

Kansas Register

Bill Graves, Secretary of State

Vol. 10, No. 45 November 7, 1991 Pages 1601-1638

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State of Kansas

Department of Transportation

Notice of Public Auction

The Kansas Secretary of Transportation will offer for sale and removal at public auction December 13 the following houses, outbuildings, and equipment. Each sale will take place at the following respective locations:

Tract 7, Shawnee County, 6844 N.W. Hwy. 75, 10 a.m.: 4 BR, 1 story frame ranch, 1,696 s.f., with 2 car attached garage.

Tract 39, Shawnee County, 9045 N.W. Hwy. 75, 11 a.m.: 3 BR, 1 story frame ranch, 1,200 s.f., with 2 car detached garage.

Tract 39, Shawnee County, 9045 N.W. Hwy. 75, 11:30 a.m.: Swimming pool pump and filter.

Tract 20, Jackson County, Route 1, Hoyt, 1/2 mile west of Hoyt on the east side of Hwy. 75, 1 p.m.: 3 BR, 1 story frame house, 1,236 s.f., with two barns, shed, grain storage, and utility building.

The successful bidder must remove the structure from right of way on or before January 13, 1992. A \$1,500 performance bond must be posted for each tract containing improvements as a guarantee of removal. Any item not removed from the right of way on or

before specified date shall revert to and become the property of the Kansas Department of Transportation. The purchaser shall have no right, title, interest or claim to or lien upon said remaining items or part thereof, nor any claim against the Kansas Department of Transportation for the sale price paid after said date.

The purchaser shall not permit use or occupancy of structures pending removal from highway right of way.

The Kansas Department of Transportation ensures the acceptance of any bid pursuant to this notice will be without discrimination on the grounds of race, color, national origin, handicap or sex.

KDOT personnel will be available December 9 at each site from 10 to 11 a.m. for inspection of property. Personnel also will be available at each site 30 minutes prior to the time of auction December 13 for inspection of property.

The seller reserves the right to reject any and all bids. Terms of the sale are certified or cashier's check. The buyer will receive a bill of sale. The seller is not responsible for accidents.

For further information, contact Beverly Lee or Pamela Wolf, Bureau of Right of Way, Kansas Department of Transportation, (913) 296-3501.

Michael L. Johnston
Secretary of Transportation

Doc. No. 011278

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State of Kansas

**Independent Living
Advisory Council**

Notice of Meeting,

The Independent Living Advisory Council will meet at 9 a.m. Tuesday, November 12, in the Staff Development Building, Room A, Topeka State Hospital Grounds, 6th and Oakley, Topeka.

Glen Yancey
Acting Commissioner

Doc. No. 011269

State of Kansas

Kansas Water Authority

Notice of Meeting

The Kansas Water Authority will meet November 19-20 in Topeka. The full authority will meet at 7 p.m. November 19, and authority committees and Basin Advisory Committee chairpersons will meet at 8 a.m. November 20. The full authority will resume its meeting at 1 p.m.

A copy of the agenda may be obtained by contacting Dotty Kester, Kansas Water Office, 109 S.W. 9th, Suite 300, Topeka 66612-1249, (913) 296-3185.

John L. Baldwin
Chairman

Doc. No. 011279

State of Kansas

Private Industry Council

Request for Proposals

The Kansas Private Industry Council (PIC) for the Job Training Partnership Act (JTPA) in Service Delivery Area III (SDA III) seeks solicitation of comprehensive proposals to subcontract with any group, agency or institution, public or private, to provide the various services and training needed to serve eligible participants in Johnson, Wyandotte and Leavenworth counties in the PIC's Title IIA Employment and Training Programs. The PIC's Title IIA Adult and Youth Employment and Training Programs shall provide eligible participants within the SDA with useful work experience and employment and training opportunities.

All services and training for the Title IIA Program are for the funding period from February 1, 1992, through June 30, 1993, contingent upon availability of funds.

Agencies wishing to submit a proposal may request a request for proposals packet from: Kansas Private Industry Council, SDA III, 717 Gateway Centre II, 4th and State Ave., Kansas City, KS 66101, (913) 371-1607.

The deadline for submission of proposals is 3 p.m. Thursday, December 19.

Ann Conway
Executive Director

Doc. No. 011262

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 57,400 cubic yard detention dam, Site 111 in Harvey County, will be received by the Sand Creek Watershed District No. 68 at 1405 S. Spencer, Newton 67114, (316) 283-3760, until 10 a.m. November 15, at which time they will be opened and read publicly. A copy of the invitation for bids and plans and specifications can be obtained from Kenneth G. Jensen, Contracting Officer, 308 Sherman Drive, Newton 67114, (316) 283-2907. There is a \$25 charge for specifications and plans.

Kenneth F. Kern
Executive Director

Doc. No. 011281

State of Kansas

Attorney General

Opinion No. 91-131

Schools—Teachers' Contracts; Due Process Procedure; Contract Termination—Opinion of Hearing Committee; Findings of Fact and Recommendation; Effect; Applicability of L. 1991 ch. 224, § 3. Fred W. Rausch, Jr., Attorney for Unified School District No. 380, Topeka, October 18, 1991.

K.S.A. 72-5443, as amended by L. 1991, ch. 224, § 3, is applicable to the due process procedure for teachers in those situations in which the hearing committee was formed prior to July 1, 1991, but did not issue its written opinion until after July 1, 1991. Cited herein: K.S.A. 79-5436; K.S.A. 1990 Supp. 72-5438; K.S.A. 72-5443, as amended by L. 1991, ch. 224, § 3. RDS

Opinion No. 91-132

Publications, Bibliography and Calendar—Legal Publications—Newspapers in Which Legal Publications May be Made; Statutory Requirements Regarding Circulation and Publishing.

Cities and Municipalities—Miscellaneous Provisions—Official Newspaper in Cities of Second and Third Classes; Qualifications. Representative Melvin Neufeld, 115th District, Ingalls, October 18, 1991.

