

KANSAS REGISTER



State of Kansas

BILL GRAVES
Secretary of State

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Pages 1189-1228

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State of Kansas
DEPARTMENT OF ADMINISTRATION
EMPLOYEE AWARD BOARD

NOTICE OF MEETING

The Employee Award Board will meet at 1 p.m. Friday, August 18, in the Division of Personnel Services, Room 951-S, Landon State Office Building, 900 S.W. Jackson, Topeka.

BEN BARRETT
 Chairperson

Doc. No. 008173

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
STATE CONSERVATION COMMISSION

NOTICE TO CONTRACTORS

Sealed bids for the construction of a 75,230 cubic yard detention dam, Site 22 in Greenwood County, will be received by the Walnut-West Creeks Watershed District No. 72 at the Greenwood County Conservation District office, Courthouse, 311 N. Main, Eureka 67045, until 8 p.m. on August 30 and then opened. A copy of the invitation for bids and the plans and specifications can be obtained from the Greenwood County Conservation District office, (913) 583-6461.

KENNETH F. KERN
 Executive Director

Doc. No. 008179

State of Kansas
STATE CONSERVATION COMMISSION

NOTICE TO CONTRACTORS

Sealed bids for the construction of a 37,500 cubic yard detention dam, Site 9-2 in Brown County, will be received by the Wolf River Watershed Joint District No. 66 at the district office, P.O. Box 216, Robinson 66532, until 7 p.m. on August 31 and then opened. A copy of the invitation for bids and the plans and specifications can be obtained from and reviewed at the Wolf River Watershed office, (913) 544-6686, or from Novak & Lay, 720 Oregon St., Hiawatha 66434, (913) 742-7441.

KENNETH F. KERN
 Executive Director

Doc. No. 008181

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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

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. 89-98

Crimes and Punishments—Kansas Criminal Code; Crimes Against Persons—Criminal Abortion; Effect of *Webster v. Reproductive Health Services* on K.S.A. 21-3407. Mike Hayden, Governor, Topeka, August 3, 1989.

While the United States Supreme Court in *Webster v. Reproductive Health Services* appears to invite further reconsideration of cases such as *Roe v. Wade* and *Doe v. Bolton*, until the court overrules these cases, or modifies them in ways pertinent to the Kansas legislation, it is our opinion that K.S.A. 21-3407 remains unconstitutional and unenforceable in its current form. Cited herein: K.S.A. 21-3407. JLM

ROBERT T. STEPHAN
Attorney General

Doc. No. 008190

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENTNOTICE CONCERNING KANSAS WATER
POLLUTION CONTROL PERMITS

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

Name and Address
of Applicant

United Technologies
Essex Group
Route 1, Highway 4 East
Hoisington, KS 67554
Barton County, Kansas
Kansas Permit No. I-AR45-PO02

Waterway

Arkansas River via
Cow Creek

Type of
Discharge

Contact Cooling
Water

Description of Facility: This facility utilizes an extrusion process to manufacture telephone cable. Cooling water from the extrusion process, process water from copper extruding and annealing operations, and stormwater from roof drains are directed to a concrete basin. This water is recycled back to the extrusion process to be reused as cooling water. The basin may overflow during excessive rainfall. This is a revised permit. Permit limitations were added to the existing permit. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Fed. Permit No. KS-0118320

Name and Address
of Applicant

Ohse Meat Products, Inc.
Attn: Kermit Hacker
2300 N. Broadway
Wichita, KS 67201
Sedgwick County, Kansas
Kansas Permit No. I-AR94-PO26

Waterway

Arkansas River via
Chisolm Creek via
storm sewer

Type of
Discharge

Cooling Water

Description of Facility: This facility utilizes well water and city water as cooling water for the ammonia condensers used in the refrigeration system. This is a new permit. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Fed. Permit No. KS-0086461

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments received prior to September 15 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-89-39/40) and the name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations. In response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Division of Environment offices from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

STANLEY C. GRANT
Secretary of Health
and Environment

Doc. No. 008194

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT**

**NOTICE CONCERNING KANSAS WATER
POLLUTION CONTROL PERMIT**

In accordance with state regulations 28-16-57 through 63 and 28-18-1 through 4, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, a tentative permit has been prepared for the water pollution abatement facilities for the feedlot described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards and regulations of the state of Kansas and the EPA. The permit requires control of any existing or potential discharges to achieve the goal of "no discharge" whenever possible. The permit, upon issuance, will constitute a state water pollution control and national pollutant discharge elimination system permit.

Name and Address of Applicant	Legal Description	Receiving Water
Nelson Poultry Farms Route 8, Box 48 Manhattan, KS 66502	NW 1/4 Section 13, Township 8S, Range 3E, Clay County, Kansas	Lower Republican River Basin
Kansas Permit No. A-LRCY-P001	Fed. Permit No. KS-0080489	

Description of Facility: The proposed facility will have capacity for approximately 180,000 chickens (laying hens). This is an existing facility.

Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance schedule: None, existing controls adequate.

Written comments on the proposed NPDES permit may be submitted to Walt Wagner, Certification Unit, Kansas Department of Health and Environment, Division of Environment, Bureau of Environmental Quality, Forbes Field, Topeka 66620. All comments received prior to September 15 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-AG-89-29) and name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations within 30 days of this notice. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61.

The application, proposed permit, special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 740, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

STANLEY C. GRANT
Secretary of Health
and Environment

Doc. No. 008193

State of Kansas

BOARD OF TECHNICAL PROFESSIONS

NOTICE OF MEETING

The State Board of Technical Professions will meet at the Prairie Dunes Country Club in Hutchinson on Thursday, August 24 and Friday, August 25. A legislative committee meeting will begin at 8:30 a.m. August 24. The Engineer and Land Surveyor Board and the Architect and Landscape Architect Board will meet at 8 a.m. August 25. A full board meeting will be conducted at 1:30 p.m. August 25. The meetings are open to the public.

BETTY L. ROSE
Executive Secretary

Doc. No. 008187

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT**

**ORDER GRANTING PETITION FOR HAZARDOUS
WASTE POST-CLOSURE PERMIT REVIEW**

The Kansas Department of Health and Environment has issued an order granting review of the hazardous waste facility post-closure care permit issued to the Sherwin-Williams Company, 1800 W. 4th, Coffeyville.

Pursuant to K.A.R. 28-31-9, incorporating by reference 40 CFR Parts 270 and 124, a draft hazardous waste post-closure permit for this facility was placed on public notice from August 4, 1988, to September 19, 1988. A public hearing to consider the draft permit was held on September 8, 1988.

On September 30, 1988, a post-closure permit was issued to the Sherwin-Williams Company that requires post-closure care of the Coffeyville facility. This permit became effective on October 31, 1988.

K.A.R. 28-31-9, incorporating by reference 40 CFR Part 124.19, provides that any person who filed comments on the draft post-closure permit or participated in the public hearing may petition the secretary to review any condition of the permit decision. On November 3, 1988, the Sherwin-William Company submitted a petition for review of specific conditions contained in the permit. The specific conditions of the permit and KDHE policies for which the review is sought are summarized below:

1. Section I.D.10—Reporting Planned Changes to the Facility.
2. Section III.A.6—Applicability of Post-Closure Requirements.
3. Section IV—Groundwater Monitoring of the Facility.
4. Section IV.B.6.c—Groundwater Monitoring Data Evaluation.
5. Section IV.C.6.d—Groundwater Monitoring Data Evaluation.
6. The setting of the duration of the post-closure permit at five years.
7. The retaining of a requirement in Section IV.D.3.c. of the permit which KDHE agreed to remove.

The secretary of KDHE finds that pursuant to K.A.R. 28-31-9, incorporating by reference 40 CFR 124.19 (a) (2), the specific permit conditions submitted in the petition are based on an exercise of discretion or an important policy consideration which the secretary should review. Pursuant to K.A.R. 28-31-9, incorporating by reference 40 CFR 124.19 (c), the secretary hereby grants the petition for review.

Copies of the petition are available for public review until October 2 at the EPA Region VII Library in Kansas City, Kansas, from 7:30 a.m. to 4:30 p.m. weekdays; at the KDHE, Building 730, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. weekdays; and at the KDHE district office, 1500 7th, Chanute, from 8 a.m. to 4:30 p.m. weekdays. Copies are also available at the Coffeyville Public Library, 311 W. 10th, Coffeyville, during normal business hours.

Any person interested in this request for review of these specific conditions may file an amicus brief. All briefs must be filed by 4:30 p.m. October 2 at the KDHE, Building 730, Forbes Field, Topeka 66620. Requests for additional information may be made by contacting John Paul Goetz at (913) 296-1607.

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

Doc. No. 008189

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 June 6, 1989, Aptus, located at Industrial Park in Coffeyville, submitted a request for a variance from specific hazardous waste regulations. The request for a variance was submitted in accordance with Kansas administrative regulation 28-31-13(a).

The variance is requested from the requirements of K.A.R. 28-31-8, "Standards for Hazardous Waste Storage, Treatment and Disposal Facilities," and K.A.R. 28-31-9, "Hazardous Waste, Storage, Treatment and Disposal Facility Permits." K.A.R. 28-31-8 adopts by reference 40 Code of Federal Regulations (CFR) Parts 264, 265 and 266. K.A.R. 28-31-9 adopts by reference 40 CFR Parts 124 and 270. These regulations require all facilities that store, treat or dispose of hazardous waste to have a permit from KDHE and to meet specific technical standards.

Aptus is currently permitted by the U.S. Environmental Protection Agency (EPA) to store and incinerate only polychlorinated biphenyls. Aptus has also submitted a permit application to EPA and KDHE to store and incinerate hazardous wastes as defined by K.S.A. 65-3430 *et seq.* and K.A.R. 28-31-2 and 28-31-3.

The hazardous waste permitting process for the Aptus facility will be a two-step process. The first step is the trial burn permit. If the trial burn permit is issued, Aptus will be allowed to conduct a trial burn test to demonstrate

that the incinerator can meet all of the performance standards contained in 40 CFR Part 264.

The second step is the facility operations permit. If the facility operations permit is issued, Aptus will be allowed to operate as a full scale hazardous waste storage and incineration facility.

KDHE intends to issue the trial burn permit to Aptus prior to the facility operating permit. This permit issuance schedule will allow Aptus to conduct a timely trial burn while the facility operations permit application is under review. However, this permit schedule will require that Aptus be allowed to accumulate and store hazardous waste for the trial burn at its Coffeyville site without a facility operating permit. Therefore, Aptus has requested a variance from the hazardous waste permitting and technical standard requirements of K.A.R. 28-31-8 and 28-31-9 to store hazardous waste. If granted, the variance will allow Aptus to store hazardous waste for the purpose of conducting only the trial burn.

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 approve the variance request. Copies of the variance request will be available for public review until September 1 from 8 a.m. to 4:30 p.m. weekdays at the KDHE, Building 730, Forbes Field, Topeka, and at the KDHE district office, 1500 W. 7th, Chanute. Copies also are available at the Coffeyville Public Library, 311 W. 10th, Coffeyville, during normal business hours.

Comments concerning this variance request may be directed to Stanley C. Grant, Ph.D., Secretary, Kansas Department of Health and Environment, Forbes Field, Topeka 66620. Comments must be submitted in writing prior to September 1. Requests for additional information may be made by contacting KDHE at (913) 296-1607.

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. 008188

State of Kansas

DEPARTMENT OF TRANSPORTATION**NOTICE TO TRANSPORTATION PROVIDERS**

The Kansas Department of Transportation will be conducting public hearings on its proposal to distribute state highway funds for coordinated transportation services to the elderly and handicapped as provided by House Bill 2099. The department has scheduled public hearings with locations, dates and times listed below:

Wichita—Kansas Public Transit Association (KPTA) 1989 Annual Meeting, Marriott Hotel, 9100 Corporate Hills Drive, Wednesday, August 23, 6:30 p.m. to 8 p.m.

Topeka—State Capitol, Room 313 South, Monday, August 28, 1:30 p.m. to 3 p.m.

Hays—Public Library, 1205 Main, Gallery Meeting Room, Wednesday, August 30, 1 p.m. to 3 p.m.

Dodge City—Dodge City Community College Campus, Student Union, Ford County Room, Wednesday, August 30, 7 p.m. to 9 p.m.

Pittsburg—Memorial Municipal Auditorium, 5th and Pine, Thursday, August 31, 7 p.m. to 9 p.m.

Attendees are requested to limit comments to no more than five minutes and submit a written copy of the testimony at the hearing. Interested persons unable to attend the hearings may send written comments to the Kansas Department of Transportation, Office of Public Transportation, Docking State Office Building, Topeka 66612-1568.

Written comments will be accepted until September 11. Further information can be obtained by contacting the Office of Public Transportation, (913) 296-3841.

HORACE B. EDWARDS
Secretary of Transportation

Doc. No. 8198

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 28, 1989

#26408

Department of Wildlife and Parks—HEAVY EQUIPMENT WORK AND ROAD ROCK

#27303

Statewide—ANHYDROUS AMMONIA

#27305

University of Kansas—HEMATOLOGY REAGENTS AND CONTROLS

#27326

University of Kansas, University of Kansas Medical Center, Kansas State University and Wichita State University—SPECIALIZED LABORATORY CHEMICALS

#27670

Statewide—TELEPHONE WIRING CABINETS

#27858

Kansas State School for the Visually Handicapped—BUS TRANSPORTATION

#28089

Department of Transportation—ADOPT-A-HIGHWAY SIGN PROGRAM

#28091

Adjutant General's Department—JANITORIAL SERVICES, Kansas City, Kansas

#28092

Kansas Correctional Industries—AHERA ASBESTOS WORKER TRAINING SESSION SERVICES

#80653

University of Kansas Medical Center—VITRECTOMY UNIT

#80680

University of Kansas Medical Center—GAMMA CAMERA

#80683

Department of Administration, Division of Information Systems and Communications—FURNISH ALL LABOR AND MATERIALS TO CONSTRUCT SWITCH ROOM

#80752

Department of Social and Rehabilitation Services—WETMOP YARN

#80765

Kansas Bureau of Investigation—FURNISH AND INSTALL ELECTRICAL GENERATORS

#80766

Kansas Bureau of Investigation—FURNISH AND INSTALL A UPS SYSTEM

#80767

Kansas Bureau of Investigation—FURNISH AND INSTALL AN AIR CONDITIONING SYSTEM

Tuesday, August 29, 1989

#27078

Statewide—AUDIBLE RANGE MAGNETIC TAPE

#27139

University of Kansas Medical Center—FROZEN JUICES

#27516

Statewide—OCTOBER (1989) MEAT PRODUCTS

#28095

Kansas Neurological Institute—DISHWASHING SUPPLIES

#80661

University of Kansas—WATERMARK COTTON BOND

#80662

Department of Revenue—SOFTWARE

#80669

Department of Transportation—TESTING EQUIPMENT

#80679

Department of Wildlife and Parks—LOAD AND HAUL ROCK, Sebelius Reservoir

#80684

Kansas State University—ETHERNET CARD AND REMOTE RESET EPROM

Wednesday, August 30, 1989

#A-6142

Kansas Neurological Institute—UPGRADE FIRE SAFETY—SUNFLOWER LODGE

#26648

University of Kansas and Kansas State University—MATTRESS AND BOX SPRING RENOVATION

#27300

Department of Transportation—REFLECTIVE SHEETING

#27339

Kansas State University—POST MIX BEVERAGES

#27518

Statewide—CANNED GOODS

#27557

Kansas State University—OCTOBER (1989) MEAT PRODUCTS

#80690

University of Kansas Medical Center—SOFTWARE

#80692

University of Kansas Medical Center—MOBILE RADIOS—INSTALLED

#80693

University of Kansas Medical Center—CELL CULTURE APPARATUS

#80700

Department of Corrections—TRACTOR AND ATTACHMENTS, Stockton

#80701

Kansas Highway Patrol—SCALES

#80702

Department of Transportation—TESTING EQUIPMENT

#80703

Kansas State University—ELECTROPHORESIS EQUIPMENT

#80705

University of Kansas Medical Center—LINEAR ACCELERATOR

#80706

Department of Administration, Division of Printing—FOLDER

#80707

Department of Transportation—OVERHEAD DOORS, Salina

#80708

Department of Health and Environment—FURNISH LABOR AND MATERIAL FOR RECLAMATION OF BILLS COAL CO., INC., Pittsburg

