

Friday, August 25, 1989

#80618

University of Kansas Medical Center—LAB CENTRIFUGE

#80636

Department of Administration, Buildings and Grounds—TRUCK

Tuesday, August 29, 1989

#27860

Statewide—MOTOR VEHICLES

Monday, September 11, 1989

#28085

Department of Wildlife and Parks—AGRICULTURE LEASE, Toronto

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 008166

State of Kansas
STATE BOARD OF AGRICULTURE
DIVISION OF PLANT HEALTH

QUARANTINE NO. 2
Serrated Tussock (*Nassella trichotoma*)

WHEREAS it has been determined that Serrated Tussock (*Nassella trichotoma*) is a noxious weed under the Federal Noxious Weed Law (7 USCA 2801 *et seq.*),

WHEREAS Serrated Tussock (*Nassella trichotoma*) is a plant pest as defined in K.S.A. 1988 Supp. 2-2113,

WHEREAS the recent lack of action by the Federal Government has permitted seed lots which may contain Serrated Tussock (*Nassella trichotoma*) to be distributed in the United States,

WHEREAS each of the States of Alabama, Illinois, Maryland, Mississippi, Missouri, North Carolina, Oregon, Tennessee and West Virginia have issued quarantines or taken other regulatory action against this plant pest to prevent its introduction in the respective States, and

WHEREAS if Serrated Tussock (*Nassella trichotoma*) becomes established in Kansas, it will drastically and adversely affect the seed, livestock and turfgrass industries within this State.

NOW THEREFORE the Secretary of the Kansas State Board of Agriculture, pursuant to authority vested in him by K.S.A. 2-2117, hereby determines that quarantine action is necessary to prevent the introduction of this plant pest into the State of Kansas, and to prevent and retard the spread of this plant pest within this state. The Secretary does hereby immediately establish a quarantine to prevent the establishment of Serrated Tussock (*Nassella trichotoma*) in the State of Kansas. Any movement of Serrated Tussock (*Nassella trichotoma*) into or across the State of Kansas from any of the aforementioned States or any other States within the United States into the State of Kansas is hereby prohibited.

Definitions:

All terms used within this quarantine shall have the meanings described to them in K.S.A. 2-2113 *et seq.* as amended and supplemented.

Regulated Articles:

Articles and products, the movement of which shall be controlled and regulated by this quarantine, include but are not limited to:

1. Seed mixtures containing Serrated Tussock (*Nassella trichotoma*) seed;
2. Soil, separately or with other things, which contains the seed of or any portion of the Serrated Tussock (*Nassella trichotoma*) plant;
3. Hay containing the seed of or any portion of the Serrated Tussock (*Nassella trichotoma*) plant;
4. Mechanized cultivating equipment and harvesting machinery which has been used and which may harbor the seed of or portion of the Serrated Tussock (*Nassella trichotoma*) plant;

5. Mechanized soil moving equipment which has been used and which may harbor the seed of or any portion of the Serrated Tussock (*Nassella trichotoma*) plant;
6. Any other article, product or thing capable of being a means of conveyance of the seed of or any portion of the Serrated Tussock (*Nassella trichotoma*) plant when it is determined that such article presents a hazard, either actual or potential, for the spread of Serrated Tussock (*Nassella trichotoma*), and when the person in possession thereof has been so notified.

Any person who resists or impedes or otherwise hampers the Secretary of the State Board of Agriculture or the Secretary's authorized representative in carrying out the provisions of this quarantine or enforcing this quarantine shall be subject to criminal penalties as provided in the Kansas Plant and Pest Act (K.S.A. 2-2113 *et seq.* as amended and supplemented). Any duly authorized inspector or agent of the Secretary may enlist the aid of any law enforcement official to enforce and carry out the provisions of this quarantine and the provisions of the Kansas Plant Pest Act in relation thereto.

Conditions and Restriction Governing the Movement of Regulated Articles:

Any article or product which has been contaminated with the seed of or any portion of the Serrated Tussock (*Nassella trichotoma*) plant is hereby prohibited from being moved into the State of Kansas, unless each lot or shipment thereof is accompanied by a certificate issued by the authorized plant protection official of the state of origin wherein such official affirms that the regulated article or product accompanied hereby has originated in and has been or is being shipped from a non infested area within that official's state or district, or that the regulated article or product accompanied thereby has been treated under the supervision of such official prior to movement of the regulated article or product into the State of Kansas, in a manner and by a method which will insure freedom from the seed of or any portion of Serrated Tussock (*Nassella trichotoma*) plant. In addition, no seed lot or any other article contaminated with the seed of or any portion of the Serrated Tussock (*Nassella trichotoma*) plant may be moved, sold or disposed of within the State of Kansas without written permission from the Secretary of the State Board of Agriculture or the Secretary's authorized representative.

Effective Date of Quarantine:

This Order of Quarantine is effective upon the date signed by the Secretary of the State Board of Agriculture as set forth below and shall remain in effect until rescinded or modified by further order of the secretary.

Dated and signed this 23rd day of July, 1989.

SAM BROWNBACK
 Secretary of Agriculture

Doc. No. 008170

State of Kansas

KANSAS STATE UNIVERSITY**NOTICE TO BIDDERS**

Sealed bids for items 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, August 22, 1989

#00008

Turbomolecular Vacuum Pumps

WILLIAM H. SESLER
Director of Purchasing

Doc. No. 008157

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 9 a.m. Saturday, August 26, at LINK, Inc., 1310 Walnut, Hays. Agenda items include quality education of the deaf, legislative issues, budget issues, presentations on the Performing Arts Center at Fort Hays, the Early Childhood Developmental Center, and the LINK project.

DAVID S. ROSENTHAL
Executive Director

Doc. No. 008169

State of Kansas

**DEPARTMENT OF HUMAN RESOURCES
DIVISION OF WORKERS' COMPENSATION****NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A public hearing will be held at 1:30 p.m. Thursday, September 14, in the auditorium of the State Historical Society, 120 W. 10th, Topeka, to consider the adoption and amendment of temporary and permanent regulations.

