

KANSAS REGISTER

State of Kansas

BILL GRAVES
Secretary of State

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Pages 177-212

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**State of Kansas
State Conservation Commission**

Notice to Contractors

Sealed bids for the construction of a 32,000 cubic yard detention dam, Site D-14 in Jackson County, will be received by the Delaware Watershed Joint District No. 10 at the district office, 125 W. 4th, Holton 66436, until 1:30 p.m. February 26 and then will be opened. A copy of the invitation for bids and the plans and specifications can be obtained from the district office, (913) 364-4309.

Kenneth F. Kern
Executive Director

Doc. No. 008813

**State of Kansas
University of Kansas**

Notice to Bidders

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

Tuesday, February 20, 1990

RFQ 90 0858

Intensified charge coupled device video camera

Gene Puckett, L.C.P.M.
Director of Purchasing

Doc. No. 008806

**State of Kansas
Secretary of State**

Usury Rate for February

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of February 1, 1990, through February 28, 1990, is 11.74 percent.

Bill Graves
Secretary of State

Doc. No. 008807

**State of Kansas
Abstracters' Board of Examiners**

Notice of Examination

The Abstracters' Board of Examiners will conduct an examination for persons desiring to secure registration and become subject to license to engage in the business of making, compiling or completing and selling abstracts of title to real estate in Kansas.

The examination will be conducted at 8 a.m. Saturday, March 10, at the Marcus Center for Continuing Education, Wichita State University, 4201 E. 21st, Wichita.

Interested persons must submit an application and a \$35 examination fee to the executive secretary of the board, P.O. Box 218, Jetmore 67854. For further information call (316) 357-8328.

Joanne Clarke
Executive Secretary

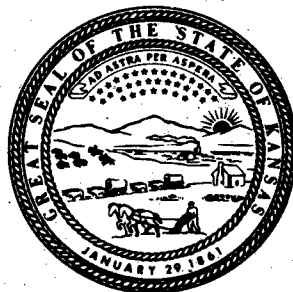
Doc. No. 008797

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(913) 296-2236**



**Register Office:
235-N, State Capitol
(913) 296-3489**

State of Kansas
State Conservation Commission

**Notice of Hearing
 on Proposed
 Administrative Regulations**

A public hearing will be conducted at 8:30 a.m. Monday, March 12, in the Conservation Commission Conference Room 300A, 109 S.W. 9th, Topeka, to consider the adoption of proposed permanent regulations for the non-point source pollution control fund.

The period of 30 days notice from the date of this publication to the date of the public hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. Comments may be submitted to the State Conservation Commission, Attn: Kenneth Kern, Executive Director, 109 S.W. 9th, Room 300, Topeka 66612.

Copies of the proposed regulations and the economic impact statements may be obtained at the address above. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally or in writing, in regard to the adoption of the proposed regulations.

All written or oral comments submitted by interested parties on or before March 12 will be considered by the commission as a basis for making changes to these proposed permanent regulations.

The following is a brief summary of the proposed permanent regulations:

K.A.R. 11-7-1. Definition of terms.

K.A.R. 11-7-2. Establishes responsibility for development and submission of a local non-point source pollution management plan, contents of the plan, due date and review process.

K.A.R. 11-7-3. Establishes responsibility for development and submission of a project work plan, forms to be used, due date, approval process and prioritization criteria.

K.A.R. 11-7-4. Establishes procedures to amend a project work plan.

K.A.R. 11-7-5. Establishes an annual review, status report and due dates.

K.A.R. 11-7-6. Guidelines for requesting funds for an approved project work plan.

K.A.R. 11-7-7. Establishes type and length of contracts.

K.A.R. 11-7-8. Provides for partial payment for projects.

K.A.R. 11-7-9. Guidelines for final payment and certification of completion.

K.A.R. 11-7-10. Guidelines for a project maintenance plan and procedures for refund of state funds for non-compliance.

Economic Impact: The economic impact to cooperating local, state and federal agencies and the private sector will depend on the extent of their involvement in the planning and implementation of the non-point source pollution control program.

Kenneth Kern
 Executive Director

Doc. No. 008810

State of Kansas

Kansas Inc.

Notice of Meeting

The Kansas Inc. board will meet from 9 a.m. to noon Thursday, February 15, in the Kansas Inc. conference room, Suite 113, Capitol Tower, 400 S.W. 8th, Topeka. The meeting is open to the public.

Charles R. Warren
 President

Doc. No. 008803

State of Kansas

**Department of Wildlife
 and Parks**

**Correction Notice Concerning
 Permanent Administrative Regulation**

Kansas Administrative Regulation 115-5-2, which was published in its entirety in the Vol. 9, No. 4, January 25, 1990, issue of the *Kansas Register*, contained an error in its effective date. The regulation will become effective March 19, 1990.

Robert L. Meinen
 Secretary of Wildlife
 and Parks

State of Kansas

**Department of Administration
 Division of Architectural Services**

**Notice of Commencement
 of Negotiations
 for Technical Services**

Notice is hereby given of the commencement of negotiations for technical services for asbestos abatement for Phase II of the renovation of the Kansas Union at the University of Kansas, Lawrence. Services may include the identification and location of asbestos, laboratory testing and confirmation, cost estimates of removal procedures, preparation of plans and specifications for competitive bidding of removal or encapsulization, and construction administration and air monitoring and testing during removal or encapsulization work.

Any questions or expressions of interest should be directed to Pat Tyron, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, on or before February 23.

Edward A. Martin, AIA
 Director, Division of
 Architectural Services

Doc. No. 008802

State of Kansas

Northwest Kansas Groundwater
Management District No. 4Notice of Meetings
Public Hearing

The Northwest Kansas Groundwater Management District No. 4 will meet at 10 a.m. M.S.T. Thursday, February 15, at the Elks Lodge in Goodland. General administrative matters and other business will be discussed.

The Board of Directors will conduct its 15th annual meeting at 1 p.m. that day at the same location. Annual meeting business will consist of the election of three board positions, presentations on the financial status of the district and the proposed 1991 operating budget.

A public hearing on the proposed revised management program also will be conducted during the annual meeting.

Wayne A. Bossert
Manager

Doc. No. 008816

State of Kansas

Attorney General

Opinion No. 90-12

Public Health—Emergency Medical Services—Attendants' Certificate; Application; Forms; Categories of Certificates; Requirements; Temporary Certificate; Disposition of Fees; Renewal of Certificate. Bob Orth, Chairman, Kansas Board of Emergency Medical Services, Topeka, January 29, 1990.

The Board of Emergency Medical Services, as a regulatory agency, can exercise powers incidental to the granting and denying of licenses. It thus has the discretion to renew an otherwise void license under circumstances that warrant renewal. Cited herein: K.S.A. 1989 Supp. 65-6129; 65-6133; K.S.A. 77-501 *et seq.*; 77-509; 77-523; 77-524. GE

Opinion No. 90-13

State Boards, Commissions and Authorities—State Board of Regents; Nursing Student Scholarship Program—Number of Awards Available. Ted D. Ayres, General Counsel, Kansas Board of Regents, Topeka, January 30, 1990.

The Board of Regents may not award more than 250 scholarships in any one year under the nursing student scholarship program even if the number of current recipients falls below 250 during the year. However, awards that are not actually accepted by applicants (because found not to qualify, etc.) should not be considered completed awards and thus do not count toward the 250 limit. Cited herein: K.S.A. 1989 Supp. 74-3293; K.S.A. 76-377a. JLM

Robert T. Stéphan
Attorney General

Doc. No. 008814

State of Kansas

Department of Commerce

Notice of Hearing Concerning Kansas
Small Cities Rental Rehabilitation Program

A public hearing on the proposed program description for the Kansas Small Cities Rental Rehabilitation Program for 1990 will be conducted at 10:30 a.m. Monday, February 12, in the first floor conference room, Capitol Tower, 400 S.W. 8th, Topeka.

Copies of the proposed program description are available during working hours at the KDOC Small Cities Rental Rehabilitation Program offices, Suite 500, 400 S.W. 8th, Topeka 66603-3957. Written comments on the proposed program description will be received for consideration in preparation of the program description by the Kansas Small Cities Rental Rehabilitation Program through February 14 at the address above.

Harland Priddle
Secretary of Commerce

Doc. No. 008809

State of Kansas

Department of Health
and EnvironmentNotice Concerning Proposed
Permit Action

The secretary of the Kansas Department of Health and Environment is proposing to issue a permit in accordance with K.A.R. 28-19-14 (permits required) to Columbia Ready Mix, Inc., Columbia, Missouri, to install and operate a ready-mix concrete plant to be located at Section 36, T4S, R16E, Brown County. The pollutant of concern for ready-mix concrete plants is particulate matter. The estimated quantity that will be emitted from this plant will be 3.2 tons per year.

Written materials, including the permit application and information relating to the application submitted by Columbia, draft permit, permit summary and analysis of the Bureau of Air and Waste Management (BAWM), KDHE, describing the basis for the proposed permit, are available for public inspection during normal business hours through March 9 by contacting Patricia Simpson, BAWM, 808 W. 29th, Lawrence 66046, (913) 842-4600.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to its issuance. The request for hearing must be in writing and addressed to the secretary. If the secretary determines there is sufficient reason in the request, a public hearing will be conducted—the place, date and time of which will be announced in this publication. A request for a hearing or written comments on the proposed permit must be submitted to the Secretary, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before March 9.

Stanley C. Grant
Secretary of Health
and Environment

Doc. No. 008815

**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.S.T. on the date indicated and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

Tuesday, February 20, 1990

A6119(a) Revised

Kansas State Fair—Grandstand renovation, Phase IV
26351

Adjutant General's Department—Licensed armed security guard service

26360

Osawatomie State Hospital—Natural gas services

27789

Statewide—Modular splitters

82697

Kansas State University—Dorm furniture

82713

University of Kansas—System 85 circuit pack

Wednesday, February 21, 1990

A-4854(f)

Emporia State University—Kitchen equipment for Memorial Union renovation

27534

Kansas Correctional Industries—Terrycloth for towel manufacturing

27629 (Supp)

Statewide—Laser printer cartridges, remanufactured

82098A

Department of Transportation—Sprayer, Hutchinson

82714

Parsons State Hospital and Training Center—Offset press

82718

Kansas State University—Satellite TVRO site surveys and installations

82721

University of Kansas Medical Center—Furnish all labor and materials to install fireproofing

82740

University of Kansas—Color graphics workstation/terminals

82741

Fort Hays State University—IBM 3380-BE4 DASD

Thursday, February 22, 1990

A-6205

Larned State Hospital—Update electrical power center, Jung Building

A-6228

Youth Center at Topeka—Sheet vinyl installation, Shawnee and Pawnee cottages

26320

Statewide—Electric bubbler water coolers

27139

University of Kansas Medical Center—Frozen juices

27583

Statewide—Automotive, outdoor, farm and industrial spark plugs

28130 (Rebid)

State Board of Nursing—Licenses and renewals continuous forms and rental of equipment

82731

Ellsworth Correctional Facility—HVAC materials

82733

Kansas State University—Video measurement/analysis system, Hays

82736

University of Kansas Medical Center—Lab fume hood/blower

82744

Kansas State School for the Visually Handicapped—Braille computers and printers

82749

University of Kansas Medical Center—Mainframe front end processor

Friday, February 23, 1990

27530

Statewide—Microcomputer software

27539

Department of Administration, Division of Accounts and Reports—Continuous warrants (Payroll, CenPay, Misc., and Income Tax

82751

Kansas State University—Furnish all labor and material to install brick veneer and wall insulation

82752

Ellsworth Correctional Facility—Plumbing materials

82760

Kansas Department Wildlife and Parks and Kansas State Industrial Reformatory—Mowers, various locations

82770

Department of Transportation, District 1—Bituminous material, various locations

**Request for Proposals
Thursday, March 1, 1990**

28191

Flexible spending accounts for the Department of Administration, Division of Personnel Services

Nicholas B. Roach
Director of Purchases

Doc. No. 008812

State of Kansas**State Fair Board****Notice of Hearing
on Proposed
Administrative Regulations**

The State Fair Board will conduct a public hearing at 9 a.m. Thursday, March 15, in the board room of the State Fair Office, Hutchinson, to consider Kansas administrative regulation 116-2-1, which covers pets on the Kansas State Fairgrounds. There will be no fiscal impact on any governmental agencies, persons subject to the regulation, or the general public.

Interested parties may present their views either orally or in writing. Oral presentation should be accompanied with a written outline.

The period of 30 days notice constitutes a public comment period for the purpose of receiving written public comments on the proposed regulation. Written comments may be submitted to the Kansas State Fair, 2000 N. Poplar, Hutchinson 67502, any time prior to the hearing. Copies of the full text of the proposed regulation and the economic impact statement also may be obtained at that address.

For additional information, contact Deana Novak at (316) 662-6611.

Deana K. Novak
Administrative Officer

Doc. No. 008795

State of Kansas**Kansas Public Disclosure Commission****Advisory Opinion No. 89-21**

Written December 18, 1989, to Carl M. Anderson, Assistant Attorney General, Kansas Lottery.

This opinion is in response to your letter of November 29, 1989, in which you request an opinion from the Kansas Public Disclosure Commission concerning the local conflict of interest laws.

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

You request this opinion in your capacity as Assistant Attorney General on behalf of the Kansas Lottery and with the permission of Mark Hutchinson, who formerly served with the Lottery in the fashion described below. We understand Mr. Hutchinson has recently accepted employment with Webcraft Games, Inc., the instant ticket contractor for the Lottery.

You state this matter is being submitted to us for consideration solely because Mr. Hutchinson was appointed by the Procurement Negotiating Committee to serve on a five-man evaluation committee to make recommendations to the Procurement Negotiating Committee, based on a review of proposals (RFP), submitted by prospective instant ticket vendors and inquiry by the media about his involvement in the contract.

You indicate that an evaluation committee has been

selected on every "major procurement" contract situation to aid the Procurement Negotiating Committee, and is addressed in Section 5 "Evaluation Criteria," of the Request for Proposals (RFP) issued June 28, 1989, by the Lottery, a copy of which we have reviewed. We also reviewed a copy of the four page summary submitted to the Procurement Negotiating Committee by the evaluation committee, following receipt of the proposals on July 28, 1989. The summary was provided to members of the Procurement Negotiating Committee, and it was determined that all three prospective bidders, Dittler Brothers, Scientific Games, Inc., and Webcraft, Inc., were invited to make presentations before the Procurement Negotiating Committee on August 11, 1989.

We understand that on August 11, each of the three vendors was given an opportunity to make a one-hour presentation with reference to their proposals to the Procurement Negotiating Committee. Mr. Hutchinson, although not a member of that committee, attended the presentation by the vendors; however, he left before noon in view of a commitment out-of-state, and was not present during the negotiations with the vendors and deliberation by the Procurement Negotiating Committee, which continued throughout the afternoon.

You tell us that the members of the Procurement Negotiating Committee were Paul Steele, Chairman of the Kansas Lottery Commission; Dan Hamer, Deputy Executive Director of the Kansas Lottery, serving as designee of the Executive Director; and Barry Swanson, State Contracting Officer, Division of Purchases, designee of the Director of Purchases. As a result of extensive negotiations, the Procurement Negotiating Committee unanimously decided to select Webcraft Games, Inc. as the apparent successful bidder as reflected by the August 15, 1989, letter to Duane E. Kaisand, CEO for Webcraft (Attachment 1). A memorandum from Barry Swanson dated August 16, 1989, further justifies the selection of Webcraft (Attachment 2). The selection of Webcraft was contingent on a satisfactory updating of the background investigation previously conducted, as Webcraft had been your instant ticket vendor for the preceding year, and subsequent approval of the contract by the Kansas Lottery Commission. As pointed out in Section 5.3 of the RFP, the old contract that expired September 22, 1989, could have been renewed for two additional one-year periods contingent upon responses to the RFP. Terms of the proposal by Webcraft, as negotiated by the Procurement Negotiating Committee, were much more favorable, and as a result a new contract was approved by the commission and executed on September 8, 1989.

We are advised that Mr. Hutchinson was first contacted by Webcraft about the possibility of employment at the National Association of State and Provincial Lotteries (NASPL) convention in Portland, Oregon, between October 15 and October 19, 1989. Further negotiations with Webcraft took place on November 18 and 19, 1989, and Mr. Hutchinson advised Executive Director Gerald F. Simpson of his decision on November 20, 1989. Subsequently a resignation letter was submitted, and Mr. Hutchinson anticipated that his last day at the Lottery would be December 11, 1989. He joined Webcraft as Vice-President of Sales the following week.

You note that on the contract for the previous year,

entered into with Webcraft on September 23, 1988, the evaluation committee was given specific evaluation criteria, similar to that contained in the most recent RFP in Section 5.4; however, specific weighting was given to each of the criteria. As a result, the evaluation committee in its summary to the Procurement Negotiating Committee gave the highest score to a vendor other than Webcraft. Based upon the negotiations with the vendors making proposals at that time, Webcraft, which was ranked third among the four vendors, was subsequently awarded the contract. Mr. Hutchinson was not employed by the Kansas Lottery at the time that contract was negotiated.

Based on the factual situation provided to us, you ask whether it is a violation of the conflicts law for Mr. Hutchinson to accept employment with Webcraft.

K.S.A. 46-233(a) is the only section of the conflicts law in point. That subsection 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.

Whenever any individual has, within the preceding two years participated as a state officer or employee in the making of any contract with any person or business, such individual shall not accept employment with such person or business for one year following termination of employment as a state officer or employee."

The issue is whether Mr. Hutchinson's actions constituted "participating in the making of any contract." This commission has consistently held that this language requires participation in the discretionary decision-making process. Here, Mr. Hutchinson did not have a vote in the ultimate contract, nor participate in those negotiations. While it is true the evaluation committee had some discretion in its report, assuming that Mr. Hutchinson's sole participation in this matter was the investigation and drafting of the report and Mr. Hutchinson did not actively advocate a particular vendor, it is, therefore, our opinion, viewed in light of all the circumstances and mindful of the strict construction required of a criminal statute, we do not believe his involvement was sufficient to trigger the prohibition in K.S.A. 46-215 *et seq.* Clearly, had he had a vote or participated in the actual negotiations, our evaluation would have been different.

Lowell K. Abeldt
Chairman

Doc. No. 008750

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consultant engineers for the survey, design and traffic control plans for the following projects:

Package No. 1

Crawford—69-19 K-3276-01—U.S. 69, reconstruction of U.S. 69, possibly on new alignment, from Arma, 6.4 miles north to the Crawford/Bourbon county line. Plans are to be completed by August 1991.

Bourbon—69-6 K-4066-01—U.S. 69, reconstruction of U.S. 69, possibly on new alignment, from the Crawford/Bourbon county line north to .4 mile south of the K-7 junction. Plans are to be completed by August 1991.

Package No. 2

Nemaha—36-66 K-3328-01—U.S. 36, reconstruction of U.S. 36 from the K-236 junction west to the U.S. 75 junction. Three bridges, #5, #7 and #8 will be widened and bridge #6 will be replaced. Estimated construction cost is \$4,664,000. Plans are to be completed by December 1990.

Package No. 3

Republic—36-79 K-4043-01—U.S. 36, reconstruction of U.S. 36 from the east city limits of Belleville east 8.8 miles to the junction with K-139. Guard fence will be replaced on bridges #13, #14, #15 and #16. Estimated construction cost is \$2,310,000. Plans are to be completed by August 1992.