Thursday, August 31, 1989

#27474

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

#28094

University of Kansas—DNA SYNTHESIS REAGENTS

#80685

Various State Agencies—USED VEHICLES AND EQUIPMENT

#80718

University of Kansas Medical Center—RADIOGRAPHIC/TOMOGRAPHIC SYSTEM

#80720

Topeka State Hospital—OPHTHALMIC EXAM EQUIPMENT

#80725

Department of Transportation—BRIDGE INSPECTION UNIT

#80729

Kansas State University—SHOP MACHINERY

Friday, September 1, 1989

#80704

University of Kansas Medical Center—KITCHEN EQUIPMENT

#80732

Kansas State University—FIRE ALARM SYSTEM

#80733

Winfield State Hospital and Training Center—FURNISH ALL LABOR AND MATERIAL TO CLEAN AND REPAIR DIGESTER

#80735

University of Kansas Medical Center—NEONATAL PHYSIOLOGICAL MONITORS

#80738

University of Kansas Medical Center—MEDICAL IMAGE ANALYSIS SYSTEM

#80739

Parsons State Hospital and Training Center—AIR COMPRESSOR

#80741

University of Kansas—CD ROM HARDWARE AND SOFTWARE NETWORKING SYSTEM

#80742

University of Kansas Medical Center—SURGICAL TABLE

#80744

University of Kansas Medical Center—STRETCHERS

#80745

University of Kansas Medical Center—OVERHEAD RADIANT WARMERS

#80746

University of Kansas Medical Center—SURGICAL LIGHTING

#80755

Kansas State School for the Visually Handicapped—MINI-VAN

REQUEST FOR PROPOSALS

Wednesday, September 6, 1989

#80691

MAINFRAME LASER PRINTERS FOR THE DEPARTMENT OF HUMAN RESOURCES

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 008196

State of Kansas

LEGISLATURE

INTERIM COMMITTEE SCHEDULE

The following committee meetings have been scheduled during the period of August 21 through September 3:

Date	Room	Time	Committee	Agenda
August 21 August 22	514-S 514-S	10:00 a.m. 9:00 a.m.	Joint Committee on Administrative Rules and Regulations	Review of certain rules and regulations filed by: Dept. of Administration, Kansas State Fair, SRS, Dept. of Wildlife and Parks, Animal Health Dept., Kansas Racing Commission, KDOT, Board of Accountancy, Dept. of Insurance, Secretary of State, Fire Marshal, Board of Indigents' Defense Services, Board of Agriculture, and Board of Healing Arts.
August 21 August 22	519-S 519-S	9:30 a.m. 9:00 a.m.	Joint Committee on Economic Development	<i>21st:</i> Presentations on the Small Cities Community Development Block Grant Program. Presentations on rural development. <i>22nd:</i> Presentations on rural development continued. Committee discussion and possible action on previously addressed topics.
August 21 August 22	521-S 521-S	10:00 a.m. 9:00 a.m.	Legislative Educational Planning Committee	Agenda not available.
August 23 August 24	526-S 526-S	10:00 a.m. 9:00 a.m.	Special Committee on Energy and Natural Resources	Agenda not available.
August 23 August 24	519-S 519-S	10:00 a.m. 9:00 a.m.	Special Committee on Corrections/Mental Health	<i>23rd:</i> Hearings on Proposal No. 17—Mental Health. <i>24th:</i> Briefing by Department of Corrections on Proposal No. 15—Inmate Programs. Tour of Shawnee County Community Corrections programs.
August 25	No Meetings Scheduled			
August 28 August 29	514-S 514-S	10:00 a.m. 9:00 a.m.	Special Committee on Judiciary	<i>28th:</i> Hearing on Proposal No. 36—Subrogation. <i>29th:</i> Hearing on Proposal No. 34—Limited Actions.
August 28 August 29	123-S 123-S	10:00 a.m. 9:00 a.m.	Joint Committee on State Building Construction	Agenda unavailable.
August 30 August 31	521-S 521-S	10:00 a.m. 9:00 a.m.	Special Committee on Public Health and Welfare	<i>30th:</i> Hearings on Proposal No. 46—Foster Care. <i>31st:</i> Hearings on Proposal No. 41—Schedule II Drugs.
August 30 August 31	514-S 514-S	10:00 a.m. 9:00 a.m.	Special Committee on Ways and Means/ Appropriations	<i>30th:</i> Hearings on Proposal No. 48—Retention of State Health Care Employees. <i>31st:</i> Hearings on Proposal No. 49—Budgeting for Regents' Institutions.

August 31	529-S	10:00 a.m.	Joint Committee on Arts	Agenda not available.
September 1	529-S	10:00 a.m.	and Cultural Resources	
September 1	123-S	10:00 a.m.	Legislative Coordinating Council	Legislative matters.

EMIL LUTZ
 Director of Legislative
 Administrative Services

Doc. No. 008192

State of Kansas

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

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

Kansas Court of Appeals
 Court of Appeals Courtroom, 2nd Floor, Judicial Center
 Topeka, Kansas

Before Abbott, C.J.; Briscoe and Davis, JJ.

Tuesday, August 22, 1989

9:00 a.m.

Case No.	Case Name	Attorneys	County
63,307	State of Kansas, Appellee, v. Michael Johnson, Appellant.	Gene Olander Attorney General Steven R. Zinn	Shawnee
63,286	Glenn A. Jordan, Appellant, v. City of Topeka, Appellee.	Derek J. Shafer Raymond Bloxsom	Shawnee
62,775	Stephen A. Mason, by and through Norma Jean Mason, Appellant, v. Alan M. Coker, by and through Gail L. Coker, Appellee.	Dan Lykins John A. Emerson	Jefferson

10:30 a.m.

63,472	In the Matter of the Marriage of Eugene S. Schrope and Else F. Schrope.	Kent E. Oleen Roger L. Unruh	Morris
62,557	City of St. George, Appellant, v. School Board, U.S.D. 323, and D&R Construction, Inc., Appellees.	Kent E. Oleen Gary F. Conklin John Bausch Charles S. Arthur III	Pottawatomie

(continued)

1:30 p.m.

- | | | | |
|--------|---|---|---------|
| 63,298 | James Richard Dunworth, Appellant,

v.
Theron Sims, Jr., and Theron Sims, Sr.,
Appellees. | A. James Gillmore
Jennifer M. Wieland
Herbert A. Marshall | Shawnee |
| 63,355 | In the Matter of the Marriage of Janice
Sue Eubanks (Burenheide) and William A.
Eubanks. | Philip E. Winter
Steven L. Davis | Lyon |

2:30 p.m.

- | | | | |
|--------|--|--|---------|
| 63,222 | Colmery, McClure, Letourneau, Merriam
& Stauffer, Appellees,

v.
Dr. Russell Gimre, Appellant. | David E. Bruns

John Ivan | Shawnee |
| 62,691 | State of Kansas, Appellee,

v.
Dale Saeger, Appellant. | Phillip A. Burdick
Attorney General

Reid T. Nelson | Brown |

Wednesday, August 23, 1989

9:00 a.m.

- | Case No. | Case Name | Attorneys | County |
|----------|--|---|---------|
| 63,482 | In the Matter of the Marriage of V. J.
Tyburski and J. W. Tyburski. | Robert E. Keeshan
Christel E. Marquardt | Shawnee |
| 63,438 | In the Matter of the Estate of Leo G.
Robinson, deceased. | John D. Conderman
Mark Edwards
Steven Hornbaker | Geary |

Summary Calendar—No Oral Argument

- | | | | |
|--------|---|---|----------|
| 62,973 | State of Kansas, Appellee,

v.
Karl Bray Garrett, Appellant. | County Attorney
Attorney General

Jessica R. Kunen | Saline |
| 63,747 | State of Kansas, Appellee,

v.
Wayne A. MacLaird, Appellant. | C. William Ossman
Attorney General

Albert Bandy | Shawnee |
| 63,229 | Larry R. Wassenberg, Appellant,

v.
State of Kansas, Appellee. | Jessica R. Kunen

Attorney General
Steve Kraushaar
William R. Halvorsen | Marshall |

Kansas Court of Appeals
 Division 3 Courtroom, Wyandotte County Courthouse
 Kansas City, Kansas

Before Elliott, P.J.; Larson and Rulon, JJ.

Tuesday, August 22, 1989

9:00 a.m.

Case No.	Case Name	Attorneys	County
63,320	McConnell & McMahon, Appellees, v. Louis J. Malinowski, Appellant.	Steven R. McConnell James F. McMahon Louis J. Malinowski	Johnson
63,108	Robert W. Shumaker, Appellee, v. Farm Bureau Mutual Insurance Co., Appellant.	Alan J. Fleming Sloan R. Wilson Marlin Johanning Paul Hasty, Jr.	Atchison

10:00 a.m.

62,709	State of Kansas, Appellee, v. Steven T. Crough, Appellant.	Debra Vermillion Attorney General Joseph L. Dioszeghy	Johnson
63,279	State of Kansas, Appellee, v. Nathaniel Burnett, Sr., Appellant.	Gunnar Sundby Attorney General Terence A. Lober	Atchison

Summary Calendar—No oral Argument

63,095	State of Kansas, Appellee, v. Roger L. Nigh, Appellant.	Robin Lewis Attorney General Timothy J. Turner	Johnson
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Before Elliott, P.J.; Larson and Lewis, JJ.

Tuesday, August 22, 1989

1:00 p.m.

63,447	David K. Dalager and Camille Dalager, Appellants, v. August J. C. Dettbarn, Jr., Appellee.	James E. Rumsey Scott J. Bloch	Douglas
63,200	State of Kansas, Appellee, v. Alex W. Solomon, Appellant.	Roger A. Nordeen Attorney General Ronald P. Wood	Johnson

(continued)

2:00 p.m.

- 63,537 Herbert D. Myers, Appellee, Davy Walker Wyandotte
v.
Dean Ricke Home Improvement and Thomas R. Hill
American States Insurance Co.,
Appellants, and Kansas Workers'
Compensation Fund.
- 63,425 In the Matter of the Marriage of David Steven B. Doering Anderson
A. Leitch and Alice M. Leitch. Sherri E. Loveland

Summary Calendar—No oral Argument

- 62,864 State of Kansas, Appellee, Thomas J. Bath Johnson
v. Attorney General
Edward E. Comstock, Appellant. Reid T. Nelson

Before Larson, P.J.; Rulon and Lewis, JJ.

Wednesday, August 23, 1989

9:00 a.m.

- | Case No. | Case Name | Attorneys | County |
|----------|--|--|-----------|
| 63,280 | Charlene Smith, Appellant,
v.
Sherrie Blackwell and Farmers Insurance
Co., Appellees. | G. Gordon Atcheson
John E. Shamberg

Frank D. Menghini
Douglas Greenwald | Wyandotte |
| 63,461 | Shirley Owens, Appellant,
v.
L. M. Brock, dba Blue Mound Lumber
Co., and Shawn K. Herrman, Appellees. | Michael R. Lawless

Jon A. Blongewicz | Wyandotte |

10:00 a.m.

- 63,282 In the Interest of J.D.B. Douglas G. Waters Leavenworth
William Pray
Michael Waite
- 63,326 Barkley 3A Investors, Ltd., Appellant, Richard H. Page Johnson
v.
Johnson County Board of County
Commissioners, Appellee. Donald L. Jarrett
Bernis G. Terry

Summary Calendar—No Oral Argument

- 63,151 State of Kansas, Appellee, David Miller Miami
v. Attorney General
Rita McClanahan, Appellant. Reid T. Nelson

1:00 p.m.

63,255	In the Interest of M. H. and T. H., minors.	Kim Wetzel Nancy Roe John S. Sutherland	Wyandotte
63,654	Doyle Tankersley, Appellant, v. Murphy Company & CIGNA Insurance Co., Appellees.	Fred Spigarelli Timothy A. Short John I. O'Connor	Crawford
63,185 SC	Adan Moreno, Appellee, v. J. J. Tippins Restaurant and Hartford Insurance Co., Appellants.	C. Albert Herdoiza Kip A. Kubin	Johnson

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

Before Rees, P.J.; Brazil and Gernon, JJ.

Tuesday, August 22, 1989

1:00 p.m.

Case No.	Case Name	Attorneys	County
62,813	State of Kansas, Appellee, v. Alexander F. Martinez, Appellant.	Debra S. Byrd Attorney General Steven R. Zinn	Sedgwick
62,582	State of Kansas, Appellee, v. Howard L. Johnson, Appellant.	Debra S. Byrd Attorney General Lucille Marino	Sedgwick
63,292	State of Kansas, Appellant, v. Gregory E. Bell, Appellee.	Debra S. Byrd Attorney General Kiehl Rathbun	Sedgwick

2:00 p.m.

63,201	Campina Vista, a partnership, Appellee, v. Michelle Morgan Wilson, Bob Wilson and Rainbow Investments, Limited, Appellants.	William S. Mills Richard J. Rome	McPherson
62,678	Dasie M. Dixon, Appellant, v. David L. Prothro, Appellee.	Ricky E. Bailey Gaye Tibbets	Sedgwick

(continued)

63,460	State of Kansas, Appellant, v. Jack Allen Beeney, Appellee.	Dwight D. Radke Attorney General Philip M. Durr	Rice
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Wednesday, August 23, 1989

9:00 a.m.

Case No.	Case Name	Attorneys	County
63,294	In the Matter of the Marriage of Roland Dean Sailsbury and Dana Jo Sailsbury.	Edward W. Dosh Morris D. Hildreth	Labette
63,420	City of Wichita, Appellant, v. Employment Security Board of Review, Appellee.	Thomas R. Powell James R. McEntire	Sedgwick

10:00 a.m.

63,224	Columbian Properties Corp., Appellee, v. Janet Rubottom and Doyne Rubottom, dba Tans Unlimited, Appellants.	Timothy A. Frieden Jack N. Turner Brad T. Murphree	Sedgwick
62,762	Larry J. Russell, Appellant, v. State Farm Mutual Automobile Insurance Co., Appellee.	Gerald W. Scott Casey R. Law Eldon Boisseau	Sedgwick

Summary Calendar—No Oral Argument

63,080 63,081	State of Kansas, Appellee, v. Dawn T. Cavanaugh, Appellant.	Debra S. Byrd Attorney General Thomas Jacquinet	Sedgwick
62,963	Israel Castaneda, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen Attorney General Debra S. Byrd	Sedgwick
63,085	Salvator Perez, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen Attorney General Debra S. Byrd	Sedgwick

LEWIS C. CARTER
Clerk of the Appellate Courts

Doc. No. 008174

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. Friday, September 15. The invitation covers audit work for the Kansas Lottery.

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. 008180

State of Kansas

STATE CORPORATION COMMISSION

NOTICE OF HEARING

The State Corporation Commission has directed that an investigation be instituted and a hearing held to determine the reasonable market demand for gas produced from the fields and pools listed below for the period extending from October 1, 1989, through March 31, 1990, both inclusive; to determine the deliverability and acreage attributable to each of the wells therein; and to fix gas production percentages and quotas for each of the wells within the fields and pools.