All interested parties may submit written comments prior to the hearing to the Director of the Division of Workers' Compensation, Landon State Office Building, 900 S.W. Jackson, Room 651-S, Topeka 66612-1276. The 30 days notice prior to the public hearing will be considered the public comment period. All interested parties will be given a reasonable opportunity at the hearing to orally express their views in regard to the adoption of the proposed temporary and permanent regulations. Following the hearing, all oral and written comments submitted

by interested parties will be considered by the director as a basis for making any changes to the proposed regulations.

Following is a brief summary of the proposed regulations:

51-24-4. Qualifications and duties of a vendor. The proposed changes require the vendor to provide copies of all vocational reports to all parties and require the vendor to state that it will provide objective and impartial assessments of the injured worker.

51-24-5. Qualifications for counselor, evaluator, and job placement specialist. The changes clarify the qualification requirements for rehabilitation professionals and corrects some inconsistencies in the original rules and regulations. The changes allow anyone approved as a vocational rehabilitation counselor to be approved as a job placement specialist.

The changes are in existing rules and there are no federal mandates that would be directly impacted by these proposed changes.

The changes to K.A.R. 51-24-4 clarify the need for the rehabilitation vendor to provide a copy of all vocational reports, not just those prescribed by the director, to all parties involved in the rehabilitation process. There will be a slight impact on the cost of providing copies that will be passed onto the insurance company/employer. There will be no fiscal impact on the general public or state agencies.

There will be no new costs incurred by the Division of Workers' Compensation from changes in K.A.R. 51-24-5. There will be no fiscal impact on state agencies or the general public. There may be a slight reduction of the cost of employing qualified rehabilitation professionals because more applicants will qualify, thus affecting the supply and demand.

Copies of the full text of the proposed amendments and regulations may be obtained by writing to the director of the Division of Workers' Compensation, Landon State Office Building, 900 S.W. Jackson, Room 651-S, Topeka 66612-1276.

RAY D. SIEHNDEL
Acting Secretary of Human Resources

Doc. No. 008164

State of Kansas

SECRETARY OF STATE**EXECUTIVE APPOINTMENTS**

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

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

The following appointments were filed July 1-July 30:

**District Judge, 30th Judicial District,
Division 5**

Larry T. Solomon, Route 2, Box 67, Kingman 67068. Effective June 14, 1989. Term expires when a successor is elected and qualifies according to law. Succeeds William Yandell.

Linn County Attorney

John Sutherland, Linn County Courthouse, Mound City 66056. Effective June 27, 1989. Term expires when a successor is elected and qualifies according to law. Succeeds Richard M. Smith.

Morris County Treasurer

Patty Carson, Route 1, Box 32, Wilsey 66873. Effective July 6, 1989. Term expires when a successor is elected and qualifies according to law. Succeeds Donna Muller, resigned.

Rawlins County Commissioner, 2nd District

John Mickey, 805 Buffalo Ridge, Atwood 67730. Effective July 12, 1989. Term expires when a successor is elected and qualifies according to law. Succeeds Robert Frick, deceased.

State Board of Accountancy

Virgil E. Belford, Jr., 4600 Quail Creek, Great Bend 67530. Effective July 1, 1989. Term expires July 31, 1992. Reappointment.

**Citizens' Utility Ratepayer Board
(Established by 1989 House Bill 2454.)**

**Terms effective July 1, 1989, and
expire June 30, 1993.)**

Linda Weir-Enegren, 10725 W. Central, Wichita 67214.

Donna J. Kidd, 3404 Arrowhead, Topeka 66614.

Randal K. Loder, 535 E. Highway 50, Garden City 67846.

Stacy Ollar, Jr., 5421 Queal Drive, Shawnee 66203.

J. Lloyd Spaulding, Box 66, North Newton 67117.

**Economic Development Review Panel of
Highway System Enhancement Projects
(Effective June 6, 1989. Members
serve at the pleasure of the Governor.)**

Emerson Lynn, 128 S. Buckeye, Iola 66749.

William W. Martin, 2338 Mayfair Place, Topeka 66611.

Lillian Papay, 1416 Coolidge, Great Bend 67530.

Harland Priddle, 3111 S.E. Pisces, Topeka 66605.

Charles R. Warren, 3610 S.W. Alameda Drive, Topeka 66614.

State Emergency Response Commission

Gary Hulett, Office of the Governor, 2nd Floor, State Capitol, Topeka 66612. Effective July 13, 1989. Serves at the pleasure of the Governor. Succeeds John Strickler.

Office of the Governor

Denise C. Apt, Education Aide to the Governor, 810 Meadowbrook Road, Iola 66749. Effective January 9, 1989. Serves at the pleasure of the Governor.

Gary Hulett, Special Assistant on Environment and Natural Resources to the Governor, Office of the Gov-

ernor, 2nd Floor, State Capitol, Topeka 66612. Effective July 1, 1989. Serves at the pleasure of the Governor. Succeeds John Strickler.

Scott E. Morgan, Chief Counsel and Administrator for the Agreement on Retainers, Office of the Governor, 2nd Floor, State Capitol, Topeka 66612. Effective June 17, 1989. Serves at the pleasure of the Governor. Succeeds John Petersen.

State Grain Advisory Commission

Duane Rouser, Bison 67520. Effective July 14, 1989. Term expires June 30, 1992. Reappointment.

Kansas Historical Records Advisory Board

Anthony Crawford, Farrell Library, Kansas State University, Manhattan 66506. Effective July 3, 1989. Term expires June 30, 1990. Succeeds John English.

Eugene Decker, 120 W. 10th, Topeka 66612. Effective September 9, 1989. Term expires August 31, 1992. Reappointment.

Solomon Evans, 516 E. Mary, Yates Center 66783. Effective July 3, 1989. Term expires June 30, 1991. Succeeds Robert Ratzlaff.

Mabel Goehring, Route 1, Box 105, Westmoreland 66549. Effective July 3, 1989. Term expires June 30, 1991. Succeeds R. Reed Whitaker.

David Haury, Box 101, North Newton 67117. Effective July 3, 1989. Term expires June 30, 1991. Reappointment.

Duane Johnson, 2208 Massachusetts, Lawrence 66044. Effective July 3, 1989. Term expires June 30, 1991. Reappointment.