Washington—36-101 K-4037-01—U.S. 36, reconstruction of U.S. 36 from the K-22 junction east 6.7 miles to the K-15 junction. Bridge #2 will be widened over Iowa Creek. Estimated construction cost is \$1,873,000. Plans are to be completed by February 1991.

Republic—36-79 K-4036-01—U.S. 36, reconstruction of U.S. 36 from the K-139 junction east 5 miles to the Republic/Washington county line. Bridges #17 and #19 will be replaced over the south fork of Mill Creek. Estimated construction cost is \$3,353,000. Plans are to be completed by February 1991.

Washington—36-101 K-4044-01—U.S. 36, reconstruction of U.S. 36 from the Republic/Washington county line east 4 miles to the K-22 junction. Bridge #1 over Davis Creek will be replaced. Estimated construction cost is \$2,592,000. Plans are to be completed by August 1992.

Package No. 4

Kiowa—54-49 K-3180-01—U.S. 54, reconstruction of U.S. 54 from the K-154 junction east 7 miles to the U.S. 183 junction. Guard fence will be replaced on bridges #2 and #20. Estimated construction cost is \$3,097,000. Plans are to be completed by February 1991.

Package No. 5

Russell—18-84 K-4027-01—K-18, bridge #48 over Paradise Creek drainage in Russell County will be replaced. Estimated construction cost is \$385,000. Plans are to be completed by July 1991.

(continued)

Package No. 6

Dickinson—43-21 K-3966-01—K-43, bridge #71 over Cary Creek in Dickinson County will be replaced. Estimated construction cost is \$625,000. Plans are to be completed by August 1991.

Package No. 7

Marion—50-57 K-3220-01—U.S. 50, reconstruction of U.S. 50 from the west city limits of Florence east 2.1 miles to FAS route #1410. Bridge #9 over the Atchison, Topeka and Santa Fe Railway will be widened and bridge #10 over FAS route #1410 will be replaced. Estimated construction cost is \$2,096,000. Plans are to be completed by September 1992.

Package No. 8

Allen—54-1 K-3331-01—U.S. 54, reconstruction of U.S. 54 from 1.1 miles east of the Woodson/Allen county line east 4.8 miles to the west city limits of Iola. Bridges #1 and #2 will be widened over the Neosho River drainage and Coon Creek. Estimated construction cost is \$3,934,000. Plans are to be completed by April 1992.

Allen—54-1 K-4077-01—U.S. 54, bridges #2, #3, #4, #5 and #6 over the Neosho River drainage, Neosho River overflow, Neosho River and Coon Creek in Allen County on U.S. 54 are to be replaced. Estimated construction cost is \$5,552,000. Plans are to be completed by March 1992.

Package No. 9

Pratt—54-76 K-4045-01—U.S. 54, reconstruction of U.S. 54 from the Pratt/Kiowa county line east 14.7 miles to Pratt. Bridge #1 over the Ninescah River will be replaced. Estimated construction cost is \$5,431,000. Plans are to be completed by January 1992.

Package No. 10

Barton—56-5 K-4047-01—U.S. 56, reconstruction of U.S. 56 from the Pawnee/Barton county line east .675 mile to the east city limits of Pawnee Rock. Estimated construction cost is \$325,000. Plans are to be completed by May 1992.

Pawnee—56-73 K-4046-01—U.S. 56, reconstruction of U.S. 56 from Larned east 7.6 miles to the Pawnee/Barton county line. Bridge #4 over Ash Creek will be replaced and bridge #5 over Ash Creek drainage will be widened. Estimated construction cost is \$6,042,000. Plans are to be completed by May 1992.

Package No. 11

Jackson—75-43 K-3235-01—U.S. 75, reconstruction of U.S. 75 from the K-9 junction north 2.7 miles to the Jackson/Brown county line. Guard fence will be replaced on bridge #7 over Muddy Creek. Estimated construction cost is \$896,000. Plans to be completed by November 1992.

Brown—75-7 K-3236-01—U.S. 75, reconstruction of U.S. 75 from the Jackson/Brown county line north 13 miles. Bridge #18 over Plum Creek will be replaced, bridge #16 and #20 over Gregg Creek drainage and Delaware River will be widened, and new guard fence will be added on bridges #17 and #20 over Gregg Creek drainage and Delaware River drainage. Estimated construction cost is \$5,791,000. Plans are to be completed by November 1992.

Package No. 12

Rooks—183-82 K-4049-01—U.S. 183, reconstruction of U.S. 183 from Stockton north 7.8 miles. Bridge #24 over the south fork of the Solomon River will be widened. Estimated construction cost is \$6,996,000. Plans are to be completed by August 1992.

Package No. 13

Barber—281-4 K-4051-01—U.S. 281, reconstruction of U.S. 281 from Medicine Lodge north 15.5 miles. Bridge #28 over Elm Creek drainage will be replaced and bridges #26, #27 and #29 over Elm Creek and Elm Creek drainage will be widened. Estimated construction cost is \$7,453,000. Plans are to be completed by April 1992.

Package No. 14

Stafford—281-93 K-4052-01—U.S. 281, reconstruction of U.S. 281 from the Pratt/Stafford county line north 9 miles to the U.S. 50 junction. Guard fence on bridge #11 over the Lagoon drainage will be replaced. Estimated construction cost is \$3,298,000. Plans are to be completed by February 1992.

Stafford—281-93 K-4053-01—U.S. 281, reconstruction of U.S. 281 from the U.S. 50 junction north 14 miles to the K-19 junction. Guard fence on bridges #16, #17 and #18 over the Atchison, Topeka and Santa Fe Railway, Rattlesnake Creek and Wild Horse Creek will be replaced. Estimated construction cost is \$6,633,000. Plans are to be completed by October 1991.

Package No. 15

Washington—9-101 K-4025-01—K-9, replacement of bridge #13 on K-9 in Washington County over Dry Creek. Estimated construction cost is \$747,000. Plans are to be completed by October 1992.

Package No. 16

Graham—18-33 K-4026-01—K-18, replacement of bridge #29 on K-18 in Graham County over the south fork of the Solomon River. Estimated construction cost is \$1,686,000. Plans are to be completed by September 1992.

Package No. 17

Sedgwick—235-87 K-3440-01—I-235, reconstruction of I-235 in Sedgwick County over Broadway east 0.9 mile to the I-135/K-254 interchange. Bridges #110, #109, #111, #34 and #32 will be widened and bridge #112 will be repaired. Estimated construction cost is \$7,046,000. Plans are to be completed by August 1993.

Firms expressing interest in these projects must respond in writing and complete the Consulting Engineers Qualification Questionnaire (if not already prequalified) by February 15.

It is the policy of K.D.O.T. to use the following criteria as the basis for selection of engineering consulting firms:

1. Size and professional qualification of firm.
2. Experience of staff.
3. Location of firm with respect to proposed project.
4. Work load of firm.
5. Firm's performance record.

Horace B. Edwards
Secretary of Transportation

**State of Kansas
Department of Administration
Employee Award Board**

Notice of Meeting

The Employee Award Board will meet at 1 p.m. Friday, February 16, in the Division of Personnel Services, Room 951-S, Landon State Office Building, 900 S.W. Jackson, Topeka.

Ben Barrett
Chairperson

Doc. No. 008811

(Published in the Kansas Register, February 8, 1990.)

**Notice of Redemption
to the holders of
City of Osage City, Kansas
Gas Utility System
Revenue Bonds
Series A 1982
Dated December 1, 1982**

Notice is hereby given that pursuant to Section 3 of Ordinance No. 1105 of the city of Osage City, Kansas, all of the outstanding Gas Utility System Revenue Bonds, Series A 1982 of the city, maturing October 1, 1990, and thereafter, will be redeemed and prepaid on April 1, 1990 (the redemption date), prior to their respective maturities subject to the provisions and limitations set forth herein.

Bond Numbers	Principal Amount	Maturity Date	Interest Rate
24-28	\$25,000	October 1, 1990	10.50%
29-34	\$30,000	October 1, 1991	10.50%
35-41	\$35,000	October 1, 1992	10.50%

The principal amount of the bonds shall become due and payable on April 1, 1990, at a redemption price equal to the principal amount thereof, plus accrued interest thereon to said redemption date, together with a premium equal to 102 percent of the principal amount of the bonds so called for redemption and payment.

On April 1, 1990, provided that funds are on hand to pay the specified redemption price, all bonds that remain outstanding will be due and payable at the principal office of the Kansas State Treasurer, 900 S.W. Jackson, Topeka, Kansas, and from and after April 1, 1990, the interest on the bonds will cease to accrue.

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 bonds who wish to avoid the imposition of this tax should submit certified taxpayer identification numbers when presenting the bonds for payment.

Dated January 23, 1990.

City of Osage City, Kansas
Nina Gragg, City Clerk
City Hall
5th and Main
Osage City, KS 66523

Doc. No. 008798

(Published in the Kansas Register, February 8, 1990.)

**Notice of Redemption
City of Oberlin, Decatur County, Kansas
Electric System Refunding and
Redemption Revenue Bonds
Series 1985**

Notice is hereby given that \$315,000 principal amount of city of Oberlin, Kansas, Electric System Refunding and Redemption Revenue Bonds, Series 1985, as listed below, are called for redemption on December 1, 1992, at the price of 100 percent of the principal amount being redeemed plus accrued interest thereon at the redemption date, plus a premium of 3 percent of the principal amount of bonds to be redeemed: Bonds in the aggregate amount of \$315,000, maturing December 1, 1993, through December 1, 1998.

On December 1, 1992, all bonds designated for redemption will become due and payable upon presentation thereof at the address given below.

On or after December 1, 1992, interest on the principal amount called for redemption shall cease to accrue.

The bonds, along with IRS Form W-9 (verification of taxpayer identification number), may be presented for payment in person or by mail at the following address: The Southwest National Bank of Wichita, Attention: Trust Department, P.O. Box 1401, Douglas at Topeka, Wichita, KS 67201.

Fred Waldo
Oberlin City Clerk

Doc. No. 008799

(Published in the Kansas Register, February 8, 1990.)

**Notice of Redemption
City of Sabetha, Nemaha County, Kansas
General Obligation Bonds
Series 1987-A**

Notice is hereby given that \$125,000 principal amount of city of Sabetha, Kansas, General Obligation Bonds, Series 1987-A, as listed below, are called for redemption on October 1, 1997, at the price of 100 percent of the principal amount being redeemed plus accrued interest thereon at the redemption date, plus a premium of 2 percent of the principal amount of bonds to be redeemed: Bonds in the aggregate amount of \$125,000, maturing October 1, 1998, through October 1, 2002.

On October 1, 1997, all bonds designated for redemption will become due and payable upon presentation thereof at the address given below.

On or after October 1, 1997, interest on the principal amount called for redemption shall cease to accrue.

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

Maurine Reid
Sabetha City Clerk

Doc. No. 008801

(Published in the *Kansas Register*, February 8, 1990.)

Notice of Redemption
City of Seneca, Nemaha County, Kansas
Electric Revenue Bonds
Series 1984

Notice is hereby given that \$525,000 principal amount of city of Seneca, Kansas, Electric Revenue Bonds, Series 1984, as listed below, are called for redemption on October 1, 1993, at the price of 100 percent of the principal amount being redeemed plus accrued interest thereon at the redemption date, plus a premium of 2 percent of the principal amount of bonds to be redeemed: Bonds in the aggregate amount of \$525,000, maturing October 1, 1994, through October 1, 1998.

On October 1, 1993, all bonds designated for redemption will become due and payable upon presentation thereon at the address given below.

On or after October 1, 1993, interest on the principal amount called for redemption shall cease to accrue.

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

Robert Ackerman
Seneca City Clerk

Doc. No. 008800

State of Kansas

Legislature

Legislative Bills Introduced

The following numbers and titles of bills and resolutions have been recently introduced in the 1990 Kansas Legislature.

Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, Topeka 66612, (913) 296-4096.

Bills introduced January 25-31:

House Bills

HB 2704, by Committee on Elections: An act repealing K.S.A. 1989 Supp. 25-3601a relating to the sufficiency of petitions.

HB 2705, by Committee on Elections: An act relating to elections; concerning absentee voting; amending K.S.A. 25-1122 and repealing the existing section and also repealing K.S.A. 25-1122e.

HB 2706, by Committee on Elections: An act relating to elections; concerning nominations for election; amending K.S.A. 1989 Supp. 25-208a and 25-308 and repealing the existing sections and also repealing K.S.A. 1989 Supp. 25-208b, 25-208c and 25-308a.

HB 2707, by Representative Holmes: An act concerning controlled shooting areas; amending K.S.A. 1989 Supp. 32-944 and 32-945 and repealing the existing sections.

HB 2708, by Representative Eckert: An act relating to state educational institutions; authorizing the state board of regents to provide for enrollment of persons in the Kansas national guard for a reduction in tuition and fees.

HB 2709 by Representative Eckert: An act relating to motor vehicles; providing license plates for retired members of the Kansas national guard; amending K.S.A. 1989 Supp. 8-177a and repealing the existing section.

HB 2710, by Committee on Labor and Industry: An act concerning public employer-employee relations; amending K.S.A. 75-4321 and repealing the existing section.

HB 2711, by Committee on Federal and State Affairs: An act con-

cerning the Kansas civil service act; amending K.S.A. 75-2935 and repealing the existing section; also repealing K.S.A. 75-2935d.

HB 2712, by Committee on Federal and State Affairs: An act repealing K.S.A. 1989 Supp. 74-5616a, concerning law enforcement training certification.

HB 2713, by Committee on Federal and State Affairs: An act concerning the state lottery; relating to prizes; amending K.S.A. 1989 Supp. 74-8720 and repealing the existing section; also repealing K.S.A. 1989 Supp. 74-8720a.

HB 2714, by Committee on Federal and State Affairs: An act concerning alcoholic liquor; amending K.S.A. 1989 Supp. 41-308a and repealing the existing section; also repealing K.S.A. 1989 Supp. 41-308c and 41-328a.

HB 2715, by Committee on Judiciary: An act concerning crimes and punishments; defining and classifying certain crimes relating to the injury or death of an unborn child.

HB 2716, by Committee on Governmental Organization: An act relating to reclamation of mined-land; financing procedure; amending K.S.A. 1989 Supp. 49-406, 49-410 and 49-420 and repealing the existing sections.

HB 2717, by Representatives Wiard, Allen, Amos, Barr, Brady, Bryant, Campbell, Cribbs, Dean, Dillon, Douville, Empson, Flower, Francisco, Freeman, Fry, Gjerstad, Green, Gross, Harder, Hochhauser, Hoy, Hurt, Jenkins, Johnson, Jones, Krehbiel, Larkin, J.W. Long, Lowther, McClure, Mead, Mollenkamp, O'Neal, Reardon, Reinert, Reinhardt, Rezac, Roper, Samuelson, Sawyer, Schauf, Shallenburger, Shore, Smith, Teagarden, Wagnon, Watson, Wells, Whiteman, Wilbert and Williams: An act relating to placement of a sculpture on the state capitol grounds; amending K.S.A. 75-2249 and repealing the existing section.

HB 2718, by Representative Hensley: An act concerning longevity pay for state officers and employees; relating to certain employees in the unclassified service under the Kansas civil service act; amending K.S.A. 75-5541 and repealing the existing section.

HB 2719, by Representatives Williams and J. C. Long: An act authorizing participation in an affinity credit card program for members of the Kansas public employees retirement system for benefit of the state; prescribing powers, duties and functions therefor and disposition of proceeds therefrom.

HB 2720, by Committee on Taxation: An act relating to countywide and city retailers' sales taxes; authorizing an increase in the rate thereof; amending K.S.A. 1989 Supp. 12-187 and 12-189 and repealing the existing sections.

HB 2721, by Committee on Judiciary: An act concerning accountants; relating to a privilege against discovery or disclosure of certain proceedings and findings; amending K.S.A. 1989 Supp. 1-501 and repealing the existing section.

HB 2722, by Committee on Insurance: An act relating to insurance; concerning continuing education requirements for agents; amending K.S.A. 1989 Supp. 40-240f and repealing the existing section.

HB 2723, by Committee on Insurance: An act relating to insurance; authorizing provisions providing for acceleration of life and annuity benefits in certain policies; amending K.S.A. 1989 Supp. 40-401 and repealing the existing section.

HB 2724, by Representatives Samuelson, Fry, Goossen, Harder and Sprague: An act relating to certain counties; providing for disposition of certain fines imposed for vehicular size and weight violations; amending K.S.A. 1989 Supp. 8-1901 and repealing the existing section.

HB 2725, by Representatives Baker, Goossen, Helgerson, R.H. Miller, O'Neal, Sader, Sawyer and Sebelius: An act amending the campaign finance act; amending K.S.A. 25-4144, 25-4145, 25-4146, 25-4149, 25-4150, 25-4152, 25-4156, 25-4157, 25-4158, 25-4159, 25-4172 and 25-4175 and K.S.A. 1989 Supp. 25-4148, 25-4153 and 25-4173 and repealing the existing sections.

HB 2726, by Representatives Patrick, Roy, Williams, Sader, J.C. Long and Sawyer: An act relating to governmental ethics; abolishing the Kansas public disclosure commission and establishing the Kansas governmental ethics commission and prescribing certain powers and duties thereof; prohibiting and declaring certain acts to be unlawful and prescribing penalties therefor; amending K.S.A. 25-4119a, 25-4119b, 25-4119d, 25-4152, 25-4178, 46-232, 46-233, 46-239, 46-253 and 75-4303a and K.S.A. 1989 Supp. 25-4143, 25-4161, 25-4180 through 25-4185, 46-256, 46-269 and 46-288 through 46-292 and repealing the existing sections.

HB 2727, by Committee on Local Government: An act concerning community colleges; relating to residence of students for tuition, out-district tuition, and state aid purposes; amending K.S.A. 71-401, 71-403, 71-406 and 71-701 and K.S.A. 1989 Supp. 71-301, 71-602, 71-603,

71-604, 71-605, 71-607, 71-618 and 71-619, and repealing the existing sections; also repealing K.S.A. 71-402.

HB 2728, by Representatives Vancrum, Amos, Douville, J.C. Long and Spaniol: An act amending the Kansas compensating tax act; concerning the definition of retailer doing business in this state; amending K.S.A. 79-3702 and repealing the existing section.

HB 2729, by Committee on Appropriations: An act concerning appropriations; making and concerning appropriations for the fiscal year ending June 30, 1990, for the abstracters board of examiners, board of accountancy, state bank commissioner, behavioral sciences regulatory board, state board of healing arts, Kansas state board of cosmetology, state department of credit unions, Kansas dental board, state board of mortuary arts, Kansas board of examiners in fitting and dispensing of hearing aids, consumer credit commissioner, board of nursing, board of examiners in optometry, state board of pharmacy, Kansas real estate commission, savings and loan department, office of the securities commissioner of Kansas, state board of technical professions, state board of veterinary examiners, department of administration, state corporation commission, commission on civil rights, department of social and rehabilitation services, Kansas neurological institute, Larned state hospital, Osawatomie state hospital, Parsons state hospital and training center, Rainbow mental health facility, Topeka state hospital, Winfield state hospital and training center, department of human resources, Kansas commission on veteran's affairs, department of health and environment, department on aging, department of corrections, Kansas state penitentiary, Topeka correctional complex, adjutant general, Kansas parole board, Kansas highway patrol, attorney general — Kansas bureau of investigation, youth center at Topeka, youth center at Beloit, youth center at Atchison, Kansas public employees retirement system, department of transportation and department of revenue — homestead property tax refunds; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2730, by Representative Shallenburger: An act providing for a daily verbatim transcript of proceedings of the house of representatives and the senate.