Evidence will be presented at the hearing for the above purposes and for determining and fixing the allowables for each of the wells within the following fields and pools in the stated proration period:

- Shepherd Conglomerate gas field in Stafford County
- Hugoton gas field in Finney, Grant, Gray, Hamilton, Haskell, Kearny, Morton, Seward, Stanton, Stevens and Wichita counties
- Panoma-Council Grove gas field in Finney, Grant, Hamilton, Haskell, Kearny, Morton, Seward, Stanton, Stevens and Wichita counties
- ILS Southwest (Douglas Sand) gas pool in Barber County
- Glick (Mississippi) gas pool in Barber, Comanche and Kiowa counties
- Corastone (Lower Wabaunsee) gas pool in Sumner County
- Salley (Lower Morrow) gas pool in Seward County
- Richfield (Morrow Sand) gas pool in Morton County
- Harding (Indian Cave) gas pool in Barber and Pratt counties
- Gentzler (Lower Morrow) Mississippi gas pool in Stevens County
- Sullivan (Upper Stalnaker) gas pool in Harper County
- Harding West gas pool in Barber and Pratt counties
- Wall-Mississippi gas pool in Harvey County
- Zenith-Peace Creek (Mississippi) gas pool in Reno County
- Sullivan (Douglas) gas pool in Harper County

- McKinney East Mississippi gas pool in Clark County
- Komarek Indian Cave gas field in Kingman County
- Greenwood gas field in Morton County
- Sullivan (Lower Stalnaker) gas pool in Harper County
- Negro Creek (Indian Cave) gas pool in Kingman County
- Beauchamp South Middle Morrow gas pool in Morton and Stanton counties

The hearing will be conducted at 9 a.m. Thursday, September 21, in the Conservation Division hearing room, 300 Colorado Derby Building, 202 W. 1st, Wichita. All transporters of gas produced from the above listed fields and pools must furnish to the State Corporation Commission at the hearing their nominations from the fields and pools for the calendar months included in the proration period.

Further information can be obtained from James E. Browne, Assistant General Counsel, State Corporation Commission, Conservation Division, 202 W. 1st, Wichita 67202, (316) 263-3238.

JUDITH McCONNELL
Executive Director

Doc. No. 008182

State of Kansas

STATE CORPORATION COMMISSION

NOTICE OF MOTOR CARRIER HEARINGS

Applications set for hearing are to be heard at 9:30 a.m. on the date indicated before the State Corporation Commission, Docking State Office Building, fourth floor, Topeka, unless otherwise noticed.

This list does not include cases previously assigned hearing dates for which parties of record have received notice.

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 4th Floor, Docking State Office Building, Topeka 66612, (913) 296-3808 or 296-3364.

Your attention is invited to Kansas Administrative Regulations (K.A.R.) 82-1-228, "Rules of Practice and Procedure Before the Commission."

Applications set for August 29, 1989

Renoticed Application for Abandonment of Certificate of Convenience and Necessity:

Richard Schultz)	Docket No. 93,901 M
Route 2, Box 6)	
Wathena, KS 66890)	MC ID No. 101036
Applicant's Attorney: None		

Application for Certificate of Convenience and Necessity:

Brooks House Moving, Inc.)	Docket No. 166,743 M
Route 1, Box 172)	
Pittsburg, KS 66762)	MC ID No. 134450

(continued)

Applicant's Attorney: K. I. Loy, 112 W. 4th, P.O. Box 566, Pittsburg, KS 66762

Structures (ie: houses),

Between all points and places in the state of Kansas.

Application for Name Change of Certificate of Convenience and Necessity:

Farmers Feed and Supply) Docket No. 138,466 M
Transportation, Inc.)
P.O. Box 369)
Boyden, IA 51234) MC ID No. 101172
TO:
Total Transport, Inc.
P.O. Box 280
Boyden, IA 51234

Applicant's Attorney: None

Grain,

From points in Kansas to points in Reno and Sedgwick counties, Kansas.

Also,

From points in Reno, Rice and Ellsworth counties, Kansas, to points in Finney, Ford, Seward and Dickinson counties, Kansas.

Application for Certificate of Convenience and Necessity:

Ron Gadbury Trucking, Inc.) Docket No. 166,744 M
Box 7)
Turon, KS 67583) MC ID No. 135292

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

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

Between points and places in Cheyenne, Sherman, Wallace, Greeley, Hamilton, Stanton, Morton, Rawlins, Thomas, Logan, Wichita, Kearny, Grant, Stevens, Scott, Lane, Finney, Haskell, Seward, Decatur, Sheridan, Gove, Gray, Meade, Norton, Graham, Trego, Ness, Hodgeman, Ford, Clark, Phillips, Rooks, Ellis, Rush, Pawnee, Edwards, Kiowa, Comanche, Smith, Osborne, Russell, Barton, Stafford, Pratt, Barber, Jewell, Mitchell, Lincoln, Ellsworth, Rice, Reno, Kingman, Harper, Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, Sumner, Washington, Clay, Dickinson, Marion, Butler, Cowley, Marshall, Riley, Pottawatomie, Geary, Wabaunsee, Morris, Chase, Lyon, Greenwood, Elk and Chautauqua counties.

Also,

Between the above described counties, on the one hand, and the state of Kansas, on the other hand.

Application for Abandonment of Certificate of Convenience and Necessity:

William J. Keck) Docket No. 157,040 M
11036 S.W. 89th)
Auburn, KS 66402) MC ID No. 127390

Applicant's Attorney: None

Application for Abandonment of Certificate of Convenience and Necessity:

Kling Motor Co., Inc.) Docket No. 143,691 M
P.O. Box 349)
Concordia, KS 66901) MC ID No. 121454

Applicant's Attorney: None

Application for Abandonment of Contract Carrier Permit:

Francis C. Payne, dba) Docket No. 127,132 M
F.C. Payne Oil Co.)
4700 Irving)
Wichita, KS 67209) MC ID No. 112085

Applicant's Attorney: None

Application for Extension of Certificate of Convenience and Necessity:

Schwerman Trucking Co.) Docket No. 72,997 M
611 S. 28th)
Milwaukee, WI 53201) MC ID No. 100712

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

Bulk commodities, cement in bags and empty pallets,
Between points and places in Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Carolyn S. Weber, dba) Docket No. 166,736 M
Weber's Seeding)
4015 E. 56th)
Hutchinson, KS 67502) MC ID No. 133221

Applicant's Attorney: None

Lumber and steel,

Between all points and places in Kansas.

Application for Certificate of Convenience and Necessity:

Stage Line Charter, Inc.) Docket No. 166,747 M
119 E. Trail)
Dodge City, KS 67801) MC ID No. 134453

Applicant's Attorney: John Rosacker, 1400 S. Topeka Blvd., Topeka, KS 66612

Passengers and their luggage in charter bus service and special operations,

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Jarrett's Standard Service, Inc. 101 N. Main Pratt, KS 67124) Docket No. 166,745 M) MC ID No. 134451

Applicant's Attorney: Patrick Barnes, 3301 Van Buren, Topeka, KS 66611

Wrecked, disabled, repossessed and replacement motor vehicles,

Between all points and places in Pawnee, Edwards, Kiowa, Comanche, Stafford, Pratt, Barber, Reno, Kingman, Harper and Sedgwick counties, Kansas.

Also,

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

Application for Certificate of Convenience and Necessity:

Dee Roberts, dba Roberts Trucking Route 1 Savonburg, KS 66772) Docket No. 166,742 M) MC ID No. 134449

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

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

Between points and places in Jewell, Republic, Washington, Marshall, Nemaha, Brown, Doniphan, Mitchell, Cloud, Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth, Wyandotte, Lincoln, Ottawa, Dickinson, Geary, Wabaunsee, Shawnee, Douglas, Johnson, Ellsworth, Saline, Morris, Osage, Franklin, Miami, Rice, McPherson, Marion, Chase, Lyon, Coffey, Anderson, Linn, Reno, Harvey, Kingman, Sedgwick, Butler, Greenwood, Woodson, Allen, Bourbon, Elk, Wilson, Neosho, Crawford, Harper, Sumner, Cowley, Chautauqua, Montgomery, Labette and Cherokee counties.

Also,

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

ALFONZO A. MAXWELL
Administrator
Transportation Division

Doc. No. 008195

State of Kansas

SOCIAL AND REHABILITATION SERVICES

TEMPORARY ADMINISTRATIVE REGULATIONS

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

30-5-81. Scope of hospital services. (a) Each hospital shall be medicare-certified.

(b) Outpatient services shall be covered with the following limitations:

(1) Services shall be ordered by an attending physician who is not serving as an emergency room physician, except for those services related to emergency situations. Orders shall be related specifically to the present diagnosis of the recipient.

(2) Prosthetic devices shall replace all or part of an internal body organ, including the replacement of these devices.

(3) Rehabilitative therapies shall be restorative in nature, shall be provided following physical debilitation due to acute physical trauma or physical illness and shall be prescribed by the attending physician.

(4) Services provided in the emergency department shall be emergency services.

(5) Elective surgery shall not be covered, except for sterilization operations or for Kan Be Healthy program participants.

(6) Ambulance services shall not be covered.

(7) Non-emergency visits in place of physician office visits shall be considered as physician office visits and shall be counted against the physician office visit limitation pursuant to K.A.R. 30-5-88.

(c) Inpatient services shall be covered, subject to the following limitations:

(1) Services shall be ordered by a physician and shall be related specifically to the present diagnosis of the recipient.

(2) Transplant surgery shall be limited to prior authorized liver transplants, prior authorized heart transplants performed at the Kansas university medical center, and corneal, kidney and bone marrow transplants and related services. Transplant surgery is covered only when performed at hospitals which are members of and abide by the rules of the organ procurement and transplantation network.

(3) Inpatient services shall be limited to those provided on days of stay that are determined to be medically necessary.

(4) Reimbursement shall not be made for services provided on days of discharge.

(5) Long term care services in swing beds shall be provided pursuant to 42 CFR 405 subpart K and 442 subpart F, revised October 1, 1987, which are adopted by reference.

(6) Therapeutic and diagnostic surgical services, and related services that can be performed on an outpatient basis, shall not be reimbursed on an inpatient basis unless medical necessity is documented.

(continued)

(7) Inpatient services shall be subject to utilization review which shall determine whether services are medically necessary, are furnished at the appropriate level of care and are of a quality that meets professionally recognized standards.

(8) Psychotherapy, directed by a psychiatrist or approved hospital staff under the direction of a psychiatrist, shall be provided to each psychiatric patient on a daily basis.

(9) Substance abuse treatment services shall be limited to three treatment admissions per lifetime.

(10) Inpatient acute care related to substance abuse treatment services shall be limited to those patients who are in need of acute detoxification or a drug and alcohol treatment program approved by the division of medical programs.

(11) Elective surgery shall not be covered, except for sterilization operations or for Kan Be Healthy program participants. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; modified, L. 1982, ch. 469, May 1, 1982; amended May 1, 1983; amended, T-84-7, March 29, 1983; amended, T-84-11, July 1, 1983; amended May 1, 1984; amended, T-85-9, April 11, 1984; amended, T-85-24, Sept. 18, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended, T-89-24, May 27, 1988; amended Sept. 26, 1988; amended T-1-10-28-88, Oct. 28, 1988; amended Jan. 2, 1989; amended July 1, 1989; amended T-30-7-27-89, July 27, 1989.)

30-5-88. Scope of physician services. (a) Except as set forth in subsection (b), the program shall cover medically necessary services recognized under Kansas law provided to program recipients by physicians who are licensed to practice medicine and surgery in the jurisdiction in which the service is provided.

(b) The following services shall be excluded from coverage under the program, except as noted:

(1) Visits. The following types of visits shall be excluded:

(A) Office visits when the only service provided is an injection or some other service for which a charge is not usually made;

(B) non-psychiatric office visits which exceed 12 per calendar year;

(C) psychotherapy services which are not prior authorized when provided concurrently by the same provider with both targeted case management services and partial hospitalization services;

(D) psychotherapy services which exceed an average of 32 hours of individual therapy or 32 hours of group therapy or any combination of these per calendar year per recipient, unless the recipient is a Kan Be Healthy program participant and:

(i) Psychotherapy services do not exceed 40 hours per calendar year per Kan Be Healthy program participant; or

(ii) psychotherapy services are being rendered pursuant to a plan approved by the agency. Prior authorization for the plan shall be required. The plan shall not exceed a two-year period and shall be subject to a reimbursement limit established by the secretary. Quarterly progress re-

ports shall be submitted to the division of medical programs;

(E) inpatient hospital visits in excess of those allowable days for which the hospital is paid or would be paid if there were no spenddown requirements; and

(F) nursing home visits in excess of one per month unless medical necessity is documented.

(2) Consultations. Consultations shall be excluded as follows:

(A) Consultations which are absent a written report;

(B) inpatient hospital consultations in excess of one per condition per 10-day period unless written documentation confirming medical necessity is attached to the claim; and

(C) other consultations in excess of one per condition per 60-day period unless written documentation confirming medical necessity is attached to the claim.

(3) Surgical procedures. Surgical procedures shall be excluded as follows:

(A) Procedures that are experimental, pioneering, cosmetic, or designated as non-covered;

(B) transplants, other than prior authorized liver transplants, prior authorized heart transplants performed at the Kansas university medical center, and corneal, kidney and bone marrow transplants and related services;

(C) services of a surgical assistant when surgery is determined not to require an assistant; and

(D) elective surgery, except for sterilization operations, or for Kan Be Healthy program participants.

(4) Miscellaneous procedures. Miscellaneous procedures shall be excluded as follows:

(A) Diagnostic radiological and laboratory services unless the services are medically necessary to diagnose or treat injury, illness or disease;

(B) physical therapy unless:

(i) Performed by a physician or registered physical therapist under the direction of a physician; and

(ii) prescribed by the attending physician.

(C) medical services of medical technicians unless the technicians are under the direct supervision of a physician; and

(D) inpatient services which were provided on days of hospital stay which are determined to not be medically necessary.

(5) Family planning services and materials.

(A) Family planning services and materials shall be excluded unless:

(i) The services are provided by a physician, family planning clinic, or county health department;

(ii) written informed consent is obtained as necessary; and

(iii) the scope of services provided are in compliance with applicable federal and state statutes and regulations.

(B) Reverse sterilizations shall be excluded.

(6) Concurrent care. Concurrent care shall be excluded unless the patient:

(A) Has two or more diagnoses involving two or more systems; and

(B) the special skills of two or more physicians are essential in rendering quality medical care. The occasional participation of two or more physicians in the performance of one procedure shall be recognized. Each physician involved shall submit that physician's usual charge only for

that portion of the procedure for which the physician is actually responsible.

(7) Psychological services for an individual entitled to receive these services as a part of care or treatment from a facility already being reimbursed by the program or by a third party payor shall be excluded.

(8) Services provided by physician extenders shall be excluded, except as listed below:

(A) Adult care home visits, certifications and recertifications;

(B) routine, annual medical histories and physicals;

(C) subsequent day hospital visits;

(D) routine, standard home visits; and

(E) standard office visits. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-9, April 11, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended, T-89-24, May 27, 1988; amended Sept. 26, 1988; amended T-1-10-28-88, Oct. 28, 1988; amended Jan. 2, 1989; amended July 1, 1989; amended T-30-7-27-89, July 27, 1989.)

WINSTON BARTON
Secretary of Social and
Rehabilitation Services

Doc. No. 008177

State of Kansas

DEPARTMENT OF ADMINISTRATION

TEMPORARY ADMINISTRATIVE REGULATIONS

Article 2.—DEFINITIONS

1-2-1. (Authorized by K.S.A. 1980 Supp. 75-3747; implementing K.S.A. 1980 Supp. 75-2938; effective May 1, 1979; amended May 1, 1981; revoked T-1-7-27-89, July 27, 1989.)

Article 5.—COMPENSATION

1-5-9. Salary of temporary or emergency employee.

(a) Except as provided in subsections (b) or (c) that follow, the salary of a temporary or emergency employee shall be step A of the range.

(b) If a higher salary is authorized for an original appointment, pursuant to K.A.R. 1-5-8(b)(2), a temporary or emergency appointment may be made at the higher salary, at the option of the appointing authority.