Donald McCoy, 3213 Saddlehorn, Lawrence 66044. Effective September 9, 1989. Term expires August 31, 1992. Succeeds James Forsythe.

Lynda Millner, 412 S. Campbell, Abilene 67410. Effective July 3, 1989. Term expires June 30, 1991. Succeeds William Ellington.

Ramon Powers, 120 W. 10th, Topeka 66604. Effective July 3, 1989. Term to run concurrent with term as Executive Director of the Kansas Historical Society.

Geraldine Ray, 9817 Woodson, Overland Park 66207. Effective September 9, 1989. Term expires August 31, 1992. Succeeds Joseph Snell.

John Wine, Jr., 212 Woodlawn, Topeka 66606. Effective July 3, 1989. Term expires June 30, 1990. Succeeds Sheryl Williams.

Kansas Lottery Commission

Ray E. Morgan, 6815 Flint, Shawnee Mission 66205. Effective July 7, 1989. Subject to Senate confirmation. Term expires June 15, 1993. Reappointment.

**Kansas Mental Health Services Planning Council
(Authorized by Public Law 99-660.)**

Terms effective July 11, 1989.)

Kaye Abbott, 3501 Randolph, Topeka 66611. Serves at the pleasure of the Governor.

Jan Allen, 5820 S.W. 28th, Topeka 66614. Serves at the pleasure of the Governor.

John Alquest, 1223 Sunset Drive, Mulvane 67110. Serves at the pleasure of the Governor.

Donald Brada, 52 Mission Road, Wichita 67207. Term expires June 30, 1991.

(continued)

Robert Chase, 851 North St., Iola 66749. Term expires June 30, 1993.

Edward Davies, Marion County Courthouse, Marion 66861. Term expires June 30, 1993.

Cecil Eyestone, 2055 Jay Court, Manhattan, 66502. Term expires June 30, 1991.

Cindy Entriiken, 6428 E. Morriss, Wichita 67207. Term expires June 30, 1993.

Gabriel Faimon, P.O. Box 218, Auburn 66420. Serves at the pleasure of the Governor.

Kermit George, 2309 Plum, Hays 67601. Term expires June 30, 1993.

Connie Hubbell, 2028 S.W. Wildwood Lane, Topeka 66611. Serves at the pleasure of the Governor.

Barbara Huff, 1024 Rogers Place, Lawrence 66044. Term expires June 30, 1991.

Mani Lee, 221 Woodlawn, Topeka 66606. Serves at the pleasure of the Governor.

Bryce Miller, 2548 S.W. Belle Ave., Topeka 66614. Term expires June 30, 1991.

Rose Mary Mohr, 1805 Kevin, Wichita 67208. Term expires June 30, 1991.

Melisa Neill, 1020 E. 16th, Hutchinson 67601. Term expires June 30, 1991.

Dave Seaton, Chairman, 2 Easy St., Winfield 67156. Chairmanship expires June 30, 1990. Term expires June 30, 1993.

Howard Snyder, 4811 W. 77th Place, Prairie Village 66208. Term expires June 30, 1991.

Earline Scott, 205 E. 9th, St. John 67576. Term expires June 30, 1993.

JoAnna Unruh, 716 W. 7th, Larned 67550. Term expires June 30, 1993.

Nursing Scholarship Review Committee
(Established by 1989 House Bill 2279.)

Terms effective July 5, 1989, and
expire June 30, 1992.)

Pat Bayles, 1341 N. River Blvd., Wichita 67203.

Lou Esplund, HCR 1, Box 133, Minneola 67865.

Susan Fry, St. Francis Hospital, 1700 W. 7th, Topeka 66606.

Edward H. Hammond, 7 College Drive, Hays 67601.

Jacqueline John, 1101 Cedar, Scott City 67871.

Kansas Parole Board

Frank Henderson, Jr., Chairman, 2700 N.E. 46th, Topeka 66617. Effective July 12, 1989. Term expires June 30, 1990.

Carla J. Stovall, Vice-Chairman, 3561 S.W. Mission, Topeka 66614. Effective July 12, 1989. Term expires June 30, 1990.

Kansas Public Employees Retirement System
Board of Trustees

Larry Fleming, 6 Hampton, Wichita 67206. Effective July 5, 1989. Subject to Senate confirmation. Term expires April 30, 1993. Reappointment.

BILL GRAVES
Secretary of State

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 February 22, 1989, The Atchison, Topeka and Santa Fe Railway Company, 920 S.E. Quincy, Topeka, submitted a request for a renewal of a variance from specific hazardous waste regulations. The current variance expired on July 31, 1989. The request for a variance was submitted in accordance with K.A.R. 28-31-13(a).

The variance is requested from K.A.R. 28-31-6(c), which requires minimum insurance requirements for transporters of hazardous waste. The Atchison, Topeka and Santa Fe Railway Company is currently registered under K.A.R. 28-31-6 to transport hazardous waste. Since the Atchison, Topeka and Santa Fe Railway Company is self insured, KDHE considers this to be equal in protection to the minimum insurance requirements of K.A.R. 28-31-6(c).

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

In accordance with K.A.R. 28-31-13(b), public notice is being provided of this decision. Copies of the variance request will be available for public review until September 10 from 8 a.m. to 4:30 p.m. weekdays at the KDHE, Building 730, Forbes Field, Topeka.

Comments concerning this variance request may be directed to Glynis Perry, Hazardous Waste Section, KDHE, Topeka 66620. Comments must be submitted in writing prior to September 10. Requests for additional information may be made by contacting KDHE at (913) 296-6898.

Upon the written request of any interested person, a public meeting may be held to consider comments on this tentative decision. The person requesting a meeting shall state the issues to be raised and shall explain why written comments would not suffice to communicate the person's views. If a decision is made to conduct a public meeting a separate public notice detailing the date and place of a public meeting will be issued.

After evaluating all public comments, a final decision shall be made by the secretary and a notice of the final decision shall be published in the *Kansas Register*. If approved, any conditions or time limitations needed to comply with all applicable state or federal laws or to protect human health or safety or the environment shall be specified by the secretary. A date upon which the variance will no longer be valid shall be prescribed in the final decision.