Since the newspaper in Grinnell, Kansas, has been publishing for at least one year it may move to Scott City, Kansas, and may publish Scott City's legal notices as long as it meets the requirements set forth in K.S.A. 1990 Supp. 12-1651. Cited herein: K.S.A. 1990 Supp. 12-1651; 64-101. MJS

Opinion No. 91-133

Corporations—Agricultural Corporations—Limitations; Nonfarming Business Exception. Representative Carol H. Sader, 22nd District, Shawnee Mission, October 25, 1991.

A limited liability agricultural company is not sub-
(continued)

ject to the prohibition against the corporate ownership of farmland found in K.S.A. 17-5904, as amended. In order to qualify as a limited liability agricultural company the definitional requirements in K.S.A. 17-5903 as amended by L. 1991, ch. 76, § 9 must be met. While the proposed structure described herein appears to meet all the definitional requirements, the facts as presented do not indicate whether the requirement of control of the operation is sufficiently met. For this reason our conclusion is qualified. Cited herein: K.S.A. 17-5902 *et seq.*; K.S.A. 17-5903 and 17-5904, as amended by L. 1991, ch. 76, §§ 9 and 10; K.S.A. 1990 Supp. 17-7601 *et seq.* GE

Opinion No. 91-134

Taxation—Property Valuation, Equalizing Assessments, Appraisers and Assessment of Property—Powers and Duties of Director of Property Valuation; Force and Effect of Directives. Representative Clyde D. Graeber, 41st District, Leavenworth, October 29, 1991.

The July 2, 1990, directive issued by the director of property valuation that requires county appraisers to consider the final results of the hearing and appeals processes for tax years 1989 and 1990 in estimating fair market value and use value for tax year 1991 is binding on all county appraisers. The "final result" is the value reached at the last step taken in the processes. In order to alter the value of property, the value of which was set in the 1989 or 1990 hearing and appeal process, the county appraiser must have documented substantial and compelling reasons to prove the altered value reflects current fair market or use value. Cited herein: K.S.A. 79-1401; 79-1404, as amended by L. 1991, ch. 278, § 1; K.S.A. 79-1456; K.S.A. 1990 Supp. 79-1476. JLM

Opinion No. 91-135

State Boards, Commissions and Authorities—Development Finance Authority—Issuance of Bonds for Juvenile Detention Centers. Terence J. Scanlon, President, Kansas Development Finance Authority, Topeka, October 29, 1991.

The Kansas Development Finance Authority has the authority to issue bonds for the establishment of juvenile detention centers, as long as these centers provide mental health, mental retardation and drug and alcohol abuse services to the Kansas Department of Social and Rehabilitation Services. Cited herein: K.S.A. 1990 Supp. 74-8905; 74-8917. MJS

Opinion No. 91-136

Taxation—Property Valuation, Equalizing Assessments, Appraisers and Assessment of Property—Powers and Duties of Director of Property Valuation; Ability to Require Use of Assessment Tools by County and District Appraisers. Representative Clyde D. Graeber, 41st District, Leavenworth, October 29, 1991.

Directives, guidelines, manuals and course instruction materials promulgated by the director of property

valuation to assist county and district appraisers in determining fair market or use value of property and designed to achieve uniformity in appraisal are mandatory in the sense that the director, prosecutors and the Board of Tax Appeals may take actions enumerated herein to penalize an appraiser for failure or refusal to comply with or follow such materials. Cited herein: K.S.A. 1990 Supp. 19-431; K.S.A. 19-2609; 60-1206; 79-1401; 79-1404, as amended by L. 1991, ch. 278, § 1; K.S.A. 79-1412a; 79-1413a, as amended by L. 1991, ch. 162, § 1; K.S.A. 79-1456; 79-1473; K.S.A. 1990 Supp. 79-1476; K.S.A. 79-1479, as amended by L. 1991, ch. 162, § 2; K.S.A. 79-2912. JLM

Opinion No. 91-137

Counties and County Officers—Hospitals and Related Facilities—Repeal of a Mill Levy. H. Scott Beims, Rawlins County Attorney, Atwood; Rawlins County Commissioners, Henry E. Cahoj, Chairman, Atwood, October 30, 1991.

There are no statutory provisions mandating Rawlins County to hold an election to decide the issue of whether a previously approved community hospital tax levy should be repealed. Cited herein: K.S.A. 1990 Supp. 19-4606; K.S.A. 19-4625. MJS

Robert T. Stephan
Attorney General

Doc. No. 011270

State of Kansas

Private Industry Council

Request for Proposals

The Kansas Private Industry Council (PIC) for the Job Training Partnership Act Partnership Act (JTPA) in Service Delivery Area (SDA III) seeks solicitations of comprehensive proposals to subcontract with any group, agency or institution, public or private, to provide the various services and training needed to serve eligible youth in Johnson, Wyandotte, and Leavenworth counties in the PIC Summer Youth Employment and Training Program. The PIC SDA III's IIB Summer Youth Employment and Training Program (SYETP) shall provide eligible youth ages 14-21, inclusive, within the SDA with useful work experience and employment training opportunities. The PIC seeks to subcontract the program with one provider who can handle intake, eligibility, DIS, case management, development of worksites, placement of youth at worksites and payroll for the program clients.

All services and training for the SYETP are for the funding period from October 1, 1991, through September 30, 1992.

Proposals must be presented with 12 copies and will be received through 4 p.m. Monday, December 2, at the office of JTPA SDA III, 717 Gateway Centre II, 4th and State Ave., Kansas City, KS 66101.

Ann Conway
Executive Director

Doc. No. 011261

State of Kansas

**Department of Administration
Division of Purchases**

Notice to Bidders

Sealed bids for the purchase of 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.

Monday, November 18, 1991

90292

Osawatomie State Hospital—Hazardous waste pickup and disposal

90306

Department of Revenue—Continuous mailers

Tuesday, November 19, 1991

27503 (Supp.)

