

KANSAS REGISTER

State of Kansas

BILL GRAVES
Secretary of State

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State of Kansas

LEGISLATURE

INTERIM COMMITTEE SCHEDULE

The following committee meetings have been scheduled during the period of August 28 through September 10:

Date	Room	Time	Committee	Agenda
August 28	514-S	10:00 a.m.	Special Committee on Judiciary	28th: Hearing on Proposal No. 36— Subrogation. 29th: Hearing on Proposal No. 34— Limited Actions.
August 29	514-S	9:00 a.m.		
August 28	123-S	10:00 a.m.	Joint Committee on State Building Construction	Agenda unavailable.
August 29	123-S	9:00 a.m.		
August 30	521-S	10:00 a.m.	Special Committee on Public Health and Welfare	30th: Hearings on Proposal No. 46— Foster Care. 31st: Hearings on Proposal No. 41— Schedule II Drugs.
August 31	521-S	9:00 a.m.		
August 30	514-S	10:00 a.m.	Special Committee on Ways and Means/ Appropriations	30th: Hearings on Proposal No. 48— Retention of State Health Care Employees. 31st: Hearings on Proposal No. 49— Budgeting for Regents' Institutions.
August 31	514-S	9:00 a.m.		
August 31	529-S	10:00 a.m.	Joint Committee on Arts and Cultural Resources	Agenda not available.
September 1	529-S	10:00 a.m.		
September 1	123-S	10:00 a.m.	Legislative Coordinating Council	Legislative matters.
September 5	521-S	10:00 a.m.	Legislative Budget Committee	Agenda not yet approved.
September 6	521-S	9:00 a.m.		
September 7	519-S	10:00 a.m.	Special Committee on Assessment and Taxation	7th: Briefings on Proposals No. 8 and 11. 8th: Briefing on Proposal No. 10; hearings on Proposal No. 9—Motor Vehicle Revenue Shortfalls.
September 8	519-S	9:00 a.m.		

EMIL LUTZ
Director of Legislative
Administrative Services

Doc. No. 008218

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Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594



Phone: (913) 296-3489

State of Kansas

SECRETARY OF STATE

NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS

A public hearing will be conducted at 10:30 a.m. Thursday, September 28, in Room 220 South of the State Capitol, Topeka, to consider the adoption of proposed rules and regulations of the Secretary of State.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of State, 2nd Floor, State Capitol, Topeka 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. These regulations are proposed for adoption on a permanent basis. A summary of proposed regulations and their economic impact follows.

K.A.R. 7-34-1. Adjustment of federal census data: This regulation states the intention of the Secretary of State to use responses from college and university students in Kansas and military personnel stationed and located in Kansas to prepare statistics with which to adjust the data from the 1990 federal decennial census for use in reapportionment of state legislative districts in 1992.

K.A.R. 7-34-2. Questionnaires: This regulation details the information that college and university students and military personnel will be required to provide on the questionnaires provided by the Secretary of State.

The regulation allows military officers to provide census residency information from administrative files for military personnel who are temporarily absent from the military base because of assigned military duties.

The regulation requires administrators on each college and university campus to provide to the Secretary of State a list of persons enrolled at the institution during the spring semester of 1990. Further, the college and university administrators are required to distribute the questionnaires supplied by the Secretary of State to all enrolled students on or after April 1, 1990, whenever possible.

The regulation requires each military officer in charge of 50 or more military personnel to provide to the Secretary of State a list of military personnel under his command on April 1, 1990.

The regulation states that any person or entity who interferes with any student, college or university, or any military person or military installation in carrying out the provisions of chapter 257 of the 1989 *Session Laws of Kansas* shall be guilty of a class A misdemeanor.

These administrative regulations may have minimal economic impact on colleges and universities and military bases in Kansas. Expenditures by the Secretary of State's office will be funded through appropriations by the state legislature from the state's general fund. Costs will be \$150,000 for fiscal year 1990, an estimated \$88,400 for fiscal year 1991, and an estimated \$60,100 for fiscal year 1992.

Copies of the regulations and their economic impact

statement may be obtained from the office of the Secretary of State, 2nd Floor, State Capitol, Topeka 66612, (913) 296-2236.

BILL GRAVES
Secretary of State

Doc. No. 008211

State of Kansas

SECRETARY OF STATE

NOTICE OF PLACES AND DATES
OF VOTER REGISTRATION

In compliance with the provisions of Chapter 109 of the 1989 *Session Laws of Kansas*, K.S.A. 25-2310 and K.S.A. 25-2313, notice is hereby given that the books for registration of voters will be open at the following places at the time specified:

Office of the Kansas Secretary of State, 2nd Floor, State Capitol, Topeka, Kansas, from 8 a.m. to 5 p.m. every business day.

Industrial Building, exhibit spaces IB-193 and IB-194, Kansas State Fair Grounds, Hutchinson, Kansas, from 9 a.m. to 9 p.m. Friday, September 8, 1989, through Saturday, September 16, 1989; and Sunday, September 17, 1989, from 9 a.m. to 6 p.m.

A citizen of the United States who is eighteen (18) years of age and upwards, or will have attained the age of eighteen (18) years at the next election, must register before he or she can vote. Registration closes twenty (20) days prior to every election.

When a voter has been registered according to law his or her registration shall continue to be valid until one of the following occurs:

- (1) The voter changes name by marriage, divorce or legal proceeding.
- (2) The voter changes residence.

If either of the above occurs, you must re-register.

Any person may apply in person, by telephone, or by mail to the Secretary of State or the county election officer to be registered. Application forms shall be provided by the county election officer upon request in person or in writing by an individual applicant. Such application shall be signed by the applicant under penalty of perjury.

In Witness Whereof, I have hereunto set my hand and seal this 24th day of August, 1989.

(SEAL)

BILL GRAVES
Secretary of State

Doc. No. 008205

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENTNOTICE CONCERNING KANSAS WATER
POLLUTION CONTROL PERMIT

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

Name and Address of Applicant	Waterway	Type of Discharge
Mayor and City Council % City Clerk-City Hall P.O. Box 928 Emporia, KS 66801 Lyon County, Kansas Kansas Permit No. M-NE24-IO01	Cottonwood River	Secondary Wastewater Treatment Facility
	Fed. Permit No. KS-0046728	

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

Name and Address of Applicant	Waterway	Type of Discharge
Mobay Research Park Mobay Corporation- Agricultural Chemicals Division P. O. Box 4913 Hawthorne Road Kansas City, MO 64120 Johnson County, Kansas Kansas Permit No. I-MO26-PO02	Missouri River via Blue River via Unnamed Tributary	Domestic Wastewater, Cooling Tower and Boiler Blowdown
	Fed. Permit No. KS-0080047	

Description of Facility: This facility consists of toxicology research laboratories and research farming. Domestic wastewater is treated by a sewage treatment plant consisting of an aerated surge pond, aeration basin and clarifier. Cooling tower and boiler blowdown enter the treatment plant at the clarifier. A gas chlorination system is used for disinfection prior to discharge. This is an existing facility and the previous limitations have been modified. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28 (b-f).

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments received prior to September 22 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-89-41/42) 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. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61.

The application, proposed permit, including proposed

effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Division of Environment offices from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by 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. 008221

State of Kansas

DEPARTMENT OF HEALTH
AND ENVIRONMENTNOTICE CONCERNING PROPOSED
AIR QUALITY PERMIT

The secretary of the Kansas Department of Health and Environment is proposing to issue an air quality permit to Sunflower Material Company, Olathe, for installation and operation of a ready-mix cement plant to be initially located at 15520 S. U.S. 169 in Johnson County. The permit would be issued in accordance with Kansas Administrative Regulation 28-19-14, Permit Required.

This plant is equipped with particulate control devices (fabric filters) that can effectively control particulate emissions when operated according to the manufacturer's instructions. A street sweeper is used to reduce dust from roadways in the plant.

Written materials related to this permit action, including the application permit summary, draft permit and the analysis of the Bureau of Air and Waste Management describing the basis for this proposed permit are available for inspection through September 18 by contacting Lacy Hinthner, KDHE, Bureau of Air and Waste Management, Forbes Field, Topeka 66620, (913) 296-1576.

Kansas Statutes Annotated 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to issuance of the permit. The request must be in writing and addressed to the Secretary, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. If the secretary determines the request presents sufficient reason, a hearing will be conducted—the place, date and time of such a hearing would be announced at that time. Request for hearing and comments on the proposed permit must be submitted to the secretary on or before September 18.

STANLEY C. GRANT
Secretary of Health
and Environment

Doc. No. 008199

State of Kansas

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

NOTICE OF MEETING

The Kansas State Employees Health Care Commission will meet at 9 a.m. Thursday, September 7, in the third floor conference room of the Kansas Insurance Department, 420 S.W. 9th, Topeka.

SHELBY SMITH
Chairman

Doc. No. 008224

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT**

**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted at 10 a.m. Saturday, September 23, at Friendship Center, 746 Comanche, Salina, to consider the adoption of proposed permanent rules and regulations of the Department of Health and Environment.

K.A.R. 28-4-113 through 28-4-119b are proposed permanent regulations for licensed day care homes and group day care homes for children. Proposed changes are primarily for the purpose of clarification. Areas addressed by the changes include numbers and grouping of children (increases in certain groups and ages are being proposed); food requirements; safety of playgrounds; and training of child care providers.

There will be no appreciable cost to the applicant/licensee. However, there will be a positive fiscal impact due to the changes in numbers and ages of children permitted.

K.A.R. 28-4-120 is a proposed permanent regulation for registered family day care homes. The purpose of the proposed change is primarily for clarification. A telephone is being required by regulation to correct an oversight since the general regulations, which apply to registered homes, require emergency numbers to be posted by a telephone. The other proposed change will specify that no license to provide child care may be issued to the registrant during the effective date of the certificate of registration.

K.A.R. 28-4-124 through 132 are proposed permanent regulations applicable to the following categories of child care: 1) Registered Family Day Care Homes, as defined by K.S.A. 65-517; 2) Licensed Day Care Homes and Group Day Care Homes, as defined by K.A.R. 28-4-113; 3) Preschools and Child Care Centers, as defined by K.A.R. 28-4-420; 4) Residential Facilities as defined by K.A.R. 28-4-268; and 5) Family Foster Homes as defined by K.A.R. 28-4-311. Proposed changes are primarily for the purpose of reducing duplication in regulations governing various categories of child care by combining similar regulations into the general regulations applicable to

all of the above referenced facilities. Areas addressed by the proposed changes include clarification of parental permission for children to go off premises, emergency care, pet policies, and swimming pools; and a new regulation which will address such child care practices as diapering and toileting, discipline, and prohibited punishment.

There will be no appreciable cost to the applicant/licensee.

K.A.R. 28-4-350 is a proposed permanent regulation applicable to detention centers. It adds the definition of "secure care center" as a new category of secure care, which was authorized by the 1988 Legislature.

The added cost to the applicant/licensee to make a facility secure would be offset by the additional per diem payment to provide care and treatment for a child or youth in secure care.

K.A.R. 28-4-442 is a proposed permanent regulation for "intergenerational care," a new category of care. The 1988 Legislature amended K.S.A. 65-510 to allow aged adults and children to receive care on the same premises, as authorized by rules and regulations adopted by the Secretary of Health and Environment. This regulation addresses that amendment.

There will be no appreciable cost either to child care centers or to adult care facilities that include intergenerational care as a part of their program of services.

Copies of the proposed permanent rules and regulations and a complete economic impact statement pertaining to them may be obtained for each of the categories of child care referenced above by contacting Shirley Norris, Department of Health and Environment, 10th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66612-1290, (913) 296-1272.

The time period between the publication of this notice and the scheduled hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed permanent rules and regulations. All interested parties may submit such comments prior to the hearing to the address above. All interested parties will also be given a reasonable opportunity at the hearing to present their views, orally or in writing, concerning the adoption of the proposed permanent regulations. In order to give all persons an opportunity to present their views, it may be necessary to limit oral presentation to five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered as the basis for making changes in these proposals.

STANLEY C. GRANT
Secretary of Health
and Environment

Doc. No. 008207

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT****NOTICE OF HEARING
ON PROPOSED****ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted at 10:30 a.m. Tuesday, October 17, in the Health Conference Room, tenth floor, Landon State Office Building, Topeka, to consider the adoption of permanent regulations relating to services for children with special health care needs and hemophilia.

K.A.R. 28-4-400, 28-4-401, 28-4-405a, 28-4-405b, 28-4-407 and 28-4-408 are amended to change the program from Crippled and Chronically Ill Children's Program to Services for Children with Special Health Care Needs.

K.A.R. 28-4-403 is amended to update financial eligibility criteria as the poverty level guidelines are modified nationally.

K.A.R. 28-4-405 is amended to include standards for additional categories of providers and require providers to accept and bill Medicaid and other third party funding resources.

K.A.R. 28-4-406 is amended to change the program name and to clearly define medically eligible conditions.

K.A.R. 28-4-410 is amended to remove qualifications of heat treated and non-heat treated processing for factor VIII and IX and redefine comprehensive centers.

K.A.R. 28-4-411 is amended to establish responsibility of each applicant or eligible person enrolled in the SRS primary care network to report certain information.

K.A.R. 28-4-412 is being revoked.

K.A.R. 28-4-413 is amended to update financial eligibility criteria.

There is no economic impact as a result of the proposed amendments to these regulations.

Copies of the proposed rules and regulations and a complete economic impact statement may be obtained by contacting Cassie Lauver, Kansas Department of Health and Environment, Bureau of Family Health, 10th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, (913) 296-1310.

The time period between the publication of this notice and the scheduled hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit such comments prior to the hearing by mailing them to the address above. All interested parties also will be given a reasonable opportunity at the hearing to present their views, orally or in writing, concerning the adoption of the proposed rules and regulations. In order to give all persons an opportunity to present their views, it may be necessary to limit oral presentations to five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered as the basis for making changes in these proposals.

STANLEY C. GRANT
Secretary of Health
and Environment

Doc. No. 008207

State of Kansas

DEPARTMENT ON AGING**NOTICE OF INTENT TO GRANT
ADEQUATE PROPORTION WAIVERS**

The Kansas Department on Aging intends to grant waivers to one area agency on aging (AAA) to the requirement that an AAA budget an adequate proportion of its Title III-B social service funds for priority services. The three priority service categories are access, in-home and legal assistance. This area agency has shown that sufficient services are available to meet the needs in these areas. A more detailed justification for waivers is available for review at the Department on Aging office.

The agency, Mid-America Council on Aging, will be granted waivers for in-home services and legal assistance.

If an individual or service provider requests a hearing within 30 days of the date of this notice, the Kansas Department on Aging will provide an opportunity for a hearing.

Questions and requests for a hearing should be directed to Richard Wagner, Kansas Department on Aging, Room 122-S, Docking State Office Building, 915 S.W. Harrison, Topeka 66612-1500, (913) 296-4986.