HB 2731, by Committee on Transportation: An act relating to motor vehicle fuel taxes; concerning bonds required for special fuel users; exemption; amending K.S.A. 79-3478 and repealing the existing section.

HB 2732, by Committee on Judiciary: An act concerning criminal procedure; relating to supervised furloughs granted by the secretary of corrections; amending K.S.A. 22-3726 and repealing the existing section.

HB 2733, by Committee on Judiciary: An act concerning civil procedure; relating to the civil liability for worthless checks; amending K.S.A. 1989 Supp. 60-2610 and repealing the existing section.

HB 2734, by Committee on Judiciary: An act concerning the crime victims' compensation board; amending K.S.A. 1989 Supp. 74-7301 and 74-7305 and repealing the existing sections.

HB 2735, by Representative Gross (by request): An act relating to motor vehicles; concerning trip permits; amending K.S.A. 1989 Supp. 8-143g and repealing the existing section.

HB 2736, by Committee on Agriculture and Small Business: An act concerning consumer protection; relating to presenting a credit card when writing a check.

HB 2737, by Committee on Agriculture and Small Business: An act concerning consumer protection; relating to fraud against senior citizens or handicapped persons; amending K.S.A. 50-624 and 50-634 and repealing the existing sections.

HB 2738, by Representative Cribbs: An act concerning social welfare; relating to medical assistance; requiring coverage of certain costs.

HB 2739, by Committee on Governmental Organization: An act concerning the Kansas sunset law; subjecting the Kansas board of examiners in fitting and dispensing of hearing aids to the provisions thereof; amending K.S.A. 74-5801 and repealing the existing section.

HB 2740, by Representatives Wagon, Branson, Campbell, Charlton, Cribbs, Dillon, Everhart, Fry, Harder, Hensley, Johnson, Jones, Larkin, Reardon, Roper, Sawyer, Sebelius, Shumway, Sughrue, Watson, Webb, Wells, Whiteman and Wiard: An act amending the homestead property tax refund act; increasing benefits receivable thereunder; amending K.S.A. 79-4502, 79-4508 and 79-4509 and repealing the existing sections.

HB 2741, by Representative Wagon: An act relating to property taxation; concerning the maintenance of reappraised valuations; amending K.S.A. 79-1478 and repealing the existing section.

HB 2742, by Representative Wagon: An act relating to county appraisers; prescribing qualifications therefor; amending K.S.A. 19-430 and 19-432 and repealing the existing sections.

HB 2743, by Representative Wagon: An act relating to property taxation; concerning the formation of appraisal districts; amending K.S.A. 19-428 and repealing the existing section.

HB 2744, by Representatives Vancrum and O'Neal: An act concerning child support; continuing payment through college; amending K.S.A. 1989 Supp. 60-1610 and repealing the existing section.

HB 2745, by Representatives Samuelson and Reinert: An act concerning adult care home administrators; relating to qualifications for admission to examinations; amending K.S.A. 65-3504 and 65-3508 and repealing the existing sections.

HB 2746, by Representatives Graeber, Flower, Jenkins and Ramirez: An act concerning community colleges; affecting the time for determination of credit hours of students for purposes of out-district tuition and state aid entitlements and payments; amending K.S.A. 1989 Supp. 71-301, 71-601, 71-602, 71-603 and 71-605, and repealing the existing sections.

HB 2747, by Representatives Graeber, Flower, Jenkins and Ramirez: An act concerning community colleges; relating to rates of student tuition and out-district tuition charges; amending K.S.A. 1989 Supp. 71-301 and repealing the existing sections.

HB 2748, by Representatives Graeber, Flower, Jenkins and Ramirez: An act concerning community colleges; relating to residence of students for tuition, out-district tuition, and state aid purposes; amending K.S.A. 71-401, 71-403, 71-406 and 71-701 and K.S.A. 1989 Supp. 71-301, 71-602, 71-603, 71-604, 71-605, 71-607, 71-618 and 71-619, and repealing the existing sections; also repealing K.S.A. 71-402.

HB 2749, by Committee on Local Government: An act relating to the distribution of the Kansas Statutes Annotated; amending K.S.A. 77-138 and repealing the existing section.

HB 2750, by Committee on Local Government: An act concerning counties; relating to county appraisers; amending K.S.A. 19-430 and repealing the existing section.

HB 2751, by Committee on Education: An act concerning governing boards of community colleges and area vocational-technical schools; providing for the payment of expenses incurred by members of such boards; amending K.S.A. 71-201 and K.S.A. 1989 Supp. 72-4412 and repealing the existing sections.

HB 2752, by Committee on Judiciary: An act concerning criminal procedure; relating to the conditions of probation; amending K.S.A. 22-3716 and repealing the existing section.

HB 2753, by Committee on Judiciary: An act concerning fire damages by the railroad; relating to the payment of attorney fees; repealing K.S.A. 66-233.

HB 2754, by Committee on Judiciary: An act concerning the Kansas sentencing commission; allowing the commission to receive copies of certain information; amending K.S.A. 21-4605 and 22-4701 and repealing the existing sections.

HB 2755, by Committee on Public Health and Welfare: An act amending the nonprofit medical and hospital service corporation act; amending K.S.A. 40-19c03 and repealing the existing section.

HB 2756, by Committee on Public Health and Welfare: An act concerning the uniform vital statistics act; imposing functions of local registrars upon the state registrar of vital statistics; eliminating the position of local registrar; amending K.S.A. 65-2406, 65-2409, 65-2410, 65-2411, 65-2412, 65-2414 and 65-2428a and K.S.A. 1989 Supp. 65-2422 and repealing the existing sections; also repealing K.S.A. 65-2407, 65-2430, 65-2431 and 65-2432.

HB 2757, by Committee on Public Health and Welfare: An act concerning definition of ambulatory surgical center; medical practice; amending K.S.A. 65-425 and repealing the existing section.

HB 2758, by Committee on Public Health and Welfare: An act concerning licensure of adult care home administrators; amending K.S.A. 65-3503, 65-3505 and 65-3508 and repealing the existing sections.

HB 2759, by Committee on Labor and Industry: An act concerning the workers compensation act; relating to notice of occupational disease and claims for compensation therefor; amending K.S.A. 44-5a17 and repealing the existing section.

HB 2760, by Committee on Labor and Industry: An act concerning the workers compensation act; relating to judicial review and compensation pending review; amending K.S.A. 1989 Supp. 44-556 and repealing the existing section.

HB 2761, by Committee on Labor and Industry: An act concerning the workers compensation act; removing the limitation on compensation payable by employers for permanent total disability; amending K.S.A. 1989 Supp. 44-510f and repealing the existing section.

(continued)

HB 2762, by Committee on Labor and Industry: An act concerning the workers compensation act; relating to temporary total disability compensation during vocational evaluation; amending K.S.A. 1989 Supp. 44-510g and repealing the existing section.

HB 2763, by Committee on Labor and Industry: An act concerning the workers compensation act; relating to the employer's obligation in certain cases of willful, gross or wanton acts or omissions or failure to provide guards or protections; amending K.S.A. 1989 Supp. 44-501 and 44-510f and repealing the existing sections.

HB 2764, by Representative Solbach: An act relating to property taxation; requiring the purchase by the county of real property having a disputed fair market value.

HB 2765, by Committee on Energy and Natural Resources: An act excluding water protection fees from gross receipts for sales tax purposes.

HB 2766, by Representative Larkin: An act establishing the packers and stockyards act.

HB 2767, by Committee on Governmental Organization: An act concerning the Kansas sunset law; subjecting the behavioral sciences regulatory board to the provisions thereof; amending K.S.A. 1989 Supp. 74-7501 and repealing the existing section.

HB 2768, by Representatives Whiteman and Harder: An act concerning insurance; relating to certain policies, contracts or certificates issued, renewed or delivered within or outside this state; amending K.S.A. 1989 Supp. 40-2,103 and repealing the existing section.

HB 2769, by Committee on Judiciary: An act concerning controlled substances; relating to mandatory fines and mandatory revocation of drivers' licenses; amending K.S.A. 21-4503 and K.S.A. 1989 Supp. 8-254, K.S.A. 1988 Supp. 8-254, as amended by section 30 of chapter 38 of the 1989 Session Laws of Kansas, K.S.A. 1989 Supp. 65-4127a and 65-4127b and repealing the existing sections; also repealing K.S.A. 1989 Supp. 8-254, as amended by section 2 of this act.

HB 2770, by Committee on Judiciary: An act concerning controlled substances; relating to violations of the uniform controlled substances act including minors.

HB 2771, by Representative Schauf: An act concerning plumbers and plumbing; relating to the issuance of certificates of competency; amending K.S.A. 1989 Supp. 12-1509 and repealing the existing section.

HB 2772, by Representative Shallenburger: An act concerning taking testimony under oath by standing committees of the legislature; procedure in event of perjury.

HB 2773, by Committee on Appropriations: An act concerning the nursing student scholarship program; relating to limits on the number of scholarships; amending K.S.A. 1989 Supp. 74-3293 and repealing the existing section.

HB 2774, by Representative Crowell: An act concerning townships; relating to the conveyance of certain land.

HB 2775, by Representative Dillon (by request): An act relating to traffic regulation; concerning the use of aircraft to enforce speed laws.

Senate Bills

SB 550, by Committee on Financial Institutions and Insurance: An act relating to insurance; concerning apportionment or assignment of risk of certain liability insurance required as financial responsibility with respect to underground storage tanks.

SB 551, by Senator Hayden: An act relating to property taxation; concerning the definition of land devoted to agricultural use; amending K.S.A. 79-1476 and repealing the existing section.

SB 552, by Committee on Public Health and Welfare: An act relating to certain laboratory testing; approval and regulation of laboratories; amending K.S.A. 1989 Supp. 65-1,107, 65-1,108 and 65-1,108a and repealing the existing sections.

SB 553, by Committee on Public Health and Welfare: An act concerning reporting of AIDS and HIV infection as defined therein; amending K.S.A. 1989 Supp. 65-6001 and 65-6002 and repealing the existing sections.

SB 554, by Committee on Energy and Natural Resources: An act amending the Kansas storage tank act; providing for the administration and disbursement of moneys from the petroleum storage tank release trust fund; amending K.S.A. 1989 Supp. 65-34,105, 65-34,114, 65-34,115, 65-34,119 and 65-34,120 and repealing the existing sections.

SB 555, by Senator Salisbury: An act relating to property taxation; concerning the determination of fair market value; amending K.S.A. 79-503a and repealing the existing section.

SB 556, by Senator Francisco: An act concerning community colleges; relating to out-district tuition charges and payments; providing for certain exemptions.

SB 557, by Senators Montgomery, Anderson, Bogina, Daniels, Doyen, Ehrlich, Francisco, Hayden, Martin, Reilly, Sallee, Strick, Thiessen and Yost: An act limiting the use of public funds for certain purposes relating to providing or encouraging abortions.

SB 558, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1990, for the legislative coordinating council, governor's department, attorney general, secretary of state, state board of indigents' defense services, judicial branch, state board of tax appeals, department of revenue, Kansas lottery, Kansas racing commission, department of commerce, Kansas technology enterprise corporation, Fort Hays state university, Kansas state university, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, Wichita state university, Kansas college of technology, department of education, Kansas arts commission, Kansas state school for the visually handicapped, Kansas state school for the deaf, state historical society, council on vocational education, state board of agriculture, Kansas animal health department, Kansas state grain inspection department, state fair board, Kansas wheat commission, state conservation commission and department of wildlife and parks; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

SB 559, by Senator Walker: An act enacting the credit for Kansas teaching experience act.

SB 560, by Committee on Assessment and Taxation: An act relating to taxation of certain motor vehicles; concerning the rate of tax imposed thereon; amending K.S.A. 79-5105 and repealing the existing section.

SB 561, by Committee on Ways and Means: An act establishing the teacher scholarship program; authorizing the awarding of scholarships and establishing eligibility, terms, conditions and requirements therefor; providing for administration of the act; establishing the teacher scholarship program fund; providing the duties and functions thereof.

SB 562, by Committee on Judiciary: An act concerning community corrections; relating to corrections advisory boards; state purchase of services from grant-receiving county; amending K.S.A. 75-5298 and 75-52,107 and repealing the existing sections.

SB 563, by Committee on Judiciary: An act concerning the Kansas tort claims act; relating to the definition of employee; amending K.S.A. 75-6102 and repealing the existing section.

SB 564, by Senators Doyen, Harder and Steineger: An act enacting and entering into the midwestern higher education compact.

SB 565, by Senator Yost: An act relating to elections; concerning absentee ballots; amending K.S.A. 25-1120 and repealing the existing section.

SB 566, by Senator Johnston: An act concerning sheriffs; relating to certain fees; amending K.S.A. 28-110 and repealing the existing section.

SB 567, by Committee on Public Health and Welfare: An act concerning the Kansas senior care act; relating to funds granted to area agencies on aging; amending K.S.A. 75-5929 and repealing the existing section.

SB 568, by Senators Walker, Anderson, Daniels, Feleciano, Johnston, Kanan, Karr, Martin, Parrish, Petty, Steineger, Strick and Yost: An act concerning organic food products; relating to the labeling and advertising thereof; providing for enforcement.

SB 569, by Committee on Energy and Natural Resources: An act concerning waters; relating to requests for extension of time to complete diversion works or perfect the water right; concerning the reinstatement of water rights or permits to appropriate; amending K.S.A. 82a-714 and repealing the existing section.

SB 570, by Committee on Energy and Natural Resources: An act concerning water; relating to fees charged for applications to change place of use; amending K.S.A. 82a-708b and repealing the existing section.

SB 571, by Committee on Assessment and Taxation: An act relating to property taxation; delaying the property reappraisal maintenance program; amending K.S.A. 79-1476 and repealing the existing section.

SB 572, by Senator Frahm: An act relating to property taxation; concerning the valuation of certain land devoted to agricultural use; amending K.S.A. 79-1476 and repealing the existing section.

SB 573, by Senator Frahm: An act relating to motor vehicles; providing for a harvest permit; amending K.S.A. 1989 Supp. 8-143b and 8-143h and repealing the existing sections.

SB 574, by Committee on Elections: An act repealing K.S.A. 25-3802, 25-3806, 25-3810 and 25-3811 and K.S.A. 1989 Supp. 25-3803, 25-3804 and 25-3805 relating to political parties.

SB 575, by Committee on Financial Institutions and Insurance: An

act concerning insurance; relating to transfer of the domicile of certain domestic life insurance companies to other states.

SB 576, by Committee on Financial Institutions and Insurance: An act relating to insurance holding companies; concerning notices, hearings and administrative costs; amending K.S.A. 40-3301 and K.S.A. 1989 Supp. 40-3304 and repealing the existing sections.

SB 577, by Committee on Local Government: An act concerning real estate brokers and salespersons; relating to exemptions from licensure; amending K.S.A. 1989 Supp. 58-3037 and repealing the existing section.

SB 578, by Senator Hayden: An act concerning controlled shooting areas; amending K.S.A. 1989 Supp. 32-944 and 32-945 and repealing the existing sections.

SB 579, by Senator Petty: An act concerning cities and counties; relating to the issuance of revenue bonds.

SB 580, by Committee on Transportation and Utilities: An act concerning multi-state special permit fees; collections for other states and payment thereof.

House Concurrent Resolutions

HCR 5039, by Representative Vancrum: A proposition to amend section 1 of article 11 of the constitution of the state of Kansas, relating to the taxation of property.

HCR 5040, by Committee on Taxation: A proposition to amend article 11 of the constitution of the state of Kansas, relating to the taxation of property.

HCR 5041, by Committee on Public Health and Welfare: A concurrent resolution designating October 7 through 13, 1990, as Mental Illness Awareness Week.

House Resolutions

HR 6011, by Representative Shumway: A resolution congratulating Elizabeth Layton on being selected Distinguished Kansan of the Year.

HR 6012, by Representative Freeman: A resolution congratulating and commending Carl O. Zscheile for receiving the 1990 Kansas Time Quality Dealer Award.

HR 6013, by Representative Freeman: A resolution congratulating and commending Myrtle Johnson on her 100th birthday.

HR 6014, by Representative Freeman: A resolution congratulating and commending the Wolf Creek Nuclear Operating Corporation and Emporia State University for sponsoring "Eisenhower: A Senior Statesman Reminisces."

HR 6015, by Representative Braden: A resolution congratulating and commending Mary E. Hale and Janelle Larson on being named Rhodes Scholars for the 1990-91 school year.

Senate Concurrent Resolutions

SCR 1634, by Senator Martin: A proposition to amend section 1 of article 11 of the constitution of the state of Kansas, relating to the taxation of property.

SCR 1635, by Senator Reilly: A proposition to amend article 14 of the constitution of the state of Kansas by adding a new section thereto, relating to amendment of the constitution by propositions initiated by qualified electors of the state.

Senate Resolutions

SR 1806, by Senator Moran: A resolution honoring Velma Giebler on her retirement as Clerk of the Ellis County District Court.

SR 1807, by Senator F. Kerr: A resolution congratulating and commending the current reigning Miss Kansas, Jennifer Lyn Hedrick; the City of Pratt as the home of the Miss Kansas Pageant; and the volunteers who work on the Miss Kansas Pageant; and designating Miss Kansas as the official hostess of the State of Kansas.

Doc. No. 008808

State of Kansas

Board of Agriculture

Permanent Administrative Regulations

Article 7.—MILK AND DAIRY PRODUCTS

4-7-510. Adoption by reference. (a) Except for 21 C.F.R. 135.160, pertaining to water ices, part 135 of title 21 of the code of federal regulations, revised as of January 1, 1989, entitled "frozen desserts," is hereby adopted by reference. Copies of the regulations, or pertinent portions of the regulations, may be obtained from the office of the dairy commissioner, division of inspections, state board of agriculture, Topeka, Kansas.

(b) Notwithstanding the provisions of sub-section (a) above, a licensed food service establishment as defined in K.S.A. 36-501 as amended and supplemented, may make homemade ice cream provided that the requirements of K.A.R. 4-7-511 are met. (Authorized by K.S.A. 75-1401 and K.S.A. 65-720a as amended by L. 1989, Ch. 190, Sec. 1; implementing K.S.A. 65-720a as amended by L. 1989, Ch. 190, Sec. 1; effective May 1, 1984; amended March 26, 1990.)

4-7-511. Cooking requirements for homemade ice-cream mixtures manufactured by licensed food service establishments. (a) Prior to freezing, all mixtures for the production of homemade ice cream which have not been pasteurized as required by 21 C.F.R. 135.3 as adopted by reference by K.A.R. 4-7-510 shall be cooked or heated as follows:

- (1) to a temperature of at least 155°F which shall be maintained continuously for a period of 30 minutes; or
- (2) to a temperature of at least 175°F which shall be maintained continuously for at least 25 seconds.