Kansas Correctional Industries—Graphic arts film and supplies

28154

Kansas State University—Nursery stock—Seedlings

28631

University of Kansas—Frozen foods

90328

Larned Correctional Mental Health Facility—Audio-video equipment

90344

Kansas State University—Miscellaneous groceries

90345

University of Kansas Medical Center—Furnish and install doors

Wednesday, November 20, 1991

27595

Winfield State Hospital and Training Center—Janitorial supplies

28066

University of Kansas Medical Center—Pulse oximeter probes and monitors

28629

University of Kansas—Miscellaneous groceries

90311

Department of Wildlife and Parks—Armor vests, various locations

90312

Kansas Correctional Industries—Fabrication of bed components

90313

University of Kansas—CD ROM drives, expansion chassis and upgrades

90314

Kansas Correctional Industries—Cell furniture components

90324

El Dorado Correctional Facility—Lumber and plywood

90325

University of Kansas Medical Center—Notebook computers

Thursday, November 21, 1991

A-6791

Fort Hays State University—Roof replacement, Rarick Hall

27427

Adjutant General's Department—Snow removal services, Topeka

28067

University of Kansas Medical Center—Non-invasive blood pressure cuffs and monitors

28298

Statewide—Personal care items

90331

Kansas State University—Centrifuge

90334

Department of Transportation—Traffic control drums

90335

Kansas State University—Elevator repair service

Friday, November 22, 1991

27394 (Re-bid)

Statewide—Auto shock absorbers

90354

Kansas State University—ECG signal processor

90374

Kansas State School for the Visually Handicapped—Handicap van

90375

Wichita State University—High speed photocopier

Tuesday, November 26, 1991

27896

Statewide—Chemotherapy safety supplies (Class 20)

Tuesday, December 3, 1991

27414

Statewide—Fine paper products

Request for Proposals

Monday, November 18, 1991

28628

Financial advisory services for the Department of Administration

Tuesday, November 26, 1991

28632

Lease office facility for the Department of Administration, Division of Architectural Services

Monday, December 2, 1991

28630

Market research for the Kansas Lottery

Tuesday, December 10, 1991

28624

Laboratory analytical services for the Department of Health and Environment

Leo E. Vogel

Acting Director of Purchases

Doc. No. 011274

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 at the University of Kansas Medical Center. 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 encapsulation, and construction administration and air monitoring and testing during removal or encapsulation work.

Any questions or expressions of interest should be directed to Pat Tryon, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, on or before November 22.

J. David DeBusman
Director, Division of
Architectural Services

Doc. No. 011273

State of Kansas

Department of Administration

Division of Architectural Services

Notice of Commencement of Negotiations
for Architectural Services

Notice is hereby given of the commencement of negotiations for architectural services for the addition to the Technology Center, Kansas State University—Salina (formerly the Kansas College of Technology). The project will consist of two parts. The first part will be a 3,900 sq. ft. addition to the library, which is on the front and most public side of the existing building. The second part will be a 2,600 sq. ft. addition to the mechanical engineering laboratories, which are on the southern edge of the existing building. The design style of the existing building is to be maintained in the addition.

Any questions or expressions of interest should be directed to Gerald R. Carter, AIA, Deputy Director of Planning & Project Management, Division of Architectural Services, 615 Polk, Topeka 66603, (913) 233-9367, on or before November 22. An original and four copies of the SF 255 form (plus attachments as required) should be submitted with letters of interest.

J. David DeBusman
Director, Division of
Architectural Services

Doc. No. 011276

State of Kansas

Board of Nursing

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 10 a.m. Wednesday, December 11, in Room 108 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed changes in existing rules and regulations.

The 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the executive administrator of the Board of Nursing, Room 551-S, Landon State Office Building, 900 S.W. Jackson, Topeka 66612-1256. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing.

Copies of the regulations and their economic impact statements can be obtained from the Board of Nursing at the address above, (913) 296-3782. The proposed regulations and their economic impact follows:

K.A.R. 60-4-101. Payment of fees. The adoption of this regulation finalizes revision of the fee structure initiated in 1988.

There should be no economic impact on registered professional and licensed practical nurses. There would be major financial impact on the Board of Nursing if the regulation is not adopted.

K.A.R. 60-11-103. Qualifications of advanced registered nurse practitioners. An additional section has been added to allow another method for review of qualifications for the A.R.N.P. The new addition would allow the Board of Nursing to review the criteria from other credentialing bodies, and if the same, then the board would accept, after verification, the A.R.N.P.'s certification from the other organization.

This additional method for credentialing would allow the time for the certification process to be shortened, thus it may have some positive economic impact on a nurse seeking A.R.N.P. status. There would be no economic impact on the Board of Nursing.

K.A.R. 60-11-113. Certification renewal. Since all advanced registered nurse practitioners have the provision to transmit prescriptions per physician protocol, the Board of Nursing felt that having a continuing education requirement of six hours of pharmacology every two years would be beneficial.

The change in this regulation may have a minimal economic impact on some A.R.N.P.'s. Some continuing nursing education in pharmacology is presently available. No economic impact is anticipated for the board.

K.A.R. 60-9-105. Definitions. One change has been made to accept a refresher course as continuing nursing education.

For those nurses still licensed in Kansas but taking a refresher course for an update of competencies, the additional continuing nursing education would not have to be obtained during that renewal period. This would be less costly for the licensee. There would be no economic impact on the board.

Patsy Johnson, R.N., M.N.
Executive Administrator

Doc. No. 011266

State of Kansas

**Department of Health
and Environment**

**Notice Concerning Proposed
Permit Action**

The Secretary of Health and Environment is proposing to issue a permit in accordance with K.A.R. 28-19-14 (permits required) to the Copeland Corporation, Sidney, Ohio, to operate a refrigeration compressor reconditioning operation at 3200 May St., Wichita.

Written materials, including the permit application and information relating to the application submitted by Copeland, draft permit, permit summary and analysis by KDHE describing the basis for the proposed permit, are available for public inspection during normal business hours through December 9 by contacting David Butler, KDHE, 1919 N. Amidon, Wichita 67203,

(316) 838-1071. This material also can be reviewed at the KDHE office, Building 740, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to L.C. Hinthier at (913) 296-1576.

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 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 the hearing will be announced in this publication. A request for a hearing or written comments on the proposed permit must be submitted to the Secretary, KDHE, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before December 9.