ESTHER VALLADOLID WOLF
Secretary of Aging

Doc. No. 008214

State of Kansas

KANSAS ARTS COMMISSION**NOTICE OF REGIONAL
RURAL ARTS MEETING**

All interested groups and individuals are advised that the Kansas Arts Commission has scheduled the first in a series of regional meetings to present the fiscal year 1990 Rural Arts Program and discuss community-level cultural development.

The northeast Kansas meeting will be Friday, September 8, at the Carnegie Arts Center, 5th and Walnut, Leavenworth, from 9 a.m. to 9 p.m. The meeting is open to anyone from anywhere in the state.

Registration is \$15 if received before September 5, or \$20 thereafter. Without meals and the evening program, registration is \$10 if received before September 5, or \$15 thereafter.

To register, make check payable to the Leavenworth Area Arts Council, co-host of the meeting, and send to the Carnegie Arts Center, P.O. Box 501, Leavenworth 66048.

Questions about the Rural Arts Program or requests for guidelines and application forms should be directed to the Kansas Arts Commission, Suite 1004, Jayhawk Tower, 700 Jackson, Topeka 66603-3714, (913) 296-3335.

DOROTHY L. ILGEN
Executive Director

Doc. No. 008219

State of Kansas

KANSAS ARTS COMMISSION

NOTICE OF ACCEPTANCE OF APPLICATIONS FOR DESIGN ARTS/CAPITAL AID GRANTS

All interested groups and individuals are advised that the Kansas Arts Commission is accepting applications for the fiscal year 1990 Design Arts/Capital Aid Grant Program.

Funds are available to help communities and organizations to acquire, develop, renovate, expand or equip facilities for the arts. Applicants must be public agencies or not-for-profit, tax-exempt organizations.

There are three funding components:

- Capital Aid Grants of up to \$50,000. Application deadlines are September 16 and December 16.
- Design Arts Planning Grants of up to \$5,000. Applications must be received by December 16.
- Design Arts Consultants Pool, which provides fee support and referral to specialists in arts facility design, handicapped access, and historic preservation. Applications may be submitted from September 1, 1989, to June 1, 1990.

All components of the Design Arts Program require matching funds from new revenue sources. The cash-match cannot be used to match any other grant applications to the Kansas Arts Commission.

The portion of a capital improvement project or planning process for which funds are received must be completed, with all grant money expended, by June 30, 1990.

Questions concerning eligibility or requests for guidelines and application forms should be directed to the Kansas Arts Commission, Suite 1004, Jayhawk Tower, 700 Jackson, Topeka 66603-3714, (913) 296-3335.

DOROTHY L. ILGEN
Executive Director

Doc. No. 008220

State of Kansas

DEPARTMENT ON AGING

**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted at 9:30 a.m. Tuesday, September 26, in Room D on the second floor of the KNEA Building, 715 W. 10th, Topeka, to consider the adoption of proposed permanent administrative regulations of the Kansas Department on Aging. The regulations are relevant to the various programs administered by the department.

All interested parties may submit written comments prior to the hearing to the Secretary of Aging, Kansas Department on Aging, Room 122-S, Docking State Office Building, 915 S.W. Harrison, Topeka 66612-1500. All interested parties will be given a reasonable opportunity at the hearing to orally present their views in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be

necessary to request each participant to limit oral presentation to five minutes.

Following the hearing, all written and oral comments submitted by interested parties prior to and at the hearing will be considered by the Secretary of Aging as the basis for making any changes to the proposed regulations.

Copies of the regulations and economic impact statements may be obtained by writing Kansas Department on Aging.

These regulations are proposed for adoption on a permanent basis and are intended to regulate aging services providers who receive part or all of their funding via the Kansas Department on Aging. The proposed regulations will result in a positive effect upon the recipients of the services.

The department does not have any less costly or intrusive methods for achieving the stated purposes of the regulations; however, it is estimated that the regulations will not require any additional costs. A summary of proposed regulations and any additional economic impact follows:

K.A.R. 26-1-1. Definitions. Amendments to this regulation include wording changes for clarification purposes or new definitions for the words or terms as follows:

- (c) comprehensive and coordinated service delivery system;
- (d) congregate nutrition services provider;
- (g) contributions;
- (i) department;
- (j) disability;
- (k) donation;
- (l) employment;
- (m) employment, full-time;
- (n) employment, part-time
- (o) employment, permanent;
- (p) employment, temporary;
- (q) equipment;
- (t) final financial report;
- (u) financial and compliance audit;
- (w) focal point;
- (x) frail;
- (y) grant;
- (z) grantee;
- (dd) home-delivered nutrition services provider;
- (ff) in-home nutrition services provider;
- (gg) in-home services;
- (hh) intrastate funding formula;
- (kk) modified diet;
- (ll) monthly gross income;
- (mm) multipurpose senior center;
- (nn) nonprofit;
- (oo) notification of grant award;
- (pp) notification of subgrant award;
- (qq) obligation;
- (rr) older person;
- (tt) planning and service area;
- (uu) prior approval;
- (vv) program income;
- (ww) purchase of service contract;
- (xx) recipient;
- (zz) request for proposal of RFP;

(continued)

- (aaa) revision of grant or contract;
- (bbb) second meal;
- (eee) service provider;
- (fff) severe disability;
- (ggg) special menu;
- (kkk) state program income;
- (lll) sub-contract;
- (mmm) sub-grant;
- (nnn) subgrantee;
- (ooo) supplies;
- (ppp) therapeutic diet;
- (rrr) unused supplies;
- (sss) weekend meal.

K.A.R. 26-1-3. Procedures for redesignation of an area agency on aging. Changes in this regulation are for clarification purposes.

K.A.R. 26-1-4. State needs public hearing. This regulation changes the public hearing from annual to biennial, eliminates the need for publishing the notice of public hearing in the largest newspaper of general circulation within the applicable locality, and reduces from 10 to five days following the public hearing the acceptance of written comments concerning needs.

K.A.R. 26-1-5. Area plan development. Changes in this regulation clarify that the area plan shall be submitted to the department before July 1 of each fiscal year, and clarifies or varies the information required in the area plan.

K.A.R. 26-1-7. Confidentiality. This regulation contains clarifications in the wording of this regulation.

K.A.R. 26-1-8. Targeting priorities for Older Americans Act programs. This new regulation specifies the targeting priorities.

K.A.R. 26-1-9. Affirmative action and non-discrimination. This new regulation describes the affirmative action plan to be received from each recipient of the department and lists the non-discrimination requirements of each recipient of the department.

K.A.R. 26-2-1. Notification of grant award (NGA) or contract. The regulation contains changes for clarification purposes.

K.A.R. 26-2-4. Revision of approved grants or contracts. Changes in the regulation are for clarification purposes and to specify that requests for revisions of an area plan, subgrant or contract be submitted to the department at least 60 days before the end of project, grant or contract period.

K.A.R. 26-2-5. Assessments of performance and compliance with department grants or contracts. Changes in the regulation are for clarification purposes and deletion of unnecessary wording.

K.A.R. 26-2-7. Close out, suspension or termination of a grant, subgrant, contract or subcontract. Changes in the regulation are for clarification purposes.

K.A.R. 26-2-9. Audit requirements. Changes in the regulation are for clarification purposes and to update and list new references.

K.A.R. 26-3-1. Area agency contracting and granting practices with a not-for-profit organization. Changes in this regulation are for clarification purposes.

K.A.R. 26-3-2. Subgrants. Changes in this regulation are for clarification purposes and to list references.

K.A.R. 26-3-3. Area agency contracts for services with a for-profit organization. Changes in this regulation are for clarification purposes and to eliminate unnecessary wording.

K.A.R. 26-3-4. Responsibilities of a recipient when subgranting or contracting services. Changes in the regulation are for clarification purposes.

K.A.R. 26-3-5. Revision of approved subgrants or subcontracts. Changes in this regulation are for clarification purposes.

K.A.R. 26-4-1. Opportunity for a hearing regarding certain actions of the department. This regulation contains changes for clarification purposes.

K.A.R. 26-4-2. Hearing panel. This regulation contains changes for clarification purposes.

K.A.R. 26-4-4. Decisions of the secretary. This regulation contains changes for clarification purposes.

K.A.R. 26-5-5. Services to be provided. This regulation contains changes for clarification purposes and a reference update.

K.A.R. 26-5-8. State program income. This regulation contains changes for clarification purposes.

K.A.R. 26-6-1. Eligibility requirements to operate programs. This regulation contains changes for clarification purposes and elimination of references to EEO and affirmative action as they are now included in K.A.R. 26-1-9.

K.A.R. 26-6-2. Types of mandated services. This regulation contains changes for clarification purposes.

K.A.R. 26-6-3. Allowable expenses. This regulation contains changes for clarification purposes.

K.A.R. 26-6-4. Minimum performance standards to maintain grant. This regulation contains wording changes for clarification purposes, elimination of requirements of fiscal accountability as they are now included in K.A.R. 26-2-9, and inclusion of information and references concerning the JTPA annual financial compliance audit.

K.A.R. 26-6-7. JTPA. This regulation contains changes for clarification purposes and elimination of unnecessary wording.

K.A.R. 26-6-8. Application for funding of JTPA. This regulation contains changes for clarification purposes.

K.A.R. 26-6-9. Title V employment program. This new regulation contains references for the Title V employment program.

K.A.R. 26-7-1. Purpose of expenditure of nutrition funds. This new regulation lists purposes for which Title III nutrition funds can be expended.

K.A.R. 26-7-2. Eligibility for nutrition services. This new regulation lists the eligibility requirements for a person to receive Title III nutrition services.

K.A.R. 26-7-3. Criteria for home-delivered meals. This new regulation lists the criteria to be used by Title III home-delivered nutrition providers.

K.A.R. 26-7-4. Requirements for opening, relocating or closing Title III nutrition centers. This new regulation is for use by area agencies on aging.

K.A.R. 26-7-5. Written policies and procedures for nutrition providers. This new regulation lists policies and procedures to be developed by area agencies for Title III nutrition providers.

K.A.R. 26-7-6. Menus. This new regulation contains criteria for preparing, planning, certifying, maintaining

copies, posting, and adhering to menus for the Title III nutrition program.

K.A.R. 26-7-7. Meal patterns. This new regulation contains the proportions and types of foods to be included within meals served by the Title III programs.

K.A.R. 26-7-8. Additional meals. This new regulation contains the Title III requirements for eligibility, meal patterns, and reporting, recording, and budgeting of meals.

K.A.R. 26-7-9. Special requirements for nutrition service providers. This new regulation contains area agency requirements for Title III nutrition service providers.

K.A.R. 26-7-10. Food service contracts. This new regulation contains food service contract requirements for the Title III nutrition services provider and a profit making food provider.

K.A.R. 26-7-11. Substitute menus for modified diets, therapeutic diets and special menus. This new regulation contains requirements for modified or therapeutic diets or special menus in Title III programs.

K.A.R. 26-7-12. Foods purchased, donated and contributed. This new regulation contains Title III program requirements concerning foods that are purchased, donated or contributed.

K.A.R. 26-7-13. Food preparation. This new regulation contains requirements for food preparation in Title III programs.

K.A.R. 26-7-14. Food service. This new regulation contains requirements for food service in Title III nutrition programs.

K.A.R. 26-7-15. Catering arrangements. This new regulation contains requirements for the Title III nutrition provider concerning catering contracts including the price per meal.

K.A.R. 26-7-16. Nutrition service contributions. This new regulation contains area agency requirements of Title III nutrition service providers regarding nutrition service contributions.

K.A.R. 26-7-17. Nutrition service advisors. This new regulation contains requirements concerning advisory councils and obtaining input from homebound elderly in Title III nutrition programs.

K.A.R. 26-7-18. Food stamp program. This new regulation contains requirements for the Title III nutrition program as it relates to the food stamp program.

K.A.R. 26-7-19. Nutrition staffing requirements. This new regulation contains the Title III nutrition project staffing requirements.

K.A.R. 26-8-1. Definitions. This regulation contains the definitions of the terms: "activities of daily living," "instrumental activities of daily living," and "Senior Care Act."

K.A.R. 26-8-2. Eligibility for services. This regulation contains the limitations required for eligibility to receive services under the 1989 Senior Care Act.

K.A.R. 26-8-3. Level of payments to providers. This regulation contains the Senior Care Act program requirement that the level of payments to providers shall be established through purchase of service contracts with the service providers.

K.A.R. 26-8-4. Fees. This regulation contains the Senior Care Act method for determination of the fee schedule

and the methods for termination of services for non payment.

K.A.R. 26-8-5. Reporting requirements. This regulation contains the requirement that each service provider under the Senior Care Act shall comply with the reporting requirements under K.A.R. 26-3-6.

K.A.R. 26-8-6. Level of local match. This regulation contains the requirements for the level of local match under the Senior Care Act.

K.A.R. 26-8-7. Preference of eligible persons with greatest social and economic need. This regulation contains the requirement under the Senior Care Act that preference for service provision shall be given to eligible persons with the greatest social and economic need with particular attention given to minority persons.

K.A.R. 26-8-8. Funds spent for each client. This regulation contains the requirement that the maximum monthly dollar amount incurred for Senior Care Act services provided to any consumer shall not exceed \$750 per month.

K.A.R. 26-8-9. Screening and assessment mechanism. This regulation contains the requirement that each Senior Care Act service provider shall use an instrument prescribed by KDOA to screen and assess applicants to determine eligibility for Senior Care Act services.

K.A.R. 26-8-10. Priority of services. This regulation contains the priority of services under the Senior Care Act that shall be available consistent with available appropriations.

K.A.R. 26-9-1. Definitions. This regulation contains the definitions for "RSVP" and "Action."

K.A.R. 26-9-2. Reporting requirements. This regulation contains the reporting requirement that each RSVP grantee shall submit program and financial reports to KDOA to comply with federal requirements by the quarterly due date on forms prescribed by KDOA.

K.A.R. 26-9-3. RSVP funding. This regulation contains the requirement that RSVP funds distributed by KDOA to the grantee shall only be used for expenses of volunteers and that the grantee shall request RSVP funds only on forms required by KDOA.

K.A.R. 26-9-4. RSVP. This regulation contains the requirements that each RSVP grantee shall comply with the federal program and its requirements as referenced in the RSVP Operations Handbook and in the Action Agency for Volunteer Services Grants Management Handbook for Grantees.

ESTHER VALLADOLID WOLF
Secretary of Aging

Doc. No. 008215

State of Kansas

**DEPARTMENT OF HUMAN RESOURCES
KANSAS COUNCIL ON EMPLOYMENT
AND TRAINING**
NOTICE OF MEETING

The Kansas Council on Employment and Training (KCET) will meet from 9 a.m. to noon Friday, September 8, at the Best Western Inn, 501 Southwest Blvd. (Jct. 7th Street Trafficway and S.W. Blvd.), Kansas City, Kansas.

The meeting agenda includes the following:

1. Introduction of a new KCET chair, David J. Fiser, by Secretary of Human Resources, Ray D. Siehndel.
2. Reports from Apprenticeship, Dislocated Worker, Evaluation, Job Service, Planning, Targeted Groups, and Youth subcommittees; legislative update and Job Corps 25th anniversary.