(b) Each licensed food service establishment which cooks homemade ice cream mixtures shall keep records to verify that the cooking temperatures required by subparagraph (a) of this regulation have been met. (Authorized by K.S.A. 75-1401 and K.S.A. 65-720a as amended by L. 1989, Ch. 190, Sec. 1; implementing K.S.A. 65-720a as amended by L. 1989, Ch. 190, Sec. 1; effective March 26, 1990.)

4-7-512. Requirements for manufacture of homemade ice cream by licensed food service establishments. (a) All ingredients shall meet the requirements of the Kansas food, drug and cosmetic act and any administrative regulations promulgated thereunder.

(b) Each food service establishment shall have a current license pursuant to K.S.A. 36-501 et seq. as amended and supplemented.

(c) All homemade ice cream shall comply with the standard of identity for ice cream adopted by reference in K.A.R. 4-7-510.

(d) All homemade ice cream shall be manufactured on the premises licensed as a food service establishment.

(e) All homemade ice cream manufactured by a licensed food service establishment shall be sold on the premises for immediate consumption by the customers of the food service establishment.

(continued)

(f) All equipment used by a licensed food service establishment to freeze homemade ice cream shall meet the standards specified in K.A.R. 4-7-513.

(g) All homemade ice cream mixes or mixtures shall be either pasteurized or cooked in accordance with the provisions of K.A.R. 4-7-511 prior to freezing. (Authorized by K.S.A. 75-1401 and K.S.A. 65-720a as amended by L. 1989, Ch. 190, Sec. 1; implementing K.S.A. 65-720a as amended by L. 1989, Ch. 190, Sec. 1; effective March 26, 1990.)

4-7-513. Requirements for equipment used for manufacture of homemade ice cream by licensed food service establishments. (a) Containers in which homemade ice cream is mixed, manufactured or frozen shall be constructed from stainless steel, food grade plastic or other non-toxic materials approved by the dairy commissioner.

(b) Each container surface which comes into the homemade ice cream mix or other final product shall be smooth and free from pits, creases, cracks, crevices or other similar irregularities which can harbor bacteria or other deleterious organisms. (Authorized by K.S.A. 75-1401 and K.S.A. 65-720a as amended by L. 1989, Ch. 190, Sec. 1; implementing K.S.A. 65-720a as amended by L. 1989, Ch. 190, Sec. 1; effective March 26, 1990.)

Article 13.—PESTICIDES

4-13-4. Written statement of service by business.

(a) Any written statement of services or contract shall comply with the provisions of K.A.R. 4-13-4a and shall be presented to the customer before or upon completion of the work covered by said written statement or contract. Provided, that where the work covered involves two or more periodic applications over a specified period of time, such as monthly service calls for one year, the written statement shall be presented to the customer upon completion of the initial treatment. Supplemental statements setting forth the application date, each pesticide used, including the quantity applied, the wind direction and velocity, if any, and the applicator's signature shall be presented to the customer following each periodic application.

(b) This regulation shall be in force and effect from and after January 1, 1991. (Authorized by K.S.A. 1988 Supp. 2-2467a as amended by L. 1989, Ch. 6, § 16, implementing K.S.A. 2-2455 as amended by L. 1989, Ch. 6, § 15; effective E-78-26, Sept. 7, 1977; effective May 1, 1978; amended Jan. 1, 1991.)

4-13-4a. Requirements for written statements of service by business. (a) Each written statement of services or contract issued by a pesticide business licensee shall meet the following requirements:

(1) the address of the pesticide business licensee shall include the street address of the pesticide business licensee's office which provides the pest control service for the named customer;

(2) the address of the customer shall include the street address or rural route and box number, whichever is applicable;

(3) the name of each pest to be controlled shall be stated in terms of the common name for said pest or, in

the alternative, shall be stated in terms of the scientific name for said pest;

(4) notwithstanding the provisions of subsection (3), when the pest to be controlled is a weed, the name of the pest may be stated as grassy or broadleaf weeds;

(5) notwithstanding the provisions of subsection (3), when the pest to be controlled is an arthropod pest, the name of the pest may be stated as an occasional invader provided that:

(A) the pesticide application is intended to provide a barrier around the outside of a structure to prevent entry of the pest to be controlled;

(B) the pest to be controlled has not already entered the structure;

(C) no other specific arthropod pest is already present in the structure; and

(D) the pest to be controlled shall not include termites, powder-post beetles, wood borers, or any other wood destroying arthropod;

(6) for each pesticide applied, the statement of services shall include the complete product or brand name of the pesticide and its EPA registration number. In lieu of recording the EPA registration number for each pesticide applied, documentation shall be maintained which provides incontrovertible correlation between each pesticide application and the EPA registration number of each pesticide applied;

(7) the concentration of the pesticide shall include the percent of concentration of the active ingredient in the pesticide mixture or solution actually applied. The quantity of pesticide applied shall be stated in gallons or other appropriate volumetric unit if the pesticide applied has been diluted. For granular pesticides or other pesticides which are applied undiluted, the quantity applied shall be expressed in terms of pounds or other appropriate units using dry weight. Rates of application shall be expressed in terms of a unit volume or weight of pesticide per unit of length, surface area or volume corresponding to the mixing directions shown on the pesticide's label. Whenever the pesticide's label or labeling contains no rate of application, no statement concerning the rate of application of the pesticide shall be required on the statement of service;

(8) each statement of service shall include wind direction and velocity except that this requirement shall not apply when the pesticide application is made:

(A) inside an enclosed structure;

(B) to control structural pests by use of a barrier treatment within 10 feet of the exterior of a building;

(C) for seed treatment;

(D) by direct injection of the pesticide into the soil or other substrate; or

(E) by direct application to the soil in a trench around a structure.

(b) Whenever any pesticide mixture or solution is applied at a dosage, concentration or frequency of application which is less than that specified on the pesticide's label or labeling, the written statement of services shall state in a conspicuous manner: "PESTICIDE APPLIED AT LESS THAN LABEL RATE" or some other equivalent statement.

(c) Whenever any pesticide is applied in office build-

ings, apartment houses or other multiple tenant structures, the pesticide business licensee shall make available to the owner or manager of the structure information concerning any pesticide applied in said structure. In addition, information regarding any specific residence or business which has been treated with any pesticide shall be made available, upon the tenant's request, to the tenant of the residence or business treated.

(d) Whenever any pesticide is applied for the purpose of controlling termites, powder-post beetles, wood borers, wood-rot fungus or any other wood destroying pest:

(1) The diagram required by K.S.A. 2-2455(b)(3) shall clearly represent the structure being treated and indicate the location of basement areas, crawl spaces, concrete slab floors and any concrete slabs adjacent to the outside of the foundation walls of the structure; and

(2) If the pesticide application is not for a complete treatment of the entire structure, as defined by K.A.R. 4-13-7, the written statement of services shall state in a conspicuous manner: "LIMITED TREATMENT," "PARTIAL TREATMENT," "SPOT TREATMENT" or other equivalent statement. (Authorized by K.S.A. 1988 Supp. 2-2467a as amended by L. 1989, Ch. 6, §16; implementing K.S.A. 2-2455 as amended by L. 1989, Ch. 6, §15; effective March 26, 1990.)

4-13-5. Written statement of service by certified commercial applicator not acting for business. (a) Any certified commercial applicator who is not employed by or otherwise acting for a pesticide business licensee shall prepare a written statement of work performed for each application of restricted use pesticides either made by or made under the direct supervision of the certified commercial applicator. Each such written statement of work performed shall set forth the following information:

(1) The name and address of the certified commercial applicator;

(2) All information required by K.S.A. 2-2455 as amended and supplemented and K.A.R. 4-13-4a except the name and address of the pesticide business licensee.

(b) This regulation shall be in force from and after January 1, 1991. (Authorized by and implementing K.S.A. 1988 Supp. 2-2467a as amended by L. 1989, Ch. 6, §16; effective E-78-26, Sept. 7, 1977; effective May 1, 1978; amended Jan. 1, 1991.)

4-13-8. Surety bond requirement. Any surety bond submitted by a pesticide business licensee to comply with the provisions of K.S.A. 2-2448 as amended shall provide bond coverage of not less than \$6,000. The bond shall be effective for a period not to exceed one year and shall extend to December 31 of the licensing year. (Authorized by K.S.A. 1988 Supp. 2-2467a as amended by L. 1989, Ch. 6, §16; implementing K.S.A. 2-2448 as amended by L. 1989, Ch. 6, §17; effective, E-78-26, Sept. 7, 1977; effective May 1, 1978; amended May 1, 1983; amended March 26, 1990.)

4-13-26. Preconstruction application of pesticide for the control of termites. Application of any pesticide to the soil prior to the construction of or erection of a structure for the control of termites shall be made at the concentration and rate of application specified on the pesticide's label or labeling. Application procedures shall con-

form to the provisions of K.A.R. 4-13-7. No pesticide which is applied for the purpose specified in this regulation shall be applied at any rate, dosage or concentration which is less than the rate, dosage or concentration which is specified on the pesticide's label or labeling. (Authorized by K.S.A. 1988 Supp. 2-2467a as amended by L. 1989, Ch. 6, §16; implementing L. 1989, Ch. 6, §3; effective March 26, 1990.)

4-13-27. Certificate of liability insurance. Each applicant for a pesticide business license shall provide the secretary with a certificate of liability insurance which shall contain the following information:

(a) the name of the insured pesticide business licensee;

(b) the name of the insurance company which issued the policy;

(c) the effective date of the policy;

(d) the expiration date of the policy; and

(e) the policy number.

If a surety bond is furnished in lieu of a certificate of liability insurance, the bond shall be executed on a form provided by the secretary and shall comply with the provisions of K.A.R. 4-13-8. (Authorized by K.S.A. 1988 Supp. 2-2467a as amended by L. 1989, Ch. 6, §16; implementing K.S.A. 2-2448 as amended by L. 1989, Ch. 6, §17; effective March 26, 1990.)

Article 20.—CHEMIGATION

4-20-3. Records and reports. (a) Each person using a chemigation process shall keep records regarding each application of any chemical other than water or animal waste. The records shall contain the following information:

(1) the type of chemical used;

(2) the amount of active ingredient used;

(3) the date of use;

(4) the legal description of the location of the water supply or the point of diversion of the water supply;

(5) the total number of acres treated by means of chemigation;

(6) the type of crop to which the chemical was applied; and

(7) the EPA registration number for each pesticide applied and the name of the target pest stated as the common name for the pest or pests. When pesticides are applied for the control of weeds, the target pests may at a minimum be identified as grassy or broadleaf weeds. Records required under this section shall be retained by the holder of the chemigation user permit for a period of not less than two years from the date of application.

(b) Each person using a chemigation process to apply animal wastes through the person's chemigation system shall keep records regarding each application of animal waste. The records shall contain the following information:

(1) the date of application; and

(2) the location of the water supply used for chemigation or the legal description of the point of diversion.

(c) Each application for renewal of a chemigation user permit shall be accompanied by a copy of the records for chemigation use during the previous year as described in paragraphs (a) and (b) of this regulation.

(d) Each chemigation permit holder shall report im-

(continued)

mediately both to the secretary of the board of agriculture and to the secretary of health and environment all spills, accidents, system malfunctions, or other situations involving actual or potential contamination of either groundwater or surface water. (Authorized by K.S.A. 1988 Supp. 2-3309; implementing K.S.A. 1988 Supp. 2-3303; effective, T-86-27, Aug. 19, 1985; effective May 1, 1986; amended March 26, 1990.)

4-20-5. Waterline check valves. Each functional waterline check valve shall be constructed and installed in accordance with K.A.R. 5-3-5c. The waterline check valve shall be located in the pipeline between the irrigation pump and the point at which any chemical or animal waste is injected into the irrigation pipeline. (Authorized by K.S.A. 1988 Supp. 2-3309; implementing K.S.A. 1988 Supp. 2-3305 as amended by L. 1989, Ch. 7, Sec. 3; effective, T-86-27, Aug. 19, 1985; effective May 1, 1986; amended March 26, 1990.)

4-20-6. Injection equipment. (a) The injection equipment used shall be constructed and maintained in a manner which prohibits application of any pesticide at a rate which exceeds the maximum rate of application recommended by the pesticide's label or labeling and which prohibits application of any fertilizer or animal wastes at any rate which exceeds the planned application rate. Injection equipment shall be calibrated before each chemigation application.

(b) Chemigation users who apply only animal wastes through their irrigation distribution systems are required to install only those anti-pollution devices required by K.S.A. 2-3305.

(c) For those chemigation users who apply fertilizers and other chemicals, injection equipment shall include:

- (1) a manually operated valve on the supply tank;
- (2) a strainer on the suction side of the injection pump; and
- (3) a calibration device of sufficient volume to accurately calibrate the injection pump.

(d) For pesticides, the following additional pieces of equipment shall be used:

- (1) an air bleeder valve on the injection line;
- (2) a positive displacement injection pump; and
- (3) any other equipment required by the pesticide's label or labeling. (Authorized by K.S.A. 1988 Supp. 2-3309; implementing K.S.A. 2-3305 as amended by L. 1989, Ch. 7, Sec. 3; effective, T-86-27, Aug. 19, 1985; effective May 1, 1986; amended March 26, 1990.)

4-20-7. Vacuum relief device and automatic low-pressure drain. The vacuum relief device and automatic low-pressure drain shall be properly installed and shall be fully operational whenever the chemigation process is being used. These devices shall not be blocked, capped or otherwise modified in any manner which prevents their proper operation in any manner to render them inoperable. (Authorized by K.S.A. 1988 Supp. 2-3309; implementing K.S.A. 2-3305 as amended by L. 1989, Ch. 7, Sec. 3; effective March 26, 1990.)

4-20-8. Chemical injection line and checkvalve. The point at which any chemical, fertilizer or animal waste is injected into the irrigation distribution system shall be located on the downstream side of any waterline check-

valve. The chemical injection line shall contain a check-valve which shall be located between the chemical injection pump and the point at which any chemical or fertilizer enters the irrigation distribution system. (Authorized by K.S.A. 2-3309; implementing K.S.A. 1988 Supp. 2-3305 as amended by L. 1989, Ch. 7, Sec. 3; effective March 26, 1990.)

4-20-11. Civil penalties. (a) The process for issuance and processing civil penalties shall follow the procedure established in K.A.R. 4-13-60 through 4-13-65, inclusive, except that:

(1) the provisions of K.A.R. 4-13-62(b) shall be replaced by the provisions of paragraph (b) below;

(2) all references to the terms "state and federal pesticide laws" or "pesticide law" contained in K.A.R. 4-13-60 through 4-13-65 inclusive shall be replaced by the term "the Kansas chemigation safety law" as the context requires; and

(3) all references to the term "pesticide business licensee" shall be replaced by the term "person."

(b) The amounts proposed for each civil penalty shall be within the ranges listed below:

(1) For each violation of K.S.A. 2-3305, the proposed civil penalty shall be not less than \$100 nor more than \$5,000.

(2) For each violation of K.S.A. 2-3308(a)(2), (a)(3), or (a)(4), the proposed civil penalty shall not be less than \$100 nor more than \$5,000.

(3) For each violation of K.S.A. 2-3313(a) or (b) or of 2-3313(f) or (i), the proposed civil penalty shall not be less than \$100 nor more than \$5,000.

(4) For each violation of K.S.A. 2-3308 not covered in subsection (2) above, the proposed civil penalty shall be not less than \$100 nor more than \$1,000.

(5) For each violation of K.S.A. 2-3313 not covered in subsection (3) above, the proposed civil penalty shall be not less than \$100 nor more than \$1,000.

(c) For each second or subsequent occurrence of a violation for which a civil penalty has been assessed within a three-year period, the civil penalty assessed for the subsequent violation shall be the maximum amount for the category listed. (Authorized by K.S.A. 1988 Supp. 2-3309; implementing L. 1989, Ch. 7, Sec. 4; effective March 26, 1990.)

4-20-12. Certified chemigation equipment operator examination. (a) Examinations for certified chemigation equipment operators shall be provided by the Kansas state board of agriculture. A grade of 75% correct answers shall be required to pass the examination.

(b) Examinations for chemigation equipment operator certification shall test the applicant's knowledge in those subject areas set out in K.S.A. 2-3306 as amended and supplemented involving chemigation practices associated with the applicant's agricultural operation and the applicant's legal responsibility as a certified chemigation equipment operator. (Authorized by K.S.A. 1988 Supp. 2-3309; implementing K.S.A. 1988 Supp. 2-3306 as amended by L. 1989, Ch. 7, Sec. 5; effective March 26, 1990.)

4-20-13. Certificates and pocket cards. A certificate and pocket card shall be issued to each certified person upon satisfactory completion of the requirements for cert-

ification. Such certificate and pocket card shall show the applicator's name, type of certificate issued, the expiration date of the certification and other pertinent information. The certified chemigation equipment operator shall produce such certificate or pocket card when requested to do so by any law enforcement official, the secretary or any authorized representative of the secretary. (Authorized by K.S.A. 1988 Supp. 2-3309; implementing K.S.A. 1988 Supp. 2-3306 as amended by L. 1989, Ch. 7, Sec. 5; effective March 26, 1990.)

4-20-14. Report of address change by certified chemigation equipment operators. Each certified chemigation equipment operator shall notify the secretary of any change in the operator's mailing address by the 10th day of the month following the month during which such change occurred. (Authorized by K.S.A. 1988 Supp. 2-3309; implementing K.S.A. 1988 Supp. 2-3306 as amended by L. 1989, Ch. 7, Sec. 5; effective March 26, 1990.)

Sam Brownback
Secretary of Agriculture

Doc. No. 008794

State of Kansas
Social and Rehabilitation Services
Permanent Administrative
Regulations

Article 4.—PUBLIC ASSISTANCE PROGRAM

30-4-73. Deprivation in ADC. (a) A child, to be eligible for ADC, shall be deprived of parental support or care by reasons of the death, continued absence from the home, physical or mental incapacity of a parent, or unemployment of the parent.

(b) Continued absence from the home. Continued absence from the home of either or both natural or adoptive parents shall be established as a basis for ADC when the parent is physically absent from the home and the absence interrupts or terminates the parent's functioning as a provider of maintenance, physical care, or guidance for the child. Absence of a parent based solely on active military service shall not constitute deprivation under this provision.

(c) Physical or mental incapacity of a parent.

(1) Physical or mental incapacity of a parent shall be established as a basis for ADC when either parent is physically or mentally incapacitated, when the incapacity is expected to last at least 30 days and when the incapacity:

(A) Limits the parent's ability to support and care for the child. "Limits" means that, as a result of the incapacity, the parent is capable of only earning an applicable income, excluding the earned income disregard, which is less than public assistance standards;

(B) reduces substantially the parent's ability to support or care for the child. "Substantial" means a 30% reduction of gross earned income or adjusted gross income for self-employment; or

(C) eliminates the parent's ability to support or care for the child.

(2) A parent shall meet the following criteria to be considered physically or mentally incapacitated under the above provision:

(A) The incapacity shall be established by eligibility for OASDI or SSI benefits based on disability or incapacity; or

(B) the incapacity shall be established by a written or oral statement of a psychologist, an optometrist or a person licensed by the board of healing arts, within the scope of that person's professional competence, or by a written team diagnostic evaluation from the veteran's administration, vocational rehabilitation, a mental health clinic, or related types of agencies.