Azzie Young
Secretary of Health
and Environment

Doc. No. 011264

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled November 12-22:

Date	Room	Time	Committee	Agenda
November 12	514-S	10:00 a.m.	Special Committee on Ways and Means/Appropriations	Committee discussion and deliberations on all proposals.
November 13	514-S	9:00 a.m.		
November 12	531-N	10:00 a.m.	Legislative Educational Planning Committee	Agenda not available.
November 13	531-N	9:00 a.m.		
November 13	522-S	9:00 a.m.	Waste Reduction, Recycling and Market Development Commission	Agenda not available.
November 14	527-S	10:00 a.m.	SRS Task Force Prevention Subcommittee	Review of drafts.
November 14	522-S	10:00 a.m.	SRS Task Force Finance Subcommittee	Testimony on provider-taxes/donations and disproportionate share funding. Committee discussion and recommendations.
November 15	522-S	9:00 a.m.		
November 14	519-S	10:00 a.m.	Joint Committee on Economic Development	<u>14th</u> : Evaluation of KTEC, committee discussion and possible recommendations on these and previously addressed topics.
November 15	519-S	9:00 a.m.		<u>15th</u> : Presentations on a federal program to stimulate competitive basic research, presentations on state housing issues, committee discussion and possible recommendations on these and previously addressed topics.
November 14	521-S	10:00 a.m.	SRS Task Force Mental Health and Retardation Subcommittee	Review of draft subcommittee report.
November 15	521-S	8:00 a.m.		

(continued)

November 18 November 19	Cancelled Cancelled		Joint Committee on Administrative Rules and Regulations	Cancelled.
November 18 November 19	123-S 123-S	10:00 a.m. 9:00 a.m.	Joint Committee on State Building Construction	Agenda not available.
November 19 November 20	519-S 519-S	10:00 a.m. 9:00 a.m.	Special Committee on Governmental Organization	Agenda not available.
November 21 November 22	531-N 531-N	10:00 a.m. 9:00 a.m.	Joint Committee on Special Claims Against the State	Hearings on claims filed to date.
November 21 November 22	313-S Expocentre	10:00 a.m. 9:00 a.m.	Special Committee on Children's Initiatives	<u>21st</u> : A.M.—Committee review of all proposals. <u>22nd</u> : Conference—Facing the Future: Kansas Children and Families. <u>21st</u> : Committee discussion and recommendations on investigative and policy sections of final report; presentation of Post Audit report on Tallgrass Technologies, Inc., Part II; report by State Treasurer Sally Thompson. <u>22nd</u> : Testimony under oath, possible executive session closed to the public and press concerning KPERS real estate investments and testimony by former KPERS trustees.
November 21 November 22	123-S 123-S	9:30 a.m. 9:00 a.m.	Joint Committee on KPERS Investment Practices	<u>21st</u> : Committee discussion and recommendations on investigative and policy sections of final report; presentation of Post Audit report on Tallgrass Technologies, Inc., Part II; report by State Treasurer Sally Thompson. <u>22nd</u> : Testimony under oath, possible executive session closed to the public and press concerning KPERS real estate investments and testimony by former KPERS trustees.
November 21	527-S	10:00 a.m.	Joint Standing Committee on Apportionment (Senate only)	Review legislative redistricting plans.
November 21	519-S	10:00 a.m.	Joint Standing Committee on Apportionment (House only)	Review legislative redistricting plans.
November 21 November 22	514-S 514-S	10:00 a.m. 9:00 a.m.	Legislative Budget Committee	<u>21st</u> : Conferences with representatives of Dept. on Aging and SRS; staff reports on Lottery and Racing commission finances and on state general fund finances Proposal No. 16); Review of bill draft on budgeting for salary and sick leave accumulations. <u>22nd</u> : Proposal No. 17 (Idle Funds Investment)— Conferences with State Treasurer and Dept. of Revenue; committee review of bill drafts and discussion of final reports.

Emil Lutz
Director of Legislative
Administrative Services

State of Kansas

Kansas Inc.

Notice of Meeting

The Kansas Inc. board will meet at 9 a.m. Thursday, November 14, at the Kansas Inc. offices, Suite 113, 400 S.W. 8th, Topeka. The meeting is open to the public.

Charles R. Warren
President

Doc. No. 011268

State of Kansas

Animal Health Department

Notice of Hearing on Proposed
Administrative Regulations

Public hearings will be conducted according to the following schedule on Thursday, December 12, in the Animal Health Department, Suite 4B, Anchor Savings Building, 712 Kansas Ave., Topeka, by the Kansas Livestock Commissioner concerning the adoption on a permanent basis of regulations of the Animal Health Department.

- 9 a.m.—K.A.R. 9-21-1 through 9-21-3 are in content the same rules and regulations that animal research facilities have previously been inspected under when they appeared as K.A.R. 9-13-1 through 9-13-3 (revoked) and have been rewritten for clarity and to be specifically appropriate to animal research facilities. Operators of animal research facilities should experience no additional costs.
- 10 a.m.—K.A.R. 9-22-1 through 9-22-3 are in content the same rules and regulations that animal pounds and shelters have previously been inspected under when they appeared as K.A.R. 9-13-1 through 9-13-3 (revoked) and have been rewritten for clarity and to be specifically appropriate to pounds and shelters. Operators of pounds and shelters should experience no additional costs.
- 11 a.m.—K.A.R. 9-23-1 through 9-23-3 are in content the same rules and regulations that hobby kennel operators have previously been inspected under when they appeared as K.A.R. 9-13-1 through 9-13-3 (revoked) and have been rewritten for clarity and to be specifically appropriate to hobby kennel operators. Operators of hobby kennels should experience no additional costs.
- 1 p.m.—9-24-1 through 9-24-3 are in content the same rules and regulations that kennel operators have previously been inspected under when they appeared as K.A.R. 9-13-1 through 9-13-3 (revoked) and have been rewritten for clarity and to be specifically appropriate to kennel operators. Operators of kennels should experience no additional costs.
- 2 p.m.—K.A.R. 9-13-1 through 9-13-3 have been rewritten for clarity and to be specifically appropriate to animal dealers (K.A.R. 9-19-1 through 9-19-11), pet shops (K.A.R. 9-20-1 through 9-20-3), animal research facilities (K.A.R. 9-21-1 through 9-21-3), animal pounds and shelters (9-22-1 through 9-22-3),

hobby kennel operators (K.A.R. 9-23-1 through 9-23-3), and kennel operators (K.A.R. 9-24-1 through 9-24-3). Operators in each of the categories should experience no additional costs.