The meeting is open to the public.

RAY D. SIEHNDEL
Secretary of Human Resources

Doc. No. 008204

State of Kansas

DEPARTMENT OF TRANSPORTATION
NOTICE TO CONTRACTORS

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.D.T. September 21, 1989, and then publicly opened:

DISTRICT ONE—Northeast

Johnson—46 U-1137-01—Kansas City Road and Ridgview in Olathe, intersection improvement. (Federal Funds)

Johnson/Wyandotte—435-106 K-3996-01—I-435, from Lackman Road north to just north of 75th Street in Johnson County and from 1/4 mile south of U.S. 24 (State Avenue) north to the Missouri River bridge in Wyandotte County, 7.73 miles, concrete pavement patching. (State Funds)

Lyon—56 C-1675-01—County road, 1.5 miles east of K-57 at Emporia, then south, 0.6 mile, bridge replacement. (Federal Funds)

Wyandotte—132-105 K-3834-01—K-132, Kansas River bridge 107, 0.6 mile southeast of K-32, bridge repair. (State Funds)

DISTRICT TWO—Northcentral

Chase—50-9 K-2339-01—U.S. 50, Fox Creek bridge 17, 0.3 mile east of K-177, bridge replacement. (Federal Funds)

Chase—50-9 K-2813-01—U.S. 50, 0.2 mile west of K-177 east to the west city limits of Strong City, 1.0 mile, grading, surfacing and bridge. (Federal Funds)

Dickinson—18-21 K-3815-01—K-18, Chapman Creek bridge 70, 4.8 miles east of the east junction of K-15, bridge painting. (State Funds)

Mitchell—14-62 K-2101-01—K-14, Solomon River bridge 29, 2.2 miles south of U.S. 24, bridge painting. (State Funds)

Mitchell—24-62 K-3952-01—U.S. 24, Asher Creek bridge 18, 6.7 miles southeast of K-124, bridge overlay. (State Funds)

Saline—85 C-2501-01—County road, 2.0 miles south of Magnolia Road at Old U.S. 81, then west, 1.1 miles, grading, surfacing and bridge. (Federal Funds)

DISTRICT FOUR—Southeast

Coffey—16 C-1187-01—County road from Burlington, then east, 0.2 mile, grading and bridge. (Federal Funds)

Montgomery—63 C-2389-01—County road, 6 miles south of Independence, then east, 5.1 miles, grading and bridge. (Federal Funds)

Wilson—103 C-2250-01—County road, 1.1 miles west and 1.5 miles north of Benedict, then northeast, 0.2 mile, bridge replacement. (Federal Funds)

DISTRICT FIVE—Southcentral

Edwards—50-24 K-3934-01—U.S. 50, Big Coon Creek bridge 10, 0.9 mile northeast of U.S. 183, 0.9 mile, bridge overlay. (State Funds)

Kiowa—54-49 K-3989-01—U.S. 54, from the east city limits of Greensburg east to the Kiowa-Pratt county line, 14.7 miles, overlay. (State Funds)

Sedgwick—87 K-3844-01—K-96, I-135 and I-235 (various locations in the Wichita area), mudjacking. (State Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap, or national origin in the award of contracts.

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid-approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the projects may be examined at the office of the respective county clerk or at the K.D.O.T. district office responsible for the work.

HORACE B. EDWARDS
Secretary of Transportation

Doc. No. 008223

State of Kansas
DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURAL SERVICES

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

Notice is hereby given of the commencement of negotiations for architectural/engineering services for the construction of a new steam generating plant at the Kansas State Penitentiary in Lansing. Estimated construction cost is \$3.5 million.

Any questions or expressions of interest should be directed to Gerald R. Carter, AIA, Director of Planning and Design, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, on or before September 8.

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

Doc. No. 008210

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
SOCIAL AND REHABILITATION SERVICES

**NOTICE OF HEARING
 ON PROPOSED
 ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted at 9 a.m. Tuesday, September 26, in the SRS board room, sixth floor, Docking State Office Building, 915 Harrison, Topeka, to consider the adoption of proposed changes in existing rules and regulations.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Social and Rehabilitation Services, Room 603-N, Docking State Office Building, 915 Harrison, Topeka 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

These regulations are proposed for adoption on a permanent basis and are scheduled to become effective November 24. A summary of the proposed regulations and their economic impact follows.

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

1. **30-5-81. Scope of hospital services.** This regulation is being amended to add the coverage of prior authorized heart transplants at the University of Kansas Medical Center.

Economic Impact: Estimated \$165,000 annual increased cost in federal funds. The University of Kansas Medical Center will attest to the availability of state matching funds. This change results in no additional cost in state general funds to the Medicaid/MediKan Program.

2. **30-5-88. Scope of physician services.** This regulation is being amended to add the coverage of prior authorized heart transplants at the University of Kansas Medical Center.

Economic Impact: Estimated \$135,000 annual increased expenditures (\$67,500 state general funds). This is the maximum cost expected for physician services for five heart transplants. This cost may be less pending continued negotiations with the University of Kansas Medical Center.

Copies of the regulations and their economic impact statements may be obtained from the Office of Policy, Room 606-N, Docking State Office Building, Topeka 66612, (913) 296-3969 (KANS-A-N 561-3969).

WINSTON BARTON
 Secretary of Social and
 Rehabilitation Services

Doc. No. 008212

State of Kansas

**KANSAS PUBLIC DISCLOSURE
COMMISSION****Advisory Opinion No. 89-8**

Written July 24, 1989, to Karl F. Birns, Manager, Right-to-Know, Bureau of Air Quality and Radiation Control, Department of Health and Environment, Topeka.

This opinion is in response to your letter of June 16, 1989, in which you request an opinion from the Kansas Public Disclosure Commission.

We note at the outset that the commission's jurisdiction on this matter is limited to the application of K.S.A. 46-215 *et seq.* to your question. Thus, whether some other statute, common law, or agency policy relates to your question is not covered by this opinion.

We understand you request this opinion in your capacity as a state employee with the Department of Health and Environment. You have been requested by the University of Kansas Division of Continuing Education to participate in out-of-state programs and prepare a manual therefore. You would undertake this task on off duty time and be paid for your services. We understand the service you would be providing is not a portion of your state duties.

You ask whether you may accept the offered employment.

Based on the factual situation provided to us and after a review of the applicable law, we find nothing in K.S.A. 46-215 *et seq.* that prohibits the situation you have described. If you are required to file a statement of substantial interest, you may need to disclose the receipt of funds on your statement.

Advisory Opinion No. 89-9

Written July 24, 1989, to Randall R. Sangster, Wallace County Appraiser, Sharon Springs.

This opinion is in response to your letter of June 28, 1989, in which you request an opinion from the Kansas Public Disclosure Commission

We note at the outset that the commission's jurisdiction in this matter is limited to K.S.A. 75-4301 *et seq.* Thus, whether some other common law, statutory system or rule or regulation applies to your question is not covered by this opinion.

We understand you request this opinion in your capacity as Wallace County Appraiser. You ask, assuming all requirements of disclosure of substantial interest pertaining to K.S.A. 75-4304 and 75-4305 will be met, would a conflict of interest be created if an employee of a company doing re-appraisal maintenance contract work in the county were to be appointed as the county appraiser?

Based on the factual situation presented to us, the only conflict that could arise would be if the appraiser participated on behalf of the county in entering into contracts with his or her own company. To the extent such participation can be avoided, and this would include recommendations to the county to hire or retain the company, then there would be no conflict of interest so

long as the appraiser files the disclosure statement under K.S.A. 75-4301 *et seq.*

Advisory Opinion No. 89-10

Written July 24, 1989, to Dan Rupp, Office of the President, Fort Hays State University, Hays.

This opinion is in response to your letter of July 10, 1989, in which you request an opinion from the Kansas Public Disclosure Commission

We note at the outset that the commission's jurisdiction in this matter is limited to K.S.A. 75-4301 *et seq.* Thus, whether some other common law or statutory system apply to your question is not covered by this opinion.

We understand you request this opinion in your capacity as a member of the Hays City Commission and a professor at Fort Hays State University.

You advise us that the city of Hays is considering a program where it would contribute \$100,000 to the Fort Hays State University Endowment Association.

You state the endowment association is a not-for-profit corporation and a separate legal entity whose corporate charter states that its purpose is to receive bequests, donations and other monies to be disbursed, *inter alia*, for scholarships in this instance, the \$100,000 to be awarded through the Fort Hays State University Endowment Association; and the awards are made on the basis of objective and specific criteria, e.g., ACT scores within the range of 25-28 are used to determine eligibility and granting of \$500 Hays City Silver Awards.

You also tell us, as a professor of economics and finance, you have no control, input or influence in determining the recipients of the scholarships. Furthermore, you have no direct or indirect relationship with the University Endowment Association. There would be no personal, economic or financial gains that would accrue to your benefit if and when you are called upon to vote on the aforementioned \$100,000 appropriation.

Based on this factual situation, you ask whether it would be a conflict of interest to vote on the city's appropriation funds to the endowment association.

To trigger the conflict provisions in K.S.A. 75-4301 *et seq.*, the public officer or employee must either be employed by an entity dealing with the public position or hold a "substantial interest" in the entity. As we understand the factual situation, you are neither employed by nor hold a "substantial interest" in the endowment association. (See K.S.A. 75-4301 for the definition of "substantial interest" and note that the commission has consistently held that a university is not a "business.") Thus, it is our opinion that K.S.A. 75-4301 *et seq.* does not apply to the situation you have described.

Advisory Opinion No. 89-11

Written July 24, 1989, to Bob McDaniel, Administrator, Board of Emergency Medical Services, Topeka.

This opinion is in response to your letter of July 6, 1989, directed to the commission's staff and June 30, 1989, directed to the Attorney General.

We note at the outset that the commission's jurisdiction

is limited to the application of K.S.A. 46-215 *et seq.* to your questions. Thus, whether some other common law, statutory system, or agency rule or policy relates to your question is not covered by this opinion.

We understand you request this opinion in your capacity as administrator of the Board of Emergency Medical Services.

You describe three different factual situations and as to each ask if it presents a conflict of interest.

1. May a member of the board who is appointed to fill a statutorily required criteria position be named as the medical consultant to the board?
2. May an EMS Specialist I also service as an officer of a Region EMS Council that receives operational money from the board?
3. May an EMS Specialist II work part time for an ambulance service that is regulated by the board?

Two sections of the act deal with the situations you have described.

K.S.A. 46-233(a) states:

"No state officer or employee shall in the capacity as such officer or employee participate in the making of a contract with any person or business by which such officer or employee is employed or in whose business such officer or employee has a substantial interest and no such person or business shall enter into any contract where any state officer or employee, acting in such capacity, is a signatory to or a participant in the making of such contract and is employed by or has a substantial interest in such person or business."

K.S.A. 46-286(a) states:

"No state officer or employee, in the officer's or employee's official capacity, shall participate directly in the licensure, inspection or administration or enforcement of any regulation of or in any contract with any outside organization with which the officer or employee holds a position."

From a review of these sections, it is our opinion so long as the individuals mentioned do not participate in their state capacity in the making of contracts with themselves or entities by which they are employed or in which they hold a substantial interest and, in addition, do not participate in the licensure, inspection, or administration or enforcement or any regulation of or in any contract with an outside organization with which the officer or employee holds a position, that the above sections do not prohibit the situations you have described.

Applied to each scenario, the member of board may be appointed its medical consultant but may not participate in any manner in the board's decision making process to hire him. The board will undoubtedly give consideration to the appearance of conflict this situation could present in the perception of others.

The EMS Specialist I may serve on a region council so long as he does not participate in his capacity as a state employee in making contracts with the council. The EMS Specialist II may work for the ambulance service so long as he does not participate in his state capacity in

the licensure, inspection, or administration of any regulation or contract with the ambulance service.

Advisory Opinion No. 89-12

Written July 24, 1989, to Dorothy L. Ilgen, Executive Director, Kansas Arts Commission, Topeka.

This opinion is in response to your letter of July 11, 1989, in which you request an opinion from the Kansas Public Disclosure Commission.

We note at the outset that the commission's jurisdiction in this matter is limited to K.S.A. 46-215 *et seq.* Thus, whether some other common law, statutory system or rule or regulation applies to your question is not covered by this opinion.

We understand you request this opinion in your capacity as executive director of the Kansas Arts Commission.

You advise us that the Kansas Arts Commission is a member state in a regional arts service organization, Mid-America Arts Alliance, which is a not-for-profit, tax-exempt organization headquartered in Kansas City, Mo. This agency provides visual and performing arts services to Kansas communities. The Kansas Arts Commission, through a program grant, provides funding to M-AAA to help underwrite these activities.

The executive director and president of the Kansas Arts Commission sit on the board of directors and are members of the executive committee.

Recently, the staff of the M-AAA proposed establishing a policy to allow for the purchase of works of art that could then be toured in a special visual arts exhibition to the communities in the six member states, as well as to other communities nationwide. Currently, M-AAA borrows at no cost or pays a stipend for the use of works of art in touring exhibitions. The payment is made to the originator of the works—generally an individual artist, collector or art gallery or museum.

You ask what effect the policy of M-AAA would have on you and your chairman in your capacity as state officials.

We note initially that neither you nor your chairman should participate in making any grants or other contracts between the state and M-AAA since under K.S.A. 46-229(d) you hold substantial interests in M-AAA. (See K.S.A. 46-233 and 46-286(a).)

Otherwise, as we understand your question, it goes to the issue of whether due to your service on M-AAA because of your position with the state, will the state face some sort of liability for M-AAA activities under the purchase policy. We find nothing in K.S.A. 46-215 *et seq.* that deals with this issue and would refer you to the Attorney General if you have additional questions along that line.

LOWELL K. ABELDT
Chairman

Doc. No. 008200

State of Kansas

SECRETARY OF STATE

EXECUTIVE APPOINTMENTS

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

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

The following appointments were filed July 31-August 15:

State Representative, 38th District

James W. Long, 7006 Georgia Ave., Kansas City 66109. Effective July 26, 1989. Term expires when a successor is elected and qualifies according to law. Succeeds John Sutter, resigned.

District Judge, 12th Judicial District

Thomas Michael Tuggle, 304 W. 9th, Concordia 66901. Effective June 20, 1989. Term expires when a successor is elected and qualifies according to law. Succeeds Richard Wahl.

Capitol Area Plaza Authority

Marvin Clark, Box 444, Paola 66071. Effective July 28, 1989. Term expires July 31, 1993. Succeeds Joyce Soetaert.

James Cubit, Route 2, Garnett 66032. Effective July 28, 1989. Term expires July 31, 1993. Succeeds John D. Lewis.

Correne Green, 155 S. Oliver, Wichita 67218. Effective July 28, 1989. Term expires July 31, 1993. Succeeds Judy Langley.

Richard Liess, Route 1, Box 160, Goodland 67735. Effective July 28, 1989. Term expires July 31, 1993. Succeeds Creel Brock.