(d) Unemployment. The unemployment of a parent determined to be the principal wage earner shall be established as a basis for this factor of eligibility for ADC when the parent has been unemployed for at least 30 days before receipt of assistance and the child is not otherwise deprived of support because of the death, absence or incapacity of a parent. The principal wage earner shall be the parent who earned the greater amount of income in the 24-month period immediately preceding the month of application. A parent shall meet the criteria listed below to be considered unemployed under this provision:

(1) The parent has not been fully employed for at least 30 days before receipt of aid to dependent children. A "fully employed" person is one who works 100 hours or more a month. If the parent's work is intermittent and is in excess of 100 hours for only a temporary period, the parent is not considered fully employed if the parent worked less than 100 hours for each of the two prior months and is expected to be under the 100-hour standard during the next month;

(2) the parent has not without good cause, within the last 30 days, refused a bona fide offer of employment or training for employment;

(3) the parent has six or more quarters of work in any 13 calendar quarter period ending within one year before the application for assistance, or the parent received unemployment compensation under the state's unemployment compensation law or under the United States law, or the parent was qualified for unemployment compensation under the unemployment compensation law of the state within one year before the application for assistance. An individual shall be deemed qualified under the state's unemployment compensation law if the individual would have been eligible to receive benefits upon filing application, or when the individual performed work not covered by law which, if it had been covered, would (together with any covered work the individual performed) have made the individual eligible to receive benefits upon filing application. A quarter of work shall be a period of three consecutive calendar months ending March 31, June 30, September 30, or December 31 in which the individual earned not less than \$50.00 or in which the individual participated in a work and training program;

(4) the parent is required to participate in the KanWork or work program or exempted from it;

(5) the parent, if exempted from the KanWork or work program due to remoteness, is registered for employment with the division of employment, state department of human resources, job services center; and

(continued)

(6) the parent has applied for, and if eligible has not refused, unemployment compensation benefits.

(e) Continued eligibility. After the deprivation ceases, eligibility may continue for a period not to exceed six months following the month in which deprivation ceased to exist to allow for a satisfactory reconstruction of normal family life. The effective date of this regulation shall be April 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended, E-82-19, Oct. 29, 1981; amended May 1, 1982; amended, T-83-38, Nov. 23, 1982; amended May 1, 1983; amended July 1, 1989; amended Oct. 1, 1989; amended April 1, 1990.)

30-4-85a. Eligibility factors specific to the EA program. Each applicant or recipient shall meet the following eligibility requirements to be eligible for EA. (a) General eligibility requirements. Each applicant or recipient shall meet the general eligibility requirements set forth in K.A.R. 30-4-52, 30-4-54, 30-4-55(a), and 30-4-59.

(b) Living in the state. Each applicant or recipient shall be physically living in the state.

(c) Emergency situation. A bona fide emergency situation shall exist. Emergency situations shall be limited to disasters, including fires, floods, and tornadoes, or evictions or potential evictions. An application shall be made within 30 days of the disaster, eviction or potential eviction.

(d) Financial eligibility. The household of each applicant or recipient shall not have applicable income in the calendar month of application in excess of 200% of the budgetary requirements as established for ADC.

(e) Household eligibility. A household shall consist of all persons living together as an economic unit and shall include at least one child who is:

(1) Under the age of 18, or under the age of 19 and a full-time student in a secondary school or the equivalent level of vocational or technical training if the child may reasonably be expected to complete the program before attaining age 19;

(2) living in the household, or who was living in that household within six months before the month in which assistance is requested. That household shall be maintained by any of the relatives set forth in K.A.R. 30-4-72(c) as the child's home;

(3) without resources immediately accessible to meet the emergency situation. The assistance shall be necessary to avoid destitution of the child or to provide living arrangements for the child;

(4) not in destitution or need because the child or a member of the household refused, without good cause, to accept employment or training for employment.

(f) Nonsubstitution. The EA program shall not be used as a substitute for normal assistance grants of an ongoing program and shall not be used in lieu of existing programs for which the individual is eligible. Current assistance recipients may receive EA, if they meet the qualifications and requirements for EA.

(g) Authorization period. Assistance under EA shall be limited to one period of 30 consecutive days, following the date of approval, in any 12 consecutive months. All payments shall be made within the authorization period.

(h) Assistance provided. The assistance provided may include needs covering a two-month period which may

be incurred prior or subsequent to the authorization period. The need shall be directly related to the immediate emergency and shall be met in order to resolve the emergency. The assistance provided shall be given promptly and pursuant to K.A.R. 30-4-122a. The effective date of this regulation shall be April 1, 1990. (Authorized by K.S.A. 39-708c; implementing K.S.A. 39-708c, K.S.A. 1988 Supp. 39-709, as amended by L. 1989, Ch. 125, Sec. 1; effective, T-84-9, March 29, 1983; effective May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended May 1, 1987; amended July 1, 1989; amended Oct. 1, 1989; amended April 1, 1990.)

30-4-96. Eligibility factors specific to the burial assistance (BA) program. (a) Definitions.

(1) "Funeral expenses" means all costs associated with the preparation of the body, purchase of a minimum casket, transportation within the trade area, and a service.

(2) "Cemetery expenses" means all costs connected with the interment of the body in a cemetery, including the opening and closing of the grave, purchase of a cemetery lot, and a grave marker, if required. Whenever a cemetery lot has been purchased or acquired for a person, either before or after the death, and the cemetery lot was purchased or acquired with public funds, the cemetery expense shall not include the portion of the expense allocated to a cemetery lot. Expenses for cremation may be substituted in lieu of the cemetery expenses.

(3) "Outside container expense" means the cost associated with the purchase of an outside container in which the casket is placed. This expense shall only be allowed when the cemetery requires an outside container.

(b) Application. For a non-recipient of assistance, an application, pursuant to this regulation, shall be signed by any person who has knowledge of the deceased person's resources or by the area director and shall be filed within six months from either the date of death or the date the body is released by a county coroner. A separate application shall not be required for a recipient of assistance.

(c) Treatment of resources.

(1) When a decedent was not living with a legal dependent or legally responsible person at the time of death, the total estate of the decedent shall be considered as available. This provision shall not be applicable in situations where there were separate living arrangements because of the need for institutional care. The estate shall not be allowed any exemptions.

(2) When a decedent was living with a legal dependent or legally responsible person at the time of death, or in situations where there were separate living arrangements because of the need for institutional care, the eligibility of the decedent's assistance family group for assistance, based upon need and property limitations, shall be determined for the calendar month in which the decedent died. Assistance shall be based upon 100% of need without pro rata. Only the income and property of the decedent and any person who was legally responsible for the decedent shall be considered. Income in excess of budgetary requirements, less the amount obligated for the cost of institutional care, and property in excess of allow-

able limitations shall be considered as available in determining eligibility and payment.

(3) Cash contributions or partial payment of funeral and cemetery expenses by relatives or friends shall be considered as available.

(4) Death benefits from SSA, VA, railroad retirement, or other burial insurance policy shall be considered as available.

(d) Assistance provided. The amount of assistance provided shall be determined by subtracting available resources from the cost of the funeral expenses and the cemetery expenses. The cost of the funeral and cemetery expenses shall not exceed the maximum allowances set forth in K.A.R. 30-4-121. The agency shall not participate in either the funeral expenses or the cemetery expenses if the costs exceed the applicable maximum allowances. The effective date of this regulation shall be April 1, 1990. (Authorized by K.S.A. 39-708c; implementing K.S.A. 39-708c, K.S.A. 1988 Supp. 39-709, as amended by L. 1989, Ch. 125, Sec. 1; effective May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended April 1, 1990.)

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

30-6-41. Assistance planning. (a) Definitions.

(1) "Family group" means the applicant or recipient and all individuals living together in which there is a relationship of legal responsibility or a caretaker relative relationship.

(2) "Caretaker relative" means the relative who is assigned the primary responsibility for the care and control of the child, either singly, or as in the case of two parents, jointly.

(3) "Eligible relative" means a caretaker relative who is considered in the plan with the child. A stepparent shall not be considered as an eligible relative unless the stepparent is the only caretaker relative in the home and is financially eligible.

(4) "Legally responsible relative" means the person who has the legal responsibility to provide support for the person in the plan.

(b) In independent living arrangements, persons in the family group shall be included or excluded from the assistance plan at the applicant's or recipient's request. The assistance plan shall consist of those members of the family group for whom assistance is requested and eligibility is determined. Eligibility for medical assistance shall not be denied for the reason that an application for medical assistance is made on behalf of a deceased person. Any individual excluded from the medical assistance plan shall not be eligible in a separate medical assistance plan, except that SSI recipients shall have a separate medical assistance plan.

(c) In institutional living arrangements, each person shall have a separate assistance plan with the following exceptions:

(1) When the person's protected income level is being computed as if the person were maintaining independent living arrangements;

(2) when the person's income and resources are considered available to both members of a couple as set forth in K.A.R. 30-6-106(f); or

(3) when a couple is residing in the same long term care home and only one spouse has income.

(d) Any person who is ineligible for medical assistance because of a penalty provision shall be excluded from that person's family group medical assistance plan. The effective date of this regulation shall be April 1, 1990. (Authorized by K.S.A. 39-708c; implementing K.S.A. 39-708c, 39-709, as amended by L. 1989, Ch. 125, Sec. 1; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended, T-87-15, July 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended April 1, 1990.)

30-6-74. Persons whose needs are to be considered with the needs of the ADC child. (a) The needs of the parents shall be included in determining the needs of the ADC child if the parents are living with the ADC child. If appropriate, the needs of a caretaker relative other than a parent shall be considered with the needs of the ADC child. An otherwise eligible caretaker relative shall not be excluded from the assistance plan if the eligible caretaker relative is temporarily absent from the home due to employment, illness or incapacity, provided the individual continues to maintain care and control of the child.

(b) The caretaker relative of an SSI child who meets the criteria contained in K.A.R. 30-6-72 and 30-6-73 may receive medical assistance without the inclusion of the SSI child or the SSI child's siblings. The effective date of this regulation shall be April 1, 1990. (Authorized by and implementing K.S.A. 39-708c, K.S.A. 1988 Supp. 39-709, as amended by L. 1989, Ch. 125, Sec. 1; effective May 1, 1981; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended May 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended April 1, 1990.)

30-6-79. Non-ADC child determined eligibles. Each applicant or recipient shall meet the general eligibility requirements of K.A.R. 30-6-50 and the specific eligibility requirements set forth below to be eligible for medical assistance related to a non-ADC child. (a) Each child shall be under 18 years of age.

(b) Each child shall not be eligible for any other medical assistance program with federal financial participation. The effective date of this regulation shall be April 1, 1990. (Authorized by and implementing K.S.A. 39-708c, K.S.A. 1988 Supp. 39-709, as amended by L. 1989, Ch. 125, Sec. 1; effective, T-85-26, Oct. 15, 1984; effective May 1, 1985; amended, T-87-15, July 1, 1986; amended May 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended April 1, 1990.)

30-6-106. General rules for consideration of resources, including real property, personal property, and income. (a) Legal title shall determine ownership for assistance purposes. In the absence of legal title, possession shall determine ownership.

(continued)

(b) Resources, to be real, shall be of a nature that the value can be defined and measured. The objective measures set forth in paragraphs (1) and (2) below shall establish the resources' value.

(1) Real property. The value of real property shall be initially determined by the latest uniform statewide appraisal value of the property which shall be adjusted to reflect current market value. If the property has not been appraised or if the market value as determined above is not satisfactory to the applicant or recipient or the agency, an estimate or appraisal of its value shall be obtained from a disinterested real estate broker. The cost of obtaining an estimate or appraisal shall be borne by the agency.

(2) Personal property. The market value of personal property shall be initially determined using a reputable trade publication. If a publication is not available, or if there is a difference of opinion regarding the value of the property between the agency and the individual, an estimate from a reputable dealer shall be used. The cost of obtaining an estimate or appraisal shall be borne by the agency.

(c) (1) Resources shall be considered available both when actually available and when the applicant or recipient has the legal ability to make them available. A resource shall be considered unavailable when there is a legal impediment that precludes the disposal of the resource. The applicant or recipient shall pursue reasonable steps to overcome the legal impediment unless it is determined that the cost of pursuing legal action would be more than the applicant or recipient would gain or the likelihood of succeeding in the legal action would be unfavorable to the applicant or recipient.

(2) For the purpose of this subsection, a revocable or irrevocable trust shall be considered available to the applicant or recipient up to the maximum value of the funds which may be made available under the terms of the trust on behalf of the applicant or recipient if:

(A) The trust is established by the applicant, the recipient, the applicant or recipient's spouse, or the applicant or recipient's guardian or legal representative who is acting on the applicant or recipient's behalf;

(B) that applicant or recipient is a beneficiary; and

(C) the trustees are permitted to exercise any discretion with respect to distribution to the applicant or recipient.

This provision shall not be applicable if the applicant or recipient is a mentally retarded individual who is residing in an intermediate care facility for the mentally retarded provided the trust was established prior to April 7, 1986 and is solely for the benefit of that applicant or recipient.

(3) For SSI, real property shall be considered unavailable for so long as it cannot be sold because:

(A) The property is jointly owned and its sale would cause undue hardship due to the loss of housing for the other owner or owners; or

(B) the owner's reasonable efforts to sell the property have been unsuccessful.

(d) The resource value of property shall be that of the applicant's or recipient's equity in the property. Unless otherwise established, the proportionate share of jointly-owned real property and the full value of jointly-owned personal property shall be considered available to the applicant or recipient. Resources held jointly with a non-

legally responsible person may be excluded from consideration if the applicant or recipient can demonstrate that the applicant or recipient has no ownership interest in the resource, has not contributed to the resource, and that any access to the resource by the applicant or recipient is limited to those duties performed while the applicant or recipient is acting as an agent for the other person.

(e) Nonexempt resources of all persons in the assistance plan and the nonexempt resources of persons who have been excluded from the assistance plan pursuant to K.A.R. 30-6-74(b) and 30-6-79(c) shall be considered.

(f) (1) The combined resources of husband and wife, if they are living together, shall be considered in determining eligibility of either or both for the medical assistance program, unless otherwise prohibited by law.

(2) A husband and wife shall be considered to be living together if they are regularly residing in the same household. Temporary absences of either the husband or the wife for education or training, working, securing medical treatment or visiting shall not be considered to interrupt the couple's living together.

(3) A husband and wife shall not be considered as living together when they are physically separated and not maintaining a common life, or when one or both enter into an institutional living arrangement, including either a medicaid-approved or non-approved medical facility or a home- and community-based services care arrangement. If only one spouse enters an institutional living arrangement, the provisions of subsection (n) below apply. If both spouses enter an institutional living arrangement, the following provisions apply:

(A) Income shall be considered available to both for the month in which the institutional arrangement begins. Their income shall continue to be considered available to both for the following six months if they reside in the same institutional arrangement.

(B) Real and personal property shall be considered available to both for the month in which the institutional arrangement begins and the six following months.

(g) The resources of an ineligible parent shall be considered in determining the eligibility of a minor child for the medical assistance program if the parent and child are living together.

(h) When any individual in the household, who does not have the responsibility to support a person in the plan, voluntarily and regularly contributes cash to the recipient toward household expenses, including maintenance costs, the amount of the contribution to be counted shall be the net income realized by the household.

(i) Despite subsections (e), (f), and (g) above, the resources of an SSI beneficiary shall not be considered in the determination of eligibility for medical assistance of any other person.

(j) The conversion of real and personal property from one form to another shall not be considered as income to the applicant or recipient except for the proceeds from a contract for the sale of property.

(k) Income shall not be considered both as income and as property in the same month.

(l) Despite subsection (e) above, the resources of a child whose needs are met through foster care payments shall not be considered.

(m) When one spouse enters an institutional living arrangement and the other spouse remains in the community, and an application for medical assistance is made on behalf of the institutionalized spouse, the following provisions apply:

(1) The separate income of each spouse shall not be considered available to the other beginning in the month the institutional arrangement begins. Unless otherwise established, $\frac{1}{2}$ of the income which is paid in the names of both spouses shall be considered available to each. Income which is paid in the name of either spouse, or in the name of both spouses and the name of another person or persons, shall be considered available to each spouse in proportion to the spouse's interest, unless otherwise established.

(2) A monthly income allowance for the community spouse shall be deducted from the income of the institutionalized spouse in determining eligibility. The income allowance for the community spouse, when added to the income already available to that spouse, shall not exceed 122% of the official federal poverty income guideline for two persons plus the amount of any excess shelter allowance. The excess shelter allowance is defined as the amount by which the community spouse's expenses for rent or mortgage payments, taxes and insurance for the community spouse's principal residence plus the \$175.00 food stamp standard utility allowance exceeds 30% of the 122% federal poverty income guideline amount referred to above. The maximum income allowance which can be provided under this provision shall be \$1,565.00. The \$1,565.00 limitation shall be increased annually to reflect the percentage increase in the consumer price index for all urban consumers. If a greater income allowance is provided under a court order of support or through the fair hearing process, that amount shall be used in place of the above limits.

(3) A monthly income allowance for each dependent family member shall also be deducted from the income of the institutionalized spouse in determining eligibility. A dependent family member is defined as a minor or dependent child, dependent parent or dependent sibling of either spouse who lives with the community spouse. The allowance for each member shall be equal to $\frac{1}{3}$ of 122% of the official federal poverty income guideline for two persons. An allowance shall not be provided if the family member's gross income is in excess of the 122% federal poverty income guideline for two persons.

(4) If the spouse is institutionalized on or after September 30, 1989, the real and personal property of both spouses shall be considered in determining the eligibility of the institutionalized spouse in the month of application based on the amount of property in excess of the community spouse property allowance as set forth in paragraph (m) (6) below. Following the month in which the institutionalized spouse is determined eligible, the property of each spouse shall not be considered available to the other.

(5) If the spouse was institutionalized before September 30, 1989, the real and personal property of each spouse shall be considered available to the other in the month in which the institutional arrangement began. Thereafter, the property of each spouse shall not be considered available to the other.

(6) The institutionalized spouse may make available to

the community spouse a property allowance which, when added to the property already available to the community spouse, would not exceed \$12,516.00. This allowance may be increased by no more than $\frac{1}{2}$ of the total value of the property owned by both spouses in the first month of the current institutional stay, not to exceed \$62,580.00. Both the \$12,516.00 and \$62,580.00 limitations shall be increased annually to reflect the percentage increase in the consumer price index for all urban consumers. If a greater property allowance is provided under a court order of support or through the fair hearing process, that amount shall be used in place of the above limits.

(7) The amount of property received by the community spouse as a result of the property allowance determined in paragraph (m) (6) shall not be considered in determining the eligibility of the institutionalized spouse except as provided in paragraph (m)(4) above. If the institutionalized spouse will be eligible based upon transferring sufficient property to the community spouse to equal the amount of the property allowance, the institutionalized spouse shall be given up to 90 days from the date of application to transfer the property. Additional time may be allowed for good cause. Pending disposition of the property, the institutionalized spouse shall be deemed to be temporarily eligible during this time period if all other eligibility factors are met. The effective date of this regulation shall be April 1, 1990. (Authorized by and implementing K.S.A. 39-708c, K.S.A. 1988 Supp. 39-709, as amended by L. 1989, Ch. 125, Sec. 1; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-87-20, Sept. 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Jan. 1, 1988; amended May 1, 1988; amended, T-89-13, April 26, 1988; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended Jan. 2, 1990; amended April 1, 1990.)