Copies of the regulations and the economic impact statement may be obtained by writing the Animal Health Department at the address above. All interested parties may submit written comments prior to the hearing to the Animal Health Department.

This 35-day notice of the public hearing constitutes a public comment period. Interested parties may present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Daniel Walker, D.V.M.
Kansas Livestock Commissioner

Doc. No. 011265

State of Kansas

Secretary of State

Usury Rate for November

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 November 1, 1991, through November 30, 1991, is 10.19 percent.

Bill Graves
Secretary of State

Doc. No. 011263

State of Kansas

Department of Health
and Environment

Notice of Hearing

The technical committee of the Kansas Department of Health and Environment will conduct a public hearing on information contained in the preliminary report about the application to register alcohol and drug addiction counselors at 10 a.m. Wednesday, November 20, in the auditorium, Room B-2, Docking State Office Building, 915 S.W. Harrison, Topeka.

Persons desiring to provide oral testimony should contact Cathy Rooney at (913) 296-1281. Written comments will be accepted until the date of the public hearing. Written comments should be addressed to Cathy Rooney, Health Occupations Credentialing, Kansas Department of Health and Environment, Suite 901, Landon State Office Building, 900 S.W. Jackson, Topeka 66612-1290.

Azzie Young
Secretary of Health
and Environment

Doc. No. 011271

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Public Notice No. KS-AG-91-114/121

Name and Address of Applicant	Legal Description	Receiving Water
Abram & Clark Feedlot c/o Stanley Abram Route 2, Box 214 Jewell, KS 66949	NW ¹ / ₄ Section 30, Township 4S, Range 7W, Jewell County, Kansas	Lower Republican River Basin

Kansas Permit No. A-LRJW-SO05

The existing facility has the capacity for approximately 600 swine. Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas of application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Daniel P. Boller Route 2, Box 78 Junction City, KS 66441	SE ¹ / ₄ Section 24, Township 11S, Range 6E, Geary County, Kansas	Kansas River Basin

Kansas Permit No. A-KSGE-SO05

The existing facility has the capacity for approximately 400 swine. Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provided in excess of minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas of application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Phillip W. Brown 429 Crawford St. Clay Center, KS 67432	SE ¹ / ₄ Section 22, Township 9S, Range 3E, Clay County, Kansas	Lower Republican River Basin

Kansas Permit No. A-LRCY-SO16

The existing facility has the capacity for approximately 210 swine. Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas of application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Gary Chaffee Farm c/o Gary Chaffee Route 3 Clay Center, KS 67432	NW ¹ / ₄ Section 17, Township 9S, Range 4E, Clay County, Kansas	Lower Republican River Basin

Kansas Permit No. A-LRCY-SO22

The existing facility has the capacity for approximately 930 swine. Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas of application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Wayne Knaus Route 3, Box 165 Garnett, KS 66032	NE ¹ / ₄ Section 16, Township 20S, Range 18E, Anderson County, Kansas	Marais des Cygnes River Basin

Kansas Permit No. A-MCAN-SO17

The proposed expanded facility will have capacity for approximately 2000 swine.

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

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas of application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant

Ron Nickelson
Route 1
Penokee, KS 67659

Legal Description
NE 1/4 Section 22,
Township 9S,
Range 24W,
Graham County,
Kansas

Receiving Water
Solomon River
Basin

Kansas Permit No. A-SOGH-SO05

The proposed facility will have the capacity for approximately 640 swine.

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

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas of application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant

Paul Pettit
Route 1, Box 53
Mankato, KS 66956

Legal Description
NE 1/4 Section 13,
Township 2S,
Range 8W, Jewell
County, Kansas

Receiving Water
Lower
Republican River
Basin

Kansas Permit No. A-LRJW-SO15

The existing facility has the capacity for approximately 160 swine.

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

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas of application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant

Larry Zimmerman
Route 2, Box 32
Oakley, KS 67748

Legal Description
SE 1/4 Section 15,
Township 12S,
Range 32W, Logan
County, Kansas

Receiving Water
Smoky Hill River
Basin

Kansas Permit No. A-SHLG-SO02

The existing facility has the capacity for approximately 300 swine.

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

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas of application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Public Notice No. KS-EG-91-45

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, a tentative permit has been prepared for the construction of a Class I non-hazardous waste injection well, within the state of Kansas, for the applicant described below.

Name and Address of Applicant

North American Salt Company
Well Identification #5
P.O. Box 498
Lyons, KS 67554

Well Location
NE SE NE 30-20-7W,
Rice County, Kansas
3616' fsl and 70' fel
of SE Corner

Kansas Permit No. KS-01-159-007

Description of Facility: This facility is a salt production plant.

Public Notice No. KS-91-188/198

Name and Address

Allen County S.D. #1
Courthouse
1 N. Washington
Iola, KS 66749

Waterway
Rock Creek

Type of Discharge
Secondary
wastewater
treatment
facility

Allen County, Kansas

Kansas Permit No. M-NE37-0002

Fed. Permit No. KS-0085201

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

Name and Address of Applicant

Cherokee County S.D. #1
c/o Cherokee County
Commissioners
Cherokee County
Courthouse
Columbus, KS 66725

Waterway
Spring River

Type of Discharge
Secondary
wastewater
treatment
facility

Cherokee County, Kansas

Kansas Permit No. M-NE73-1001

Fed. Permit No. KS-0116327

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

Name and Address of Applicant

City of Cherryvale
City Hall
Cherryvale, KS 67335

Waterway
Verdigris River via
Drum Creek via
unnamed tributary

Type of Discharge
Secondary
wastewater
treatment
facility

Montgomery County, Kansas

Kansas Permit No. M-VE07-0001

Fed. Permit No. KS-0045951

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

Name and Address of Applicant

City of Colby
585 N. Franklin
Colby, KS 67701

Waterway
Prairie Dog Creek

Type of Discharge
Secondary
wastewater
treatment
facility

Thomas County, Kansas

Kansas Permit No. M-UR06-0001

Fed. Permit No. KS-0116394

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

(continued)