Coordinating Council on Early Childhood Developmental Services

Rep. Jessie Branson, 800 Broadview Drive, Lawrence 66044. Effective July 1, 1989. Appointed by the House Minority Leader.

Kansas Council on Employment and Training

Jerry E. Crown, 9035 W. 116th Terrace, Overland Park 66210. Effective July 28, 1989. Serves at the pleasure of the Governor. Succeeds Claudette McCoy.

Office of the Governor

Dennis R. Taylor, Chief of Staff to the Governor, 2nd Floor, State Capitol, Topeka 66612. Effective December 20, 1988. Serves at the pleasure of the Governor.

State Board of Healing Arts

Donald B. Bletz, 10550 Quivira, Overland Park 66215. Effective July 26, 1989. Term expires June 30, 1993. Succeeds John Hiebert.

Edward J. Fitzgerald, 3600 E. Harry, Wichita 67218. Effective July 26, 1989. Term expires June 30, 1993. Reappointment.

John P. White, 1702 Countryside Drive, Pittsburg 66762. Effective July 26, 1989. Term expires June 30, 1993. Reappointment.

Regional Systems of Cooperating Libraries
(Terms effective July 25, 1989, and
expire July 31, 1993.)

Central Kansas Library System Board:

Fran Malir, Route 1, Box 109, Wilson 67490. Represents Ellsworth County.

Iona Tuley, RFD 1, Republic 66964. Represents Republic County.

Northwest Kansas Library System Board:

Marlene Lemon, 12 Plymouth Drive, Colby 67701. Succeeds Patsy Ziegelmeier. Represents Thomas County.

Fran Williams, Route 1, Box 58, Alma 67662. Succeeds Ada Arford. Represents Norton County.

Southeast Kansas Regional Library System Board:

Roxana L. Armstrong, Route 5, Fort Scott 66701. Succeeds Marie Cohan. Represents Bourbon County.

Bessie Chaussard, Box 542, Arma 66723. Succeeds Patricia Tassi. Represents Crawford County.

Theodora A. Johnson, Route 2, Box 77A, Kincaid 66039. Succeeds Maxine Woolery. Represents Anderson County.

Judith Lair, Route 1, Piqua 66762. Succeeds Judith Westerman. Represents Woodson County.

Mandy Specht, Route 1, Iola 66749. Succeeds Cathy Conger. Represents Allen County.

Alice Walker, Route 1, Blue Mound 66010. Succeeds Margaret Hill. Represents Linn County.

Ruth M. Walker, Route 1, Moline 67353. Succeeds Octavia Brown. Represents Elk County.

Virginia M. Walkup, Route 1, Box 253A, Baxter Springs 66713. Succeeds Jennetta Judd. Represents Cherokee County.

State Board of Nursing

Johnnie B. Hymon, 1315 Lincoln, Topeka 66604. Effective July 26, 1989. Term expires July 31, 1993. Succeeds Don Denney.

State Board of Pharmacy

Dana L. Creitz, Jr., 315 N. Crestview, Parsons 67357. Effective June 21, 1989. Term expires July 31, 1993. Succeeds Patrick Parker.

Hoyt A. Kerr, 5863 S.W. 27th, Topeka 66614. Effective June 21, 1989. Term expires July 31, 1992. Succeeds Nancy Hanna.

State Examining Committee for Physical Therapy

Camilla Wilson, 5132 Hardy, Overland Park 66212. Effective June 24, 1989. Term expires June 30, 1993. Succeeds Ken Welk.

Commission on Travel and Tourism

Sharon J. Treaster, P.O. Box 97, Beloit 67420. Effective July 27, 1989. Term expires September 16, 1990. Succeeds Jerry Moran, resigned.

BILL GRAVES
Secretary of State

State of Kansas

KANSAS STATE UNIVERSITY**NOTICE TO BIDDERS**

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

Wednesday, September 6, 1989

#00011

200-Watt High Power Amplifier Assembly

#00013

Spectrophotometer

#00015

Microplate Reader

WILLIAM H. SESLER
Director of Purchasing

Doc. No. 008291

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.

Tuesday, September 5, 1989

#A-6259

Pittsburg State University—REMODEL HERITAGE
LOUNGE AND C/D DINING ROOM

#27514 (Supp.)

Various agencies—RADIOCHEMICALS

#80769

University of Kansas Medical Center—GAMMA
COUNTER/AUTO PIPETTE

#80770

Kansas State Historical Society—VEHICLE

#80771

University of Kansas—LOCAL TALK COMPATIBLE
NETWORKING PRODUCTS

#80778

Department of Transportation—X-RAY
DIFFRACTOMETER

#80779

Kansas Highway Patrol—TRUCK SCALES, Kanorado

#80785

University of Kansas Medical Center—FURNISH
ALL LABOR AND MATERIAL FOR
FIREPROOFING 3RD FLOOR "L" BUILDING

#80790

Kansas State Industrial Reformatory—COMPUTER
CONTROLLED PAPER CUTTER

#80791

Kansas State University—MAINTENANCE FOR
SCS40 COMPUTER SYSTEM

#80792

Department of Administration, Division of Printing—
SHAFFSTALL CONVERSION SYSTEM OR
EQUIVALENT

#80818

University of Kansas—PAPER, PRINTING AND
BINDING

Wednesday, September 6, 1989

#A-5758(b)

Kansas State University—CENTRAL PLANT
CHILLER ADDITION

#27348

Statewide—OFFICE SUPPLIES

#27363

Statewide—DIETARY PHARMACEUTICAL

#28090

University of Kansas Medical Center—PAGERS

#28098

University of Kansas Medical Center—
REPLACEMENT AUTOMOTIVE AND TRUCK
PARTS

#80140A

Kansas State University—SUN WORKSTATIONS

#80793

Winfield Correctional Facility and Topeka
Correctional Facility—VEHICLES

#80794

Kansas Bureau of Investigation—GAS
CHROMATOGRAPH

#80795

Department of Health and Environment—
SPECTROPHOTOMETER

#80796

Kansas State University—FREEZE-DRYING
EQUIPMENT

#80797

Department of Transportation—BINDERS AND
INDEX SHEETS

#80813

Department of Transportation—FILE FOLDERS

#80815

Kansas Highway Patrol—MOBILE RADIOS

#80817

Kansas State University—COMPLETION OF FIXED
UPLINK SYSTEM

Thursday, September 7, 1989

#A-5959

Larned State Hospital—TUNNEL REPAIR
PROJECT

#27538

Kansas Correctional Industries—RENDERING
MATERIALS—SERVICE

#28099

Kansas Correctional Industries and Hutchinson
Correctional Work Facility—RESPIRATOR FILTER
CARTRIDGES

#80783

Kansas State University—FOOD MIXER

(continued)

#80830
 Kansas Highway Patrol—RADAR UNIT
 #80839
 Wichita State University—LAB FURNITURE
 Friday, September 8, 1989
 #27166
 Statewide—CORRECTIONAL OFFICER UNIFORM COMPONENTS
 #80761
 Kansas Correctional Industries—PAILS AND LIDS
 #80820
 Kansas Highway Patrol—PATROL VEHICLES
 #80831
 Department of Transportation—HIGHWAY MACHINERY, Hutchinson
 #80832
 Department of Transportation—AGGREGATE, Altoona
 #80833
 Department of Transportation—AGGREGATE, Atchison County
 #80840
 Department of Social and Rehabilitation Services—DUST MOP YARN

Monday, September 11, 1989
 #27338

Department of Transportation—VEHICLES TO TRANSPORT THE ELDERLY AND THE HANDICAPPED

Tuesday, September 12, 1989
 #80784

Department of Administration, Division of Information Systems and Communications—UPGRADE/REPLACE EXISTING AMDAHL CPU

Friday, September 15, 1989
 #27716

Statewide—LTL REGIONAL FREIGHT CONTRACT

Wednesday, September 20, 1989
 #27409

Statewide—CATHETERS (CLASS 07)

Thursday, September 28, 1989
 #80760

Department of Social and Rehabilitation Services—MEDICAID PROCESSING SERVICES

REQUEST FOR PROPOSAL

Tuesday, September 5, 1989
 #80773

INSTALL TELECOMMUNICATION CABLES FOR THE WICHITA STATE UNIVERSITY

NICHOLAS B. ROACH
 Director of Purchases

Doc. No. 008217

State of Kansas

BOARD OF INDIGENTS' DEFENSE SERVICES

NOTICE OF MEETING

The State Board of Indigents' Defense Services will meet at 1 p.m. Friday, September 22, at the Salina Holidome lobby board room, 1616 W. Crawford, Salina.

For additional information contact Ron Miles, Director, State Board of Indigents' Defense Services, Room 506, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, (913) 296-4505.

RONALD E. MILES
 Director

Doc. No. 008206

State of Kansas

KANSAS RACING COMMISSION

PERMANENT ADMINISTRATIVE REGULATIONS

Article 4.—OCCUPATION AND CONCESSIONAIRE LICENSES

112-4-1. Occupation licenses. (a) Before engaging in the following occupations at a racetrack facility, each person shall pay the required fee and secure the appropriate license or licenses from the commission:

- (1) Administration;
- (2) administrative support;
- (3) admission/parking attendant;
- (4) announcer;
- (5) apprentice jockey;
- (6) assistant manager;
- (7) assistant racing secretary;
- (8) assistant starter;
- (9) assistant trainer;
- (10) authorized agent;
- (11) blacksmith;
- (12) bloodstock agent;
- (13) breed registry;
- (14) brakeman;
- (15) chart writer;
- (16) clerk of scales;
- (17) colors attendant;
- (18) concession employee;
- (19) concession operator;
- (20) director of racing;
- (21) director of security;
- (22) driver;
- (23) exercise person;
- (24) farrier;
- (25) flagman;
- (26) groom/hot walker;
- (27) horseman's bookkeeper;
- (28) identifier;
- (29) jockey;
- (30) jockey agent;
- (31) jockey room attendant;
- (32) kennel helper;

- (33) kennel master;
- (34) kennel owner;
- (35) lead out;
- (36) lure operator;
- (37) maintenance;
- (38) managing owner;
- (39) mutuel employee;
- (40) official;
- (41) outrider;
- (42) owner;
- (43) owner/assistant trainer;
- (44) owner/partner;
- (45) owner/trainer;
- (46) owner/trainer/driver;
- (47) owner by open claim;
- (48) paddock attendant;
- (49) paddock judge;
- (50) patrol judge;
- (51) photo finish operator;
- (52) plater or farrier;
- (53) pony person;
- (54) practicing veterinarian;
- (55) practicing veterinarian assistant;
- (56) program manager;
- (57) promotion manager;
- (58) racing judge;
- (59) racing secretary;
- (60) security;
- (61) stable trainer or agent;
- (62) starter;
- (63) steward;
- (64) supervisor of mutuels;
- (65) testing technician;
- (66) timer;
- (67) selection sheet operator;
- (68) totalisator employee;
- (69) track superintendent;
- (70) trainer;
- (71) valet;
- (72) video operator; and
- (73) any other personnel designated by the commission.

(b) Each applicant for an occupation license shall apply in writing on the application form approved and furnished by the commission.

(c) Each applicant for an occupation license acting as an employer shall submit proof of compliance with the workers compensation act of the state of Kansas, K.S.A. 44-501 *et seq.*

(d) Each authorized agent shall register an authorized agent agreement with the commission and shall pay the required fee for each authorized agent agreement.

(e) Each applicant for an occupation license shall not knowingly provide false information on any occupation license application form.

(f) Each applicant for an occupation license shall not fail to disclose any material fact on any occupation license application form.

(g) No person shall alter or attempt to alter any information contained on an occupation license badge.

(h) Each person who loses a license shall secure a replacement license and shall pay the required fee.

(i) Each required fee shall be paid when the occupation

license is issued. Each occupation license issued by the commission shall be valid for the period commencing January 1 and terminating December 31 of the calendar year in which the occupation license is issued.

(j) Each applicant shall submit with the application three complete sets of fingerprint cards approved by the commission. If the fingerprints are not acceptable for processing, each applicant shall be required to resubmit fingerprint cards.

(k) Each applicant for an occupation license must be at least 16 years old. However, this provision shall not preclude dependent children under the age of 16 from working for a parent or guardian when the parent or guardian is licensed as a trainer or assistant trainer and approval has been obtained from the organization licensee. Each licensed trainer or trainer's authorized representative signing a test barn sample tag shall be at least 18 years of age.

(l) A trainer may waive the right to witness the collection of a test sample from a racing animal when the trainer's authorized representative witnessing the collection of the test sample is less than 18 years of age. The trainer shall execute a voluntary and knowing waiver of the right to witness the collection of the test sample prior to the time the trainer is licensed by the commission. Each trainer waiving the right to witness the collection of a test sample from a racing animal is estopped from later claiming any defect in the process of collecting and identifying the test sample.

(m) Each employer at a racetrack facility shall immediately notify the commission and the organization licensee when a licensee's employment is terminated. Each employer shall make an effort to secure the occupation license from the employee and if the license is secured shall deliver the license to the commission. (Authorized by K.S.A. 1988 Supp. 74-8804; implementing K.S.A. 1988 Supp. 74-8804; and 74-8816; effective T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended T—, —; amended Oct. 9, 1989.)

112-4-3. Knowledge of the law and regulations. Each licensee, to maintain qualifications for any license held, shall know the provisions of the Kansas parimutuel racing act, the requirements of these racing regulations, and each amendment to the law and regulations relating to the licensee's occupation license. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8816; effective T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended T—, —; amended Oct. 9, 1989.)

112-4-4. Certain prohibited licenses. (a) The stewards, with the approval of the commission, may prohibit applicants from holding multiple occupation licenses when, in the opinion of the commission, conflict of interest is created that reflects adversely on the honesty and integrity of racing.

(b) Each commission-licensed jockey, veterinarian, racing official, assistant starter, jockey room attendant, photo finish operator or valet shall not be licensed as a horse owner. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8804(p), K.S.A. 1988 Supp. 74-8816; effective T-112-1-19-89, Jan. 19, 1989; ef-

(continued)

fective April 10, 1989; amended T—, —; amended Oct. 9, 1989.)

112-4-5. License identification requirements. (a) Each license applicant shall provide identifying personal information including the following:

- (1) Full name;
- (2) permanent address, including zip code;
- (3) type of license;
- (4) date of application; and
- (5) date of birth.

(b) Each license shall be color-coded to identify the occupation and the individual's eligibility to enter restricted areas. Each license holder, except jockeys riding in a race, shall have the current license attached to an outer garment and prominently worn while present in restricted areas of the racetrack facility. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8816; effective T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended T—, —; amended Oct. 9, 1989.)

112-4-8. Examinations. (a) Any applicant for an occupation license may be required to demonstrate knowledge, qualifications and proficiency related to the license for which application is made through an examination approved by the commission.

(b) Unless otherwise authorized by the stewards or racing judges, any unsuccessful license examination applicant may be retested at 30 days following the first failure and six months following the second failure. Applicants failing the examination on the third attempt shall be ineligible for licensure for that license during that calendar year. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8816; effective T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended T—, —; amended Oct. 9, 1989.)