STANLEY C. GRANT
Secretary of Health
and Environment

Doc. No. 008146

State of Kansas

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

The Kansas Department of Health and Environment, Forbes Field, Topeka, is providing public notice that on January 11, 1989, Loctite Corporation, 3255 Harvester Road, Kansas City, Kansas, submitted a request for a renewal of a variance from specific hazardous waste regulations. The current variance expired on July 31, 1989. The request for a variance was submitted in accordance with K.A.R. 28-31-13(a).

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

Loctite Corporation generates ignitable hazardous waste. The hazardous waste is stored prior to being shipped off-site for reclamation. Loctite Corporation proposes to store this waste next to a rail spur, which is secured by a chain-link fence area and sits upon an asphalt base. KDHE has reviewed the variance request and concluded that the variance is justified. In accordance with K.A.R. 28-31-13(b), public notice is being provided of the tentative decision to grant renewal of the variance.

In accordance with K.A.R. 28-31-13(b), public notice is being provided of this decision. Copies of the variance request will be available for public review until September 10 from 8 a.m. to 4:30 p.m. weekdays at the KDHE, Building 730, Forbes Field, Topeka, and at the KDHE district office, 808 W. 24th, Lawrence.

Comments concerning this variance request may be directed to Glynis Perry, Hazardous Waste Section, KDHE, Topeka 66620. Comments must be submitted in writing prior to September 10. Requests for additional information may be made by contacting KDHE at (913) 296-6898.

Upon the written request of any interested person, a public meeting may be held to consider comments on this tentative decision. The person requesting a meeting shall state the issues to be raised and shall explain why written comments would not suffice to communicate the person's views. If a decision is made to conduct a public meeting a separate public notice detailing the date and place of a public meeting will be issued.

After evaluating all public comments, a final decision shall be made by the secretary and a notice of the final decision shall be published in the *Kansas Register*. If approved, any conditions or time limitations needed to comply with all applicable state or federal laws or to protect human health or safety or the environment shall be specified by the secretary. A date upon which the variance will no longer be valid shall be prescribed in the final decision.

STANLEY C. GRANT
Secretary of Health
and Environment

Doc. No. 008147

State of Kansas

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

The Kansas Department of Health and Environment, Forbes Field, Topeka, is providing public notice that on February 28, 1989, KDHE submitted a request for a renewal of a variance from specific hazardous waste regulations. The current variance expired on March 1, 1989. The request for a variance was submitted in accordance with K.A.R. 28-31-13(a).

The variance is requested from K.A.R. 28-31-6(c), which requires minimum insurance requirements for transporters of hazardous waste, and includes K.A.R. 28-31-10(d), which requires hazardous waste transporters to pay an annual monitoring fee.

KDHE is currently registered under K.A.R. 28-31-6 to transport hazardous waste. Since the state of Kansas is self insured, compliance with minimum insurance requirements would not provide any additional protection to the state or its citizens. In regards to the monitoring fee, it is not necessary for KDHE to pay a fee to itself for monitoring activities.

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

In accordance with K.A.R. 28-31-13(b), public notice is being provided of this decision. Copies of the variance request will be available for public review until September 10 from 8 a.m. to 4:30 p.m. weekdays at the KDHE, Building 730, Forbes Field, Topeka.

Comments concerning this variance request may be directed to Glynis Perry, Hazardous Waste Section, KDHE, Topeka 66620. Comments must be submitted in writing prior to September 10. Requests for additional information may be made by contacting KDHE at (913) 296-6898.

Upon the written request of any interested person, a public meeting may be held to consider comments on this tentative decision. The person requesting a meeting shall state the issues to be raised and shall explain why written comments would not suffice to communicate the person's views. If a decision is made to conduct a public meeting a separate public notice detailing the date and place of a public meeting will be issued.

After evaluating all public comments, a final decision shall be made by the secretary and a notice of the final decision shall be published in the *Kansas Register*. If approved, any conditions or time limitations needed to comply with all applicable state or federal laws or to protect human health or safety or the environment shall be specified by the secretary. A date upon which the variance will no longer be valid shall be prescribed in the final decision.

STANLEY C. GRANT
Secretary of Health
and Environment

Doc. No. 008148

State of Kansas
SOCIAL AND REHABILITATION SERVICES

**PERMANENT ADMINISTRATIVE
 REGULATIONS**

(Effective October 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. **30-4-50. Assistance eligibility, general.** This regulation is being amended to add K.A.R. 30-4-64, Work Program Requirements, as a general eligibility requirement and to make technical changes.

2. **30-4-54. Citizenship, alienage and residence.** This regulation is being amended to provide that no individual shall be considered a resident for GA purposes if such individual owns an automobile or other motor vehicle that is not registered in this state but is required by law to be registered in this state.

This regulation also is being amended to make specific reference to the sections within P.L. 99-603, the Immigration Reform and Control Act of 1986, for clarification purposes, along with the incorporation of the text of these sections, and to make other technical changes.

3. **30-4-57. Job search requirements.** This regulation is being revoked as the job search requirements are being incorporated as a component in the State's Work Program requirements as set out in K.A.R. 30-4-64.

4. **30-4-58. Potential employment.** This regulation is being amended to:

(1) Eliminate the potential employment provisions in the AFDC program as the new federal JOBS program establishes separate requirements and penalties for AFDC persons who refuse employment or training for employment; and

(2) combine the potential employment penalties with the KanWork or work program penalties except that if the first penalty to be applied is a potential employment penalty, the period of ineligibility shall be three months.

5. **30-4-62. Community work experience program requirements.** This regulation is being revoked as the CWEP requirements are being incorporated as a component of the State's Work Program requirements as set out in K.A.R. 30-4-64.

6. **30-4-63. KanWork program requirements.** This regulation is being amended to modify the KanWork program to bring it into compliance with the federal JOBS program. Significant changes include:

(1) Specifying the various components of the KanWork program that a recipient may be required to participate in;

(2) requiring custodial parents under age 20 who have not completed high school or its equivalent to participate in an agency-approved educational component;

(3) changing the funding sources for support services from special needs to special allowances;

(4) changing the penalty provisions to parallel the federal sanctions for persons who fail to participate; and

(5) establishing penalty provisions and good cause criteria for persons who refuse to accept employment.