Name and Address of Applicant

City of Goessel
City Hall
Goessel, KS 67053

Waterway

Emma Creek via
Middle Emma
Creek

Type of Discharge

Secondary
wastewater
treatment
facility

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

Name and Address of Applicant

City of Wellsville
411 Main
Wellsville, KS 66092

Waterway

Walnut Creek

Type of Discharge

Secondary
wastewater
treatment
facility

Marion County, Kansas

Kansas Permit No. M-LA05-0002 Fed. Permit No. KS-0081060

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

Franklin County, Kansas

Kansas Permit No. M-MC48-0001 Fed. Permit No. KS-0024651

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

Name and Address of Applicant

City of Hanston
City Hall
Hanston, KS 67849

Waterway

Buckner Creek

Type of Discharge

Secondary
wastewater
treatment
facility

Public Notice No. KS-ND-91-11

Name and Address of Applicant

East Garden Mobile
Home Park
c/o Gil E. Postlethwaite
16055 E. 31st South #7
Wichita, KS 67232

Waterway

Non-discharge

Type of Discharge

Non-discharge

Hodgeman County, Kansas

Kansas Permit No. M-UA17-0001 Fed. Permit No. KS-0031143

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

Butler County, Kansas

Kansas Permit No. C-WA01-N001

Description of Facility: This facility is a one-cell waste stabilization lagoon system designed for the treatment of domestic waste. Permit contains a Schedule of Compliance for future expansion of the treatment system.

Name and Address of Applicant

City of Maize
P.O. Box 245
Maize, KS 67101

Waterway

Big Slough Creek

Type of Discharge

Secondary
wastewater
treatment
facility

Written comments on the proposed determinations may be submitted to Bethel Spotts or Angela Buie (agricultural permits), Permit Clerk, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments received prior to December 6 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-91-188/198, KS-EG-91-45, KS-ND-91-11, KS-AG-91-114/121) and the name of applicant as listed when preparing comments.

Sedgwick County, Kansas

Kansas Permit No. M-AR58-0001 Fed. Permit No. KS-0026425

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

If no objections are received, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61 (28-46-21 for UIC). Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

Name and Address of Applicant

City of Neosho Rapids
City Hall
Neosho Rapids, KS 66864

Waterway

Neosho River via
Plum Creek

Type of Discharge

Secondary
wastewater
treatment
facility

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

Lyon County, Kansas

Kansas Permit No. M-NE50-0001 Fed. Permit No. KS-0117021

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

Name and Address of Applicant

City of Norwich
City Hall
Norwich, KS 67118

Waterway

Sand Creek via
Dry Tributary

Type of Discharge

Secondary
wastewater
treatment
facility

Kingman County, Kansas

Kansas Permit No. M-AR67-0001 Fed. Permit No. KS-0030643

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

Name and Address of Applicant

City of Turon
P.O. Box 366
City Hall
Turon, KS 67583

Waterway

North Fork
Ninnescah River
via Silver Creek

Type of Discharge

Secondary
wastewater
treatment
facility

Reno County, Kansas

Kansas Permit No. M-AR89-0001 Fed. Permit No. KS-0115070

Doc. No. 011280

Azzie Young
Secretary of Health
and Environment

State of Kansas

Employee Award Board

Notice of Meeting

The Employee Award Board will meet at 1 p.m. Thursday, November 14, in the Division of Personnel Services, Room 951-S, Landon State Office Building, 900 S.W. Jackson, Topeka.

Ben Barrett
Chairperson

Doc. No. 011260

(Published in the Kansas Register, November 7, 1991.)

Summary Notice of Bond Sale

City of Ottawa, Kansas

\$227,557

General Obligation Bonds

Series "B" 1991

(Taxable Under Federal Law)

(general obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Subject to the official notice of bond sale and official statement dated October 14, 1991, sealed bids will be received by the city clerk of the city of Ottawa, Kansas, on behalf of the governing body at the City Hall, 4th and Walnut, Ottawa, until 9:30 a.m. central time on Wednesday, November 20, 1991, for the purchase of \$227,557 principal amount of General Obligation Bonds, Series "B" 1991. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$7,557. The bonds will be dated November 1, 1991, and will become due serially on November 1 in the years as follows:

Year	Principal Amount
1992	\$12,557
1993	15,000
1994	15,000
1995	20,000
1996	20,000
1997	25,000
1998	25,000
1999	30,000
2000	30,000
2001	35,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning on May 1, 1992.

Paying Agent and Bond Register

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$4,600.

Delivery

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder within 45 days after the date of sale at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1991 is \$39,440,064. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$3,307,530. Temporary notes in the amount of \$220,000 will be redeemed with the proceeds of the bonds.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the city clerk at the address and telephone number below or from Gilmore & Bell, Bond Counsel, 6800 College Blvd., Financial Plaza II, Suite 150, Overland Park, KS 66211-1533, (913) 661-0001.

Dated October 14, 1991.

City of Ottawa, Kansas
By Orlin W. Smith, City Clerk
City Hall
4th and Walnut
Ottawa, KS 66067
(913) 242-2190

Doc. No. 011275

State of Kansas

Department of Corrections

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted from 9:30 to 11 a.m. Friday, December 13, in the Department of Corrections' conference room, fourth floor, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed rules and regulations of the Kansas Department of Corrections. These regulations will become effective 45 days after the publication in the Kansas Register unless a specific date is contained in the regulation.

All interested parties may submit written comments prior to the hearing to Charles E. Simmons, Chief Legal Counsel, Kansas Department of Corrections, 4th Floor, Landon State Office Building, 900 S.W. Jackson,

(continued)

Topeka 66612. All interested parties will be given reasonable opportunity at the hearing to present their views orally on the adoption of the proposed regulations. In order to give all parties an opportunity to express their views, it may be necessary to request each participant to limit oral presentation to five minutes.