112-4-10. Physical examination. As a condition of licensure, each person who is mounted on a race horse or driving a race horse within the enclosure or riding in a race shall submit proof of a satisfactory physical examination given by a licensed physician within the previous 12 months. As required in K.A.R. 112-7-20 and K.A.R. 112-14-10, the physical examination shall include visual acuity and hearing examinations. A reexamination of any jockey or driver may be required by the commission or the stewards at any time. Any jockey or driver may be prohibited from riding or driving by the commission or the stewards until the jockey or driver has successfully passed each examination. (Authorized by K.S.A. 1988 Supp. 74-8804 (p); implementing K.S.A. 1988 Supp. 74-8816; effective T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended T—, —; amended Oct. 9, 1989.)

112-4-11. Qualifications for jockey. (a) Each person granted a jockey occupation license shall:

- (1) Be at least 16 years old; and
- (2) weigh no more than 130 pounds.

(b) In thoroughbred races, each applicant for a jockey license shall have completed the requirements for apprentice jockey. (Authorized by K.S.A. 1988 Supp. 74-8804; implementing K.S.A. 1988 Supp. 74-8816, effective

T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended T—, —; amended Oct. 9, 1989.)

112-4-20. Stable name registration. (a) Each person who proposes to use a stable name shall annually register the stable name with the commission and shall pay the required fee. Each horse owned in whole or in part by the same person shall be run under the stable name.

(b) Each applicant shall disclose the identity or identities of each person using the stable name.

(c) Each change in stable name shall be reported immediately to the commission and approval obtained from the commission before the name is used.

(d) The commission shall be provided written notice of each cancellation of a stable name.

(e) Any person may change a stable name by registering a new stable name and by paying the required fee.

(f) Each stable name shall be clearly distinguishable from that of another registered stable name.

(g) Each stable name and the name of the owner or managing owner shall be published in the official racing program. If the stable name includes more than one person, the official program shall list the name of the managing owner along with the phrase "et al."

(h) If a partnership, corporation, syndicate or other association or entity proposes to use a stable name, it shall comply with commission regulations governing multiple ownership including any payment of fees in addition to fees for the registration of a stable name. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804; effective T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended T—, —; amended Oct. 9, 1989.)

112-4-22. Licensing required. Each license procedure required by the commission shall be completed by the applicant before the applicant assumes any duties at a racetrack facility except as follows. Any trainer may apply for a 30 day temporary license on behalf of an absentee horse owner and pay the required application fees. Each absentee horse owner shall complete the licensing procedure before the temporary license expires. No organization licensee shall pay purse money to the horse owner until the owner secures a permanent horse owner's license. If the permanent horse owner's license is not secured within 30 days, the trainer and absentee owner shall be penalized by the commission. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804; effective T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended, T—, —; amended Oct. 9, 1989.)

Article 10.—ANIMAL HEALTH

112-10-32. Assistant animal health officers, greyhound. (a) Each assistant animal health officer employed by the commission shall be licensed to practice veterinary medicine in the state of Kansas.

(b) Each assistant animal health officer shall not treat or prescribe medication for any greyhound located at a racetrack facility or registered to race at a racetrack facility except in an emergency. Each assistant animal health officer who treats or prescribes medication for a greyhound in an emergency shall promptly file a complete report of the circumstances and veterinary procedure with the racing judges and the animal health officer.

(c) Each kennel owner and trainer shall not employ or pay any compensation to an assistant animal health officer, directly or indirectly, while the assistant animal health officer is functioning in that capacity at the racetrack as an employee of the commission.

(d) One assistant animal health officer shall be designated by the animal health officer as the senior assistant animal health officer. The senior assistant animal health officer shall assign duties among the other assistants as needed.

(e) Each senior assistant shall:

(1) Supervise practicing veterinarians at the racetrack facility and recommend to the racing judges or the commission the discipline to be imposed upon each practicing veterinarian who violates commission regulations;

(2) place any greyhound on the veterinarian's list where it shall remain a minimum of three calendar days when in the senior assistant animal health officer's discretion the placement is proper;

(3) remove any greyhound from the veterinarian's list when in the senior assistant animal health officer's discretion the removal is proper. No greyhound shall be entered in a race before its name is removed from the veterinarian's list;

(4) supervise the collection of urine, blood or other specimens from greyhounds, as designated by the senior assistant animal health officer, the racing judges or commission and maintain identification records for the specimens as required by the commission;

(5) supervise the procedure for witnessing, sealing and delivering each test specimen to the designated test laboratory;

(6) report immediately to the animal health officer the name, tattoo number and reason for death of each greyhound that dies or is euthanized at a racetrack facility; and

(7) perform other duties prescribed by the animal health officer and the commission.

(f) Each other assistant animal health officer shall:

(1) Scratch each greyhound determined not sound to race at any time until the greyhound enters the starting box;

(2) place each greyhound's name determined not sound to race on the veterinarian's list where it shall remain a minimum of three calendar days;

(3) treat any greyhound or euthanize any greyhound that is so seriously injured that the assistant animal health officer believes the action is necessary. Each kennel owner or trainer at a racetrack facility shall execute and deliver a written waiver and consent to the assistant animal health officer before the greyhound is treated or euthanized; and

(4) perform other duties prescribed by the animal health officer, the senior assistant animal health officer, the racing judges or the commission. (Authorized by K.S.A. 1988 Supp. 74-8804; implementing K.S.A. 1988 Supp. 74-8806, 74-8810; effective T—, —; effective Oct. 9, 1989.)

112-10-33. Practicing veterinarians, greyhound. (a) Each practicing veterinarian at a racetrack facility shall be licensed to practice veterinary medicine in the state of Kansas and shall secure an occupation license in accordance with the Kansas parimutuel racing act and com-

mission regulations. Before an occupation license issues, each practicing veterinarian shall meet with the animal health officer to verify that the practicing veterinarian has reviewed these Kansas administrative regulations and is informed about existing medication practice.

(b) Each practicing veterinarian at a racetrack facility who treats a greyhound for any contagious or communicable disease shall report the fact immediately in writing to the animal health officer or assistant animal health officers on a form approved by the animal health officer. (Authorized by K.S.A. 1988 Supp. 74-8804; implementing K.S.A. 1988 Supp. 74-8810, 74-8816; effective T—, —; effective Oct. 9, 1989.)

112-10-34. Drugs or medication, greyhound. (a) No individual shall administer any drug or medication to any greyhound entered in a race for 24 hours before the race in which the greyhound is to run and continuing until after the race is run.

(b) Each laboratory analysis of saliva, urine, blood or other sample taken from a greyhound that indicates the presence of a drug or medication shall be evidence that the drug or medication was present in the greyhound's system during the running of the race.

(c) Except as authorized by these Kansas administrative regulations, if the presence of any drug, its metabolites or analogs, or any substance foreign to the greyhound is detected in the test sample taken from a greyhound at a racetrack facility, the greyhound shall be disqualified by the racing judges. Each owner or trainer of a greyhound disqualified because of a violation of this regulation shall not be paid any portion of the purse or stakes. Each trophy or other award delivered to the owner or trainer of a disqualified greyhound shall be returned.

(d) Despite each provision to the contrary in this regulation, liniments, including Dimethylsulfoxide, may be administered to a greyhound as an external topical application. If the assistant animal health officer determines there has been excessive use of liniment on the racing greyhound, the assistant animal health officer may scratch the greyhound.

(e) Despite each provision to the contrary in this regulation, procaine, trimethoprim and sulfa shall be permitted medications subject to the following condition. Procaine, trimethoprim and sulfa shall not be permitted medications if the racing chemist in consultation with the animal health officer determines that a test sample contains procaine, trimethoprim or sulfa in a quantity considered:

(1) Significant; or

(2) capable of altering the performance of a greyhound. Procaine shall not be transported or processed on the race course.

(f) No individual shall possess, transport or use any drug or medication or equipment for administering a drug or medication within the confines of the kennel compound except when licensed as a veterinarian by the state of Kansas and the commission or when licensed as a kennel owner or trainer by the commission. Each kennel owner or trainer who possesses a drug or medication or equipment for administering a drug or medication shall place the drug or medication in the designated area, including

(continued)

the refrigerator, in the kennel building. Each drug or medication at a racetrack facility shall be in a container bearing a veterinarian's prescription or in the original container bearing the manufacturer's label with the serial or lot number. Each veterinarian or kennel owner or trainer shall not abandon a drug or medication or equipment for administering the drug or medication and shall destroy the equipment before it is discarded. Each drug or medication in the kennel owner's or trainer's possession shall be listed on a form approved by the animal health officer and filed with the assistant animal health officer. Each kennel owner or trainer shall update the form on a daily basis so that at all times a current and correct list of drugs or medications and the equipment for administering them is on file with the assistant animal health officer. (Authorized by and implementing K.S.A. 1988 Supp. 74-8811; effective T—, —; effective Oct. 9, 1989.)

112-10-35. Testing. (a) Each racing greyhound entered in a race shall be submitted to a urine, blood or other pre-race test. Each greyhound shall not be eligible to start in a race until the owner or trainer complies with the required test procedure.

(b) A blood, urine or other sample shall be taken from the winner of each race and from each other greyhound designated by the racing judges under the supervision of the animal health officer or senior assistant animal health officer.

(c) Each blood, urine or other sample specimen shall be taken under the supervision of the animal health officer or senior assistant animal health officer. Each sample shall be taken in the paddock area unless approved otherwise by the animal health officer or senior assistant animal health officer.

(d) Each trainer, owner or their authorized representative shall witness and confirm the taking of test samples.

(e) If a urine sample is not obtained within a reasonable time, the senior assistant animal health officer may take a blood sample from the brachiocephalic vein in lieu of a urine sample and submit the blood plasma from the blood sample to the test laboratory for testing.

(f) Each test sample shall remain in the custody of the animal health officer or senior assistant animal health officer from the time it is secured until it is delivered for shipment to the test laboratory.

(g) Each person shall not tamper with, adulterate, add to, break the seal of, remove or otherwise attempt to alter or violate any test sample taken.

(h) The commission may direct the test laboratory or the animal health officer and senior assistant animal health officer to retain and preserve test samples for future analysis.

(i) The fact that purse money has been paid before the issuance of a laboratory report shall not be deemed a finding that no prohibited substance has been administered to the greyhound earning the purse money in violation of these Kansas administrative regulations. (Authorized by K.S.A. 1988 Supp. 74-8804, implementing K.S.A. 1988 Supp. 74-8806, 74-8810 and 74-8811; effective T—, —; effective Oct. 9, 1989.)

112-10-36. Split samples. (a) At the direction of the senior assistant animal health officer and when the quantity of the test sample permits, each test sample shall be

divided into two portions.

(b) Each first portion shall be submitted by the commission to the official test laboratory for initial testing for prohibited substances.

(c) Each second portion shall be submitted by the commission to a test laboratory designated and approved by the commission if the trainer or owner files a written request for the submission with the racing judges within 48 hours after the trainer or owner receives notice of a positive report on a test sample taken from the greyhound.

(d) No provision of these Kansas administrative regulations shall prevent the commission or the executive director from ordering both test sample portion to be delivered to the official test laboratory for initial testing.

(e) The test results on the second portion of a sample tested pursuant to these Kansas administrative regulations shall not prevent disqualification of the greyhound tested under this article.

(f) Each person who requests testing of the second portion of a sample shall pay all costs for the transportation and testing of the sample.

(g) The freezing, storage and safeguarding of each portion of a test sample shall remain the responsibility of the animal health officer and each senior assistant animal health officer. (Authorized by and implementing K.S.A. 1988 Supp. 74-8811; effective T—, —; effective Oct. 9, 1989.)

112-10-37. Postmortem examination. (a) A postmortem examination may be ordered for each greyhound that dies at a racetrack facility by the senior assistant animal health officer.

(b) The senior assistant animal health officer may secure test samples, including tissue and other specimens during the postmortem examination and, if secured, shall send them to the official test laboratory or a diagnostic laboratory for testing and consultation as the senior assistant animal health officer directs. When practical, the senior assistant animal health officer shall secure the test samples for the detection of prohibited substances before the greyhound is euthanized.

(c) Each kennel owner and trainer shall comply with each provision for postmortem examination contained in these Kansas administrative regulations as a condition of the kennel owner's and trainer's license. (Authorized by K.S.A. 1988 Supp. 74-8804; implementing K.S.A. 74-8804; 74-8806; effective T—, —; effective Oct. 9, 1989.)

JIMMY D. GRENZ
Executive Director

Doc. No. 008222

(Published in the Kansas Register, August 24, 1989.)

**NOTICE OF REDEMPTION
to the holders of
Finney 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 as of January 1, 1980, \$470,000 principal of bonds has been drawn pro rata between maturities and by lot within each maturity for redemption at par on October 1, 1989.

Coupon bonds of \$5,000 denominations, called in full, bearing CUSIP No. 318037 and Suffix:

AJ7	AN8	1031	1577	2095
437	762	1100	1579	2139
AK4	AP3	1102	1639	2162
495	809	AS7	1685	2181
508	824	1174	1698	2684
509	868	1177	AV0	2687
AL2	AQ1	1219	1734	2895
532	914	1231	1755	2980
574	956	AT5	1757	3016
576	981	1252	1783	3071
586	AR9	1260	1814	3321
AM0	1005	AU2	1818	3336
665	1010	1537	1837	
674	1018	1573	1869	

The serial numbers of the registered bonds to be redeemed bearing CUSIP No. 318037, in whole or in part, and the principal amount to be redeemed are as follows:

Bond Number	Par Amount	Amount Called	Suffix
R216	\$ 60,000	\$ 5,000	AS7
R247	30,000	5,000	AT5
R248	35,000	5,000	AT5
R234	380,000	10,000	AU2
R115	15,000	5,000	AV0
R127	40,000	5,000	AV0
R201	25,000	10,000	AV0
R203	20,000	5,000	AV0
R228	20,000	5,000	AV0
R235	2,350,000	75,000	AV0
R236	1,845,000	60,000	AV0

Coupon bonds with the October 1, 1989, and all subsequent coupons attached, and registered bonds called in full or in part, should be presented to:

Continental Bank, National Association
Attention: Corporate Trust Operations
231 S. LaSalle St., 19th Floor
Chicago, IL 60697

Where a fully registered bond is redeemed in part, a new, fully registered bond for the unredeemed portion will be issued and returned without charge. Interest on the bonds or portion of bonds called for redemption will cease to accrue on October 1, 1989.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 20 percent tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of the above described securities who wish to avoid the

imposition of this tax should submit certified taxpayer identification numbers when presenting their securities for collection.

Dated August 24, 1989.

FINNEY COUNTY, KANSAS
By: Continental Bank, National Association
as Trustee

Doc. No. 068202

(Published in the Kansas Register, August 24, 1989.)