(c) Any person appointed on a temporary or an emergency appointment who has had, within three years, permanent status in the same class or another class at the same or a higher range may be paid at the same step of the range in the class in which the person is temporarily employed as the step on which he or she was being paid at the time of his or her most recent employment with permanent status. For persons whose previous employment ended under a pay plan in effect prior to fiscal year 1990, the step will be determined by the same method

as was used for implementation of the new pay plan for fiscal year 1990.

(d) Nothing herein shall prevent the appointing authority from making the appointment at a step in the range lower than permitted by this subsection (b) or (c).

(e) No person appointed on a temporary or an emergency basis shall be eligible for salary step increase during his or her period of temporary or emergency employment. (Authorized by K.S.A. 1988 Supp. 75-3747; implementing K.S.A. 75-2938 and 1989 HB 2553; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended T-1-7-27-89, July 27, 1989.)

1-5-10. Salary of employee reinstated or reemployed. (a) Except as otherwise provided in this subsection, any person appointed by reinstatement may be paid at the same step of the range for the class to which the employee is reinstated as the step on which the employee was previously paid for the class which serves as the basis for the employee's eligibility for reinstatement. Reinstatement appointments at a higher step of the range for the class to which the employee is reinstated shall be made only under the following circumstances:

(1) When the employee to be reinstated has exceptional qualifications and the agency cannot hire the person at the previous step, the agency's appointing authority may request that the director of personnel services approve a starting salary at a higher step in the range. Such a request shall include information concerning the former employee's education, training, experience, and other qualifications.

(2) When a higher step in the range has been established as the starting salary for original appointments to the class pursuant to K.A.R. 1-5-8, the agency shall appoint the employee to the step at which it makes original appointments in the class.

(3) Nothing in this subsection shall prevent a person from accepting an appointment by reinstatement at a step lower than that on which the person was being paid in the class which serves as the basis for the employee's eligibility for reinstatement. The pay increase date for any person appointed by reinstatement shall be governed by the time-on-step requirement of the step to which appointed. Time-on-step on a previous appointment shall not count towards the time-on-step requirement.

(b) (1) Any person appointed by reemployment to the same class from which the person was laid off, or to a class with the same salary range as that class:

(A) shall be paid at the same step of the range as the step on which the person was being paid on the date the person was laid off, provided the agency has sufficient funds budgeted to fund the position at that step; or

(B) may be paid at a lower step in the range than the step on which the person was being paid on the date the person was laid off, provided the step paid is no lower than the step the agency has budgeted for the position. If the person is reemployed at a step lower than the step on which the person was being paid on the date the person was laid off, and if funds become available within one year from the date the person is reemployed, the agency shall increase the person's salary up to the step

(continued)

the person was being paid on the date the person was laid off. Such an increase shall not affect the person's eligibility for salary step increases provided for in K.A.R. 1-5-19b.

(2) Any person appointed by reemployment to a class with a salary range lower than the class from which the person was laid off:

(A) may be paid at the same salary rate (dollar amount) as the rate the person was being paid immediately prior to being laid off, if the rate is on a step in the lower range. If that rate is within the range for the class but not on a step, the person may be paid at the next lower step or the next higher step. However, in no case shall the person be paid above the maximum step of the lower salary range; or

(B) may be paid at a lower salary rate (dollar amount) than the person was being paid immediately prior to being laid off. However, such a person shall not be paid at a step less than the same step of the range for the lower class as the step on which the person was being paid on the date the person was laid off, provided the agency has sufficient funds to fund the position at that step. If the agency does not have sufficient funds budgeted, the person shall be paid at the step of the range for which the agency has budgeted for the position. If the person is reemployed at a step lower than the step on which the person was being paid on the date the person was laid off, and if funds become available within one year from the date the person is reemployed, the agency shall increase the person's salary to the step the person was being paid on the date the person was laid off. Such an increase shall not affect the person's eligibility for salary step increases provided for in K.A.R. 1-5-19b.

(c)(1) In determining the pay increase date for any person appointed by reemployment to the class from which the person was laid off, to a class with the same salary range as that class, or to a class with a salary range lower than that class, the length of time the employee had spent on the same salary step immediately prior to the date the person was laid off shall count toward the time-on-step requirement. If the pay increase date for such a person is less than six months after the date of reemployment, the agency may use the person's last performance evaluation rating prior to layoff or may give a new performance evaluation rating in determining the person's eligibility for a salary step increase, as provided in K.A.R. 1-5-19b.

(d) The salary step for persons who are reinstated or reemployed, and whose previous employment ended under a pay plan in effect prior to fiscal year 1990, shall be determined by the same method as was used for conversion to the new pay plan for fiscal year 1990. (Authorized by K.S.A. 1988 Supp. 75-3747; implementing K.S.A. 75-2938 and 75-2948, K.S.A. 1988 Supp. 75-3746, and 1989 HB 2553; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987; amended T-1-7-27-89, July 27, 1989.)

1-5-11. Salary of employee returned from military leave. (a) Except as provided in subsection (b) of this regulation, any employee who returns from military leave

to a position in the same class in which the employee was employed when the leave was granted, or to a position in the same salary range, shall be paid at the same step in the salary range at which the employee was being paid when he or she went on leave. For persons who were granted military leave under a pay plan in effect prior to fiscal year 1990, the step shall be determined by the same method as was used for conversion to each of the pay plans implemented following the effective date of military leave. In determining the employee's new pay increase date, credit shall be given for the time served in the armed forces.

(b) The appointing authority shall grant one or more salary step increases to an eligible employee upon the employee's return from military leave if the authority is reasonably certain the employee would have received the increase had the employee been continuously employed and state service not interrupted by military leave. (Authorized by K.S.A. 1988 Supp. 75-3747; implementing K.S.A. 75-2947 and 1989 HB 2553; effective May 1, 1979; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended May 1, 1985; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987; amended March 20, 1989; amended T-1-7-27-89, July 27, 1989.)

1-5-19b. Individual salary step increases. (a) Each employee whose latest performance evaluation rating in the preceding 12-month period is at least satisfactory shall receive salary step increases pursuant to this regulation, except as otherwise ordered by the governor.

(b) Each employee who is on step A or B of a range shall receive a one-step salary increase after six full months on that step of the range.

(c) Each employee who is on step C of a range or any higher step, except 0, shall receive a one-step salary increase after 12 full months on that step of the range. (Authorized by K.S.A. 1988 Supp. 75-3747 and 1989 HB 2553; implementing K.S.A. 75-2938 and 1989 HB 2553; effective May 1, 1983; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended May 1, 1987; amended T-1-7-27-89, July 27, 1989.)

1-5-19c. Effect of range changes on salary. (a) When the governor has assigned a class of positions to a higher salary range, each employee in the class of positions assigned to the higher salary range shall be placed on the step of the higher range that is the same rate (dollar amount) as the current rate paid to the employee.

(b) If the employee is being paid a dollar amount below step A of the higher range, an increase shall be made to step A. However, if the employee has been employed continuously in the class for at least six months, the increase may be to step B.

(c) In all cases, the length of time the incumbent has spent on the step of the previous range shall count toward the time-on-step requirement for computing the next pay increase date. If the number of months accumulated is greater than the number of months required for a step increase, the employee shall be granted one or more step increases and any unused months shall count toward the next pay increase. (Authorized by K.S.A. 1988 Supp. 75-3747; implementing K.S.A. 75-2938 and 1989 HB 2553; effective May 1, 1983; amended, T-86-17, June 17, 1985;

amended May 1, 1986; amended May 1, 1987; amended T-1-7-27-89, July 27, 1989.)

1-5-24. Overtime. (a) Except as otherwise provided by the statutes or regulations, employees of the state who are eligible to receive overtime compensation under the Fair Labor Standards Act of 1938, as amended, shall be compensated for overtime as provided in that act. State employees in agricultural positions shall also be eligible for overtime compensation. The director shall make the final determination as to eligibility to receive overtime pursuant to this subsection for all classified employees and all unclassified employees whose salaries are subject to approval by the governor under K.S.A. 75-2935b and amendments thereto.

(b)(1) The rate at which any eligible employee is to be compensated for overtime worked shall be one and a half times the employee's regular rate of pay; this rate shall not include premium pay for holidays worked or any call-in and call-back compensation paid for hours not actually worked.

(2) All employees eligible for overtime compensation and who were paid for overtime during the 12 months preceding the receipt of longevity pay shall receive an additional overtime payment to be calculated as follows:

(A) Divide longevity pay by total hours worked in the preceding 12 months to obtain increase in regular rate; and

(B) Multiply increase in regular rate by the number of overtime hours paid in the preceding 12 months; then, multiply that product by one half. The result will be the employee's additional overtime pay.

No additional overtime pay shall be due for any overtime hours worked during the preceding 12 months for which compensatory time was given under subsection (f).

(c) Each appointing authority shall be responsible for control of overtime in the agency. Overtime, to the extent possible, shall be authorized in advance by the responsible supervisor.

(d) Eligibility for overtime for a class or position that is not eligible for overtime under subsection (a) may be authorized by the director.

(e) In determining whether an employee in a position or class determined to be eligible for overtime pay has worked any overtime in a given workweek or work period, all time in pay status shall be considered as time worked. For the purpose of this regulation, "in pay status" shall be defined as in K.A.R. 1-5-5(c).

(f)(1) In lieu of paying an eligible employee at the time and a half rate for overtime worked, an agency may elect to compensate an employee for overtime worked by granting compensatory time off, at the rate of one and a half hours off for each hour of overtime worked, at some time after the workweek or work period in which the overtime was worked.

(2)(A) An eligible employee shall not accrue more than 120 hours of compensatory time for overtime hours worked except as provided in paragraph (B). Any eligible employee who has accrued 120 hours of compensatory time off shall, for any additional overtime hours of work, be compensated with overtime pay.

(B) Upon written request by an appointing authority, a higher maximum accumulation of compensatory time

may be approved by the secretary of administration for a class or a group of eligible employees within that agency, provided that the maximum accumulation shall not exceed 240 hours.

(3) If an eligible employee is paid for accrued compensatory time off, such compensation shall be paid at the regular rate earned by the employee at the time the employee receives the payment.

(4) (A) Each eligible employee who has accrued compensatory time off authorized under this subsection shall, upon termination of employment, be paid for the unused compensatory time at a rate of compensation not less than:

(i) the average regular rate received by such eligible employee during the last three years of the employee's employment; or

(ii) the final regular rate received by such eligible employee, whichever is higher.

(B) Any longevity payments received during the last three years of employment shall be included in determining the average regular rate and the final regular rate in paragraph (4)(A).

(5)(A) Each eligible employee who has accrued compensatory time off authorized under this subsection, and who has requested the use of compensatory time, shall be permitted by the appointing authority to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the agency.

(B) Each employee who has accrued compensatory time off under this subsection may be required by the appointing authority to use the compensatory time within a reasonable period after receiving notice of such a requirement. The notice shall state the length of time in which a specified number of hours of compensatory time are to be used.

(g) When an employee who is eligible for overtime works additional time that could result in overtime hours, that employee's agency may give the employee equivalent time off, on an hour for hour basis, in the workweek or work period in which the additional time is worked if:

(1) the agency notifies the employee of the change in the employee's normal work schedule for that workweek or work period at least five calendar days in advance of the day in which the employee's normal work schedule is first changed; or

(2) the agency has established a written policy stating that the employee may be required to take equivalent time off, on an hour for hour basis, in the workweek or work period in which additional time is worked; or

(3) the employee requests or agrees to take equivalent time off during the workweek or work period in which additional time was worked, and the agency determines that this arrangement is not detrimental to the operations of the agency.

In any case, the equivalent time off shall be taken at a time agreeable with the agency during the workweek or work period in which the additional time is worked. (Authorized by K.S.A. 1988 Supp. 75-3747; implementing K.S.A. 75-2938 and 1989 HB 2553; effective May 1, 1979; amended May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-86-17, June 17, 1985; amended, T-86-36, December 11, 1985; amended May 1, 1986;

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amended, T-87-11, May 1, 1986; amended May 1, 1987; amended T-1-7-27-89, July 27, 1989.)

1-5-29. Longevity Pay. (a) Each employee who has at least 120 months of satisfactory service credit on their service anniversary date shall be eligible for longevity pay. For the purposes of this regulation, service anniversary date shall be the date on which the employee began employment under the Kansas civil service act. Service credit shall be length of service as defined in K.A.R. 1-2-46 except as follows:

(1) All documented time spent on a temporary or emergency position shall be added to length of service credit.

(2) Except for documented periods of unsatisfactory service, all service prior to June 18, 1989, shall be presumed to be satisfactory.

(3) All periods of documented part-time employment shall be converted to full-time equivalency by assigning service credit for all time in pay status, at a rate equivalent to the percent-time of the position.

(4) The provisions of K.A.R. 1-2-46(e) shall not apply when calculating service credit.

(b) Except as provided in (a)(2), service credit shall not be provided for any period in which an unsatisfactory performance rating applies, and longevity pay shall not be issued unless a documented performance rating has occurred in the 12 months immediately preceding the employee's service anniversary date.

(c) A successful appeal which changes an assigned unsatisfactory rating to at least satisfactory in accordance with K.A.R. 1-7-11 and K.A.R. 1-7-12, shall restore service credit for the period to which an unsatisfactory rating applied.

(d) The longevity payment for each eligible employee shall be computed by multiplying \$40 by the number of full years of satisfactory service, not to exceed 25 years. Full years of satisfactory service shall be calculated by dividing total number of months of service credit by 12, and excluding any fractions of a year. However, fractions of a year in service credit shall not be excluded from further continuous accumulation of service credit.

(e) Longevity pay shall increase the regular rate applying to overtime pay for hours worked during the 12 months preceding the service anniversary date, and shall be considered in calculating the payment for annual compensatory time to an employee upon termination as provided in K.A.R. 1-5-24. (Authorized by and implementing 1989 HB 2553; effective T-1-7-27-89, July 27, 1989.)

Article 7.—PROBATIONARY PERIOD AND EMPLOYEE EVALUATION

1-7-10. Performance evaluation ratings. (a) Performance evaluation ratings shall be considered:

(1) in determining salary increases and decreases within the limits established in the pay plan;

(2) as a factor in determining service credit for longevity payments as provided in K.A.R. 1-5-29;

(3) as a factor in civil service promotional tests;

(4) as a factor in determining the order of layoff and in establishing the order in which names are to be placed on the reemployment lists; and

(5) as a means of discovering employees who should be

promoted or transferred, or who because of their low performance, should be demoted or dismissed.

(b) The appointing authority shall have performance evaluation ratings made for each employee under the authority's jurisdiction in the classified service. The ratings shall be made, at least annually, in the manner required, and on the forms prescribed by the director. The appointing authority may have a special evaluation made for any employee at any time.

(c) The actual rating of each employee shall be made by the employee's immediate supervisor, or by another qualified person or persons designated by the appointing authority. A qualified person is one who is familiar with the duties and responsibilities of the employee's position and with the job performance of the employee.

(d) The supervisor shall develop, with input from the employee, a list of major duties and responsibilities of the employee's position, and the performance requirements for each of these duties and responsibilities. The employee shall be given a copy of the list and the performance requirements at the beginning of the rating period. When the employee is evaluated, the employee shall be rated as to how well he or she meets the performance requirements for each of the major duties and responsibilities and shall be assigned a final adjective rating. The employee shall be given a copy of the evaluation.

(e) The employee shall be given the opportunity to sign the evaluation as evidence that the employee has been informed of the evaluation; that signature shall not abridge the employee's right of appeal if the employee disagrees with the evaluation. Failure of the employee to sign an evaluation shall not invalidate the evaluation. Employees entitled to appeal an evaluation may do so within seven calendar days after being informed of the rating.