30-6-111. Applicable income. Applicable income means the amount of earned and unearned income which is compared with the appropriate protected income level to establish financial eligibility. (a) Non-SSI. Applicable earned income shall be determined as follows:

(1) Applicable earned income for persons included in the assistance plan, and except as noted in subparagraph (a) (4) of this regulation, for all persons in the home whose earned income must be considered and who are excluded from the assistance plan, shall equal gross earned income, or the adjusted gross earned income from self-employment, less the following items:

(A) Ninety dollars for each employed person; and
(B) reasonable and not excessive expenses for child care or expenses for the care of an incapacitated person. The amount of deductible dependent care shall not exceed \$200.00 per person for persons under age two or \$175.00 per person for persons age two or older. The dependent shall be included in the assistance plan before the deduction is allowed.

(2) Gross earned income, or the adjusted gross income from self-employment, shall not be reduced when the applicant or recipient:

(continued)

(A) Has terminated employment or reduced earnings without good cause within 30 days preceding the month of eligibility; or

(B) has refused without good cause to accept a bona fide offer of employment within the 30-day period preceding the month of eligibility.

(3) For self-employed persons, adjusted gross earned income shall equal gross earned income less cost of the production of the income. Income-producing costs shall include only those expenses directly related to the actual production of income. These costs shall be verified. The following guidelines shall be used by the agency in calculating the cost of the production of the income.

(A) The medical assistance program shall not be used to subsidize the payment of debts, set up an individual in business or a nonprofit activity, nor treat income on the basis of IRS policies.

(B) If losses are suffered from self-employment, the losses shall not be deducted from other income nor shall the net loss of a business be considered as an income-producing cost.

(C) If a business is being conducted from a non-home location, business space and utilities may be considered as income-producing costs.

(D) If a business is being conducted from a person's own home, shelter and utility costs shall not be considered as income-producing costs unless it is verifiable that they are clearly distinguishable from the home operation.

(E) If payments increase the equity in equipment, vehicles, or other property, the payments shall not be considered as an income-producing cost.

(F) If equipment, vehicles, or other property are being purchased on an installment plan, the actual interest paid may be considered as an income-producing cost.

(G) Depreciation on equipment, vehicles, or other property shall not be considered as an income-producing cost.

(H) Insurance payments on equipment, vehicles, or other property shall be allowed if the payments directly relate to the business.

(I) Expenses for inventories and supplies that are reasonable and required for the business may be considered as income-producing costs.

(J) Wages and other mandated costs related to wages paid by the applicant or recipient may be considered as income-producing costs.

(4) In determining eligibility and the amount of payment, the applicable earned and unearned income of an alien who is a parent of an ADC child and who is excluded from the assistance plan due to the provisions of P.L. 99-603, effective May 1, 1987, the immigration reform and control act of 1986, shall equal gross income less the following items:

(A) Seventy-five dollars of earned income;

(B) the protected income level for the parent and dependents in the same household who are claimed by the parent for internal revenue service purposes and who are not in the assistance plan;

(C) amounts paid by the parent to persons not living in the same household who are claimed as dependents for internal revenue service purposes; and

(D) alimony or child support payments to individuals not living in the household which are made by the parent.

(b) SSI. Applicable earned income shall be determined as follows:

(1) Wages. The applicable earned income shall be gross income less income disregards, if applicable.

(2) Self-employment. The applicable earned income shall be the adjusted gross income less income disregards, if applicable. The principles set forth in paragraph (a)(2) of this regulation in regard to adjusted gross income shall be applicable to calculations made pursuant to this paragraph.

(c) SSI income disregards.

(1) The following disregards shall apply to persons in independent living or in the home- and community-based service program:

(A) The first \$20.00 of any nonexempt, unearned income; and

(B) an applicable earned income disregard calculated as follows: gross earned income minus any portion of the unearned income disregard that exceeds monthly earned income, plus \$65.00 of monthly earned income, plus 1/2 times the remainder of the monthly earned income.

(2) The following disregards shall apply to persons in long term care who are employed:

(A) Seventy-five dollars, if employed full time; and

(B) fifty dollars, if employed part time.

(d) Applicable unearned income. All net, unearned income, except as noted in paragraph (a)(4) of this regulation, shall be applicable unless exempted in accordance with K.A.R. 30-6-112 and 30-6-113. The effective date of this regulation shall be April 1, 1990. (Authorized by and implementing K.S.A. 39-708c, K.S.A. 1988 Supp. 39-709, as amended by L. 1989, Ch. 125, Sec. 1; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended, T-86-9, May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended Oct. 1, 1989; amended Jan. 2, 1990; amended April 1, 1990.)

Article 51.—ADULT ABUSE, NEGLECT OR EXPLOITATION

30-51-1 to 30-51-5. These rules and regulations shall expire on April 1, 1990. (Authorized by and implementing K.S.A. 39-708c, 39-1422; effective, T-88-59, Dec. 16, 1987; effective May 1, 1988; revoked April 1, 1990.)

Winston Barton
Secretary of Social and
Rehabilitation Services

Doc. No. 008804

State of Kansas

The Kansas Lottery

Temporary Administrative
Regulations

Article 2.—LOTTERY RETAILERS

111-2-2a. Qualifications of On-Line Retailer. To sell on-line lottery tickets, a retailer must have a current instant retailer certificate and must be actively engaged in the sale of at least one of the two most current instant games to the public. (Authorized by K.S.A. 1988 Supp. 74-8710; implementing K.S.A. 1988 Supp. 74-8708(a), 74-8710(g); effective T-115-12-28-89, Dec. 21, 1989.)

Article 3.—INSTANT GAME
RULES

111-3-1. Definitions. The following definitions apply to all instant ticket games: (a) "Bare arm technique" means a type of drawing in which the person drawing the winning ticket from the receptacle wears a short-sleeved (sleeve not extending past the elbow) or a no-sleeve shirt which exposes the drawer's bare arm.

(b) "Book" means a pack of fanfolded instant game tickets which are attached to each other by perforations, which perforations the retailer tears when selling a ticket from the book. The books are packed in plastic shrink-wrapping which shall be removed by the retailer so that the retailer can apply the retailer's name and number to each ticket prior to sale. Each book shall consist of 300 instant game tickets fanfolded by fives.

(c) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. The book-ticket number is a book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 299. The book-ticket number is printed in gray/black ink on the bottom right portion of the front of each instant game ticket.

(d) "Claimant" means a person who presents a ticket for payment of a prize.

(e) "Drum" means a container which can be sealed and rotated for the purpose of mixing, and into which "Kansas Lottery Entry Envelopes" are placed for the purpose of drawing the preliminary and final "Grand Prize Drawing" winner.

(f) "Executive director" means the executive director of the Kansas lottery, or the person designated by the executive director.

(g) "Instant game" means a lottery game in which a ticket is purchased by a player and the player can immediately determine whether he or she has won a prize by removing the removable covering on the ticket and comparing the exposed play numbers or symbols with those specified as winners in the published game rules for that instant game.

(h) "Participant" means any person, player, or contestant participating in a lottery game and anyone designated by a prize winner to appear on his or her behalf for any lottery game including the Grand Prize Drawing

and the "Televised Draw Show." In the event the prize winner or his or her designee fails to appear for the Grand Prize Drawing or "Televised Draw Show," the executive director shall designate an adult who may be a member of his staff to participate on behalf of the non-appearing prize winner. Any prize won by a participant appearing through a designee shall be payable to and delivered to the prize winner as provided by these rules and regulations.

(i) "Play area" is the portion of the front of each instant game ticket where the play symbols appear. It is covered by a removable layer of material which is intended to be removed ("scratched off") by the player to reveal the play symbols.

(j) "Play symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize.

(k) "Play symbols captions" are the words or portions of words printed beneath each play symbol in the play area and are used to repeat or explain the play symbol. The play symbol caption associated with each play symbol is designated by the rules of the game.

(l) Prize Tiers:

(1) "Low-tier prize" means a lottery instant game prize not exceeding \$25.00.

(2) "Mid-tier prize" means a lottery instant game prize of more than \$25.00 but not exceeding \$599.99.

(3) "High-tier prize" means a lottery instant game prize in excess of \$599.99.

(m) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer.

(n) "Special event" means a drawing or other method of awarding an additional prize or prizes within a group of lottery instant game winners as defined by the rules for a particular instant game.

(o) "Ticket bearer" means the person who has signed the ticket or has possession of the unsigned ticket.

(p) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. The ticket validation number appears under the removable covering on the front of each instant ticket. (Authorized by and implementing K.S.A. 1988 Supp. 74-8710; effective T-88-39, Oct. 15, 1987; amended T-89-7, Feb. 26, 1988; amended T-115-12-28-89, Dec. 21, 1989.)

111-3-14. Payment of Prizes. The procedures for payment of instant monetary prizes to the winners of the instant games are as follows:

(a) The executive director or his designee shall award the designated prize to the appropriate person as soon as it is determined that all laws, regulations, and rules have been adhered to.

(b) Low-tier instant game prizes of \$25.00 or less shall be paid as follows:

(1) Present the ticket to the same retailer from whom the ticket was purchased. Upon validation of the ticket, the retailer shall immediately make payment for the prize to the claimant. If the retailer cannot validate the claim, the claimant shall fill out a claim form provided by the

(continued)

retailer and personally present or mail the completed form together with the ticket to Kansas lottery headquarters. If the claim is validated, then payment shall be made to the claimant by mail.

(2) Bring the ticket to any Regional office of the Kansas lottery during the hours that such office is open to the public for business. Upon verification of the claim, payment for such claim shall be made to the winner in the following manner:

(A) The prize for a validated free ticket winner redeemed in this manner shall be \$1.00 to be paid by the Kansas lottery.

(B) The prize for other validated low-tier winners redeemed in this manner shall be paid out of the lottery prize payment fund. Upon verification of the claim, the payment for the prize shall be mailed to the claimant.

(3) Mail the ticket with a completed claim form in any envelope other than an official "Grand Prize Draw" envelope to any office of the Kansas lottery. Claim forms can be obtained from any lottery instant game retailer or any office of the Kansas lottery. Upon verification of the claim, the payment for such claim shall be made to the winner in the following manner:

(A) The prize for a validated free ticket winner redeemed in this manner shall be \$1.00 which shall be paid by the Kansas lottery. Upon verification of the claim, the payment for the prize shall be mailed to the claimant.

(B) The prizes for other validated low-tier winners redeemed in this manner shall be paid out of the lottery prize payment fund. Upon verification of the claim, the payment for the prize shall be mailed to the claimant.

(c) Mid-tier game prizes in excess of \$25.00 but not exceeding \$599.99 shall be paid by any one of the following methods:

(1) Present the ticket to any authorized Kansas lottery retailer. Upon validation of the ticket the retailer may immediately make payment of the prize to the claimant. If the retailer chooses not to make the payment, the claimant shall claim the prize in another manner prescribed in these rules.

(2) Bring the ticket to any office of the Kansas lottery during the hours that such office is open to the public for business. Upon verification of the claim, the payment for the prize shall be mailed to the claimant.

(3) Mail the ticket with a completed claim form in any envelope other than an official "Grand Prize Draw" envelope to the Kansas lottery headquarters. Claim forms can be obtained from any lottery instant game retailer or any office of the Kansas lottery. Upon verification of the claim, the payment for the prize shall be mailed to the claimant.

(d) High tier instant game prizes in excess of \$599.99 shall be paid by any one of the following methods:

(1) Bring the ticket to any office of the Kansas lottery during the hours that such office is open to the public for business. Upon verification of the claim, the payment shall be made to the claimant by the executive director by any means deemed appropriate.

(2) Mail the ticket with a completed claim form in any envelope other than a "Grand Prize Draw" envelope to any office of the Kansas lottery. Claim forms may be obtained from any lottery instant game retailer or any office of the Kansas lottery. Upon verification of the claim,

the payment shall be made to the claimant by the executive director by any means deemed appropriate. (Authorized by K.S.A. 1988 Supp. 74-8710(c); implementing K.S.A. 1988 Supp. 74-8710(c), 74-8712(a) and 74-8720(c); effective T-89-4, Jan. 21, 1988; amended T-89-7, Feb. 26, 1988; amended T-111-7-7-88; amended T-111-4-13-89, April 7, 1989; amended T-115-12-28-89; Dec. 21, 1989.)

Article 6.—ON-LINE GAMES

111-6-3. Sale of Tickets. (a) No person other than a retailer under a contract for the sale of instant game tickets with the lottery may sell on-line lottery tickets except that nothing in this section shall be construed to prevent a person who may lawfully purchase tickets from making a gift of lottery tickets to another.

(b) An on-line retailer must have a current retailer certificate and must be actively engaged in the sale of at least one of the two most current instant games to the public.

(c) Tickets may not be sold at a location other than the address listed on the retailer's certificate with the lottery.

(d) Nothing in this section shall be construed to prohibit the Lottery from designating certain of its agents and employees to sell lottery tickets directly to the public. (Authorized by and implementing K.S.A. 1988 Supp. 74-8710; effective T-89-4, Jan. 21, 1989; amended T-115-12-28-89, Dec. 21, 1989.)

111-6-6. Drawings and End of Sales Prior to Drawings. (a) Drawings shall be conducted in a location and at days and times designated by the executive director.

(b) For each type of on-line games, the executive director shall establish a time prior to the drawing for the end of sales.

(c) The executive director shall designate a drawing manager who shall oversee each drawing. The drawing manager shall be responsible for conducting the drawing in compliance with the lottery's drawing procedures. The drawing manager and the auditor shall attest whether the drawing was conducted in accordance with proper drawing procedures at the end of each drawing.

(d) The executive director shall designate the type of equipment to be used and shall establish procedures to randomly select the winning combination for each type of on-line game. Drawing procedures shall include provisions for the substitution of backup drawing equipment in the event the primary drawing equipment malfunctions or fails for any reason.

(e) The equipment used to determine the winning combination shall not be electronically or otherwise connected to the central computer or to any tapes, discs, files, etc., generated or produced by the central computer. The equipment shall be tested prior to and after each drawing to assure proper operation and lack of tampering or fraud. Drawings shall not be held until all pre-inspection checks are completed. No prizes shall be paid until after all post-inspection checks have been completed.

(f) All drawings may be broadcast live on television provided the facilities for such broadcasts are available and operational and can be done at a reasonable cost.

(g) The executive director shall establish procedures governing the conduct of drawings for each type of on-

line game. The procedures shall include provisions for deviations which include but are not limited to: (1) malfunctions of the drawing equipment before determination of the winning combination; (2) video and/or audio malfunctions during the drawing; (3) fouled drawing; (4) delayed drawing; and (5) other equipment, facility and/or personnel difficulties.

(h) In the event a deviation occurs, the drawing will be completed under lottery supervision. The drawing may be videotaped for later broadcast if broadcast time is available. The winning combination will be provided to the television network for dissemination to the public.

(i) If, during any live-broadcast drawing for a game, a mechanical failure or operator error causes an interruption in the selection of all numbers or symbols, a "foul" shall be called by the auditor. Any number drawn prior to a

"foul" being called will stand and be deemed official after passing inspection and certification by the drawing manager and the auditor.

(j) The executive director shall delay payment of all prizes if any evidence exists or there are grounds for suspicion that tampering or fraud has occurred. Payment shall be made after an investigation is completed and the drawing approved by the drawing manager. If the drawing is not approved, it shall be void and another drawing will be conducted to determine the actual winner. (Authorized by and implementing K.S.A. 1988 Supp. 74-8710; effective T-89-4, Jan. 21, 1988; amended T-115-12-28-89.)

Gerald F. Simpson
Executive Director

Doc. No. 008746

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

Tuesday, February 13, 1990

Before Abbott, C.J.; Brazil and Rulon, JJ.

1:00 p.m.

Case No.	Case Name	Attorneys	County
63,769	State of Kansas, Appellee, v. Donald Lee Gonzales, Appellant.	E. Leigh Hood Attorney General Linda L. Eckelman	Ford
63,434 63,435 63,516	State of Kansas, Appellee, v. Sadiel Rojas, Kelli Thompson, and Jose Carrasco, Appellants.	Debra S. Byrd Attorney General Charles A. O'Hara	Sedgwick
63,748	State of Kansas, Appellee, v. Robert Eugene Tharp, aka Double Eagle, Appellant.	Tim Chambers Attorney General Steven R. Zinn	Reno
2:00 p.m.			
63,364	State of Kansas, Appellee, v. Ronald L. Collins, Appellant.	Debra S. Byrd Attorney General Charles D. Dedmon	Sedgwick
63,928	Classic Builders, Inc., Appellee, v. Frank J. Lies and Romi J. Lies, Appellants, and Capitol Federal Savings & Loan Association.	Paul Arabia Ricky E. Bailey Charles E. Hoke II	Sedgwick

(continued)

Wednesday, February 14, 1990

9:00 a.m.

Case No.	Case Name	Attorneys	County
63,603	In the Matter of the Marriage of Paula R. Hollis and Kenneth W. Hollis.	Stephen M. Joseph Donald E. Lambdin	Sedgwick
63,791	Warren Brown Gillespie and Polly Gillespie Townsend, Appellants, v. Dorothea Wofford Seymour and James Paul Gillespie, Appellees.	Jerry D. Bogle Terry L. Mann Ron Campbell	Sedgwick
63,808	In the Matter of the Estate of Pauline Brown Gillespie, deceased.	Paul S. McCausland Michael L. Jones	Sedgwick

10:00 a.m.

63,880	Jack L. Benjamin and Aldine L. Benjamin, Appellees, v. Duane Oblander, Barbara Oblander, Suburban West State Bank, Appellant, United States of America, Amoco Oil Co., and Board of County Commissioners of Sedgwick County.	Stan E. Wisdom John McGee Davis M. Rapp	Sedgwick
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1:00 p.m.

63,148	Jarrell Bridges, Appellant, and John Randall Utley, Intervenor, v. Michael Jason Collie, Appellee.	Stephen M. Kerwick Jack E. Dalton Donald Schultz	Ford
63,921	In the Matter of the Marriage of Cavette L. Horn, aka Dake, and Henry Horn.	Michael E. Cleary William L. Brown	Harvey

Oral Argument Waived

62,702	Lady Baltimore Foods, Inc., Appellant, v. Steven G. Scott, Appellee.	Daniel S. Rabin Steven G. Scott, <i>pro se</i>	Johnson
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Summary Calendar—No Oral Argument

63,652	State of Kansas, Appellee, v. Clinton W. Bruner, Appellant.	Ty Kaufman Attorney General Jessica R. Kunen	McPherson
63,913	State of Kansas, Appellee, v. Jimmy D. Wills, Appellant.	Debra S. Byrd Attorney General Jessica R. Kunen	Sedgwick

Kansas Court of Appeals
Courtroom, Green Hall, University of Kansas
Lawrence, Kansas

Tuesday, February 13, 1990
Before Briscoe, P.J.; Gernon and Lewis, JJ.
9:30 a.m.