**SUMMARY NOTICE OF BOND SALE
City of Bel Aire, Kansas
General Obligation Internal Improvement Bonds
Series A, 1989**

(general obligation bonds payable from
unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated August 1, 1989, and official statement dated September 19, 1989, sealed bids will be received by the city clerk of the city of Bel Aire, Kansas, on behalf of the governing body at the City Hall, 4551 N. Auburn, Wichita, until 7 p.m. C.D.T. on Tuesday, September 5, 1989, for the purchase of \$215,822.92 principal amount of General Obligation Internal Improvement Bonds, Series A, 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, except one bond in the denomination of \$5,822.92. 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	\$ 5,822.92
1991	10,000.00
1992	15,000.00
1993	20,000.00
1994	20,000.00
1995	25,000.00
1996	25,000.00
1997	25,000.00
1998	35,000.00
1999	35,000.00

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

Paying Agent and Bond Registrar
Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$4,316.46 (2 percent of the principal amount of the bonds).

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Delivery

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about September 26, 1989, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1989 is \$13,618,312. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$3,375,300.

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, Sherryl L. Cutter, 4551 N. Auburn, Wichita, KS 67220, (316) 744-2451; or from the financial advisor, First Securities Company of Kansas, Inc., One Main Place, Suite 200, Wichita, KS 67202, Attention: Kerry J. Clark, (316) 262-4411.

City of Bel Aire, Kansas

Doc. No. 008213

State of Kansas**WILDLIFE AND PARKS COMMISSION****NOTICE OF MEETING AND
HEARING ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted at 7 p.m. Friday, September 29, in meeting room 101 of the Century II Convention Hall, 225 W. Douglas, Wichita, to consider the adoption and revocation of several department regulations. If necessary, the public hearing will continue at 9 a.m. Saturday, September 30, at the same location.

This 30-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the regulations.

All interested parties may submit written comments prior to the hearing to the chairman of the commission, Kansas Department of Wildlife and Parks, Suite 502, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations and the proposed revocations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending, or rejecting the proposed regulations and for approving, amending or rejecting the proposed revocations.

The following is a brief summary of the proposed ex-

empt and permanent regulations and permanent regulations proposed for revocation:

115-2-1. Amount of fees. This proposed permanent regulation incorporates provisions of K.A.R. 23-18-1, which is proposed for revocation. In addition, K.A.R. 115-2-1 sets fees for certain issues of the department, which were previously set by law, for new issues authorized by law and adjusts fees for certain commercial uses of wildlife and the 24-hour fishing license. K.A.R. 115-2-1 does not address park-related fees and permits.

Economic Impact Summary: Establishes fees for resident and nonresident mussel dealers, nonresident mussel fishing, resident and nonresident amphibian and reptile dealers and harvesters, and for a wildlife importation permit. The 24-hour fishing license fee is increased by \$1. The rabbit and hare dealer permit is increased by \$200. Total economic impact in department revenue is estimated to be \$118,308, which represents a cost to those persons wishing to purchase several issues.

The following series of regulations (K.A.R. 115-8-1 through K.A.R. 115-8-20) deal with authorized or prohibited acts or activities on department lands and waters:

K.A.R. 115-8-1. Hunting, trapping and target practice. This proposed permanent regulation incorporates provisions of K.A.R. 23-8-2 and K.A.R. 33-1-17, which are proposed for revocation. Hunting, trapping and target practice would be authorized by posted notice and represents no change. Commercial rabbit and hare trapping and commercial amphibian and reptile harvesting would be prohibited.

Economic Impact Summary: Land open to hunting, trapping and target practice is anticipated to remain constant or increase slightly. No economic impact is anticipated. The current amount of commercial rabbit and hare trapping or commercial amphibian and reptile harvesting is believed to be quite small. An insignificant economic impact due to that prohibition is anticipated.

K.A.R. 115-8-2. Blinds and tree stands. This proposed permanent regulation contains provisions of K.A.R. 23-8-11, which is proposed for revocation. The proposed regulation provides for portable or temporary blinds and portable tree stands.

Economic Impact Summary: Individuals who previously constructed tree stands will no longer be able to do so. Those wishing to use a tree stand would either construct a portable stand or purchase a manufactured portable stand. Those choosing to purchase a portable tree stand will incur an expense. The department and public will realize a benefit from reduced tree damage and improved aesthetics.

K.A.R. 115-8-4. Non-commercial hunting dog training. This proposed permanent regulation contains provisions of K.A.R. 23-8-25, which is proposed for revocation. Changes include year-round bird dog training, release of pen-raised banded birds or wild-trapped pigeons for training purposes and for possession of pen-raised banded birds and of pigeons taken during training.

Economic Impact Summary: The changes represent a relaxation of training restrictions. Any increased expenditures by non-commercial dog trainers would be by choice. The department will benefit from increased use and non-commercial trainers should benefit from increased opportunity.

K.A.R. 115-8-5. Discharge of firearms and other sporting equipment. This proposed permanent regulation contains provisions from K.A.R. 23-8-2, which is proposed for revocation. The proposed regulation authorizes the discharge of firearms and other sport hunting equipment capable of launching projectiles. The authorized purposes are unchanged from K.A.R. 23-8-2. The discharge of fully automatic rifles or fully automatic handguns is prohibited.

Economic Impact Summary: Provisions of K.A.R. 115-8-5 are so nearly similar to K.A.R. 23-8-2 that there would be no economic impact.

K.A.R. 115-8-6. Fishing, bait fish and seining. This proposed permanent regulation contains provisions of K.A.R. 23-8-2 and K.A.R. 33-1-2, which are proposed for revocation. The proposed regulation authorizes fishing on all lands and waters except where prohibited by posted notice. Fishing on boat ramps and in swimming areas is prohibited. Fishing from a concessionaire's facility would be subject to posted notice. The proposed regulation authorizes the taking and use of minnows and other fishing bait and prohibits seining in department owned waters. The proposed regulation maintains current fish cleaning procedure in state parks.

Economic Impact Summary: Although several modifications occur, they are not anticipated to have an economic impact on the department or the public.

K.A.R. 115-8-7. Boating and general restrictions. This proposed permanent regulation contains provisions of K.A.R. 23-8-21 and K.A.R. 33-1-10, which are proposed for revocation. The proposed regulation would provide for "no wake" speeds on state lakes if so posted and requires moorage or storage of vessels at designated sites if left longer than 24 hours.

Economic Impact Summary: The several modifications proposed are not anticipated to have a significant impact on the department or the public. Some additional posting expense would occur.

K.A.R. 115-8-8. Swimming. This proposed permanent regulation contains provisions of K.A.R. 23-8-2, K.A.R. 33-1-5 and K.A.R. 33-1-11, which are proposed for revocation. Swimming is authorized in department waters, except state fishing lakes, subject to posted notice. Swimming is prohibited in state fishing lakes except as authorized by posted notice. Body contact with water which occurs incidental to other authorized activities is allowed.

Economic Impact Summary: Provisions of K.A.R. 115-8-8 closely parallel K.A.R. 23-8-2 and 33-1-11. No economic impact on the department or the public is anticipated.

K.A.R. 115-8-9. Camping. This proposed regulation, contains provisions of K.A.R. 23-8-2 and K.A.R. 33-1-9, which are proposed for revocation. The proposed regulation provides for camping on designated areas and allows camping stays of up to 14 days. Extended stays are authorized if vacant camp sites are available. Prohibits leaving equipment, vehicles or other property unattended or unoccupied in a campground for more than 24 hours.

Economic Impact Summary: K.A.R. 23-8-2 restricted stays to seven days, so K.A.R. 15-8-9 relaxes that restriction but does restrict camping to designated areas, which is a new provision for lands other than state parks. The latter restriction may necessitate that some campers utilize

a state park campground, thus paying a vehicle or camping fee. The total economic impact is anticipated to be quite small except for those required to use a state park campground. The department may experience a slight increase in sale of camping or vehicle permits. The public and department should benefit from a reduction in uncontrolled camping.

K.A.R. 115-8-10. Pets; restrictions and provisions. This proposed permanent regulation contains provisions of K.A.R. 23-8-2 and K.A.R. 33-1-16, which are proposed for revocation. Current provisions would be continued except that pets, when tethered, must be under the direct observation of the owner.

Economic Impact Summary: Changes contained in K.A.R. 115-8-10 are of a nature that no economic impact on the department or the public is anticipated.

K.A.R. 115-8-11. Domestic animals and livestock; provisions and restrictions. This proposed permanent regulation contains provisions of K.A.R. 23-8-2, K.A.R. 33-1-14 and K.A.R. 33-1-16, which are proposed for revocation. The proposed regulation maintains provisions for riding of animals on state park bridle paths and on roads, parking areas, bridle paths and other designated areas on land areas other than state parks. The proposed regulation allows for draft animals under certain conditions and restricts stabling of animals and other livestock uses to designated areas or as authorized by the department.

Economic Impact Statement: Modifications of K.A.R. 115-8-11 are of a minor nature and no economic impact is anticipated for the department or the public.

K.A.R. 115-8-12. Stocking or releasing of wildlife. This proposed permanent regulation contains provisions of K.A.R. 23-8-2, which is proposed for revocation. The proposed regulation provides the conditions under which wildlife may be released or stocked on department lands or in department waters. K.A.R. 23-8-2 prohibits releasing or stocking except as approved in writing by the department.

Economic Impact Summary: The primary benefit will be simplification. The public will know when and for what purposes wildlife may be released or stocked. No economic impact for the department or public is anticipated.

K.A.R. 115-8-13. Motorized vehicles and aircraft; authorized operation. This proposed permanent regulation contains provisions of K.A.R. 23-8-2, K.A.R. 33-1-13 and K.A.R. 33-1-15, which are proposed for revocation. Motorized vehicles would be restricted to roads and parking areas unless otherwise allowed by posted notice or as approved by the department. A speed limit of 25 miles per hour is established and provisions for load limits on roads and bridges are established. Aircraft landings and take-offs are restricted to designated sites as authorized by the department.

Economic Impact Summary: Modifications contained in K.A.R. 115-8-13 are of a nature that are not anticipated to cause an economic impact on the department or the public.

K.A.R. 115-8-14. Fireworks; discharge and public display. This proposed permanent regulation contains provisions of K.A.R. 23-8-2 and K.A.R. 33-1-7, which are proposed for revocation. K.A.R. 23-8-2 prohibits fireworks except by written approval and K.A.R. 33-1-7 allows fire-

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works at designated sites. The proposed regulation allows fireworks at designated sites or as authorized by the department. Public fireworks displays would be authorized by special event permits subject to all state laws and regulations.

Economic Impact Summary: The proposed regulation clarifies but does not appreciably change current restrictions and controls. No economic impact is anticipated for the public or the department.

K.A.R. 115-8-15. Fire; authorized uses. This proposed permanent regulation contains provisions of K.A.R. 23-8-2 and K.A.R. 33-1-6, which are proposed for revocation. The proposed regulation provides for the use of fire for certain purposes and in certain locations. The purposes and locations are nearly identical to those specified in the two regulations proposed for revocation.

Economic Impact Statement: The proposed regulation represents no change. No economic impact on the department or the public is anticipated.

K.A.R. 115-8-16. Construction. This proposed permanent regulation contains provisions of K.A.R. 23-8-2, which is proposed for revocation. The proposed regulation continues the prohibition of any private construction except as authorized by the department.

Economic Impact Summary: The proposed regulation represents no change. No economic impact is anticipated for the department or the public.

K.A.R. 115-8-17. Solicitation or advertising. This proposed permanent regulation contains provisions of K.A.R. 33-8-18, which is proposed for revocation. The proposed regulation continues a prohibition against solicitation or advertising except as authorized by the department.

Economic Impact Summary: The proposed regulation represents no change. No economic impact is anticipated for the department or the public.

K.A.R. 115-8-18. Littering, dumping and trash disposal. This proposed permanent regulation contains provisions of K.A.R. 23-8-2 and K.A.R. 33-1-15, which are proposed for revocation. The proposed regulation continues the requirement to use trash receptacles where provided and the prohibition against littering and dumping.

Economic Impact Summary: The proposed regulation represents no change. No economic impact is anticipated for the department or the public.

K.A.R. 115-8-19. Personal conduct. This proposed regulation contains provisions of K.A.R. 23-8-2, K.A.R. 33-1-11 and K.A.R. 33-1-20, which are proposed for revocation. The proposed regulation continues restrictions against nudity, public disturbance, disorderly conduct, conduct which endangers others and maintaining quiet hours.

Economic Impact Summary: The proposed regulation represents no change. No economic impact is anticipated for the department or the public.

K.A.R. 115-8-20. Destructive acts or activities prohibited. This proposed permanent regulation contains provisions of K.A.R. 23-8-2 and K.A.R. 33-1-4, which are proposed for revocation. It maintains restrictions against digging of pits and destruction of properties including signs, real or personal property, geological formations, historical sites and archeological ruins. Destruction of vegetation is prohibited except certain edible vegetation may be used for human consumption.

Economic Impact Summary: The proposed regulation represents no change other than authorizing use of certain vegetation for human consumption. That provision will provide benefit to the public, but is not anticipated to have measurable economic impact on the department or the public.

K.A.R. 115-9-5. Hunting licenses; effective date. This proposed permanent regulation will authorize the secretary to establish a date in mid-December when hunting licenses for the following calendar year will become effective. This procedure will overcome a problem of unavailability of hunting licenses due to year-end closing of license book inventory by county clerks and vendors. This procedure has been used during prior years, but was not contained in regulations.

Economic Impact Summary: No economic impact is anticipated on the department or the public as the proposed regulation serves to formalize a current procedure.

K.A.R. 115-11-1. Controlled shooting areas; license application, issuance priority and reporting. This proposed permanent regulation contains provisions of K.A.R. 23-9-2 and K.A.R. 23-9-11, which are proposed for revocation. Modifications include: a listing of information required on the application; specifies that renewal applications must be submitted by July 1 and that a renewal license will not be issued until a final report is received; provides for new applications to be submitted at any time; and establishes a priority system for license issuance. It maintains a reporting requirement, but authorizes annual reports rather than monthly reports.

Economic Impact Summary: The proposed regulation is not anticipated to have any significant economic impact on the department, the public or controlled shooting area licensees. Modifications will require current licensees to alter their renewal time schedule and record keeping procedures.

K.A.R. 115-11-2. Controlled shooting areas; operational requirements. This proposed permanent regulation contains provisions from K.A.R. 23-9-11. Modifications include: liberalization of approved sign material; content of sign language; sign lettering style; authorizes transport of harvested birds under a written statement in lieu of harvest tags; requires harvest tags to be supplied by licensee; and clarifies that other hunting may occur, but only in accordance with established seasons.

Economic Impact Summary: The modifications proposed are primarily that of a technical or operational nature that are not anticipated to create an economic impact on the department, licensees, or the public using the area. Licensees choosing to use harvest tags may incur a small expense for purchase of tags.

K.A.R. 115-25-2. Rabbits; open season, bag limit and possession limit. This proposed exempt regulation would establish the rabbit season from September 1 through June 30. Daily bag would be 10 and the possession limit would be three daily bag limits.

Economic Impact Summary: July and August would be closed, which differs from the current 12-month season, and the possession limit would increase from 20 to 30 rabbits. The economic impact of the proposed changes are considered insignificant. Very little hunting occurs in July or August. The possession limit increase is not expected to result in any appreciable increase of take. The

possession limit may entice more non-residents to try rabbit hunting in Kansas.