(f) After the seven calendar day period for filing appeals has expired, if no appeal has been filed, the appointing authority or the authority's designated agent shall review the rating, shall make any changes deemed necessary, shall sign the rating form, and shall have copies transmitted to the employee, to the rater or raters and the reviewer or reviewers as the appointing authority deems necessary. If the appointing authority makes any change in the rating, or adds any comment on the rating form, the form shall be returned to the employee to be signed again, and the employee, if eligible to appeal the rating, shall again have seven calendar days to file an appeal to the appointing authority. Final results of evaluation shall be submitted to the director. (Authorized by K.S.A. 1988 Supp. 75-3747; implementing K.S.A. 75-2943 and 1989 HB 2553; effective May 1, 1983; amended May 1, 1984; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended T-1-7-27-89, July 27, 1989.)

SHELBY SMITH
Secretary of Administration

Doc. No. 008172

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENTPERMANENT ADMINISTRATIVE
REGULATIONSArticle 33.—LABORATORIES PERFORMING
TESTS FOR SYPHILIS

28-33-11. Approval of laboratories performing human immunodeficiency virus testing. (a) Definitions.

(1) "Department" means the department of health and environment.

(2) "Division" means the division of laboratories and research of the Kansas department of health and environment.

(3) "Laboratory director" means the person responsible for the professional, administrative, organizational and educational duties of a laboratory.

(4) "Screening test" means a sensitive, rapid test designed to eliminate a true negative from further consideration.

(5) "Confirmatory test" means a specific, supplemental test using western blot or immunofluorescent techniques.

(6) "Confirmed positive test" means a test performed on a repeatedly positive screening test specimen which gives positive results on the confirmatory test.

(b) Approval procedure. Each laboratory seeking approval of the department to perform serologic tests for human immunodeficiency virus shall:

(1) submit an application on forms prepared by the division;

(2) successfully meet the criteria of inspection; and

(3) successfully participate in an approved proficiency program.

(c) Inspection.

(1) Upon receipt of a laboratory's application for approval, the laboratory shall be inspected by a representative of the division. The laboratory shall be evaluated to determine compliance with following criteria:

(A) Each laboratory shall use only serologic test methods for human immunodeficiency virus approved in the January 8, 1988, Mortality and Morbidity Weekly Report, U.S. Department of Health and Human Services, HHS Publication No. (CDC) 88017, which is hereby adopted by reference.

(B) Each test procedure, shall be performed in accordance with a written test protocol. The protocol shall be approved by the laboratory director and be consistent with the manufacturer's written instructions. The protocol shall outline a quality assurance program and shall include at least the following:

(i) A procedure to ensure proper identification of specimens;

(ii) confirmation of all repeatably positive screening tests;

(iii) a policy that only confirmed positive tests shall be reported as positive;

(iv) an internal quality control program that monitors the accuracy and precision of laboratory performance on a daily basis;

(v) an instrument maintenance program;

(vi) provisions for retention of all confirmed positive specimens for at least one year;

(vii) disposal of all medical wastes in accordance with K.A.R. 28-29-27; and

(viii) documentation of adherence to the foregoing policies.

(C) Equipment required by the test procedure shall be maintained to the manufacturer's specifications.

(D) Reagents, control sera and any other required materials for procedures being performed shall be available and shall be stored according to a manufacturer's specifications.

(E) Sufficient work space shall be provided to safely perform serological tests.

(2) During any inspection, one or more persons may be required to demonstrate performance of procedures for which approval is requested.

(3) Follow-up inspections of approved laboratories may be conducted at any time.

(4) Each laboratory director shall:

(A) Be a physician who:

(i) is qualified according to CFR 405.1312(b)(1), (b)(2)(i) and (b)(2)(ii) as in effect October 1, 1984, which is hereby adopted by reference; or

(ii) subsequent to graduation, has obtained four or more years of full-time general laboratory training and experience of which at least two years were spent acquiring proficiency in one of the laboratory specialties in an approved clinical laboratory or the specialty of public health; or

(B) Hold an earned doctoral degree from an accredited institution with chemical, physical, or biological science as a major subject; and

(i) be qualified according to CFR 405.1312(b)(4)(i), as in effect on October 1, 1984, which is hereby adopted by reference; or

(ii) subsequent to a graduation, have obtained four or more years of full-time general clinical laboratory training and experience of which at least two years were spent acquiring proficiency in one of the laboratory specialties in an approved clinical or public health laboratory.

(5) If the laboratory director does not have training and experience in serology, a supervisor shall be available to provide direct supervision of the analysts. The supervisor shall have at least a bachelors degree in chemistry, microbiology or medical technology and at least six years of experience in one or more of these fields. At least two years of this experience shall be in serology.

(6) The laboratory director shall evaluate each analyst performing procedures for which approval is sought to assure that each analyst is trained in each test procedure being performed. The laboratory shall maintain documentation of training and the records shall be available at all times.

(7) Records of each test result shall be maintained for a minimum of two years.

(d) Proficiency program. Each laboratory shall subscribe to and participate in an approved external proficiency program that encompasses human immunodeficiency virus tests as defined by 42 CFR 405.1310(c), as in effect on October 1, 1984, which is

(continued)

hereby adopted by reference. A list of approved programs shall be available from the division.

(1) Each laboratory seeking initial approval shall have successfully participated in one challenge of proficiency tests before approval is granted.

(2) The results of each laboratory's performance in its proficiency program shall be sent directly from the approved external proficiency program to the division.

(3) Unsatisfactory performance in an approved external proficiency program as determined by the division, or failure to participate in an approved external proficiency program shall constitute reason for denying or revoking the approval of a laboratory to perform human immunodeficiency virus testing. Criteria for acceptable performance in a proficiency program shall be available from the division.

(e) Laboratories located outside of the state of Kansas shall be approved providing that the laboratory is certified or approved by a federal, state, or independent agency having equivalent or more stringent standards and meets all the requirements denoted herein. The laboratories shall submit the following documentation for evaluation by the department:

(1) Report of the most recently completed on-site evaluation;

(2) Proficiency test results from the most recently completed proficiency challenge;

(3) Personnel qualifications;

(4) Analytical methods utilized;

(5) Standards on which current certification is based; and

(6) Any other documentation as deemed necessary by the department.

(f) List of approved laboratories. A current list of approved laboratories shall be maintained by the department. Laboratories shall be approved annually.

(g) Removal from approved list.

(1) A laboratory shall be removed from the approved list after voluntarily terminating or after a notice and an opportunity for a hearing. All orders of termination shall become final 15 days after service unless an appeal is filed in writing. All appeals shall be conducted according to Chapter 77, Art. 5, Kansas statutes annotated.

(2) Notification of removal of a laboratory from the approved list shall be made by certified mail. (Authorized by and implementing K.S.A. 65-1,107, as amended by L. 1988, Ch. 233, Sec. 1; effective Oct. 2, 1989.)

28-33-12. General Provisions. (a) Definitions.

(1) "Department" means the department of health and environment.

(2) "Division" means the division of laboratories and research of the Kansas department of health and environment.

(3) "Laboratory director" means the person responsible for the professional, administrative, organizational and educational duties of a laboratory.

(4) "Test for controlled substance" means a procedure to evaluate a specimen for compounds identified in schedule I and II of the Kansas controlled substance act, K.S.A. 65-4105 and 65-4107. These tests shall not include testing performed in a correctional facility solely for the purpose of internal management of persons in custody, or testing

performed in facilities operated by the Kansas social and rehabilitation services for the care, custody and control of juveniles.

(5) "Screening test" means a sensitive, rapid test designed to eliminate true negative specimens from further consideration.

(6) "Positive screening test" means a screening test that exceeds the threshold value for the test method employed.

(7) "Threshold" means a set level of defined drug or metabolite concentration; a number at or above this level indicates a positive result and a number below indicates a negative result.

(8) "Detection limits" means the minimal concentration of a drug or metabolite that can be observed by the test method employed.

(9) "Confirmatory test" means a gas chromatography/mass spectrometry analytical procedure used to specifically identify the presence of a drug or drug metabolite. Quantitative confirmation results at the threshold levels defined in the federal register, Vol. 53, No 69, April 11, 1988, are adopted by reference.

(b) Approval procedure. Each laboratory seeking approval of the department to perform tests for controlled substances as defined in schedule I and II of the Kansas controlled substance act, K.S.A. 65-4105, 65-4107 shall:

(1) submit an application on standard forms furnished by the division;

(2) successfully meet the criteria of inspection; and

(3) successfully participate in an approved proficiency program.

(c) Upon receipt of a laboratory's application for approval, the laboratory shall be inspected by a representative of the division. The laboratory shall be evaluated to determine compliance with following criteria:

(1) Screening test methods for controlled substances shall only include gas chromatography, thin layer chromatography, or immunoassay. Screening test methods shall screen individually for the following five classes of drugs: marijuana metabolites, cocaine metabolites, opiates, phencyclidine, and amphetamines.

(2) Each test procedure, shall be performed in accordance with a written test protocol. The protocol shall be approved by the laboratory director. The protocol shall require that blank specimens containing no drug and specimens fortified with known analyte concentrations are included with each batch of specimens screened. At least one fortified control must be at or near the threshold cutoff. Procedures shall insure that carry-over between specimens does not occur. Detection limits for each test method shall be defined.

(3) A laboratory quality assurance program shall be developed and shall contain the following components:

(A) requirements for sample collection which adhere to the division's criteria for sample collection or a signed statement that the specimen was properly collected according to these criteria if collection is at a location other than the laboratory performing the test;

(B) identification and chain of custody procedures for specimens;

(C) procedures for assuring security of the testing area;

(D) confirmation procedures for all positive screening tests unless evidenced by documentation that:

(i) Testing is performed for medical purposes on a hospital inpatient or patient currently undergoing treatment in a hospital emergency room;

(ii) testing is performed on a specimen from an individual currently under treatment for substance abuse; or

(iii) testing is performed for a correctional facility solely for the purpose of internal management of persons as defined in regulations promulgated by the Secretary of Corrections;

(E) stated policies that only confirmed positives will be reported as positive;

(F) procedures for an internal quality control program that monitors the accuracy and precision of laboratory performance on a daily basis;

(G) procedures for an instrument maintenance program;

(H) provision for retention of all confirmed positive specimens for at least one year;

(I) policies requiring disposal of all medical wastes in accordance with K.A.R. 28-29-27; and

(J) documentation of adherence to the foregoing policies and procedures.

(4) Equipment required by the test procedure shall meet the manufacturer's specifications.

(5) Reagents, controls and any other required materials for the procedure being performed shall be available and shall be stored according to the manufacturer's specifications.

(6) Sufficient work space shall be provided to safely perform the tests.

(d) During the inspection, one or more persons may be required to demonstrate performance of the procedure under consideration.

(e) Follow-up inspections of approved laboratories may be conducted at any time.

(f) All laboratory personnel shall meet the following verified standards and credentials:

(1) Each laboratory director shall:

(A) Be a physician with additional training in pharmacology, toxicology, clinical pathology or forensic pathology; or

(B) hold an earned doctoral degree from an accredited institution in a chemical or biological science with at least two years of laboratory experience in analytic toxicology.

(2) If the laboratory director does not directly supervise the analysts, a supervisor shall do so. The supervisor shall have at least a bachelors degree in chemistry, biological sciences or medical technology and shall have at least six years of experience in chemistry or analytic toxicology.

(3) The laboratory director shall assure that each analyst has been adequately trained in each test procedure being performed. Documentation of training shall be maintained and available at the time of the inspection.

(g) Records of each test result shall be maintained for at least two years.

(h) Proficiency program. Each laboratory shall subscribe to and participate in an approved external proficiency program for substance abuse drugs as defined by 42 CFR 405.1310(c), as in effect on October 1, 1984, which is hereby adopted by reference. A list of approved programs shall be available from the division.

(1) Each laboratory seeking initial approval shall have

successfully participated in one challenge of proficiency tests before approval is granted.

(2) The results of each laboratory's performance in the proficiency program shall be sent directly from the approved program to the division.

(3) Unsatisfactory performance in an approved external proficiency program, as determined by the division, or failure to participate shall constitute reason for denying or revoking approval. Criteria for acceptable performance in a proficiency program shall be available from the division.

(i) Laboratories located outside of the state of Kansas shall be approved providing that the laboratory is certified or approved by a federal, state, or independent agency having equivalent or more stringent standards and meets all the requirements denoted herein. The laboratories shall submit the following documentation for evaluation by the department:

(1) Report of the most recently completed on-site evaluation;

(2) Proficiency test results from the most recently completed proficiency challenge;

(3) Personnel qualifications;

(4) Analytical methods utilized;

(5) Standards on which current certification is based; and

(6) Any other documentation as deemed necessary by the department.

(j) List of approved laboratories. A current list of approved laboratories shall be maintained by the department. Laboratories shall be approved annually.

(k) Removal from approved list.

(1) A laboratory shall be removed from the approved list after voluntarily terminating or after notice and an opportunity for a hearing. All orders of termination shall become final 15 days after service unless an appeal is filed in writing. All appeals shall be conducted according to Chap. 77, Art. 5, Kansas statutes annotated.

(2) Notification of removal of a laboratory from the approved list shall be made by certified mail. (Authorized by and implementing K.S.A. 1988 Supp. 65-1,107; effective Oct. 2, 1989.)

STANLEY C. GRANT
Secretary of Health
and Environment

Doc. No. 008186

State of Kansas

KANSAS RACING COMMISSION

PERMANENT ADMINISTRATIVE
REGULATIONSArticle 4.—OCCUPATION AND
CONCESSIONAIRE LICENSES

112-4-14a. Trainer Responsibility. (a) Each trainer of record shall be responsible for horses in that trainer's care as to:

- (1) Eligibility;
- (2) weight or other allowances claimed;
- (3) physical fitness of the horse to perform credibly at the distance entered;

- (4) absence of prohibited substances;
- (5) proper shoeing, bandaging and equipment;
- (6) timely arrival in the paddock; and
- (7) proper handling of the horse in the test barn.

(b) Each trainer shall be responsible for each positive test revealing any substance foreign to a horse in that trainer's care unless the trainer can show by a preponderance of the evidence that neither the trainer nor any employee or agent of the trainer was responsible for or had knowledge of the administration of the substance causing the positive test.

(c) Each trainer shall be responsible for each puncture mark on a horse in that trainer's care unless the trainer can show by a preponderance of the evidence that neither the trainer nor any employee or agent of the trainer was responsible for or had knowledge of an injection. (Authorized by K.S.A. 1988 Supp. 74-8804; implementing K.S.A. 1988 Supp. 74-8816; effective T-____, ____; effective Oct. 2, 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 annually 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-112-19-89, Jan. 19, 1989; effective April 10, 1989; amended T-____, ____; amended Oct. 2, 1989.)

Article 9.—PARIMUTUEL WAGERING

112-9-39. Superfecta. (a) Each superfecta shall not be a parlay, shall have no connection with the win, place and show pools and shall be calculated as an entirely separate pool.

(b) Each superfecta wager shall be the purchase of a ticket that combines four entries in a single race that will finish first, second, third and fourth in the race. Only the wagerer who purchased a ticket containing the winning combination in the same order of finish as officially posted shall be paid from the superfecta pool.

(c) The amount wagered on the winning combination shall be deducted from the net pool to determine the profit; the profit shall be divided by the amount wagered on the winning combination to determine the profit per dollar wagered on the winning superfecta combination. The payoff shall include both the amount wagered and the profit.

(d) Each ticket that contains any entry declared a non-starter shall be deducted from the superfecta pool and the money shall be refunded to the wagerers.

(e) If no wagerer selects the first four entries, the pool shall be divided among holders of superfecta tickets selecting the first three entries; if no wagerer selects the first three entries, the pool shall be divided among holders of superfecta tickets selecting the first two entries; if no wagerer selects the first two entries, the pool shall be divided among holders of superfecta tickets selecting the winner as officially posted; if no wagerer selects the winner to win, the pool shall be divided among holders of superfecta tickets selecting the entry finishing second; if no wagerer selects the entry finishing second, the pool shall be divided among holders of superfecta tickets selecting the entry finishing third; if no wagerer selects the entry finishing third, the pool shall be divided among holders of superfecta tickets selecting the entry finishing fourth.