Case No.	Case Name	Attorneys	County
63,343	State of Kansas, Appellee, v. Edward W. Lewis, Appellant.	Wendell J. Barker Attorney General Wesley M. Norwood	Franklin
63,993	Danny Abercrombie, Appellant, v. Allstate Insurance, Appellee.	William F. Dunn Paul Hasty	Johnson
63,682	Troy Davis, Appellee, v. Ronald R. Tucker, a minor, by and through Robert Tucker, and Farm Bureau Mutual Insurance Co., Inc., Appellants.	Scott I. Asner Hal Pierce Robert D. Beall	Leavenworth
63,606	Elna M. Reel, Appellant, v. State of Kansas, <i>et al.</i> , Appellees, and Kansas Workers' Compensation Fund, Appellant.	John D. Jurcyk Seth Valerius Robert D. Beall Chris Miller	Neosho
64,171	Max Ribeau, Appellant, v. Board of County Commissioners of Coffey County, Appellee.	Stanley L. Wiles Larry Pepperdine	Coffey

Before Rees, P.J.; Elliott and Larson, JJ.
1:30 p.m.

63,933	Eddie Kennedy, Appellant, v. Queen Ethel Kennedy, Appellee.	Joseph D. Johnson John Bingham	Douglas
63,894	State of Kansas, Appellee, v. Jon A. Cook and Clifford N. Cormier, Jr., Appellants.	Robin A. Lewis Attorney General John C. Humpage	Johnson
64,169	Marie Burchfield, Appellant, v. Winfield State Hospital, Appellee.	Brad E. Avery Pam Cater	Shawnee

Before Rees, P.J.; Davis and Elliott, JJ.
3:00 p.m.

64,028	Jimmie J. Brumley, Appellee, v. Kansas Power & Light Co., Appellant.	M. Dean Burkhead Camille Q. Bradford John K. Rosenberg David P. Mudrick	Douglas
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(continued)

63,821	State of Kansas, Appellee,	James Flory Attorney General	Douglas
	v.		
	Thomas Leroy McClanahan, Appellant.	Jessica R. Kunen	

**Kansas Court of Appeals
Division 1, Courtroom 300, Johnson County Courthouse
Olathe, Kansas**

**Wednesday, February 14, 1990
Before Rees, P.J.; Elliott and Larson, JJ.
9:00 a.m.**

Case No.	Case Name	Attorneys	County
63,969	Linda M. Smith, individually and as natural mother and next friend of Tiffany Smith, a minor, Appellee,	Gordon M. Rock, Jr. J. Roy Holliday, Jr.	Wyandotte
	v.		
	Robert L. Williams, Appellant.	Lucie V. Wolcott Allen R. Slater	
63,476	Stephanie L. Walker, Appellant,	Mark C. Owens Thomas F. McGraw	Wyandotte
	v.		
	Marlin E. Crisp, ANR Freight System, Inc., and Richard Whisenant, Appellees.	William P. Coates, Jr. Lee Smithyman	

**Before Rees, P.J.; Davis and Elliott, JJ.
10:00 a.m.**

64,301	D-1 Constructors, Ltd., <i>et al.</i> , Appellants,	Richard A. King Thomas J. Fritzlen, Jr. Thomas W. Shawver George Lowe	Johnson
	v.		
	Unified School District 229, <i>et al.</i> , Appellees.	Duane Fox Thomas E. Ruzicka John L. Vratil	
63,529	In the Matter of the Marriage of Kim Power (now Jackson) and James Power.	Jacqueline Edgar-Austin Micheline Burger	Johnson
63,864	Darlene E. Stewart, Appellant,	Mark D. Lewis	Johnson
	v.		
	Vayda L. Capps and American States Insurance Co., Appellees.	Hal Pierce	

**Before Rees, P.J.; Davis and Larson, JJ.
1:00 p.m.**

63,835	James A. Dye, Appellee,	Timothy M. Alvarez Stephen A. Murphy	Wyandotte
	v.		
	General Motors Corp., <i>et al.</i> , Appellants, and Kansas Workers' Fund.	John A. McFarland Richard H. Wagstaff III	
63,904	Dearborn Animal Clinic, P.A., Appellants,	Zygmunt J. Jarczyk	Leavenworth
	v.		
	Charles R. Wilson, Appellee.	James D. Griffin	

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|--------|---|---|-----------|
| 63,951 | Security Bank of Kansas City, fka Security National Bank of Kansas City, as trustee for City of Kansas City, Appellee,
v.
Annola V. Richardson, <i>et al.</i> , Appellants. | James E. Phelan

Verna J. Gilkey | Wyandotte |
| 63,532 | Charles Stout, Appellee,
v.
Jerry Parsons, Appellant. | Kevin M. Lyons

J. Steven Schweiker | Johnson |

Summary Calendar—No Oral Argument

- | | | | |
|--------|--|---|---------|
| 63,640 | Leslie Kimball, Appellant,
v.
State of Kansas, Appellee. | Gary L. Fuller

Attorney General
Steven J. Obermeier | Johnson |
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Before Davis, P.J.; Elliott and Larson, JJ.
3:00 p.m.

- | | | | |
|------------------|--|---|-----------|
| 63,498
63,583 | George G. Allen, Jr., Appellee,
v.
Robert D. Silk and Carol L. Silk, Appellants. | Kenneth C. Jones

Edward M. VanMorlan | Johnson |
| 63,862 | Jack K. Custer and Patricia R. Custer, Appellants,
v.
City of Kansas City, Appellee. | J.R. Russell

Mary Ann Neath | Wyandotte |
| 64,043 | State of Kansas, Appellee,
v.
Steve M. Thomas, Appellant. | Thomas J. Bath
Attorney General

James F. Vano | Johnson |

Summary Calendar—No Oral Argument

- | | | | |
|--------|---|--|-------------|
| 64,160 | Harlan Lueker, Appellant,
v.
Kansas Adult Authority, <i>et al.</i> , Appellees. | Douglas D. Sutherland

Charles Simmons
Attorney General | Leavenworth |
| 63,782 | Joseph Peter Frankenberry, <i>et al.</i> , Appellants,
v.
Terry L. Campbell, Sheriff, Appellee. | Terri L. Harris

Frank E. Kohl | Leavenworth |

Kansas Court of Appeals
Court of Appeals Courtroom, Kansas Judicial Center
Topeka, Kansas

Wednesday, February 14, 1990

Before Briscoe, P.J.; Gernon and Lewis, JJ.
9:30 a.m.

- | Case No. | Case Name | Attorneys | County |
|----------|--|--|--------|
| 63,784 | The Randall Bank, Appellee,
v.
Frank Novak, Jr., Opal L. Novak, Common Title Bond and Trust Co., JMA Farms, Inc., and J.D. Living Trust, Appellants. | Bruce J. Clark

Bissessarnath Ramcharan-Maharajh | Cloud |

(continued)

63,714	MPM Contractors, Inc., Appellee, v. Kansas Department of Health and Environment, Appellant.	John S. Seeber Yvonne Anderson	Shawnee
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10:30 a.m.

64,186	Don Dye and Don Dye Company, Inc., <i>et al.</i> , Appellants, v. Terry D. Hamblin, Director, Appellee.	Theodore C. Geisert W. Luke Chapin William E. Waters	Shawnee
64,050	In the Matter of the Estate of Edith Hansen, deceased.	Don W. Noah Daniel D. Metz	Lincoln

1:30 p.m.

63,711	State of Kansas, Appellee, v. David John Russell, Appellant.	William E. Kennedy III Attorney General Jessica R. Kunen	Riley
63,557	State of Kansas, Appellee, v. Norman Edward Kelly, Appellant.	Mickey Mosier Attorney General Jessica R. Kunen	Saline
63,678 SC	Sylvester Adair, Appellant, v. State of Kansas, Appellee.	Steven R. Zinn Attorney General County Attorney	Montgomery

Summary Calendar—No Oral Argument

63,618	State of Kansas, Appellee, v. Adrian Requena, Appellant.	Julie McKenna Attorney General Jessica R. Kunen	Saline
63,636	State of Kansas, Appellee, v. Erik J. Parker, Appellant.	Julie McKenna Attorney General Jessica R. Kunen	Saline
63,976	Gary L. Vincent, Appellee, v. Carletta M. Vincent, Appellant.	Ronald Schneider Darrel W. Frogley	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*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-2-1	Revoked	V. 8, p. 1207
1-2-1	Amended	V. 8, p. 1472
1-5-9	Amended	V. 8, p. 1207
1-5-9	Amended	V. 8, p. 1472
1-5-10	Amended	V. 8, p. 1207
1-5-10	Amended	V. 8, p. 1472
1-5-11	Amended	V. 8, p. 130
1-5-11	Amended	V. 8, p. 1473
1-5-13	Amended	V. 8, p. 130
1-5-15	Amended	V. 8, p. 130
1-5-19b	Amended	V. 8, p. 1208
1-5-19b	Amended	V. 8, p. 1473
1-5-19c	Amended	V. 8, p. 1208
1-5-19c	Amended	V. 8, p. 1473
1-5-24	Amended	V. 8, p. 1209
1-5-24	Amended	V. 8, p. 1474
1-5-29	New	V. 8, p. 1210
1-5-29	New	V. 8, p. 1475
1-6-24	Amended	V. 8, p. 131
1-6-31	New	V. 8, p. 131
1-6-32	Amended	V. 9, p. 10
1-7-10	Amended	V. 8, p. 1210
1-7-10	Amended	V. 8, p. 1475
1-9-19a	Amended	V. 9, p. 10
1-62-1	New	V. 8, p. 1004

AGENCY 4: BOARD OF AGRICULTURE

Reg. No.	Action	Register
4-1-17	Amended	V. 8, p. 1004
4-1-17	Amended	V. 8, p. 1070
4-2-17	Revoked	V. 8, p. 1004
4-2-17	Revoked	V. 8, p. 1087
4-2-17a	New	V. 8, p. 1087
4-2-17a	New	V. 8, p. 1395
4-4-2	Amended	V. 8, p. 1005
4-4-2	Amended	V. 8, p. 1070
4-7-900		
through		
4-7-904	New	V. 8, p. 1731, 1732
4-8-27	Amended	V. 8, p. 1732
4-33-1	New	V. 8, p. 132

AGENCY 5: BOARD OF AGRICULTURE—DIVISION OF WATER RESOURCES

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

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-34-1	New	V. 8, p. 1139
7-34-1	New	V. 8, p. 1183
7-35-1	New	V. 8, p. 1556
7-35-2	New	V. 8, p. 1556

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-7-7	Amended	V. 8, p. 1804
9-17-1		
through		
9-17-4	Amended	V. 8, p. 1804, 1805
9-17-6	New	V. 8, p. 1805
9-17-7	New	V. 8, p. 1805
9-17-8	New	V. 8, p. 1805

9-18-1	New	V. 8, p. 1138
9-18-1	New	V. 8, p. 1183

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

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

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-7-1		
through		
16-7-9	New	V. 8, p. 1326, 1327
16-7-1		
through		
16-7-9	New	V. 8, p. 1447, 1448

AGENCY 17: STATE BANKING DEPARTMENT

Reg. No.	Action	Register
17-19-1		
through		
17-19-4	New	V. 8, p. 1476

AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-1-1	Amended	V. 8, p. 1090
22-1-2	Amended	V. 8, p. 1090
22-3-1	Amended	V. 8, p. 1090
22-3-2	New	V. 8, p. 1090
22-4-2	New	V. 8, p. 1495
22-4-3	New	V. 8, p. 1495
22-5-6	New	V. 8, p. 1090
22-6-17	New	V. 8, p. 1090
22-8-1	Amended	V. 8, p. 1091
22-10-3	Amended	V. 8, p. 1091
22-10-12	Amended	V. 8, p. 1092
22-10-17	New	V. 8, p. 1092
22-13-35	Amended	V. 8, p. 1092

AGENCY 23: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
23-1-10	Revoked	V. 8, p. 1733
23-2-3	Revoked	V. 8, p. 1525
23-3-2	Revoked	V. 8, p. 1733
23-3-8	Revoked	V. 8, p. 1629
23-3-10	Revoked	V. 8, p. 1629
23-3-11	Revoked	V. 8, p. 1629
23-3-12	Revoked	V. 8, p. 1629
23-3-14	Revoked	V. 8, p. 1629
23-3-15	Revoked	V. 8, p. 1629
23-6-6	Revoked	V. 9, p. 167
23-7-5	Revoked	V. 9, p. 167
23-7-7	Revoked	V. 9, p. 167
23-8-1	Revoked	V. 8, p. 1525
23-8-2	Revoked	V. 8, p. 1525
23-8-4	Revoked	V. 8, p. 1356
23-8-18	Revoked	V. 8, p. 1525
23-8-19	Revoked	V. 8, p. 1525
23-8-21	Revoked	V. 8, p. 1525
23-8-25	Revoked	V. 8, p. 1525
23-8-33	Revoked	V. 8, p. 1525
23-8-36	Revoked	V. 8, p. 1525
23-9-2	Revoked	V. 8, p. 1525
23-9-10	Revoked	V. 8, p. 1525
23-9-11	Revoked	V. 8, p. 1525
23-11-1	Revoked	V. 8, p. 1356
23-14-1	Revoked	V. 8, p. 1356
23-17-1	Revoked	V. 8, p. 1356
23-17-2	Revoked	V. 8, p. 1356
23-17-3	Revoked	V. 8, p. 1356
23-18-1	Revoked	V. 8, p. 1525
23-18-3	Revoked	V. 8, p. 1629
23-18-4	Revoked	V. 8, p. 1629

AGENCY 25: GRAIN INSPECTION DEPARTMENT

Reg. No.	Action	Register
25-4-1	Amended	Vol. 8, p. 1290

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-8-1		
through		
26-8-10	New	V. 8, p. 1557

26-9-1		
through		
26-9-4	New	V. 8, p. 1557, 1558

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-4-113		
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28-4-118	Amended	V. 9, p. 36-40
28-4-119b	Amended	V. 9, p. 40
28-4-120	Amended	V. 9, p. 40
28-4-124		
through		
28-4-132	Amended	V. 9, p. 40-43
28-4-350	Amended	V. 9, p. 44
28-4-400	Amended	V. 8, p. 1632
28-4-401	Amended	V. 8, p. 1632
28-4-403	Amended	V. 8, p. 1632
28-4-405	Amended	V. 8, p. 1633
28-4-405a	Amended	V. 8, p. 1634
28-4-405b	Amended	V. 8, p. 1635
28-4-406	Amended	V. 8, p. 1635
28-4-407	Amended	V. 8, p. 1636
28-4-408	Amended	V. 8, p. 1636
28-4-410	Amended	V. 8, p. 1636
28-4-411	Amended	V. 8, p. 1637
28-4-412	Revoked	V. 8, p. 1637
28-4-413	Amended	V. 8, p. 1637
28-4-442	Amended	V. 9, p. 44
28-16-110		
through		
28-16-138	New	V. 8, p. 517-520
28-16-137	Amended	V. 8, p. 1559
28-16-137	Amended	V. 8, p. 1638
28-19-7	Amended	V. 8, p. 1291
28-19-8	Amended	V. 8, p. 1292
28-19-14	Amended	V. 8, p. 1293
28-19-16a	Amended	V. 8, p. 1294
28-19-17a	Amended	V. 8, p. 1296
28-19-17b	Amended	V. 8, p. 1296
28-19-17c	Amended	V. 8, p. 1297
28-19-17g	Amended	V. 8, p. 1298
28-19-17i	Amended	V. 8, p. 1298
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28-19-21	Amended	V. 8, p. 1298
28-19-56	Amended	V. 8, p. 1298
28-31-1		
through		
28-31-6	Amended	V. 8, p. 1806-1812
28-31-8	Amended	V. 8, p. 1813
28-31-8a	Amended	V. 8, p. 1814
28-31-8b	New	V. 8, p. 1814
28-31-9	Amended	V. 8, p. 1814
28-31-14	Amended	V. 8, p. 1814
28-33-11	New	V. 8, p. 1211
28-33-12	New	V. 8, p. 1212
28-39-77	Amended	V. 8, p. 200
28-39-87	Amended	V. 8, p. 871
28-39-200	Revoked	V. 8, p. 201
28-39-202		
through		
28-39-218	Revoked	V. 8, p. 201
28-39-225	Amended	V. 8, p. 201
28-39-226	Amended	V. 8, p. 203
28-51-108	Amended	V. 9, p. 123

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-50	Amended	V. 8, p. 1180
30-4-54	Amended	V. 8, p. 1180
30-4-56	Revoked	V. 8, p. 714
30-4-57	Amended	V. 8, p. 1180
30-4-58	Amended	V. 8, p. 1180
30-4-62	Amended	V. 8, p. 1180
30-4-63	Amended	V. 8, p. 1661
30-4-64	Amended	V. 8, p. 1661
30-4-70	Amended	V. 8, p. 714
30-4-73	Amended	V. 8, p. 1181
30-4-74	Amended	V. 8, p. 715
30-4-75	Amended	V. 8, p. 715
30-4-85a	Amended	V. 8, p. 1181
30-4-90	Amended	V. 8, p. 1182
30-4-100	Amended	V. 8, p. 715

(continued)

30-4-101	Amended	V. 9, p. 109
30-4-102	Amended	V. 8, p. 715
30-4-110	Amended	V. 8, p. 1182
30-4-111	Amended	V. 8, p. 1662
30-4-112	Amended	V. 8, p. 1662
30-4-113	Amended	V. 8, p. 1182
30-4-120	Amended	V. 8, p. 1182
30-4-130	Amended	V. 8, p. 1662
30-4-140	Amended	V. 8, p. 715
30-5-58	Amended	V. 8, p. 1662
30-5-58	Amended	V. 9, p. 109
30-5-59	Amended	V. 8, p. 1182
30-5-59	Amended	V. 9, p. 114
30-5-60	Amended	V. 9, p. 115
30-5-62	Amended	V. 9, p. 115
30-5-65	Amended	V. 9, p. 115
30-5-67	Amended	V. 9, p. 115
30-5-68	Amended	V. 9, p. 116
30-5-70	Amended	V. 9, p. 116
30-5-71	Amended	V. 9, p. 117
30-5-73	Amended	V. 9, p. 117
30-5-76	New	V. 8, p. 717
30-5-81	Amended	V. 8, p. 1205
30-5-81	Amended	V. 8, p. 1470
30-5-81a	Amended	V. 9, p. 117
30-5-81b	Amended	V. 8, p. 718
30-5-81d	Revoked	V. 8, p. 718
30-5-81q	Revoked	V. 8, p. 718
30-5-81r	Revoked	V. 8, p. 718
30-5-81s	Revoked	V. 8, p. 718
30-5-81t	Amended	V. 8, p. 718
30-5-81u	New	V. 8, p. 718
30-5-81v	New	V. 8, p. 718
30-5-82	Amended	V. 9, p. 117
30-5-84	Amended	V. 8, p. 1662
30-5-84a	Revoked	V. 8, p. 1662
30-5-88	Amended	V. 8, p. 1206
30-5-88	Amended	V. 8, p. 1471
30-5-89	Amended	V. 9, p. 118
30-5-94	Amended	V. 9, p. 118
30-5-95	Amended	V. 8, p. 719
30-5-100	Amended	V. 8, p. 1182
30-5-101	Amended	V. 9, p. 119
30-5-103	Amended	V. 9, p. 119
30-5-108	Amended	V. 8, p. 719
30-5-110	Amended	V. 8, p. 719
30-5-111	Amended	V. 9, p. 119
30-5-112	Amended	V. 9, p. 119
30-5-113	Amended	V. 9, p. 119
30-5-114	Amended	V. 9, p. 119
30-5-115	Amended	V. 9, p. 119
30-5-115a	New	V. 8, p. 719
30-5-116	Amended	V. 9, p. 120
30-5-116a	New	V. 8, p. 720
30-5-150	Revoked	V. 9, p. 120
30-5-151	Revoked	V. 9, p. 120
30-5-152	Revoked	V. 9, p. 120
30-5-154	through	
30-5-172	Revoked	V. 9, p. 120
30-6-35	Amended	V. 8, p. 720
30-6-53	Amended	V. 8, p. 720
30-6-55	Amended	V. 8, p. 1662
30-6-56	Amended	V. 8, p. 720
30-6-57	Revoked	V. 8, p. 1182
30-6-58	Revoked	V. 8, p. 1182
30-6-63	Amended	V. 8, p. 1182
30-6-65	Amended	V. 9, p. 121
30-6-73	Amended	V. 8, p. 1182
30-6-73	Amended	V. 8, p. 1754
30-6-74	Amended	V. 8, p. 721
30-6-77	Amended	V. 8, p. 721
30-6-86	Amended	V. 8, p. 721
30-6-103	Amended	V. 9, p. 122
30-6-106	Amended	V. 8, p. 1663
30-6-109	Amended	V. 8, p. 721
30-6-110	Amended	V. 8, p. 1663
30-6-111	Amended	V. 8, p. 1663
30-6-112	Amended	V. 8, p. 1663
30-6-113	Amended	V. 8, p. 1183
30-7-26	through	
30-7-63	Revoked	V. 8, p. 721
30-7-64	through	
30-7-78	New	V. 8, p. 721-724