K.A.R. 115-25-3. Hares; open season, bag limit and possession limit. This proposed exempt regulation would establish the hare season from September 1 through June 30. Daily bag would be 10 and the possession limit would be three daily bag limits.

Economic Impact Summary: July and August would be closed, which differs from the current 12-month season. Establishment of daily bag and possession limits is a new provision. Some hunting of young hares has occurred in August, but such hunting use is not widespread. Bag and possession limits would affect only on extremely small number of hunters. The proposed regulation is not anticipated to have a significant economic impact on the department or the public.

K.A.R. 23-2-3. Rabbits—seasons—daily bag limits, possession limits. This regulation is proposed for revocation. Due to recodification of wildlife and parks statutes, and development of exempt regulations under different authorizing and implementing statutes, this regulation would be revoked. The subjects of this regulation are incorporated into K.A.R. 115-25-2 and K.A.R. 115-25-3.

Economic Impact Summary: Because elements of this regulation are included in K.A.R. 115-25-2 and K.A.R. 115-25-3, revocation of this regulation would result in impacts as stated for the two proposed exempt regulations.

K.A.R. 23-8-1. Wildlife areas. This permanent regulation is proposed for revocation. It authorizes designation of wildlife areas for purposes of promulgating regulations for lands and waters of the former fish and game commission. Due to recodification, this regulation is no longer needed.

Economic Impact Summary: There will be no economic impact on the department or the public due to revocation as authority is provided by law.

K.A.R. 23-8-2. Certain acts prohibited in wildlife areas. This permanent regulation is proposed for revocation. Provisions of this regulation have been incorporated into proposed regulations K.A.R. 115-8-1 through K.A.R. 115-8-20. Modifications are described in summary statements for those proposed regulations.

Economic Impact Summary: Economic impact on the department and the public as a result of revocation are not considered significant. Impacts that may exist are summarized in proposed regulations K.A.R. 115-8-1 through K.A.R. 115-8-20.

K.A.R. 23-8-11. Wildlife areas; use restrictions. This permanent regulation is proposed for revocation. Provisions of this regulation have been incorporated into proposed regulations K.A.R. 115-8-1, K.A.R. 115-8-2 and K.A.R. 115-8-20.

Economic Impact Summary: Revocation would have no economic impact as the provisions of this regulation have been incorporated into the above three regulations.

K.A.R. 23-8-18. Cheyenne Bottoms wildlife area—regulations. This permanent regulation is proposed for revocation. It establishes authorized uses and specifies restrictions. These items would be addressed by provisions of K.A.R. 115-8-1 through K.A.R. 115-8-20 and posted notice.

Economic Impact Summary: Revocation is not anticipated to have appreciable economic impact as use pro-

visions and restrictions would remain similar under the above series of regulations and posted notice.

K.A.R. 23-8-19. Marais des Cygnes wildlife area—regulations. This permanent regulation is proposed for revocation. It establishes authorized uses and specifies restrictions. These items would be addressed by provisions of K.A.R. 115-8-1 through K.A.R. 115-8-20 and posted notice.

Economic Impact Summary: Revocation is not anticipated to have appreciated economic impact as use provisions and restrictions would remain similar under the above series of regulations and posted notice.

K.A.R. 23-8-21. Vessels; use on state fishing lakes—restrictions and regulations (federal water impoundments not included). This permanent regulation is proposed for revocation. Provisions of this regulation have been incorporated into proposed regulation K.A.R. 115-8-7.

Economic Impact Summary: Revocation is not anticipated to have an economic impact as authorized uses and restrictions are provided for in K.A.R. 115-8-7.

K.A.R. 23-8-25. Non-commercial dog training. This permanent regulation is proposed for revocation. The general provisions of this regulation have been incorporated into K.A.R. 115-8-4 and through special event permits.

Economic Impact Summary: Revocation is not anticipated to have an economic impact as authorized uses and restrictions are provided for in K.A.R. 115-8-4.

K.A.R. 23-8-33. Jamestown wildlife management area—regulations; hunting, fishing, trapping. This permanent regulation is proposed for revocation. It establishes authorized uses and specifies restrictions. These items would be addressed by provisions of K.A.R. 115-8-1 through K.A.R. 115-8-20 and posted notice.

Economic Impact Summary: Revocation is not anticipated to have appreciated economic impact as use provisions and restrictions would remain similar under the above series of regulations and posted notice.

K.A.R. 23-8-36. Neosho wildlife management area—regulations; hunting, fishing, trapping. This permanent regulation is proposed for revocation. It establishes authorized uses and specifies restrictions. These items would be addressed by provisions of K.A.R. 115-8-1 through K.A.R. 115-8-20 and posted notice.

Economic Impact Summary: Revocation is not anticipated to have appreciable economic impact as use provisions and restrictions would remain similar under the above series of regulations and posted notice.

K.A.R. 23-9-2. Application for license; requirements. This permanent regulation is proposed for revocation. Provisions of this regulation have been incorporated into K.A.R. 115-11-1. Modifications are described in the summary statement for that regulation.

Economic Impact Summary: No economic impacts are anticipated as a result of revocation as application requirements are continued in K.A.R. 115-11-1.

K.A.R. 23-9-10. Special representative; reports. This permanent regulation is proposed for revocation. The authority to appoint special representatives for law enforcement purposes on controlled shooting areas was removed through recodification. This regulation is no longer appropriate as authority to appoint no longer exists. No

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appointment of a special representative had occurred under this regulation or prior law for many years.

Economic Impact Summary: No economic impact will occur. Application of the regulation had been inactive for many years.

K.A.R. 23-9-11. Operating procedures. This permanent regulation is proposed for revocation. Provisions of this regulation have been incorporated into K.A.R. 115-11-1 and K.A.R. 115-11-2. Modifications have been described in the summary statements for those regulations.

Economic Impact Summary: No significant economic impacts are anticipated as a result of revocation. Economic impacts due to modifications in K.A.R. 115-11-1 and K.A.R. 115-11-2 are described in the summary statements for those regulations.

K.A.R. 23-18-1. Amount of fees. This permanent regulation is proposed for revocation. It establishes fees for various fish or wildlife related issues of the department. Fees are continued under K.A.R. 115-2-1. Modifications are described in the summary statement for that regulation.

Economic Impact Summary: No economic impact will occur as a result of revocation. Fees would continue under K.A.R. 115-2-1. Economic impacts as a result of modifications in K.A.R. 115-2-1 are described in the summary statement for that regulation.

K.A.R. 33-1-4. Vandalism. This permanent regulation is proposed for revocation. Provisions of this regulation have been included in K.A.R. 115-8-20.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 33-1-5. Sanitation. This permanent regulation is proposed for revocation. Provisions of this regulation have been included in K.A.R. 115-8-8 and K.A.R. 115-8-18.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 33-1-6. Fires. This permanent regulation is proposed for revocation. Provisions of this regulation have been continued in K.A.R. 115-8-15.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 33-1-7. Fireworks. This permanent regulation is proposed for revocation. Provisions of this regulation have been continued in K.A.R. 115-8-14.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 33-1-8. Picnicking. This permanent regulation is proposed for revocation. Picnicking is an approved activity on department lands and waters without need of a special regulation. Any control that may be required would be accomplished through posted notice.

Economic Impact Summary: No economic impact will occur as a result of revocation as the activity continues as an authorized use of department lands and waters.

K.A.R. 33-1-9. Camping. This permanent regulation is proposed for revocation. Provisions of this regulation have been included in K.A.R. 115-8-9.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 33-1-10. Boating. This permanent regulation is proposed for revocation. Provisions of this regulation have been included in K.A.R. 115-8-7.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 33-1-11. Swimming. This permanent regulation is proposed for revocation. Provisions of this regulation have been included in K.A.R. 115-8-8, K.A.R. 115-8-15 and K.A.R. 115-8-20.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 33-1-12. Fishing. This permanent regulation is proposed for revocation. Provisions of this regulation have been included in K.A.R. 115-8-6.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 33-1-13. Aircraft landings. This permanent regulation is proposed for revocation. Provisions of this regulation have been included in K.A.R. 115-8-13.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 33-1-14. Horseback riding. This permanent regulation is proposed for revocation. Provisions of this regulation have been included in K.A.R. 115-8-11.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 33-1-15. Motor vehicle travel. This permanent regulation is proposed for revocation. Provisions of this regulation have been included in K.A.R. 115-8-13.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 33-1-16. Animals. This permanent regulation is proposed for revocation. Provisions of this regulation have been included in K.A.R. 115-8-10 and K.A.R. 115-8-11.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 33-1-17. Firearms. This permanent regulation is proposed for revocation. Provisions of this regulation have been included in K.A.R. 115-8-5.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 33-1-18. Private operations and advertisements. This permanent regulation is proposed for revocation. Provisions of this regulation have been included in K.A.R. 115-8-17.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 33-1-19. Rules and regulations posted. This permanent regulation is proposed for revocation. A regulation of this nature is self-directive and unnecessary. Posting of rules and regulations is a requirement by law and a routine manner for informing the public. Posting of rules and regulations will continue.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 33-1-20. Quiet hours. This permanent regulation is proposed for revocation. Provisions of this regulation have been included in K.A.R. 115-8-19.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 33-4-5. Tuttle Creek state park. This permanent regulation is proposed for revocation. It establishes authorized uses and specifies restrictions. These items would be addressed by provisions of K.A.R. 115-8-1 through K.A.R. 115-8-20 and posted notice.

Economic Impact Summary: Revocation is not antici-

pated to have appreciable economic impact as use provisions and restrictions would remain similar under the above series of regulations and posted notice.

K.A.R. 33-4-7. Cheney state park. This permanent regulation is proposed for revocation. It establishes authorized uses, restrictions, and contains portions of boating laws and regulations. These items would be addressed by provisions of K.A.R. 115-8-1 through K.A.R. 115-8-20, posted notice and state boating laws and regulations.

Economic Impact Summary: Revocation is not anticipated to have appreciable economic impact as use provisions and restrictions would remain similar under the above series of regulations, posted notice, and state boating laws and regulations.

K.A.R. 33-4-8. Lake Crawford state park. This permanent regulation is proposed for revocation. Provisions of this regulation have been included in K.A.R. 115-8-7 and as accomplished through posted notice.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 33-4-9. Lake Meade state park. This permanent regulation is proposed for revocation. Provisions of this regulation have been included in K.A.R. 115-8-7 and as accomplished through posted notice.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 33-4-10. Lake Scott state park. This permanent regulation is proposed for revocation. Provisions of this regulation have been included in K.A.R. 115-8-7 and as accomplished through posted notice.

Economic Impact Summary: No economic impact will occur as a result of revocation.

Copies of the full text of the proposed regulations and the economic impact statements may be obtained by writing to the assistant secretary at the address above.

RONALD HOPKINS
Chairman

Doc. No. 008216

State of Kansas

ATTORNEY GENERAL

Opinion No. 89-99

Cities and Municipalities—Planning and Zoning; Group Homes—Group Homes, Exclusion of, Prohibited; Conditions; Special or Conditional Use Group Home Permit; Validity Under the Fair Housing Amendments Act of 1988. Robert L. Earnest, Russell City Attorney, Russell, August 11, 1989.

Where a special use permit is not required for single family dwellings of similar size, a city ordinance that requires the issuance of a special use permit as a condition precedent to locating a "group home" (as that term is defined in K.S.A. 1988 Supp. 12-736, as amended by L. 1989, ch. 58, § 1) in a residential district violates subsection (f)(1) of 42 U.S.C. § 3604 (as amended by the Fair Housing Amendments Act of 1988, P.L. 100-430, 102 Stat. 1619). Accordingly, such an ordinance, and the provisions of K.S.A. 1988 Supp. 12-736(e), as amended by

L. 1989, ch. 58, § 1, which authorize such municipal legislation, are invalid under 42 U.S.C. § 3615. Cited herein: K.S.A. 1988 Supp. 12-736, as amended by L. 1989, ch. 58, § 1; 42 U.S.C. §§ 3604, 3615; P.L. 100-430, 102 Stat. 1619. TRH

Opinion No. 89-100

Minors—Kansas Code For Care of Children; Matters Prior to Filing Petition—Reporting of Certain Abuse or Neglect of Children; Court Services Officers. Wint Winter, Jr., State Senator, Lawrence, August 14, 1989.

Court services officers should report suspected child abuse or neglect pursuant to K.S.A. 1988 Supp. 38-1522. Cited herein: K.S.A. 1988 Supp. 12-4113; K.S.A. 19-4409; 20-162; 20-345; 20-346a; 21-4602; 21-4604; 21-4610; 22-2202, as amended by L. 1989, ch. 118, § 175; 22-3716; 38-1161; K.S.A. 1988 Supp. 38-1502, as amended by L. 1989, ch. 95, § 7; 38-1522; 38-1527; 38-1528; 38-1565, as amended by L. 1989, Ch. 122, § 1; K.S.A. 38-1624; 38-1661; K.S.A. 1988 Supp. 38-1663, as amended by L. 1989, ch. 95, § 10 and L. 1989, ch. 92, § 29; 74-5602, as amended by L. 1989, ch. 118, § 183. TMN

Opinion No. 89-101

Fees and Salaries—Fees in All Counties and Salaries in Certain Counties—Fees of Register of Deeds; Recording Deeds and Lis Pendens for County. Vernon L. Steerman, Osborne County Attorney, Osborne, August 14, 1989.

Registers of deeds are generally empowered to charge the fees authorized by K.S.A. 1988 Supp. 28-115 to any entity for which the listed services are provided. The county and other governmental entities are not exempt from such fees except where specifically provided by the statute. Cited herein: K.S.A. 1988 Supp. 28-103; K.S.A. 28-104; K.S.A. 1988 Supp. 28-115. TMN

Opinion No. 89-102

Public Health—Controlled Substances; Forfeitures; Procedure—Forfeitures of Property; Procedure.

Counties and County Officers—County Attorney—Duties.

Counties and County Officers—County Counselor—Duties. Jeff Elder, Pottawatomie County Attorney, Westmoreland, August 14, 1989.

Forfeiture procedures pursuant to K.S.A. 1988 Supp. 65-4171 *et seq.* are in the nature of a civil action and, therefore, if a county hires a county counselor, the county attorney no longer has the sole duty to represent the county in such an action. Cited herein: K.S.A. 19-247; 19-702, 19-703, 19-726; 22-2101; 22-2525; 60-101; K.S.A. 1988 Supp. 65-4135; 65-4136; 65-4171. TMN

Opinion No. 89-103

Taxation—Judicial Foreclosure and Sale of Real Estate by County—Apportionment of Proceeds of Sale. Curtis E. Campbell, Gray County Attorney, Cimarron, August 14, 1989.