(f) In the event of a dead heat or dead heats, each ticket selecting the correct order of finish, counting an entry in a dead heat as finishing in either position that runs a dead heat, shall be paid in accordance with K.A.R. 112-9-37.

(g) If only three entries finish the race, the pool shall be divided among the holders of superfecta tickets selecting the first three entries, ignoring the entry selected to finish fourth. If fewer than three entries finish the race, a complete refund of the superfecta pool shall be made.

(h) 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.

(i) The superfecta regulation shall be prominently displayed in the mutuel area of the track conducting the superfecta or in the official track program. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 74-8819(b); effective T-____, ____; effective Oct. 2, 1989.)

112-9-40. Tri-super pool. (a) Each tri-super shall have no connection with the win, place and show pools and shall be calculated as an entirely separate pool.

(b) Each tri-super wager shall be the purchase of a ticket that combines three entries that will finish first, second and third in the first of two consecutive tri-super races. Only the holder of the ticket containing the winning combination in the same order of finish as officially posted for the first tri-super race shall be allowed to exchange the ticket for a tri-super exchange ticket.

(c) Any wagerer selecting the winning combination in the first tri-super race may, before the running of the second tri-super race, exchange the winning ticket for a tri-super exchange ticket and at the same time select the four entries to finish in the exact order as officially posted in the second of two consecutive tri-super races. No additional money shall be required of the holder of the tri-super ticket exchanged. Only wagerers selecting the winning combination in the same order of finish as officially posted as shown on the tri-super exchange ticket, shall be paid from the tri-super pool. No tri-super exchange ticket on the second tri-super race shall be issued except upon surrender of the tri-super ticket from the first tri-super race.

(d) Each tri-super ticket from the first race that is not presented for exchange before the running of the second tri-super race may be presented for the cash payoff, but shall not be exchanged. The wagerer shall forfeit all rights to distribution of the second race pool.

(e) Each tri-super pool shall be calculated in the following manner:

(1) In the first race pool, 50 percent of the net amount in that day's tri-super pool shall be distributed equally among the holders of tickets selecting the winning entries in the first tri-super race unless otherwise provided in this rule.

(2) In the second race pool, 50 percent of the net amount in that day's tri-super pool shall be distributed equally among the holders of exchange tickets selecting the winning combination in the second tri-super race, unless otherwise provided in this regulation.

(3) If no winning exchange ticket is issued in the second tri-super race, the second tri-super race pool shall not be distributed as provided in paragraph (2), but shall be retained by the organization licensee and shall be carried over and included in the tri-super second race pool for the next succeeding racing program as an additional amount to be distributed as provided in paragraph (2).

(4) If no distribution is made pursuant to paragraph (2), on the last day of the race meeting the organization licensee shall distribute the second tri-super race pool and all monies accumulated therein equally among the holders of exchange tickets selecting the winning combination of the second tri-super race on the last day of the race

meeting. The second tri-super race payoff on the last day of the race meeting shall use the first tri-super race payoff priority established by subsections (f) through (k) of this regulation.

(f) If no ticket is sold combining the three entries that will finish first, second and third as officially posted in the first race of the tri-super, there shall be no exchange for a second tri-super race ticket and the second tri-super race pool shall be retained by the organization licensee and included in the second race pool for the next succeeding racing program as an additional amount to be distributed as provided in subsection (e), paragraph (2). The first tri-super race pool shall be distributed equally among the holders of tri-super tickets selecting the entries finishing first and second.

(g) If no ticket is sold requiring distribution of the first race pool pursuant to subsection (f) of this regulation, the first tri-super race pool shall be distributed equally among the holders of the tri-super tickets selecting the entries finishing first and third.

(h) If no ticket is sold requiring distribution of the first tri-super race pool pursuant to subsections (f) or (g) of this regulation, the first tri-super race pool shall be distributed equally among the holders of tri-super tickets selecting the entry finishing first.

(i) If no ticket is sold requiring distribution of the first tri-super race pool pursuant to subsections (f), (g) or (h) of this regulation, the first tri-super race pool shall be distributed equally among the holders of tri-super tickets selecting the entries finishing second and third.

(j) If no ticket is sold requiring distribution of the first tri-super race pool pursuant to subsections (f), (g), (h), or (i) of this regulation, the first tri-super race pool shall be distributed equally among the holders of tri-super tickets selecting the entry finishing second.

(k) If no ticket is sold requiring distribution of the first tri-super race pool pursuant to subsections (f), (g), (h), (i) or (j) of this regulation, the first tri-super race pool shall be distributed equally among the holders of tri-super tickets selecting the entry finishing third. There shall be no exchange for a second tri-super race ticket and the second tri-super race pool shall be retained by the organization licensee and shall be carried over and included in the tri-super second race pool for the next succeeding racing program as an additional amount to be distributed as provided in subsection (e) (2).

(l) If no ticket is sold requiring distribution of the first tri-super race pool pursuant to subsections (f), (g), (h), (i), (j) or (k) of this regulation, the organization licensee shall refund each tri-super ticket for that program. The tri-super races shall end and the pool shall be closed for the day.

(m) If any entry is scratched in the first tri-super race, each tri-super ticket on the scratched entry shall be refunded.

(n) If any entry is scratched in the second tri-super race, each holder of a ticket containing the scratched entry shall be entitled to exchange the ticket for another selection before the running of the second tri-super race.

(o) If for any reason, any entry is scratched in the second tri-super race, and it is impossible to make an exchange on the scratched entry because the mutuel ma-

(continued)

chines have been locked, the tri-super shall be canceled for the day and the day's second tri-super race pool shall be distributed to the holders of all exchange tickets. Any amount carried over from any prior tri-super pool pursuant to subsection (e) of this regulation shall not be distributed, but shall be carried over to the next succeeding racing program of that meeting.

(p) In the event of a dead heat or dead heats for any of the first three or four positions in either the first or second races of the tri-super, the pool shall be divided among all tickets selecting the correct order of finish counting an entry in a dead heat as finishing in any position that runs a dead heat. The aggregate number of winning tickets shall be divided into the net pool and shall be paid at the same price.

(q) If for any reason the first tri-super race is canceled or declared "no race," all tri-super tickets for that program shall be refunded and the tri-super shall be canceled. Any amount carried over from any previous tri-super pool pursuant to subsection (e) of this regulation shall be retained by the organization licensee and shall be carried over and included in the tri-super second race pool for the next succeeding racing program as an additional amount to be distributed as provided in subsection (e)(2).

(r) If for any reason the second race of the tri-super is canceled or declared "no race," or if fewer than four entries finish, that day's second tri-super race pool shall be distributed equally among holders of tri-super exchange tickets. Any amount carried over from any previous tri-super pool pursuant to subsection (e) of this regulation shall be retained by the organization licensee and shall be carried over and included in the tri-super second race pool for the next succeeding racing program as an additional amount to be distributed as provided in subsection (e) (2).

(s) Each ticket shall be sold only at tri-super windows from automatic machines using electronic totalisator equipment. Each tri-super ticket shall be issued in multiples of two dollars. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 74-8819 (b) effective T-_____, _____; effective Oct. 2, 1989.)

112-9-41. Twin trifecta. (a) Each twin trifecta shall have no connection with the win, place and show pools and shall be calculated as an entirely separate pool.

(b) Each twin trifecta wager shall be the purchase of a ticket that combines three entries that will finish first, second and third in the first of two consecutive twin trifecta races. Only the wagerer who has selected the winning combination in the same order of finish as officially posted for the first twin trifecta race shall be allowed to exchange the ticket for a winning twin trifecta exchange ticket.

(c) Any wagerer selecting the winning combination in the first twin trifecta race may, before the running of the second twin trifecta race, exchange the winning ticket and at the same time select the three entries that will finish first, second and third in the second of two consecutive twin trifecta races. No additional money shall be required of the holder of the twin trifecta ticket to make the exchange.

(d) Only wagerers selecting the winning combination in the same order of finish as officially posted shall be

paid from the second twin trifecta pool. No second twin trifecta race exchange ticket shall be issued except upon surrender of the first twin trifecta race ticket.

(e) Each twin trifecta window shall be open for the purpose of cashing winning tickets and making the exchange described in this regulation only after the first twin trifecta race has been declared "official" and the windows shall close at the official post time at the start of the second twin trifecta race.

(f) Any winning twin trifecta ticket from the first race not presented in a timely manner for exchange as required by this regulation may be cashed for the monetary value as determined by this regulation, but shall not be exchanged for a second twin trifecta race ticket and the purchaser shall forfeit all rights to distribution of the second twin trifecta race pool.

(g) The twin trifecta pool shall be calculated as follows:

(1) In the first race pool, 50 percent of the net amount in that day's pool shall be distributed equally among the holders of tickets selecting the winning entries of the first twin trifecta race unless otherwise provided in this regulation.

(2) In the second race pool, 50 percent of the net amount in the pool shall be distributed equally among the holders of exchange tickets selecting the winning entries of the second twin trifecta race unless otherwise provided in this regulation.

(3) If no winning exchange ticket is issued in the second twin trifecta race, the second race pool shall not be distributed as provided in paragraph (2), but shall be retained by the organization licensee and shall be carried over and included in the second twin trifecta race pool for the next succeeding racing program as an additional amount to be distributed as provided in paragraph (2).

(4) If no distribution is made as required in paragraph (2) during one calendar year, the organization licensee shall distribute the second race pool and all monies accumulated in it equally among the holders of exchange tickets selecting the finishing entries in the last second twin trifecta race of the race meet in the priority established by subsections (h) through (m) of this regulation.

(h) If no ticket is sold on the winning combination in the first race of the twin trifecta, the first race pool shall be distributed equally among the holders of the tickets selecting the entries finishing first and second.

(i) If no ticket is sold requiring distribution of the first race pool as required in subsection (h) of this regulation is sold, and no ticket is sold that selects the entries finishing first and second, the first race pool shall be distributed equally among holders of the tickets selecting the entries finishing first and third.

(j) If no ticket is sold requiring distribution of the first race pool as required in subsections (h) or (i) of this regulation, the first race pool shall be distributed equally among the holders of tickets selecting the entry finishing first.

(k) If no ticket is sold requiring distribution of the first race pool as required in subsections (h), (i) and (j) of this regulation, the first race pool shall be distributed equally.

(l) If no ticket is sold requiring distribution of the first place pool as required in subsections (h), (i), (j) and (k) of this regulation, the first race pool shall be distributed

equally among the holders of tickets selecting the entry finishing second.

(m) If no ticket is sold requiring distribution of the first race pool as required in subsections (h), (i), (j), (k), and (l) of this regulation, the first race pool shall be distributed equally among the holders of tickets selecting the entry finishing third.

(n) If no ticket is sold requiring distribution of the first race pool as required in subsections (h), (i), (j), (k), (l) and (m) of this regulation, the organization licensee shall refund all tickets for that program. The twin trifecta races shall end and the pool shall be closed for the day.

(o) If any entry is scratched in the first race of the twin trifecta, each twin trifecta ticket on the scratched entry shall be refunded.

(p) If any entry is scratched in the second twin trifecta race, each holder of a ticket on the scratched entry shall be entitled to exchange the ticket for another selection before the running of the second twin trifecta race.

(q) If a dead heat occurs in any of the first three positions in either the first or second race of the twin trifecta, the pool shall be divided among all wagerers selecting the correct order in either the first or second race of the twin trifecta, the pool shall be divided among all wagerers selecting the correct order of finish as officially posted, including an entry in a dead heat as finishing in any position that runs a dead heat. The aggregate number of winning tickets shall be divided into the net pool and be paid the same price.

(r) If for any reason the first race of the twin trifecta races is canceled or declared "no race," each twin trifecta ticket for that program shall be refunded and the twin trifecta canceled. Any amount carried over from any previous twin trifecta pool as required in subsection (g)(3) of this regulation shall be carried over to the next succeeding second twin trifecta race pool on the racing program of that meeting.

(s) If the second race of the twin trifecta is canceled or declared "no race" or if less than three entries finish the race, the amount in the second twin trifecta race pool shall be carried over and included in the second twin trifecta race pool for the next succeeding racing program as an additional amount to be distributed as provided in paragraph (2).

(t) Each twin trifecta ticket shall be sold only at twin trifecta windows from an automatic machine using electronic totalisator equipment. Each twin trifecta ticket shall be issued in multiples of two dollars.

(u) No coupled entries or fields shall start in races on which there is twin trifecta wagering. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b) effective T-____, ____; effective Oct. 2, 1989.)

JIMMY D. GRENZ
Executive Director

Doc. No. 008178

(Published in the Kansas Register, August 17, 1989.)

SUMMARY NOTICE OF BOND SALE
City of McPherson, Kansas
General Obligation Bonds, Series 113 of 1989
(general obligation bonds payable from
unlimited ad valorem taxes)

Sealed Bids

Subject to the official notice of bond sale dated August 14, 1989, sealed bids will be received by the city clerk of the city of McPherson, Kansas, on behalf of the governing body at the Municipal Center, 400 E. Kansas Ave., McPherson, until 10 a.m. C.D.T. on Wednesday, August 23, 1989, for the purchase of \$1,405,000 principal amount of General Obligation Bonds, Series 113 of 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 September 1, 1989, and will become due serially on November 1 in the years as follows:

Year	Principal Amount
1990	\$ 10,000
1991	\$ 10,000
1992	\$ 10,000
1993	\$ 10,000
1994	\$ 65,000
1995	\$145,000
1996	\$155,000
1997	\$165,000
1998	\$180,000
1999	\$190,000
2000	\$205,000
2001	\$215,000
2002	\$ 15,000
2003	\$ 15,000
2004	\$ 15,000

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 May 1 and November 1 in each year, beginning on May 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 \$28,100 (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 September 14, 1989, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

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Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1989 is \$53,436,735. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$3,930,000.

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 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, William J. Goering, 400 E. Kansas Ave., P.O. Box 1008, McPherson, KS 67460, (316) 241-6300; or from the financial advisor, Ranson & Company, Inc., Suite 610, Board of Trade Center, 120 S. Market, Wichita, KS 67202, Attention: Jeffrey K. Ray, (316) 262-2651.

City of McPherson, Kansas

Doc. No. 008191

(Published in the *Kansas Register*, August 17, 1989.)

NOTICE OF BOND SALE

\$3,000,000

**Franklin County, Kansas
General Obligation Bonds
Series 1989**

(Bridge Improvements)

Sealed Bids

Sealed bids for the purchase of \$3,000,000 principal amount of General Obligation Bonds, Series 1989 (Bridge Improvements), of the county hereinafter described, will be received by the undersigned county clerk of Franklin County, Kansas, on behalf of the governing body of the county at Franklin County Courthouse, South Main St., Ottawa, until 10 a.m. on Wednesday, August 30, 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. The bonds will be dated September 1, 1989, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
1990	\$200,000
1991	200,000
1992	200,000
1993	200,000
1994	200,000
1995	200,000
1996	200,000
1997	200,000
1998	200,000
1999	200,000
2000	200,000
2001	200,000

2002	200,000
2003	200,000
2004	200,000

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 March 1 and September 1 in each year, beginning on March 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 September 1, 1997, and thereafter, will be subject to redemption and payment prior to maturity on September 1, 1996, 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, plus accrued interest to the redemption date, without premium.

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 of 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 *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 improvements to bridges 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 as to rate or amount on 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 institutions 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 resolution 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 about October 2, 1989, at such bank or trust company in the state of Kansas or the greater metropolitan area of Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere will be at the expense of the successful bidder. Said bidder will also be furnished with

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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. 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 4 p.m. C.D.T. on September 11, 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 4 p.m. C.D.T. on September 11, 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).

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 \$60,000, payable to the order of the county to secure the county from any loss resulting from the failure of the successful 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 a 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 successful bidder in accordance with the terms and conditions of this notice, said check shall be returned to the bidder without interest thereon. 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 forfeited to the county with the county reserving the right to pursue any remedies available to it as the result of such default.

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.

Bond Ratings

The outstanding general obligation bonds of the county are rated "A" by Moody's Investment Service.