The sanctions for persons who fail to participate in the KanWork program or fail to accept employment shall result in the following penalties:

(1) For the first such failure, until the failure or refusal ceases;

(2) for the second such failure or refusal, until the failure or refusal ceases, or three months, whichever is longer; and

(3) for any subsequent failure or refusal, until the failure or refusal ceases, or six months, whichever is longer.

The above sanctions shall be applied to the individual who fails to participate or refuses to accept employment. For ADC-UP and GA, the penalty shall also apply to the individual's spouse unless the spouse is participating in the KanWork program.

7. **30-4-64. Work program requirements.** The secretary is promulgating a new regulation that establishes work program requirements for non-KanWork counties that complies with the new federal JOBS program. This regulation incorporates the major provisions of job search requirements contained in K.A.R. 30-4-57, portions of the potential employment provisions contained in K.A.R. 30-4-58, and the CWEP requirements contained in K.A.R. 30-4-62. Additional program components are also included. The text of the regulation is set forth below:

30-4-64. Work program requirements. Each assigned recipient, unless exempted, shall be required to participate in one or more components of the work program. Any exempt recipient may volunteer for participation in the program. The geographic areas in the state and the public assistance programs in which the work requirements are to be enforced shall be designated by the secretary. The administration of the work programs shall be within the limits of appropriations. (a) Exemptions. The persons listed below shall be exempt from the work requirements:

(1) Any person who is ill, when determined on the basis of medical evidence or another sound basis that the illness or injury is serious enough to temporarily prevent entry into employment or training;

(2) any person who is incapacitated, when verified that a physical or mental impairment, determined by a physician or a licensed or certified psychologist, by itself or in conjunction with age, prevents the individual from engaging in employment or training. When an individual claims exempt status due to incapacity, but medical verification is needed to establish the incapacity, the individual shall be regarded as temporarily exempt for a period not to exceed 30 days while the individual's status is being verified. If verification is not provided because of a legitimate delay in obtaining an examination by or a consultation with a medical practitioner, the temporary exemption period shall be extended for a period not to exceed 15 days. For GA, a statement from a vocational rehabilitation counselor may be used to determine incapacity;

(3) any person who is 60 years of age or older;

(4) any person who is needed in the home because

another member of the household requires the individual's presence due to illness or incapacity and no other appropriate member of the household is available to provide the needed care;

(5) any parent or other relative who is personally providing care for a child under age three, except that a custodial parent shall not be exempt from the educational component if the parent is under age 20, does not possess a high school diploma or its equivalent, and is not otherwise exempt. Only one person or other relative in a case may be exempt for providing care for a child under age three. This exemption cannot be claimed if the other parent or caretaker relative in the home or the stepparent in the plan is exempt from the work program requirements for another reason and is available and capable of providing child care;

(6) any person who is employed 30 or more hours a week and is earning at least the federal minimum wage;

(7) any child who is under age 16 or attends full-time an elementary, secondary, vocational or technical school. This exemption does not apply to a custodial parent who has not completed high school or its equivalent;

(8) any woman who is three or more months pregnant;

(9) any person who resides in an area of the state where the work program is available, but in a location which is so remote that effective participation is precluded. The individual shall be considered remote if a round trip of more than two hours by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, would be required for a normal work or training day. However, if normal round trip commuting time in the area is more than two hours, then the round trip commuting time shall not exceed the generally accepted community standards; and

(10) any parent or other caretaker of a child when another adult relative in the plan is participating in the work 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 shall be required to participate in the work program.

(b) Participation requirements. Each assigned recipient shall participate in one or more components of an agency-approved, work-related program directed toward a plan of self-sufficiency. The components of the work program may include, but are not limited to, the following:

(1) Job search. Each assigned recipient shall participate in job search activities which may include agency-approved job clubs, supervised and unsupervised job search activities, job referral and placement services, and employment counseling.

(2) Community work experience program (CWEP). Each assigned recipient shall participate in CWEP activities which may include the opportunity to regain work skills, learn new skills, test interest and skills on the job, gain a work history, and obtain a work reference.

(3) Education and training. Each assigned recipient shall participate in education and training activities which are aimed at facilitating a recipient's movement toward self-sufficiency and employment retention. Education and training activities include such elements as vocational training, adult basic education, literacy training, general

educational development, and post-secondary education and training.

(c) Support services. Support services shall be provided to participants. Support services shall include, but are not limited to:

(1) CWEP expenses, as outlined in K.A.R. 30-4-120(a)(1);

(2) job search expenses, as outlined in K.A.R. 30-4-120(a)(2); and

(3) education and training expenses, as outlined in K.A.R. 30-4-120(a)(3).

(d) Penalty. When a person who is required to participate in the work program fails without good cause to participate in the program or refuses without good cause to accept employment, the individual shall be ineligible for assistance. In ADC-UP and GA, the spouse of the individual shall also be ineligible unless the spouse is a work program participant. In GA, a potential employment penalty, as set forth in K.A.R. 30-4-58(d), shall be considered in combination with any work program penalty. The period of ineligibility shall be as follows:

(1) For the first such failure or refusal, until the failure or refusal ceases;

(2) for the second such failure or refusal, until the failure or refusal ceases, or three months, whichever is longer; and

(3) for any subsequent failure or refusal, until the failure or refusal ceases, or six months, whichever is longer.

For the purpose of determining that an individual's failure to comply has ceased in the instance of a first sanction, the individual may be required to participate in the activity to which the individual was previously assigned, or another activity designed by the agency to lead to full participation, for a period of up to two weeks before terminating the sanction. If the person successfully participates in such activities, the sanction shall be considered to have terminated as of the day the person agreed to participate. If no such activity is available, the sanction shall terminate on the day the person agrees to participate.

(e) Good cause. The good cause criteria set forth in K.A.R. 30-4-63(f) shall be used in determining good cause for the work program requirements. The effective date of this regulation shall be October 1, 1989.