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

A summary of the proposed regulations follows:

- 44-7-113. Clarifies policies regarding participation by inmates in religious activities.
- 44-7-115. Establishes policy regarding preservation of law books.
- 44-12-101. Clarifies the procedure for turn-in and issuance of inmate clothing.
- 44-12-102. Clarifies the rules regarding personal cleanliness of inmates.
- 44-12-104. Clarifies the rules regarding care of inmate living quarters.
- 44-12-105. Clarifies the rules prohibiting unsanitary practices by inmates.
- 44-12-201. Clarifies the rules regarding the registration and use of inmates' personal property.
- 44-12-202. Clarifies the rules regarding inmates' use and possession of radios, televisions, musical instruments, and other sound equipment.
- 44-12-204. Clarifies the rules prohibiting the taking of any article by an inmate without permission.
- 44-12-205. Clarifies the rules prohibiting unauthorized dealing and trading by inmates.
- 44-12-208. Clarifies the rules prohibiting misuse of state property by inmates.
- 44-12-209. Clarifies the rules prohibiting inmates from entering into contracts or incurring financial obligations.
- 44-12-301. Clarifies the rules prohibiting fighting by inmates.
- 44-12-307. Clarifies the rules prohibiting the avoidance of an officer by an inmate.
- 44-12-308. Clarifies the rules prohibiting the improper use of food by inmates.
- 44-12-309. Clarifies the rules regarding possession of kitchen utensils or tools by inmates.
- 44-12-312. Clarifies the rules prohibiting use of stimulants, sedatives, unauthorized drugs, or narcotics, and the misuse or hoarding of authorized or prescribed medication by inmates.
- 44-12-313. Clarifies the rules prohibiting possession of obscene material by inmates.
- 44-12-314. Clarifies the rules prohibiting sodomy, aggravated sodomy, and aggravated sexual acts by inmates.
- 44-12-315. Clarifies the rules prohibiting lewd acts by inmates.
- 44-12-316. Revoked.
- 44-12-317. Clarifies the rules prohibiting falsification of documents by inmates.
- 44-12-319. Clarifies the rules prohibiting rioting or inciting of riots by inmates.
- 44-12-321. Clarifies the rules regarding the conduct of inmates in the presence of visitors or the public.

- 44-12-323. Clarifies the rules prohibiting assault by inmates.
- 44-12-324. Clarifies the rules prohibiting battery by inmates.
- 44-12-325. Clarifies the rules regarding inmate participation in and limitations on religious activity.
- 44-12-326. Clarifies the rules prohibiting sexual activity by inmates.
- 44-12-328. Established the rules regarding inmate relationships with staff.
- 44-12-401. Clarifies the rules regarding work performance of job assignments by inmates.
- 44-12-501. Clarifies the rules regarding passes and answering of calls by inmates.
- 44-12-502. Clarifies the rules regarding inmates' responsibility for counts.
- 44-12-503. Clarifies the rules regarding the presence of inmates in restricted areas, the unauthorized presence of inmates, or inmates who are out-of-place in their assigned domicile.
- 44-12-505b. Establishes the rules regarding inmate compliance with medical restrictions.
- 44-12-601. Clarifies the rules regarding inmate mail.
- 44-12-602. Clarifies the rules prohibiting the posting of notices by inmates.
- 44-12-701. Revoked.
- 44-12-901. Clarifies the rules prohibiting use or possession of dangerous contraband by inmates.
- 44-12-902. Clarifies the rules prohibiting use or possession of less dangerous contraband by inmates.
- 44-12-1001. Clarifies the rules prohibiting violation by inmates of statutes, other regulations, or orders.
- 44-12-1002. Clarifies the rules prohibiting violation by inmates of published orders.
- 44-12-1101. Clarifies the rules prohibiting inmates from attempting, conspiring, or acting as an accessory to commit any offense, and establishes the rules prohibiting solicitation by inmates to commit any offense.
- 44-12-1201. Clarifies the rules regarding an increased penalty for an older inmate who involves or solicits an inmate under 18 years of age in the commission of any offense; establishes the rules regarding an increased penalty for an older inmate who victimizes an inmate under 18 years of age.
- 44-12-1202. Clarifies the rules regarding imposition of increased penalties where an inmate has been convicted of four offenses of the same class within six months.
- 44-12-1301. Clarifies the nature of class I offenses and the penalties that are authorized to be imposed upon an inmate convicted of such an offense.
- 44-12-1302. Clarifies the nature of class II offenses and the penalties that are authorized to be imposed upon an inmate convicted of such an offense.
- 44-12-1303. Clarifies the nature of class III offenses and the penalties that are authorized to be imposed upon an inmate convicted of such an offense.
- 44-12-1304. Revoked.
- 44-12-1306. Clarifies the rules regarding the use of restitution.
- 44-12-1307. Clarifies the rules and limits regarding the imposition and collection of fines.
- 44-13-101. Clarifies the nature of the disciplinary

procedure and provides a general description of the system.

44-13-101a. Clarifies the procedures for a waiver of rights by an inmate.

44-13-103. Clarifies the procedures for prosecution of an inmate by an outside agency.

44-13-104. Clarifies the policies regarding use of other disciplinary procedures by contract facilities.

44-13-106. Clarifies the rules regarding the administration of oaths and the designation of persons authorized to do so.

44-13-115. Revoked.

44-13-201. Clarifies the rules regarding the filing of a disciplinary report and service of the report upon the inmate.

44-13-201b. Established a summary judgment procedure for resolution of minor disciplinary offenses.

44-13-202. Clarifies the procedures for amendment of a disciplinary charge brought against an inmate.

44-13-203. Clarifies the rules regarding the inter-relationship between state prosecution and the disciplinary hearing.

44-13-301. Revoked.

44-13-302. Revoked.

44-13-302a. Established the rules regarding appointment and qualification of hearing officers.

44-13-303. Revoked.

44-13-304. Clarifies the rules regarding the disciplinary representative.

44-13-401. Clarifies the rules regarding time limits for conducting a disciplinary hearing.

44-13-401a. Clarifies the rules regarding the time limit for notice to the inmate of the time and place of the disciplinary hearing.