30-7-68	Amended	V. 8, p. 1663
30-9-13	New	V. 8, p. 1663
30-9-18	through	
30-9-22	New	V. 8, p. 1663, 1664
30-10-1b	Amended	V. 8, p. 1664
30-10-2	Amended	V. 8, p. 1664
30-10-3	Amended	V. 8, p. 1664
30-10-4	Amended	V. 8, p. 1664
30-10-11	Amended	V. 8, p. 1664
30-10-15a	Amended	V. 8, p. 1664
30-10-15b	Amended	V. 8, p. 1664
30-10-17	Amended	V. 8, p. 1665
30-10-18	Amended	V. 8, p. 1665
30-10-19	Amended	V. 8, p. 1665
30-10-21	Amended	V. 8, p. 1665
30-10-25	Amended	V. 8, p. 1665
30-10-28	Amended	V. 8, p. 1665
30-10-29	Amended	V. 8, p. 1665
30-10-30	New	V. 8, p. 1665
30-22-31	Amended	V. 8, p. 1665
30-22-32	Amended	V. 8, p. 1666
30-46-10	Amended	V. 8, p. 1666
30-46-17	Amended	V. 8, p. 1666

AGENCY 33: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
33-1-4	through	
33-1-17	Revoked	V. 8, p. 1525
33-1-19	Revoked	V. 8, p. 1525
33-1-21	Revoked	V. 9, p. 167
33-2-4	Revoked	V. 8, p. 1733
33-3-3	Revoked	V. 8, p. 1733
33-4-5	Revoked	
33-4-7	through	
33-4-10	Revoked	V. 8, p. 1525

AGENCY 36: DEPARTMENT OF TRANSPORTATION

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

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-28	Amended	V. 8, p. 452
40-1-34	Amended	V. 8, p. 798
40-1-37	New	V. 8, p. 798
40-2-12	Amended	V. 8, p. 452
40-3-5	Amended	V. 8, p. 454
40-3-42	New	V. 8, p. 1323
40-3-43	New	V. 8, p. 1139
40-3-43	New	V. 8, p. 1184
40-3-44	New	V. 8, p. 454
40-3-45	New	V. 8, p. 1006
40-4-35	Amended	V. 8, p. 515
40-4-35	Amended	V. 8, p. 558
40-4-35a	New	V. 8, p. 454
40-4-35a	Amended	V. 9, p. 30
40-4-38	New	V. 8, p. 455
40-5-108	Amended	V. 8, p. 800
40-7-7	Amended	V. 8, p. 455
40-7-13	Amended	V. 8, p. 455
40-7-20	Revoked	V. 8, p. 455
40-7-20a	New	V. 8, p. 455
40-7-21	Amended	V. 8, p. 457
40-7-21	Amended	V. 8, p. 516

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-9-103	Amended	V. 9, p. 123
44-9-104	Amended	V. 9, p. 123
44-11-111	Amended	V. 9, p. 80
44-11-112	Amended	V. 9, p. 80
44-11-113	Amended	V. 9, p. 80
44-11-114	Amended	V. 9, p. 80
44-11-116	Revoked	V. 9, p. 81
44-11-121	Amended	V. 9, p. 81
44-11-122	Amended	V. 9, p. 81
44-11-123	Amended	V. 9, p. 81
44-11-126	Revoked	V. 9, p. 81
44-11-128	Revoked	V. 9, p. 81

44-11-129	through	
44-11-135	New	V. 9, p. 81, 82

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

Reg. No.	Action	Register
51-24-4	Amended	V. 8, p. 1493
51-24-5	Amended	V. 8, p. 1493

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-3	Amended	V. 9, p. 170
63-1-4	Amended	V. 9, p. 170
63-1-6	Amended	V. 8, p. 742
63-1-12	Amended	V. 8, p. 713
63-6-3	Amended	V. 8, p. 713
63-6-6	Amended	V. 8, p. 714
63-6-7	Revoked	V. 8, p. 714
63-6-8	Revoked	V. 8, p. 714

AGENCY 68: BOARD OF PHARMACY

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

AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS

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

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-2-7	Amended	V. 8, p. 161, 162
71-2-9	Amended	V. 8, p. 162
71-2-11	Amended	V. 8, p. 163
71-2-12	Amended	V. 8, p. 163
71-2-13	Revoked	V. 8, p. 163

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-5-202	Amended	V. 8, p. 493
74-5-203	Amended	V. 8, p. 493
74-6-2	Amended	V. 8, p. 1069
74-12-1	Amended	V. 8, p. 1590

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-3-2	Amended	V. 8, p. 1704
81-3-2	Amended	V. 9, p. 83
81-5-6	Amended	V. 8, p. 1704
81-5-6	Amended	V. 9, p. 83

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-105	Amended	V. 8, p. 425
82-3-106	Amended	V. 8, p. 425
82-3-107	Amended	V. 8, p. 426
82-3-109	Amended	V. 8, p. 427
82-3-114	Amended	V. 8, p. 427
82-3-120	Amended	V. 8, p. 428
82-3-123	Amended	V. 8, p. 428
82-3-123a	New	V. 8, p. 429
82-3-124	Amended	V. 8, p. 429
82-3-130	Amended	V. 8, p. 430
82-3-139	Amended	V. 8, p. 430
82-3-140	Amended	V. 8, p. 430
82-3-142	New	V. 8, p. 430
82-3-143	New	V. 8, p. 430
82-3-203	Amended	V. 8, p. 431
82-3-205	Amended	V. 8, p. 431
82-3-305	Amended	V. 8, p. 431
82-3-311	Amended	V. 8, p. 431
82-3-400	Amended	V. 8, p. 432
82-3-401	Amended	V. 8, p. 432
82-3-402	Amended	V. 8, p. 434
82-3-405	Amended	V. 8, p. 434
82-3-407	Amended	V. 8, p. 435
82-3-408	Amended	V. 8, p. 435

82-3-409	Amended	V. 8, p. 435
82-11-1 through 82-11-7	Revoked	V. 8, p. 517
82-11-1 through 82-11-9	New	V. 8, p. 377-383

AGENCY 85: ABSTRACTERS' BOARD OF EXAMINERS

Reg. No.	Action	Register
85-4-1	Amended	V. 8, p. 1448
85-6-1	Amended	V. 8, p. 1448
85-7-1	Amended	V. 8, p. 1448

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-10	Amended	V. 8, p. 1752
86-1-13	Amended	V. 8, p. 1753

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-20-1 through 88-20-11	New	V. 9, p. 165-167
88-21-1 through 88-21-10	New	V. 8, p. 1834, 1835

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-27b	Amended	V. 8, p. 94
91-1-32	Amended	V. 8, p. 94
91-1-32a	Revoked	V. 8, p. 94
91-1-33	Amended	V. 8, p. 94
91-1-38	Revoked	V. 8, p. 95
91-1-58	Amended	V. 8, p. 95
91-1-60	Amended	V. 8, p. 95
91-1-79	Amended	V. 8, p. 95
91-1-85	Amended	V. 8, p. 95
91-1-92	Amended	V. 8, p. 96
91-1-107a	Amended	V. 8, p. 96
91-1-128a	Amended	V. 8, p. 98
91-1-129a	Amended	V. 8, p. 98
91-1-131	Amended	V. 8, p. 99
91-1-132a	Amended	V. 8, p. 100
91-1-149	New	V. 8, p. 101
91-1-150	New	V. 8, p. 101
91-12-22	Amended	V. 8, p. 1755
91-12-23	Amended	V. 8, p. 1758
91-12-25	Amended	V. 8, p. 1759
91-12-32	Amended	V. 8, p. 1760
91-12-34	Amended	V. 8, p. 1760
91-12-38	Amended	V. 8, p. 1760
91-12-40	Amended	V. 8, p. 1761
91-12-41	Amended	V. 8, p. 1762
91-12-42	Amended	V. 8, p. 1763
91-12-44	Amended	V. 8, p. 1763
91-12-51 through 91-12-63	Amended	V. 8, p. 1764-1770
91-12-65	Amended	V. 8, p. 1771
91-12-70	Amended	V. 8, p. 1771
91-12-73	New	V. 8, p. 1771
91-16-30	New	V. 8, p. 423
91-19-1	Amended	V. 8, p. 101
91-19-2	Amended	V. 8, p. 101
91-19-6	Amended	V. 8, p. 102
91-31-1	Amended	V. 8, p. 102
91-31-2	Amended	V. 8, p. 102
91-31-3	Amended	V. 8, p. 1361
91-31-4a	New	V. 8, p. 1362
91-31-7	Amended	V. 8, p. 103
91-31-11	Revoked	V. 8, p. 1362
91-31-12a	Amended	V. 8, p. 104
91-31-12h	Amended	V. 8, p. 1362
91-31-13	Amended	V. 8, p. 104
91-31-14	New	V. 8, p. 105
91-31-14a	Amended	V. 8, p. 105
91-33-1	Amended	V. 8, p. 105
91-33-3	Amended	V. 8, p. 1363
91-33-5	Amended	V. 8, p. 106
91-33-8	Amended	V. 8, p. 1364
91-33-9	Revoked	V. 8, p. 1364
91-34-1	Amended	V. 8, p. 106
91-34-2	Amended	V. 8, p. 106

91-34-3	Amended	V. 8, p. 107
91-34-6	Revoked	V. 8, p. 1364
91-34-7	Amended	V. 8, p. 1364
91-34-13	Amended	V. 8, p. 1365

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-9-6	Revoked	V. 8, p. 751
92-9-6a	New	V. 8, p. 751
92-51-42	New	V. 9, p. 35
92-52-10	Revoked	V. 9, p. 35
92-52-12	New	V. 9, p. 35
92-56-1 through 92-56-5	New	V. 8, p. 1324, 1325

AGENCY 98: KANSAS WATER OFFICE

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

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

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

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended	V. 8, p. 654
100-11-1	Amended	V. 8, p. 1069
100-38-1	Amended	V. 8, p. 1558
100-38-1	Amended	V. 8, p. 1806
100-49-4	Amended	V. 9, p. 108
100-54-4	Amended	V. 8, p. 1558
100-54-4	Amended	V. 8, p. 1806
100-55-4	Amended	V. 8, p. 1558
100-55-4	Amended	V. 8, p. 1806
100-60-1	Amended	V. 8, p. 1558
100-60-1	Amended	V. 8, p. 1806
100-60-15	New	V. 8, p. 1558
100-60-15	Amended	V. 8, p. 1806

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-7	Amended	V. 8, p. 906
102-1-15	Amended	V. 8, p. 906
102-2-1a	Amended	V. 8, p. 204
102-2-3	Amended	V. 8, p. 1470
102-2-3	Amended	V. 8, p. 1591
102-3-1	New	V. 8, p. 1526
102-3-1	New	V. 8, p. 1591
102-3-3 through 102-3-13	New	V. 8, p. 1526-1531
102-3-3 through 102-3-13	New	V. 8, p. 1591-1596
102-4-1	New	V. 8, p. 204
102-4-1	New	V. 8, p. 335
102-4-3 through 102-4-11	New	V. 8, p. 205-209
102-4-3 through 102-4-11	New	V. 8, p. 335-339

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-3-2	Amended	V. 8, p. 1366
105-5-6	Amended	V. 8, p. 1366
105-5-7	Amended	V. 8, p. 1367
105-5-8	Amended	V. 8, p. 1367
105-7-5	Amended	V. 8, p. 1367
105-8-4	Amended	V. 8, p. 1367
105-10-1	Amended	V. 8, p. 1070
105-10-1	Amended	V. 8, p. 1367

AGENCY 109: EMERGENCY MEDICAL SERVICES BOARD

Reg. No.	Action	Register
109-1-1	Amended	V. 8, p. 873
109-2-1	Amended	V. 8, p. 874
109-2-2	Amended	V. 8, p. 874

109-2-4	Amended	V. 8, p. 874
109-2-5 through 109-2-9	Amended	V. 8, p. 874-877
109-2-10	Revoked	V. 8, p. 877
109-2-11	Amended	V. 8, p. 877
109-2-12	Amended	V. 8, p. 878
109-3-1	New	V. 8, p. 879
109-4-1	Amended	V. 8, p. 879
109-4-2	Amended	V. 8, p. 880
109-4-3	Amended	V. 8, p. 880
109-5-1	Amended	V. 8, p. 881
109-5-2	Amended	V. 8, p. 881
109-5-3	Amended	V. 8, p. 881
109-6-1	Amended	V. 8, p. 1731
109-7-1	New	V. 8, p. 882
109-8-1	New	V. 8, p. 882
109-9-1	New	V. 8, p. 882
109-9-2	New	V. 8, p. 882
109-9-4	New	V. 8, p. 882
109-10-1 through 109-11-8	New	V. 8, p. 883-885
109-11-8	New	V. 8, p. 885
109-12-1	New	V. 8, p. 886
109-12-2	New	V. 8, p. 886

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-3-1 through 110-3-11	New	V. 8, p. 28-30

AGENCY 111: THE KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 8, p. 586
111-2-1	Amended	V. 7, p. 1995
111-2-5	Revoked	V. 8, p. 1085
111-2-6	New	V. 8, p. 134
111-2-7	Amended	V. 8, p. 586
111-2-8 through 111-2-12	Revoked	V. 8, p. 1666
111-2-13	New	V. 8, p. 1666
111-2-14	New	V. 9, p. 30
111-3-1	Amended	V. 7, p. 1061
111-3-3	Revoked	V. 7, p. 1062
111-3-4	Revoked	V. 7, p. 1062
111-3-7	Revoked	V. 7, p. 1714
111-3-9	Amended	V. 8, p. 1085
111-3-10 through 111-3-31	New	V. 7, p. 201-206
111-3-10	Revoked	V. 7, p. 1062
111-3-11	Amended	V. 8, p. 299
111-3-12	New	V. 8, p. 587
111-3-13	Amended	V. 7, p. 1062
111-3-14	Amended	V. 8, p. 587
111-3-14a	Revoked	V. 9, p. 30
111-3-16	Amended	V. 7, p. 1309
111-3-17	Revoked	V. 7, p. 1714
111-3-19 through 111-3-22	Amended	V. 9, p. 30
111-3-20	Amended	V. 8, p. 1085
111-3-21	Amended	V. 7, p. 1606
111-3-22	Amended	V. 8, p. 1085
111-3-22a	Revoked	V. 9, p. 31
111-3-24	Revoked	V. 9, p. 31
111-3-25	New	V. 7, p. 1310
111-3-27	New	V. 7, p. 1310
111-3-30	Revoked	V. 7, p. 1310
111-3-31	Amended	V. 8, p. 209
111-3-32	New	V. 7, p. 931
111-3-33	New	V. 7, p. 1434
111-4-1	Amended	V. 8, p. 134
111-4-2	Amended	V. 7, p. 1063
111-4-4	Amended	V. 7, p. 1063
111-4-6	Amended	V. 7, p. 1434
111-4-7	Amended	V. 7, p. 1945
111-4-8	Amended	V. 7, p. 1064
111-4-12	Amended	V. 7, p. 1190
111-4-16	Revoked	V. 8, p. 209

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111-4-19	Revoked	V. 7, p. 206	111-4-185			112-4-1	Amended	V. 8, p. 1244
111-4-22			through			112-4-1	Amended	V. 8, p. 1288
111-4-40	Revoked	V. 7, p. 206, 207	111-4-196	New	V. 8, p. 1518-1520	112-4-3	Amended	V. 8, p. 1245
111-4-41	Revoked	V. 7, p. 1435	111-4-196			112-4-3	Amended	V. 8, p. 1288
111-4-42	Revoked	V. 7, p. 1435	through			112-4-4	Amended	V. 8, p. 1245
111-4-43	Revoked	V. 7, p. 207	111-4-203	New	V. 9, p. 32-34	112-4-4	Amended	V. 8, p. 1288
111-4-44	Revoked	V. 7, P. 1435	111-5-1			112-4-5	Amended	V. 8, p. 1246
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111-4-64	Revoked	V. 7, p. 207	111-5-1			112-4-8	Amended	V. 8, p. 1288
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through			111-5-8	Revoked	V. 9, p. 34	112-4-10	Amended	V. 8, p. 1288
111-4-77	New	V. 7, p. 207-209	111-5-9			112-4-11	Amended	V. 8, p. 1246
111-4-66			through			112-4-11	Amended	V. 8, p. 1289
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111-4-71a	Revoked	V. 9, p. 31	111-5-19	Amended	V. 8, p. 212	112-4-15	New	V. 8, p. 724
111-4-71b	Revoked	V. 9, p. 31	111-5-20	Revoked	V. 8, p. 212	112-4-16	New	V. 8, p. 258
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111-4-77	Revoked	V. 9, p. 31	111-6-1	Amended	V. 8, p. 212	112-4-22	Amended	V. 8, p. 1246
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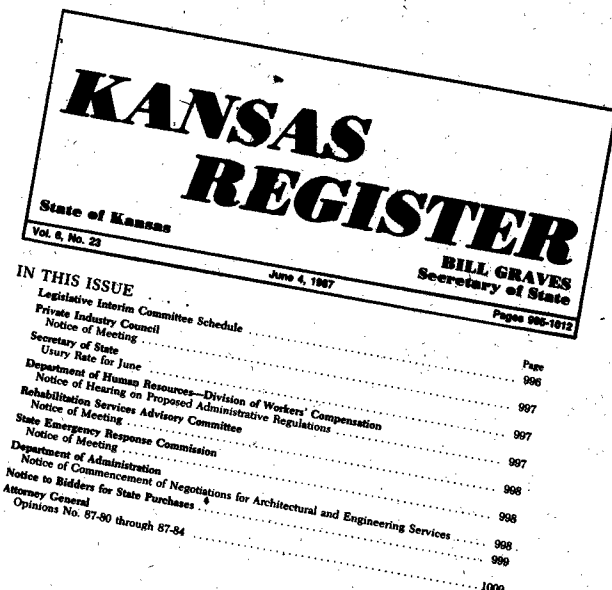
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