Bid Forms

All bids must be made on forms that 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 Franklin County Courthouse, Ottawa, Kansas, and must be received by the undersigned prior to 10 a.m. on Wednesday, August 30, 1989.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the county for the year 1988 is \$75,594,996. The total general obligation bonded indebtedness of the county as of the date of the bonds, including the bonds, is \$3,267,050.

Dated August 10, 1989.

FRANKLIN COUNTY, KANSAS

Laura Sutton
County Clerk

Franklin County Courthouse
South Main St.
Ottawa, KS 66067
(913) 242-1471

Doc. No. 008197

(Published in the *Kansas Register*, August 17, 1989.)

NOTICE OF BOND SALE

\$350,000

City of Tonganoxie, Kansas

General Obligation Bonds

Series 1989

(Library Project)

Sealed Bids

Sealed bids for the purchase of \$350,000 principal amount of General Obligation Bonds, Series 1989 Library Project), of the city hereinafter described, will be received by the undersigned city clerk of the city of Tonganoxie, Kansas, on behalf of the governing body of the city at City Hall, 321 S. Delaware, Tonganoxie, until 7 p.m. C.D.T. on Monday, August 28, 1989.

All bids will be publicly opened and read at said time and place and will be acted upon by the city 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. The bonds will be dated September 1, 1989, and will become due serially on December 1 in the years as follows:

Year	Principal Amount
1990	\$15,000
1991	15,000
1992	15,000
1993	15,000
1994	20,000
1995	20,000
1996	20,000
1997	20,000
1998	25,000
1999	25,000
2000	30,000
2001	30,000
2002	30,000
2003	35,000
2004	35,000

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 June 1 and December 1 in each year, beginning on June 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 city 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 city, bonds maturing on December 1, 1998, and thereafter will be subject to redemption and payment prior to maturity on June 1, 1997, 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, plus accrued interest to the redemption date, without premium.

Whenever the city 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 of 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 city shall elect to call any bond for redemption and payment prior to the maturity thereof, the city 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 *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 city 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 city on the basis of such bid. Each bid shall also specify the average annual net interest rate to the city 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 city, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the city. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the city 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 the purchase of land and the construction and equipping of a city library. The bonds will be general obligations of the city payable as to both principal and interest in part 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 city.

Internal Revenue Code of 1986

The Internal Revenue Code of 1986 imposes requirements on the city which must be met subsequent to the issuance of the bonds by the city and, as a result, the

(continued)

city will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The city'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 city'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 institutions 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 city 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 city, 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 city 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 excludable from the computation of

Kansas adjusted gross income for taxable years commencing after December 31, 1987.

Delivery and Payment

The city will pay for printing the bonds and will deliver the bonds, without cost to the successful bidder, properly prepared, executed and registered, on or about September 28, 1989, at such bank or trust company in the state of Kansas or the greater Kansas City, Missouri, metropolitan area. Delivery elsewhere will be at the expense of 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 city. 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 city and bond registrar not later than 4 p.m. C.D.T. on September 15, 1989. In the absence of such information, the city will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the city by 4 p.m. C.D.T., on September 15, 1989, a certificate acceptable to the city'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).

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 \$7,000, payable to the order of the city to secure the city 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 city 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 city. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check 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 forfeited to the city and the city may pursue any remedies available to it to recover any damages it sustains by reason of such default by the bidder.

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 city.

Bid Forms

All bids must be made on forms which may be procured from the city clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The city 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 city 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 City Hall and must be received by the undersigned prior to 7 p.m. C.D.T. on Monday, August 28, 1989.

Official Statement

Upon the sale of the bonds, the city will adopt an official statement in substantially the form as the preliminary official statement, subject to minor amendments and supplementation. Copies of the city's preliminary official statement relating to the bonds may be obtained from the city clerk or the city's financial advisor, George K. Baum & Company, 1004 Baltimore, Kansas City, MO 64105, (816) 474-1100. 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 city for the year 1988 is \$6,098,057. The total general obligation bonded indebtedness of the city as of the date of the bonds, including the bonds, is \$545,000.

Dated August 10, 1989.

CITY OF TONGANOXIE, KANSAS
 Karen J. Walters
 City Clerk
 City Hall
 321 S. Delaware
 Tonganoxie, KS 66086
 (913) 845-2620

Doc. No. 008176

(Published in the *Kansas Register*, August 17, 1989.)

NOTICE OF REDEMPTION

**Geary County, Kansas
 Single Family Mortgage Revenue Bonds
 1980 Series A**

Notice is hereby given that, pursuant to Section 3.01 of the Trust Indenture dated April 1, 1980, \$215,000 principal amount of the bonds are called for redemption October 1, 1989, at the redemption price of 100 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date. This notice was first published on Thursday, August 17, 1989, in the *Kansas Register* and *The Bond Buyer*.

The serial numbers of the bearer bonds to be redeemed are as follows: NOTE: Coupons due October 1, 1989, should be presented in the normal manner. Coupons due April 1, 1990, and all subsequent coupons must be attached to bonds called for redemption.

Due April 1, 1993: 171
 (CUSIP 368342 AM)

Due April 1, 1994: 212
 (CUSIP 368342 AN)

Due April 1, 2011
 (CUSIP 368342 AP)

304	556	836	1133	1381	1648
316	642	961	1246	1488	1673
384	664	993	1247	1521	1796
485	679	1087	1283	1547	1818
515	702	1117	1360	1561	1834
540	792	1125	1375	1646	1887

The serial numbers of the registered bonds to be partially or fully redeemed in the amounts described below are as follows:

Due April 1, 2011:
 (CUSIP 368342 AP)

Registered Bond Number	Amount Called
R 94	5,000
R105	5,000
R107	5,000
R108	5,000
R109	5,000

Payment of the redemption price of the bearer bonds and the registered bonds to be redeemed will be made at Security Bank of Kansas City, One Security Plaza, Kansas City, KS 66117. To avoid a 20 percent backup withholding required by the Interest and Dividend Tax Act of 1983, bondholders should submit certified taxpayer identification numbers on I.R.S. Form W-9 when presenting their securities for redemption.

Notice is hereby given that on and after October 1, 1989, interest on the bonds hereby called for redemption shall cease to accrue.

Security Bank of Kansas City
 Kansas City, Kansas, Trustee

Doc. No. 008184

(Published in the *Kansas Register*, August 17, 1989.)

NOTICE OF REDEMPTION
City of Axtell, Marshall County, Kansas
Water Utility Revenue Bonds
Series of 1988

Notice is hereby given that \$20,000 principal amount of City of Axtell, Kansas, Water Utility Revenue Bonds, Series of 1988, as listed below, are called for redemption on October 1, 1989, at the price of 100 percent of the principal amount being redeemed plus accrued interest thereon at the redemption date, without premium: Bonds maturing October 1, 1997, to October 1, 1998, inclusive, in the aggregate amount of \$20,000.

On October 1, 1989, all bonds designated for redemption will become due and payable upon presentation thereof at the addresses given below.

On or after October 1, 1989, interest on the principal amount called for redemption shall cease to accrue.

The bonds, along with IRS Form W-9 (verification of taxpayer identification number), may be presented for payment in person or by mail at the following address: Kansas State Treasurer, Landon State Office Building, 900 S.W. Jackson, Topeka, KS 66612.

Janie Buessing
 City Clerk
 City of Axtell, Kansas

Doc. No. 008175

(Published in the *Kansas Register*, August 17, 1989.)

NOTICE OF REDEMPTION
Riley County, Kansas
Single Family Mortgage Revenue Bonds
1980 Series A

Notice is hereby given that, pursuant to Section 3.01 of the Trust Indenture dated April 1, 1980, \$330,000 principal amount of the bonds are called for redemption October 1, 1989, at the redemption price of 100 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date. This notice was first published on Thursday, August 17, 1989, in the *Kansas Register* and *The Bond Buyer*.

The serial numbers of the bearer bonds to be redeemed are as follows: NOTE: Coupons due October 1, 1989, should be presented in the normal manner. Coupons due April 1, 1990, and all subsequent coupons must be attached to bonds called for redemption.

Due April 1, 1990: 158
(CUSIP 766642 AJ)

Due April 1, 1991: 201
(CUSIP 766642 AK)

Due April 1, 1992: 235
(CUSIP 766642 AL)

Due April 1, 1993: 274
(CUSIP 766642 AM)

Due April 1, 1994: 314
(CUSIP 766642 AN)

Due April 1, 2011
(CUSIP 766642 AP)

406	737	1265	1697	2088	2667
425	793	1370	1803	2179	2682
446	934	1382	1811	2228	2717
454	944	1391	1840	2244	2740
488	948	1457	1844	2368	2768
529	991	1480	1951	2424	2875
638	1098	1494	1988	2489	2888
696	1138	1499	2005	2510	
698	1176	1602	2066	2525	
714	1223	1642	2073	2622	

The serial numbers of the registered bonds to be partially or fully redeemed in the amounts described below are as follows:

Due April 1, 2011:
(CUSIP 766642 AP)

Registered Bond Number	Amount Called
R122	5,000
R148	15,000

Payment of the redemption price of the bearer bonds and the registered bonds to be redeemed will be made at Security Bank of Kansas City, One Security Plaza, Kansas City, KS 66117. To avoid a 20 percent backup withholding required by the Interest and Dividend Tax Act of 1983, bondholders should submit certified taxpayer identification numbers on I.R.S. Form W-9 when presenting their securities for redemption.

Notice is hereby given that on and after October 1, 1989, interest on the bonds hereby called for redemption shall cease to accrue.

Security Bank of Kansas City
 Kansas City, Kansas, Trustee

Doc. No. 008183

(Published in the *Kansas Register*, August 17, 1989.)

NOTICE OF REDEMPTION
Cowley County, Kansas
Single Family Mortgage Revenue Bonds
1980 Series A

Notice is hereby given that, pursuant to Section 3.01 of the Trust Indenture dated April 1, 1980, \$495,000 principal amount of the bonds are called for redemption October 1, 1989, at the redemption price of 100 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date. This notice was first published on Thursday, August 17, 1989, in the *Kansas Register* and *The Bond Buyer*.

The serial numbers of the bearer bonds to be redeemed are as follows: NOTE: Coupons due October 1, 1989, should be presented in the normal manner. Coupons due April 1, 1990, and all subsequent coupons must be attached to bonds called for redemption.

Due April 1, 1991: 287, 311
(CUSIP 223900 AL)

Due April 1, 1992: 364, 365
(CUSIP 223900 AM)

Due April 1, 1993: 385, 416
(CUSIP 223900 AN)

Due April 1, 1994: 492, 503
(CUSIP 223900 AP)

Due April 1, 2011
(CUSIP 223900 AQ)

552	1135	1608	2164	2763	3198
632	1160	1643	2192	2798	3222
654	1166	1728	2289	2881	3293
704	1214	1744	2375	2891	3426
720	1269	1866	2428	2967	3466
816	1390	1913	2433	2979	3482
834	1454	1998	2617	3072	3501
877	1462	2080	2620	3163	3576
1113	1572	2144	2654	3191	

R 99	5,000
R104	5,000
R105	165,000

Payment of the redemption price of the bearer bonds and the registered bonds to be redeemed will be made at Security Bank of Kansas City, One Security Plaza, Kansas City, KS 66117. To avoid a 20 percent backup withholding required by the Interest and Dividend Tax Act of 1983, bondholders should submit certified taxpayer identification numbers on I.R.S. Form W-9 when presenting their securities for redemption.

Notice is hereby given that on and after October 1, 1989, interest on the bonds hereby called for redemption shall cease to accrue.

The serial numbers of the registered bonds to be partially or fully redeemed in the amounts described below are as follows:

Due April 1, 2011:
(CUSIP 223900 AQ)

Registered Bond Number	Amount Called
R 58	5,000
R 81	10,000

Security Bank of Kansas City
Kansas City, Kansas, Trustee

Doc. No. 008185

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 1989 Index Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-5-11	Amended	V. 8, p. 130
1-5-13	Amended	V. 8, p. 130
1-5-15	Amended	V. 8, p. 130
1-6-24	Amended	V. 8, p. 131
1-6-31	New	V. 8, p. 131
1-62-1	New	V. 8, p. 1004

AGENCY 4: BOARD OF AGRICULTURE

Reg. No.	Action	Register
4-1-17	Amended	V. 8, p. 1004
4-1-17	Amended	V. 8, p. 1070
4-2-17	Revoked	V. 8, p. 1004
4-2-17	Revoked	V. 8, p. 1087
4-2-17a	New	V. 8, p. 1004
4-2-17a	New	V. 8, p. 1087
4-4-2	Amended	V. 8, p. 1005
4-4-2	Amended	V. 8, p. 1070
4-33-1	New	V. 8, p. 132

AGENCY 5: BOARD OF AGRICULTURE—
DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-23-3	Amended	V. 8, p. 1088
5-23-4	Amended	V. 8, p. 1089
5-23-9	Revoked	V. 8, p. 1089

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-34-1	New	V. 8, p. 1139
7-34-1	New	V. 8, p. 1183

AGENCY 9: ANIMAL HEALTH
DEPARTMENT

Reg. No.	Action	Register
9-18-1	New	V. 8, p. 1138
9-18-1	New	V. 8, p. 1183

AGENCY 14: DEPARTMENT OF REVENUE—
DIVISION OF ALCOHOLIC
BEVERAGE CONTROL

Reg. No.	Action	Register
14-17-6	New	V. 8, p. 750

AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-1-1	Amended	V. 8, p. 1090
22-1-2	Amended	V. 8, p. 1090
22-3-1	Amended	V. 8, p. 1090
22-3-2	New	V. 8, p. 1090
22-5-6	New	V. 8, p. 1090
22-6-17	New	V. 8, p. 1090
22-8-1	Amended	V. 8, p. 1091
22-10-3	Amended	V. 8, p. 1091
22-10-12	Amended	V. 8, p. 1092
22-10-17	New	V. 8, p. 1092
22-13-35	Amended	V. 8, p. 1092

AGENCY 28: DEPARTMENT OF HEALTH
AND ENVIRONMENT

Reg. No.	Action	Register
28-16-110		
through		
28-16-138	New	V. 8, p. 517-520
28-39-77	Amended	V. 8, p. 200
28-39-87	Amended	V. 8, p. 871
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