8. 30-4-73. **Deprivation in ADC.** This regulation is being amended to provide for the continuation of ADC for a period not to exceed six months if the extension of eligibility is needed for a satisfactory reconstruction of normal family life or the obtaining of employment when (1) an absent parent returns, (2) the parent is no longer incapacitated, or (3) the parent returns to work. Other technical wording changes also have been made.

9. 30-4-85a. **Eligibility factors specific to the EA program.** This regulation is being amended to delete the provisions that deny EA to families where the destitution of the child resulted from a household member's involvement in a strike and when there is ineligibility for public assistance for failure to meet a work-related requirement. These changes are being made to achieve conformity with federal regulations for the EA program. Other technical wording changes also have been made.

(continued)

10. **30-4-90. Eligibility factors specific to the GA-unrestricted (GAU) program.** This regulation is being amended for purposes of technical changes that have been made related to cross-references to other regulations. Other clarifications are also included.

11. **30-4-110. Income.** This regulation is being amended to exclude the earned income tax credit (EITC) from the definition of "earned income." Other technical changes and clarifications also have been made to the regulation.

12. **30-4-111. Applicable income.** This regulation is being amended to change the earned income disregards. The \$75 standard work expense has been increased to \$90. The \$30 and $\frac{1}{3}$ disregards will now be applied prior to deducting the costs for child care. Finally, the child care deductions are being increased to \$200 for children under age two and to \$175 for all other persons. Also, a new federal option has been added for retrospectively budgeted cases for the first and second months of employment whereby the agency may, based on an agency-approved plan, meet the cost of child care directly or through reimbursement and apply the child care disregards to offset income received in those months when used to determine the amount of the payment for the corresponding payment months. Under these circumstances, the agency shall not apply the disregard to income used to determine the amount of payment for the two months following the month in which child care ceases. Other technical wording changes also have been made.

13. **30-4-112. Income exempt from consideration as income and as a cash asset.** This regulation is being amended to exempt payments to certain persons of Japanese ancestry and certain Aleuts under Titles I and II of Public Law 100-383. Other technical wording changes also have been made.

14. **30-4-113. Income exempt as applicable income.** This regulation is being amended to exempt the earned income tax credit (EITC) as applicable income.

15. **30-4-120. Special allowances and requirements for applicants and recipients of ADC, ADC-FC, APW, GAU and GA-FC.** This regulation is being amended to transfer expenditures for education and training and for KanWork transition services to the category of special allowances. Previously, such expenditures were categorized as special requirements.

16. **30-4-130. Types of payments.** This regulation is being amended to change several cross-references to other regulations pertaining to when protective payments are required. These changes are needed as a result of the regulatory changes pertaining to the work-related requirements. Other technical wording changes also have been made.

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

1. **30-5-59. Provider participation requirements.** This regulation is being amended to:

(1) Delete the requirement that providers must accept Medicare assignment in order to participate in the medicaid/medikan program; and

(2) add that providers must maintain and furnish within the time frame specified in a request any information that the Kansas Department of Social and Rehabilitation Serv-

ices may request for five years from the date that the medical service was performed.

2. **30-5-100. Scope of dental services.** This regulation is being amended to add prior authorized dental services for adult recipients when provided as treatment for acute medical emergencies in order to stabilize a medical condition. Services shall be limited to those dental services necessary for stabilization of a medical condition.

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

1. **30-6-57. Job search requirements.** This regulation is being revoked as implementation of the new federal JOBS program is being restricted to the public assistance programs. However, job search services under the cash assistance programs will be available to volunteers.

2. **30-6-58. Potential employment.** This regulation is being revoked as implementation of the new federal JOBS program is being restricted to the public assistance program.

3. **30-6-63. Assignment of rights to medical support or other third party payments.** This regulation is being amended to include the provisions of SB 378, which extends the statutory assignment to include financial as well as medical support. As a result, the title of the regulation is also being changed to "Assignment of rights to support and other third party payments."

4. **30-6-65. Automatic eligibles.** This regulation is being amended to revise the automatic medical benefits for KanWork participants. To be eligible for extended benefits, the participant:

Must have received public assistance in three of the six months immediately preceding the first month of transitional medical;

Must have lost eligibility due solely to the increased earned income or hours of employment; and

Must not have been rendered ineligible for assistance as a result of a fraud determination at any time during the six months immediately preceding the first month of transitional medical.

Assistance under this provision shall be initially provided to persons for a period not to exceed six months provided that the individual continues to be a resident of the state and provides ongoing status reports as may be required by the secretary.

Assistance shall be provided for an additional six-month period of time provided the individual continues to be a resident of the state, provides ongoing status reports as may be required by the secretary and the person continues to be employed except that if the person's gross earned income, less the cost of child care, exceeds 185 percent of the official federal poverty income guidelines, assistance shall terminate. Persons who are not otherwise eligible for medicaid without a spenddown and who have gross earned income, less the cost of child care, that exceeds 100 percent of the official federal poverty income guideline shall be responsible for contributing to the payment of the cost of medical coverage. Other technical wording changes also have been made.

5. **30-6-73. Deprivation in ADC.** This regulation is being amended to provide for the continuation of ADC for a period not to exceed six months if the extension is needed for a satisfactory reconstruction of normal family

life or the obtaining of employment when an absent parent returns, the parent is no longer incapacitated, or the parent returns to work. Other technical wording changes also have been made.

6. 30-6-103. **Determined eligibles; protected income levels.** This regulation is being amended to limit the use of the independent living protected income levels for persons who are absent from the home for medical care from three months to two months. Other technical wording changes also have been made.

7. 30-6-106. **General rules for consideration of resources, including real property, personal property, and income.** This regulation is being amended to incorporate the division of assets provisions contained in the Medicare Catastrophic Coverage Act of 1988, Public Law 100-360. The federal statute closely parallels the state's division of assets provisions except that the federal law permits the division of resources up to \$60,000 compared to the state's \$50,000 limit and an increase of \$34 per month in income that can be allocated to the community spouse. In no instance can the allocated income exceed \$1,500 per month. Other technical wording changes also have been made.

8. 30-6-110. **Income.** This regulation is being amended to exclude the earned income tax credit (EITC) from the definition of "earned income." Other technical changes and clarifications have also been made to the regulation.