(continued)

Pursuant to K.S.A. 79-2805, the proceeds of a tax sale should be distributed only to those funds or entities that had a lien included in the foreclosure action. Such proration may be based upon each entity's interest in the tax lien or upon the levy made in the year the sale occurred. Cited herein: K.S.A. 79-2804, as amended by L. 1989, ch. 294, § 3; 79-2804f; 79-2805. JLM

Opinion No. 89-104

Automobiles and Other Vehicles—Miscellaneous Provisions; Child Passenger Safety Act—Effect of 1989 House Bill No. 2196. Nola Foulston, Sedgwick County District Attorney, Wichita, August 15, 1989.

A law enforcement officer may stop and cite a driver for violation of K.S.A. 8-1344 and 8-1345, as amended, of the child passenger safety act even in the absence of another violation of law. Cited herein: K.S.A. 8-1344, as amended by L. 1989, ch. 40, § 1; 8-1345, as amended by L. 1989, ch. 40, § 2; K.S.A. 1988 Supp. 8-2503, as amended by L. 1989, ch. 40, § 4. JLM

Opinion No. 89-105

Fees and Salaries—Fees in All Counties and Salaries in Certain Counties—Disposition of Fees and Compensation

Not Authorized to be Retained by Officers and Employees; Diversion Fees.

Criminal Procedure—Kansas Code of Criminal Procedure; Procedure After Arrest—Provisions of Diversion Agreement; Disposition of Diversion Fees.

Counties and County Officers—County Attorney—Fees, When; Diversion Fees. Delton M. Gilliland, Osage County Counselor, Lyndon, August 15, 1989.

The county attorney should not retain control of fees received pursuant to a diversion agreement except as authorized by the board of county commissioners in accordance with proper budgetary procedures. Such fees should initially be paid over to the county treasurer pursuant to K.S.A. 28-175. Cited herein: K.S.A. 1988 Supp. 8-1567 as amended by L. 1989, ch. 38, § 42 and L. 1989, ch. 92, § 16; K.S.A. 19-705; 22-2906; 22-2907; 22-2909 as amended by L. 1989, ch. 95, § 6 and L. 1989, ch. 38, § 47; K.S.A. 1988 Supp. 28-170; 28-170a; 28-170b; K.S.A. 1988 Supp. 28-172b; K.S.A. 28-175. TMN

ROBERT T. STEPHAN
Attorney General

Doc. No. 008209

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 Brazil, P.J.; Elliott, J.; and John C. Gariglietti,
District Judge, assigned.

Wednesday, September 6, 1989

9:00 a.m.

Case No.	Case Name	Attorneys	County
63,453	State of Kansas, Appellee, v. Othel Jones, Appellant.	Gene Olander Attorney General Joseph D. Johnson	Shawnee
62,648	State of Kansas, Appellee, v. Michelle P. Patterson, Appellant.	Gene Olander Attorney General Larry M. Cowger Mark Plettner	Shawnee

10:00 a.m.

- | | | | |
|--------|--|---|----------|
| 63406 | Fidelity and Deposit Company of Maryland, Appellant,
v.
Federal Deposit Insurance Corporation, Appellee. | Michael H. Haas
Michael E. Francis | Sheridan |
| 62,680 | Shirley Germann, Appellant,
v.
Bonnie Blatchford and Earnest E. Germann, Appellees. | Marc E. Elkins

W. Irving Shaw

Richard O. Skoog
James Nordstrom | Coffey |

1:00 p.m.

- | | | | |
|--------|---|---|--------|
| 63,623 | City of Salina, Appellee,
v.
James Ray Aldridge, Appellant. | Gary D. Denning

Terry L. Clark | Saline |
| 63,335 | Federal Land Bank of Wichita, Appellee,
v.
Dick Wilson, <i>et al.</i> , Appellants. | Mark B. Pilley
Geo. W. Yarnevich

Dick Wilson, <i>pro se</i> | Cloud |

2:00 p.m.

- | | | | |
|--------|--|--|-------|
| 62,955 | State of Kansas, Appellee,
v.
Lon D. Dressel and Cindy M. Dressel, Appellants. | James W. Lusk
Attorney General

William K. Rork | Osage |
|--------|--|--|-------|

Summary Calendar—No Oral Argument

- | | | | |
|--------|--|--|---------|
| 63,195 | State of Kansas, Appellee,
v.
Frank Ostos, Appellant. | Gene Olander
Attorney General

Steven R. Zinn | Shawnee |
| 63,306 | State of Kansas, Appellee,
v.
Lance Millard Massey, Appellant. | Gene Olander
Attorney General

Jessica R. Kunen | Shawnee |
| 63,122 | State of Kansas, Appellee,
v.
Charles L. Garber, Appellant. | Charles Bennett
Attorney General

Shannon Crane | Neosho |

(continued)

Before Brazil, P.J.; Rees, J.; and John C. Gariglietti,
District Judge, assigned.

Thursday, September 7, 1989
9:00 a.m.

Case No.	Case Name	Attorneys	County
63,553	Letty L. Tucking, Appellant, v. Jefferson Board of County Commissioners, Appellee.	Charles M. Tuley Wayne T. Stratton	Jefferson
63,194	State of Kansas, Appellee, v. Darlene Jones, Appellant.	William E. Kennedy III Attorney General Jessica R. Kunen	Riley

10:00 a.m.

63,393	City of Manhattan, Appellee, v. Richard L. Withrow, Jr., Appellant.	Carmin Ross Murray Charles R. Clack	Riley
63,507	State of Kansas, <i>ex rel.</i> , Donna Dix, Appellee, v. Todd Plank, Appellant.	R. E. Miller Robert C. Johnson Steven L. Opat	Dickinson

Summary Calendar—No Oral Argument

63,459	State of Kansas, Appellee, v. Robert L. McNeal, Appellant.	Gene Olander Attorney General Reid T. Nelson	Shawnee
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Before Davis, P. J.; Rees, J.; and Briscoe, J. J.
Wednesday, September 13, 1989

9:00 a.m.

Case No.	Case Name	Attorneys	County
63,237	Rodney K. Eye, Appellee, v. Arthur F. Brown, Jr., and United Parcel Serv., Inc., Appellants.	Pedro Irigonegaray Steve R. Fabert James P. Nordstrom	Shawnee
63,398	Margaret K. Corbet and Kenneth Corbet, Appellees, v. Shawnee Board of County Commissioners, Elmer Leiker, Dick Laird, Jackie Salsbury, and George Champney, Appellants.	John R. Hamilton Gerald Goodell Douglas F. Martin	Shawnee

10:00 a.m.

63,187	In the Matter of the Marriage of Lori Ann Melton and Kenneth Wayne Melton.	Calvin K. Williams Dwight J. Parscale James R. McEntire	Osage
59,337	State of Kansas, Appellee, v. Leonard Knight, Appellant.	John B. Taylor Steven L. Opat Attorney General Ralph J. DeZago Maritza Segarra	Geary
61,711	Virginia S. Wilbur, Trustee of Virginia S. Wilbur Trust, Appellee, v. Bob L. Begnoche, A. R. Brodine, Randal J. Graham, William F. Grosser, Jr., William F. Grosser III, William E. Holgerson, Robert M. Wasko, W. W. Yost, and Security Savings and Loan Association, Appellants.	Jana D. Abbott Jeffery L. Carmichael Robert S. Jones J. Stan Sexton	Saline

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

Before Davis, P.J.; Rulon, and Gernon, JJ.

Thursday, September 7, 1989

9:00 a.m.

Case No.	Case Name	Attorneys	County
61,870	State of Kansas, Appellee, v. Richard David Ralls, Appellant.	Debra S. Byrd Attorney General Michael D. Wilson	Sedgwick
63,042	State of Kansas, Appellee, v. Anthony L. Mathiasen, Appellant,	Debra S. Byrd Attorney General Charles D. Dedmon	Sedgwick
63,181	Adah F. Hale, Appellee, v. Mr. Handy Man, Inc., Appellant.	John Stang F. C. McMaster	Sedgwick

10:30 a. m.

63,419	City of Wichita, Appellant, v. Employment Security Board of Review, Appellee.	Thomas R. Powell Ed L. Randels James R. McEntire	Sedgwick
62,618	State of Kansas, Appellee, v. Charles Melvin Griffith, Appellant.	Tim Chambers Attorney General Steven R. Zinn	Reno

1:00 p.m.

63,253	In the Interest of C.R.F., Jr., a minor.	Rod Ludwig Tracy J. Thull Mark J. Noah	Mitchell
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(continued)

63,281	Carlson Systems, Inc., Appellant, v. Jerry Devins and Duo-Fast, Inc., Appellees.	Jeff C. Spahn Thomas M. Warner, Jr.	Sedgwick
63,313	Edward D. Fritts, Appellee, v. Northcutt Trailer Sales, Inc., Appellant.	Patricia M. Dengler David B. Mandelbaum	Sedgwick

2:30 p.m.

63,415	Kathi Crawford, dba Creative Marketing Serv. and Demon. Unlimited, Appellant, v. Kansas Department of Human Resources, Appellee.	John A. Vetter JoAnn Van Meter	Sedgwick
63,089	Don Solze, Appellee, v. Brian P. Devlin, Appellant.	Joseph J. Weber Richard D. Cordry Harry Bleeker Casey R. Law	Sedgwick

Summary Calendar—No Oral Argument

62,972	State of Kansas, Appellee, v. Martin B. Todd, Appellant.	Debra S. Byrd Attorney General Jessica R. Kunen	Sedgwick
63,361	Erick L. Kelly, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen Attorney General Thomas J. Robinson	Sedgwick
63,239	In the Interest of M.E.B., a minor.	Jolene Rooney Pam Guizlo Jon S. Womack William R. Griffith	Sedgwick
63,050	In the Matter of the Marriage of Hugh H. Wheelock and Linda K. Wheelock.	Linda S. Parks Alan C. Goering	Barber
63,377	In the Matter of the Marriage of Anita Sowell and Benny Sowell.	Robert L. Eastman Thomas A. DeVore	Montgomery

Kansas Court of Appeals
Division 3 Courtroom, Wyandotte County Courthouse
Kansas City, Kansas
Before Elliott, P.J.; Rees, J.; and William D. Clement,
District Judge, assigned.

Friday, September 8, 1989
9:00 a.m.

Case No.	Case Name	Attorneys	County
62,976	State of Kansas, Appellee, v. Terry Eugene Govoreau, Sr., Appellant.	Joe Cosgrove Attorney General S. W. Longan III Patricia L. Lear-Johnson	Johnson

63,521	John B. Murphy and Patricia D. Murphy, Appellants, v. Raintree Homes Association, Inc., Appellee.	Robert A. Andrews Michael D. Strohbehm Karen D. Wedel	Johnson
63,704	Dorothy Starkey, Appellant, v. Furr's Cafeterias, Inc., Appellee.	Allan H. Bell Wade Myers Clifford T. Mueller	Johnson
10:30 a.m.			
63,144 63,483	In the Matter of the Estate of Charlene Moss, deceased.	Benjamin F. Farney Francis M. Hanna Robert F. Bennett Carl R. Clark Thomas R. Bellmann Samuel F. Zickefoose	Johnson
62,210	Ardith Steinman, Appellee, v. Ruben Jorge Kristzal, Special Admin. of Estate of Janice A. Witwicki, deceased, Appellant.	Charles D. Kugler Paul Hasty, Jr. Timothy G. Lutz	Leavenworth
1:30 p.m.			
63,409	Gary Lee McColpin, Appellant, v. Steven J. Davies and Kansas Parole Board, Appellee.	Gary A. Nelson Carol Bonebrake Charles Simmons Linden G. Appel	Leavenworth
63,697	Thomas L. Marshall, Appellee, v. George Ventura, Appellant, and Bernard D. Klugman, Appellee.	Michael E. Whitsitt Joseph A. Bukaty Barry D. Martin	Johnson

Summary Calendar—No oral Argument

63,316	State of Kansas, Appellee, v. Nathaniel Burnett, Jr., Appellant.	Gunnar A. Sundby Attorney General Jessica R. Kunen	Atchison
63,358	In the Matter of R.F. and M.F.	John S. Sutherland Terra D. Morehead John Knudson Craig Lubow	Wyandotte
63,376	In the Interests of C.D., R.D., S.D., and B.C.	Philip Sedgwick Carl Black Kimberly Wetzel-Williams Terra D. Morehead	Wyandotte

LEWIS C. CARTER
Clerk of the Appellate Courts

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.

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Table with 3 columns: Reg. No., Action, Register. Lists regulations from 1-2-1 to 1-62-1.

AGENCY 4: BOARD OF AGRICULTURE

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 4-1-17 to 4-33-1.

AGENCY 5: BOARD OF AGRICULTURE—DIVISION OF WATER RESOURCES

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 5-23-3 to 5-23-9.

AGENCY 7: SECRETARY OF STATE

Table with 3 columns: Reg. No., Action, Register. Lists regulations 7-34-1 and 7-34-1.

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Lists regulations 9-18-1 and 9-18-1.

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

Table with 3 columns: Reg. No., Action, Register. Lists regulation 14-17-6.

AGENCY 22: STATE FIRE MARSHAL

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 22-1-1 to 22-13-35.

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 28-16-110 through 28-39-226.

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 30-4-50 to 30-6-86.

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 30-6-103 to 30-7-68.

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Table with 3 columns: Reg. No., Action, Register. Lists regulation 36-16-1.

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 40-1-28 to 40-7-21.

AGENCY 44: DEPARTMENT OF CORRECTIONS

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AGENCY 63: BOARD OF MORTUARY ARTS

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AGENCY 68: BOARD OF PHARMACY

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AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS

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AGENCY 71: KANSAS DENTAL BOARD

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82-3-130	Amended	V. 8, p. 430
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111-2-10	New	V. 8, p. 587
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111-3-7	Revoked	V. 7, p. 1714
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111-3-14	Amended	V. 8, p. 587
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111-3-30	Revoked	V. 7, p. 1310
111-3-31	Amended	V. 8, p. 209
111-3-32	New	V. 7, p. 931
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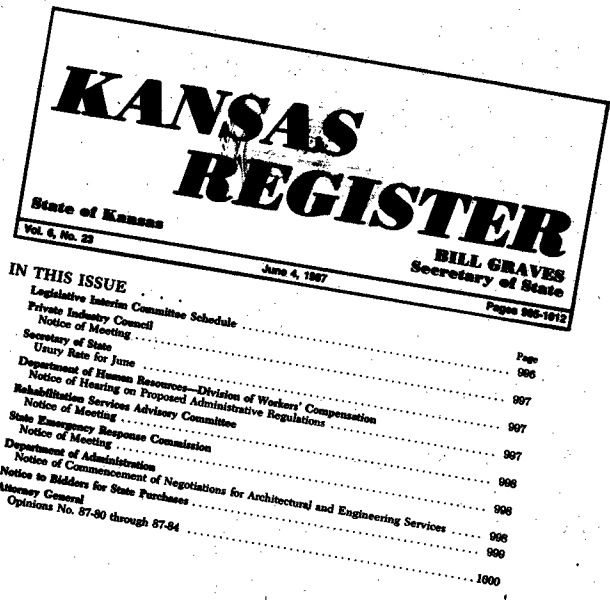
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