AGENCY 30: SOCIAL AND
REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-50	Amended	V. 8, p. 1180
30-4-54	Amended	V. 8, p. 1180
30-4-56	Revoked	V. 8, p. 714
30-4-57	Amended	V. 8, p. 1180
30-4-58	Amended	V. 8, p. 1180
30-4-62	Amended	V. 8, p. 1180
30-4-63	Amended	V. 8, p. 1180
30-4-64	New	V. 8, p. 1180
30-4-70	Amended	V. 8, p. 714
30-4-73	Amended	V. 8, p. 1181
30-4-74	Amended	V. 8, p. 715
30-4-75	Amended	V. 8, p. 715
30-4-85a	Amended	V. 8, p. 1181
30-4-90	Amended	V. 8, p. 1182
30-4-100	Amended	V. 8, p. 715
30-4-101	Amended	V. 8, p. 715
30-4-102	Amended	V. 8, p. 715
30-4-110	Amended	V. 8, p. 1182
30-4-111	Amended	V. 8, p. 1182
30-4-112	Amended	V. 8, p. 1182
30-4-113	Amended	V. 8, p. 1182
30-4-120	Amended	V. 8, p. 1182
30-4-130	Amended	V. 8, p. 1182
30-4-140	Amended	V. 8, p. 715
30-5-58	Amended	V. 8, p. 715
30-5-59	Amended	V. 8, p. 1182
30-5-60	Amended	V. 8, p. 717
30-5-70	Amended	V. 8, p. 717
30-5-76	New	V. 8, p. 717
30-5-81	Amended	V. 8, p. 718
30-5-81a	Amended	V. 8, p. 718
30-5-81b	Amended	V. 8, p. 718
30-5-81d	Revoked	V. 8, p. 718
30-5-81q	Revoked	V. 8, p. 718
30-5-81r	Revoked	V. 8, p. 718
30-5-81s	Revoked	V. 8, p. 718
30-5-81t	Amended	V. 8, p. 718
30-5-81u	New	V. 8, p. 718
30-5-81v	New	V. 8, p. 718
30-5-82	Amended	V. 8, p. 719
30-5-84	Amended	V. 8, p. 719
30-5-88	Amended	V. 8, p. 719
30-5-89	Amended	V. 8, p. 719
30-5-94	Amended	V. 8, p. 719
30-5-95	Amended	V. 8, p. 719
30-5-100	Amended	V. 8, p. 1182
30-5-108	Amended	V. 8, p. 719
30-5-110	Amended	V. 8, p. 719
30-5-115	New	V. 8, p. 719
30-5-115a	New	V. 8, p. 719
30-5-116	New	V. 8, p. 719
30-5-116a	New	V. 8, p. 720
30-5-169	Amended	V. 8, p. 720
30-6-35	Amended	V. 8, p. 720
30-6-53	Amended	V. 8, p. 720
30-6-56	Amended	V. 8, p. 720
30-6-57	Revoked	V. 8, p. 1182
30-6-58	Revoked	V. 8, p. 1182
30-6-63	Amended	V. 8, p. 1182
30-6-65	Amended	V. 8, p. 1182
30-6-73	Amended	V. 8, p. 1182
30-6-74	Amended	V. 8, p. 721
30-6-77	Amended	V. 8, p. 721
30-6-86	Amended	V. 8, p. 721
30-6-103	Amended	V. 8, p. 1183
30-6-106	Amended	V. 8, p. 1183
30-6-109	Amended	V. 8, p. 721
30-6-110		
through		
30-6-113	Amended	V. 8, p. 1183
30-7-26		
through		
30-7-63	Revoked	V. 8, p. 721
30-7-64		
through		
30-7-78	New	V. 8, p. 721-724
30-7-68	Amended	V. 8, p. 1183

(continued)

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-16-1	Amended	V. 8, p. 1162

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-28	Amended	V. 8, p. 452
40-1-34	Amended	V. 8, p. 798
40-1-37	New	V. 8, p. 798
40-2-12	Amended	V. 8, p. 452
40-3-5	Amended	V. 8, p. 454
40-3-43	New	V. 8, p. 1139
40-3-43	New	V. 8, p. 1184
40-3-44	New	V. 8, p. 454
40-3-45	New	V. 8, p. 1006
40-4-35	Amended	V. 8, p. 515
40-4-35	Amended	V. 8, p. 558
40-4-35a	New	V. 8, p. 454
40-4-38	New	V. 8, p. 455
40-5-108	Amended	V. 8, p. 800
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

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-11-113	Amended	V. 8, p. 451
44-11-121	Amended	V. 8, p. 451
44-11-123	Amended	V. 8, p. 451

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-3	Amended	V. 8, p. 712
63-1-4	Amended	V. 8, p. 712
63-1-6	Amended	V. 8, p. 712
63-1-12	Amended	V. 8, p. 713
63-6-3	Amended	V. 8, p. 713
63-6-6	Amended	V. 8, p. 714
63-6-7	Revoked	V. 8, p. 714
63-6-8	Revoked	V. 8, p. 714

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-2	Amended	V. 8, p. 252
68-5-11	Revoked	V. 8, p. 252
68-7-11	Amended	V. 8, p. 252
68-7-12	Amended	V. 8, p. 253
68-9-1	Amended	V. 8, p. 253
68-20-1	Amended	V. 8, p. 254
68-20-16	Amended	V. 8, p. 255

AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS

Reg. No.	Action	Register
70-5-1	Amended	V. 8, p. 750

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
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
74-6-2	Amended	V. 8, p. 1069
74-12-1	Amended	V. 8, p. 493

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-5-6	Amended	V. 8, p. 132
81-5-6	Amended	V. 8, p. 333

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
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
82-3-114	Amended	V. 8, p. 427
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
82-3-139	Amended	V. 8, p. 430
82-3-140	Amended	V. 8, p. 430
82-3-142	New	V. 8, p. 430
82-3-143	New	V. 8, p. 430
82-3-203	Amended	V. 8, p. 431
82-3-205	Amended	V. 8, p. 431
82-3-305	Amended	V. 8, p. 431
82-3-311	Amended	V. 8, p. 431
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
82-11-1 through	Revoked	V. 8, p. 517
82-11-7	Revoked	V. 8, p. 517
82-11-1 through	New	V. 8, p. 377-383
82-11-9	New	V. 8, p. 377-383

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-27b	Amended	V. 8, p. 94
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
91-1-58	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
91-1-107a	Amended	V. 8, p. 96
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
91-1-149	New	V. 8, p. 101
91-1-150	New	V. 8, p. 101
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
91-31-1	Amended	V. 8, p. 102
91-31-2	Amended	V. 8, p. 102
91-31-7	Amended	V. 8, p. 103
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	Amended	V. 8, p. 105
91-33-5	Amended	V. 8, p. 106
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
92-9-6	Revoked	V. 8, p. 751
92-9-6a	New	V. 8, p. 751

AGENCY 98: KANSAS WATER OFFICE

Reg. No.	Action	Register
98-6-1 through		
98-6-4	New	V. 8, p. 1121, 1122

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

Reg. No.	Action	Register
99-25-1	Amended	V. 8, p. 1005
99-25-3	Amended	V. 8, p. 1005
99-31-1	Amended	V. 8, p. 132

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended	V. 8, p. 654
100-11-1	Amended	V. 8, p. 1069
100-49-4	Amended	V. 8, p. 654
100-49-4	Amended	V. 8, p. 1069

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-7	Amended	V. 8, p. 906
102-1-15	Amended	V. 8, p. 906
102-2-1a	Amended	V. 8, p. 204
102-4-1	New	V. 8, p. 204
102-4-1	New	V. 8, p. 335
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 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-10-1	Amended	V. 8, p. 1070

AGENCY 109: EMERGENCY MEDICAL SERVICES BOARD

Reg. No.	Action	Register
109-1-1	Amended	V. 8, p. 873
109-2-1	Amended	V. 8, p. 874
109-2-2	Amended	V. 8, p. 874
109-2-4	Amended	V. 8, p. 874
109-2-5 through		
109-2-9	Amended	V. 8, p. 874-877
109-2-10	Revoked	V. 8, p. 877
109-2-11	Amended	V. 8, p. 877
109-2-12	Amended	V. 8, p. 878
109-3-1	New	V. 8, p. 879
109-4-1	Amended	V. 8, p. 879
109-4-2	Amended	V. 8, p. 880
109-4-3	Amended	V. 8, p. 880
109-5-1	Amended	V. 8, p. 881
109-5-2	Amended	V. 8, p. 881
109-5-3	Amended	V. 8, p. 881
109-8-1	New	V. 8, p. 882
109-9-1	New	V. 8, p. 882
109-9-2	New	V. 8, p. 882
109-9-4	New	V. 8, p. 882
109-10-1	New	V. 8, p. 883
109-11-1 through		
109-11-8	New	V. 8, p. 883-885
109-12-1	New	V. 8, p. 885
109-12-2	New	V. 8, p. 886

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
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	Revoked	V. 8, p. 1085
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
111-2-11	New	V. 8, p. 751
111-2-12	Amended	V. 8, p. 800
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. 8, p. 1085
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	111-4-129	New	V. 8, p. 376, 377	112-4-15	New	V. 8, p. 596
111-3-12	New	V. 8, p. 587	111-4-130	through		112-4-15	New	V. 8, p. 724
111-3-13	Amended	V. 7, p. 1062	111-4-137	New	V. 8, p. 591, 592	112-4-16	New	V. 8, p. 258
111-3-14	Amended	V. 8, p. 587	111-4-137	Amended	V. 8, p. 1086	112-4-17	New	V. 8, p. 258
111-3-14a	Amended	V. 8, p. 1085	111-4-138	through		112-4-18	New	V. 8, p. 258
111-3-16	Amended	V. 7, p. 1309	111-4-152	New	V. 8, p. 654-656	112-4-19	New	V. 8, p. 596
111-3-17	Revoked	V. 7, p. 1714	111-4-153	through		112-4-20	New	V. 8, p. 724
111-3-19	through		111-4-160	New	V. 8, p. 970, 971	112-4-22	New	V. 8, p. 258
111-3-22	Amended	V. 7, p. 1309, 1310	111-4-161	through		112-4-22	New	V. 8, p. 596
111-3-20	Amended	V. 8, p. 1085	111-4-176	New	V. 8, p. 936-938	112-5-1		V. 8, p. 725
111-3-21	Amended	V. 7, p. 1606	111-4-177	through		112-5-9	New	V. 8, p. 258-260
111-3-22	Amended	V. 8, p. 1085	111-4-180	New	V. 8, p. 1086, 1087	112-6-1	through	
111-3-22a	New	V. 8, p. 589	111-5-1	through		112-6-8	New	V. 8, p. 261-263
111-3-25	New	V. 7, p. 1310	111-5-23	New	V. 7, p. 209-213	112-7-2	through	
111-3-27	New	V. 7, p. 1310	111-5-23	through		112-7-22	New	V. 8, p. 593, 594
111-3-30	Revoked	V. 7, p. 1310	111-5-15	Amended	V. 8, p. 210, 211	112-7-2	through	
111-3-31	Amended	V. 8, p. 209	111-5-17	Amended	V. 8, p. 211	112-7-22	New	V. 8, p. 641-648
111-3-32	New	V. 7, p. 931	111-5-19	Amended	V. 8, p. 212	112-8-2	through	
111-3-33	New	V. 7, p. 1434	111-5-20	Revoked	V. 8, p. 212	112-8-12	New	V. 8, p. 263-267
111-4-1	Amended	V. 8, p. 134	111-5-21	New	V. 8, p. 299	112-8-3	New	V. 8, p. 596
111-4-2	Amended	V. 7, p. 1063	111-6-1	through		112-8-9	New	V. 8, p. 596
111-4-4	Amended	V. 7, p. 1063	111-6-15	New	V. 7, p. 213-217	112-8-9	New	V. 8, p. 725
111-4-6	Amended	V. 7, p. 1434	111-6-1	Amended	V. 8, p. 212	112-9-2	through	
111-4-7	Amended	V. 7, p. 1945	111-6-12	Amended	V. 8, p. 212	112-9-38	New	V. 8, p. 596-598
111-4-8	Amended	V. 7, p. 1064	111-6-13	Amended	V. 8, p. 299	112-9-2	through	
111-4-12	Amended	V. 7, p. 1190	111-6-16	Revoked	V. 8, p. 212	112-9-38	New	V. 8, p. 726-737
111-4-16	Revoked	V. 8, p. 209	111-6-17	New	V. 7, p. 1191	112-10-2	through	
111-4-19	Revoked	V. 7, p. 206	111-7-1	through		112-10-2	through	
111-4-22	through		111-7-10	New	V. 7, p. 1192, 1193	112-10-12	New	V. 8, p. 598
111-4-40	Revoked	V. 7, p. 206, 207	111-7-1	Amended	V. 8, p. 212	112-10-12	through	
111-4-41	Revoked	V. 7, p. 1435	111-7-4	Amended	V. 7, p. 1610	112-10-12	New	V. 8, p. 737-740
111-4-42	Revoked	V. 7, p. 1435	111-7-5	Amended	V. 7, p. 1610	112-11-1	through	
111-4-43	Revoked	V. 7, p. 207	111-7-11	New	V. 7, p. 1224	112-11-1	through	
111-4-44	Revoked	V. 7, P. 1435	111-7-12	through		112-11-19	New	V. 8, p. 594, 595
111-4-46	through		111-7-32	New	V. 7, p. 1194-1196	112-11-19	through	
111-4-64	Revoked	V. 7, p. 207	111-7-12	through		112-11-19	New	V. 8, p. 648-653
111-4-66	through		111-7-27	Revoked	V. 7, p. 1436, 1437	112-11-20	New	V. 8, p. 904
111-4-77	New	V. 7, p. 207-209	111-7-28	Amended	V. 8, p. 938	112-11-21	New	V. 8, p. 595
111-4-66	Amended	V. 8, p. 1086	111-7-32a	New	V. 7, p. 1196	112-11-21	New	V. 8, p. 653
111-4-67	Amended	V. 8, p. 590	111-7-32b	Amended	V. 8, p. 333	112-12-2	through	
111-4-68	Amended	V. 7, p. 931	111-7-33	through		112-12-13	New	V. 8, p. 1007
111-4-69	Amended	V. 7, p. 931	111-7-43	New	V. 7, p. 1197, 1198	112-12-13	through	
111-4-70	Amended	V. 8, p. 134	111-7-33	Revoked	V. 7, p. 1437	112-12-13	New	V. 8, p. 1123-1126
111-4-71	Amended	V. 8, p. 590	111-7-33a	New	V. 8, p. 300	112-13-2	New	V. 8, p. 596
111-4-71a	Amended	V. 7, p. 1435	111-7-34a	Amended	V. 8, p. 592	112-13-2	New	V. 8, p. 267
111-4-71b	New	V. 8, p. 333	111-7-37a	Amended	V. 8, p. 938	112-13-3	New	V. 8, p. 598
111-4-72	Amended	V. 8, p. 134	111-7-43	Revoked	V. 8, p. 212	112-13-3	New	V. 8, p. 740
111-4-73	Amended	V. 8, p. 590	111-8-1	New	V. 7, p. 1633	112-14-2	through	
111-4-73a	Revoked	V. 8, p. 134	111-8-2	New	V. 7, p. 1633	112-14-2	through	
111-4-74	Amended	V. 7, p. 931	111-8-3	Amended	V. 8, p. 752	112-14-10	New	V. 8, p. 1162-1164
111-4-75	Amended	V. 8, p. 752	111-8-4	New	V. 7, p. 1714	112-14-2	through	
111-4-77a	Amended	V. 8, p. 590	111-8-4a	New	V. 7, p. 1995	112-14-10	through	
111-4-77b	New	V. 8, p. 590	111-8-5	through		112-14-10	New	V. 8, p. 1184, 1185
111-4-78	through		111-8-13	New	V. 7, p. 1634			
111-4-82	Revoked	V. 8, p. 13	111-9-1	through				
111-4-82a	Revoked	V. 8, p. 13	111-9-12	through				
111-4-83	through		111-9-13	through				
111-4-87	Revoked	V. 8, p. 13	111-9-18	New	V. 8, p. 300, 301			
111-4-88	through		111-10-1	through				
111-4-91	Revoked	V. 8, p. 210	111-10-9	New	V. 8, p. 136-138			
111-4-92	through		111-10-7	Amended	V. 8, p. 301			
111-4-95	Revoked	V. 8, p. 299						
111-4-96	through							
111-4-114	New	V. 7, p. 1606-1610						
111-4-99a	New	V. 7, p. 1807						
111-4-99b	New	V. 7, p. 1807						
111-4-115	through							
111-4-118	New	V. 7, p. 1946, 1947						
111-4-118a	New	V. 8, p. 13						
111-4-119	through							
111-4-125	New	V. 8, p. 135, 136						
111-4-126	through							

AGENCY 112: KANSAS RACING COMMISSION

Reg. No.	Action	Register
112-4-1		
112-4-14	New	V. 8, p. 255-257

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-3-1	New	V. 8, p. 1160
115-3-1	New	V. 8, p. 1185
115-3-2	New	V. 8, p. 1160
115-3-2	New	V. 8, p. 1185
115-8-3	New	V. 8, p. 1161
115-9-6	New	V. 8, p. 1161
115-9-6	New	V. 8, p. 1185

AGENCY 116: STATE FAIR BOARD

Reg. No.	Action	Register
116-1-1	New	V. 8, p. 1191
116-1-2	New	V. 8, p. 1191
116-2-1	New	V. 8, p. 1191

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