9. 30-6-111. **Applicable income.** This regulation is being amended to change the earned income disregards for non-SSI. The \$75 standard work expense has been increased to \$90. The child care deductions are being increased to \$200 for children under age two and to \$175 for all other persons. Other technical wording changes also have been made.

10. 30-6-112. **Income exempt from consideration as income and as a cash asset.** This regulation is being amended to exempt payments to certain persons of Japanese ancestry and certain Aleuts under Titles I and II of Public Law 100-383.

11. 30-6-113. **Income exempt as applicable income.** This regulation is being amended to exempt the earned income tax credit (EITC) as applicable income. In addition, because of the new federal provisions for division of income in K.A.R. 30-6-106, technical changes have been made to restrict the income allocation policy to situations in which there are only minor children in the home and there is no spouse who continues to live in the community.

Article 7.—COMPLAINTS, APPEALS AND FAIR HEARINGS

1. 30-7-68. **Request for fair hearing.** This regulation is being amended to provide that a request for a fair hearing involving food stamps must be received by the agency within 90 days from the date the notice of action is mailed and to make technical changes.

WINSTON BARTON
Secretary of Social and
Rehabilitation Services

Doc. No. 008154

State of Kansas

SECRETARY OF STATE

TEMPORARY ADMINISTRATIVE REGULATIONS

Article 34.—CONFIDENTIALITY APPLICATION FEE

7-34-1. Confidentiality application fee. The fee to file an application for confidentiality of the balance sheet on annual reports of domestic for profit and foreign for profit corporations shall be \$20.00. (Authorized by 1989 SB 243; implementing K.S.A. 17-7505(a)(11) and K.S.A. 17-7503 (a)(8); effective T-7-7-27-89, July 27, 1989.)

BILL GRAVES
Secretary of State

Doc. No. 008152

State of Kansas

ANIMAL HEALTH DEPARTMENT

TEMPORARY ADMINISTRATIVE REGULATIONS

Article 18.—FEES

9-18-1. Fees. (a) Each applicant for a license or certificate of registration under K.S.A. 1988 Supp. 47-1701 *et seq.* shall pay the application fee as set forth below:

- (1) License for premises of a person licensed under public law 91-579 (7 U.S.C. § 2131 *et seq.*)..... \$75.00;
 - (2) License for any other premise..... \$150.00;
- and
- (3) Certificate of registration..... \$25.00.

(b) Each licensee or registrant applying for renewal of license or certificate of registration shall pay the applicable fee as set forth below:

- (1) License for premises of a person licensed under public law 91-579 (7 U.S.C. § 2131 *et seq.*)..... \$75.00;
 - (2) License for any other other premise \$150.00;
- and
- (3) Certificate of registration..... \$25.00.

(Authorized by and implementing K.S.A. 1988 Supp. 47-1721; effective T-9-7-27-89, July 27, 1989.)

ALLAN T. KIMMELL, D.V.M.
Livestock Commissioner

Doc. No. 008151

State of Kansas

KANSAS INSURANCE DEPARTMENT**TEMPORARY ADMINISTRATIVE
REGULATIONS****Article 3.—FIRE AND CASUALTY INSURANCE**

40-3-43. Title insurance; controlled business; definitions; requirements. For purposes of section 1, subsection (14)(e) and (f) of 1989 House Bill 2502, these terms shall have the following meanings:

(a) "Producer of title business" or "producer" means any natural person, firm, association, organization, partnership, business trust, corporation, or other legal entity engaged in this state in the trade, business, occupation, or profession of:

- (1) buying or selling interests in real property;
- (2) making loans secured by interests in real property;

or

(3) acting as broker, agent, representative, or attorney of natural persons or other legal entities that buy or sell interests in real property or that lend money with such interests as security.

(b) "Associate" means any firm, association, organization, partnership, business trust, corporation, or other legal entity organized for profit in which a producer of title business is a director, officer, or partner, thereof, or owner of a financial interest; the spouse or any relative within the second degree by blood or marriage of a producer of title business who is a natural person; any director, officer, or employee of a producer of title business or associate; any legal entity that controls, is controlled by, or is under common control with a producer of title business or associate; and any natural person or legal entity with whom a producer of title business or associate has any agreement, arrangement, or understanding or pursues any course of conduct the purpose or effect of which is to evade the provisions of this section.

(c) "Financial interest" means any direct or indirect interest, legal or beneficial, where the holder is or will be entitled to one percent or more of the net profits or net worth of the entity in which such interest is held. Notwithstanding the foregoing, an interest of less than one percent or any other type of interest shall constitute a "financial interest" if the primary purpose of the acquisition or retention of that interest is the financial benefit to be obtained as a consequence of that interest from the referral of title business.

(d) "Refer" or "referral" means to direct or cause to be directed, or to exercise any power or influence over the direction of title business whether or not the consent or approval of any other person is sought or obtained with respect to the referral.

(e) "Gross operating revenue" means the total revenue received by a title insurer, title agent or title agency from application of the rates, premiums and charges filed or required to be filed pursuant to 1989 House Bill No. 2497, Sec. 1 (d)(2) in connection with providing title insurance or other services on real estate transactions involving properties located in counties in Kansas that have a population, as shown by the last preceding decennial census, in excess of 10,000.

(f) "Controlled business" means any portion of a title insurer's or title agent's business in this state that was referred by any producer of title business or by any associate of such producer, where the producer of title business, the associate, or both, have a financial interest in the title insurer or title agent to which the business is referred. (Authorized by K.S.A. 40-103, 1989 House Bill No. 2502, Sec. 1 (14)(g); implementing 1989 House Bill No. 2502, Sec. 1 (14)(e) and (f); effective T-40-7-27-89, July 27, 1989.)

FLETCHER BELL
Commissioner of Insurance

Doc. No. 008150

State of Kansas

KANSAS RACING COMMISSION**TEMPORARY ADMINISTRATIVE
REGULATIONS**

(Effective July 27, 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 Kansas Racing Commission, 128 N. Kansas Ave., Topeka 66603, (913) 296-5800.

Chapter 14.—HARNESS RACING RULES

112-14-2. Duties of a harness race starter. This regulation outlines the responsibilities and procedural requirements of the harness race starter who controls the horses from the formation of the parade until the starter gives the word "go." Procedures are also outlined for starting with a mobile gate and without a mobile gate. The cost of this regulation will be carried by the track operator.

112-14-3. Driver's meeting. This regulation outlines the notice and meeting requirements for drivers and track officials, including stewards. The regulation creates no cost to any state agency or to private citizens.

112-14-4. Harness truck traffic procedure. This regulation states that oncoming traffic passes to the left on the racetrack. The regulation creates no cost to any state agency or to private citizens.

112-14-5. Harness racing conduct. This regulation outlines the specified acts of racing from the post, around the track and under the wire that are not allowed. The economic impact of this regulation is not measured because it is not known how many days of harness racing will be licensed.

112-14-6. Harness race complaints. This regulation outlines the specific procedure for a driver to enter a claim of a violation of the rules. Its economic impact is not known because it is not known how many days of racing will be scheduled; the number of complaints and the number of hours of time spent by stewards in determining the outcome of these complaints cannot be stated.

112-14-7. Unsatisfactory harness race driving. This regulation outlines driving in the best interests of racing and the penalties for failing to do so. Its economic impact will be upon drivers and the Kansas Racing Commission.

112-14-8. Failure to finish a harness race. This regulation outlines the consequences of failing to finish after starting a heat. Its economic impact is on the driver and owner of the wagering interest as well as the wagerer.

112-14-9. Prohibited acts. This regulation outlines prohibited conduct and equipment in the course of a race and the penalties for their violation. The economic impact is on the driver, the owner and the Kansas Racing Commission.

112-14-10. Driver safety standards. This regulation outlines specifically three requirements, which include wearing a safety helmet, an eye examination and a physical examination. The economic impact of this regulation is on the driver and the commission, which will be charged with enforcement of the regulation.

JIMMY D. GRENZ
Executive Director

Doc. No. 008145

State of Kansas

DEPARTMENT OF WILDLIFE AND PARKS

TEMPORARY ADMINISTRATIVE REGULATIONS

Article 3.—SMALL GAME

115-3-1. Game birds; legal equipment, taking methods and possession. (a) Legal hunting equipment for game birds shall consist of:

(1) shotguns and muzzleloading shotguns not larger than 10 gauge and using only shot;

(2) bow and arrow; and

(3) falconry.

(b) The use of dogs shall be permitted while hunting.

(c) The use of horses and mules shall be permitted while hunting, but no person shall shoot while mounted on a horse or mule.

(d) Hunting hours shall be from 1/2 hour before sunrise to sunset.

(e) Game birds shall only be shot while the bird is in flight.

(f) Any type of apparel may be worn while taking game birds.

(g) Legally taken game birds may be possessed without limit in time and may be given to another if accompanied by a written notice containing the donor's name and address.

(h) Other equipment and methods of taking shall be legal as allowed by permit. (Authorized by and implementing 1989 HB 2005, section 9 and section 114; effective T-115-7-27-89, July 27, 1989.)

115-3-2. Rabbits, hares and squirrels; legal equipment, taking methods and possession. (a) Legal hunting equipment for rabbits, hares, and squirrels shall consist of the following:

(1) firearms:

(A) centerfire and rimfire rifles and handguns, except fully automatic rifles and handguns;

(B) shotguns and muzzleloading shotguns not larger than 10 gauge and using only shot;

(C) muzzleloading rifles and pistols;

(D) cap and ball pistols; and

(E) pellet and BB guns;

(2) bow and arrow;

(3) crossbow;

(4) falconry; and

(5) projectiles hand-thrown or propelled by a slingshot.

(b) The use of dogs shall be permitted while hunting.

(c) The use of horses and mules shall be permitted while hunting, but no person shall shoot while mounted on a horse or mule.

(d) Hunting hours shall be from 1/2 hour before sunrise to sunset.

(e) Any type apparel may be worn while hunting.

(f) Legally taken rabbits, hares and squirrels may be possessed without limit in time and may be given to another if accompanied by a written notice containing the donor's name and address.

(g) Other equipment and methods of taking shall be legal as allowed by permit. (Authorized by and implementing 1989 HB 2005, section 9 and section 114; effective T-115-7-27-89, July 27, 1989.)

Article 9.—LICENSES, PERMITS, STAMPS, AND OTHER DEPARTMENT ISSUES

115-9-6. Vehicle permits; display. Each person who purchases a vehicle permit for entry into a state park or other area requiring a vehicle permit shall affix the permit to the inside lower corner of the windshield on the driver's side of the vehicle for which the vehicle permit was purchased. Annual and second vehicle permits shall be permanently affixed. (Authorized by 1989 HB 2005, section 9; implementing 1989 HB 2005, section 54; effective T-115-7-27-89, July 27, 1989.)

ROBERT L. MEINEN
Secretary of Wildlife
and Parks

Doc. No. 008153

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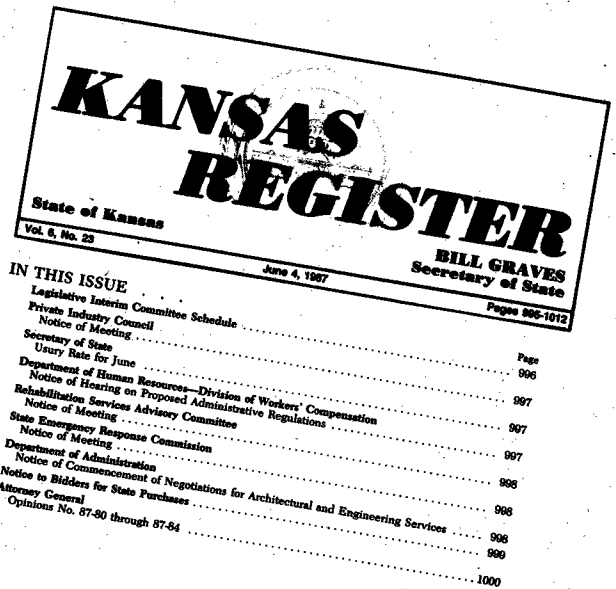
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