44-13-402. Clarifies the rules regarding compliance with applicable time limits, extensions, and continuances.

44-13-403. Clarifies the procedures for conducting the disciplinary hearing.

44-13-404. Clarifies the rules regarding the presence of the inmate and the charging officer at the disciplinary hearing.

44-13-405. Revoked.

44-13-405a. Clarifies the rules regarding the calling of witnesses at the disciplinary hearing.

44-13-406. Clarifies the procedures for the rendering of the disposition of the case by the hearing officer.

44-13-407. Revoked.

44-13-408. Clarifies the rules regarding representation of inmates at disciplinary hearings by counsel or counsel substitute.

44-13-409. Established the standard of proof in disciplinary proceedings.

44-13-501. Clarifies the procedures for preservation of all disciplinary reports and summary judgment citations.

44-13-502. Revoked.

44-13-502a. Establishes the procedures for preparation of the hearing record.

44-13-503. Revoked.

44-13-504. Revoked.

44-13-506. Clarifies the time limits for preparation

and service upon the inmate of the record of the disciplinary hearing.

44-13-507. Clarifies the procedures for establishing and maintaining a docket of disciplinary cases.

44-13-601. Clarifies the procedures for service by the inmate of a sentence imposed in a disciplinary proceeding.

44-13-603. Clarifies the rules regarding an inmate's absence from the institution prior to completion of a sentence imposed in a disciplinary proceeding.

44-13-610. Clarifies the procedures for the collection of a fine imposed in a disciplinary proceeding.

44-13-701. Clarifies the procedures for appeals of disciplinary convictions by inmates to the secretary of corrections in class I and class II offense cases.

44-13-702. Clarifies the time limits, criteria, and authorized dispositions for the secretary of corrections' review on appeal.

44-13-703. Clarifies the time limits and procedures for appeals of disciplinary convictions by inmates to the principal administrator in class III offense cases.

44-13-704. Clarifies the procedures for administrative review of the decision of the hearing officer.

44-13-705. Clarifies the possible consequences of failure to comply with time deadlines required in the appeal and review process.

44-13-706. Clarifies the procedures for review of the status of inmates in disciplinary segregation by the administrative segregation review board.

44-13-707. Clarifies the rules regarding plain and harmless error.

44-15-101. Clarifies and defines the inmate grievance procedure.

44-15-102. Clarifies the procedures for filing a grievance and the stages of the grievance process.

44-15-105a. Establishes a procedure for annual review of the grievance process.

44-16-104. Clarifies the procedures for claims for property loss or damage or personal injury.

These regulations provide the rules of conduct for prison inmates and the procedure by which inmates can be disciplined for violation of those rules. These regulations also involve the inmate grievance procedure and procedures regarding inmate property claims. The purpose of the proposed changes is to streamline the disciplinary procedure and thereby increase the efficiency of the disciplinary system. The proposed changes are also intended to increase the effectiveness of the inmate grievance procedure as well as the procedure for property claims. The regulations are not estimated to have any economic impact on governmental units, persons subject to proposed rules and regulations, or the general public. The primary impact of the regulations will be to ensure efficient administration of the inmate disciplinary, grievance, and property claim procedures in a consistent manner that complies with all applicable legal requirements.

Copies of the proposed regulations and economic impact statement may be obtained by contacting Charles E. Simmons, Chief Legal Counsel, at the address above.

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

Applications set for hearing are to be heard on the date indicated before the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, at 9:30 a.m. unless otherwise noticed.

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

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka 66604-4027, (913) 271-3196 or 271-3149.

Your attention is invited to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

Applications set for November 19, 1991

Application for Certificate of Convenience and Necessity:

Feed Mercantile Transport,) Docket No. 178,278 M
Inc.)
1065 Stratford)
Garden City, KS 67846) MC ID No. 142553

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

Livestock, grain, hay, fertilizer (except anhydrous ammonia), salt, seeds, feed and feed ingredients, building and construction materials, fencing materials and machinery,

Between all points and places in the state of Kansas.

Application for Transfer of Certificate of Convenience and Necessity:

Eddie M. Haynes, dba) Docket No. 41,389 M
Ed's Wrecking Service)
709 Center St.)
P.O. Box 277)
Pleasanton, KS 66075) MC ID No. 127401

TO:
Betty L. Seeger and
LeeRoy Artman, Jr., dba
B & B Wrecking Service
Route 1
Prescot, KS 66767

Applicant's Attorney: None

Wrecked or disabled motor vehicles, trailers, farm tractors and self-propelled harvesting machines,

Between all points and places in Linn, Miami, Anderson, Allen and Bourbon counties, Kansas.

Also,

Between all points and places within the above described territory, on the one hand, and all points and places within the state of Kansas, on the other hand.

Application for Extension of Certificate of Convenience and Necessity:

Gerald's Trucking Service,) Docket No. 60,328 M
Inc.)
P.O. Box 18)
Falun, KS 67442) MC ID No. 100615

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

Livestock, grain, hay, fertilizer (except anhydrous ammonia and ammonium nitrate), salt, seeds, feed and feed ingredients, building and construction materials, fencing materials and machinery,

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Danny Romine, dba) Docket No. 178,279 M
Tank Cleaners)
1011 W. 4th)
Chanute, KS 66720) MC ID No. 133726

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

Crude oil, used in and for production, processing, treating, salvage, construction and for lease road purposes, in bulk, fresh water for drilling purposes and salt water for disposal purposes,

Between points and places in McPherson, Harvey, Sedgwick, Sumner, Marion, Butler, Cowley, Morris, Chase, Wabaunsee, Lyon, Greenwood, Elk, Chautauqua, Jackson, Shawnee, Osage, Coffey, Woodson, Wilson, Montgomery, Atchison, Jefferson, Douglas, Franklin, Anderson, Allen, Neosho, Labette, Leavenworth, Johnson, Miami, Linn, Bourbon, Crawford and Cherokee counties, Kansas.

Application for Transfer of Certificate of Convenience and Necessity:

Scurlock Permian Corporation) Docket No. 28,532 M
(A Delaware Corporation)
2500 City West Blvd.)
Houston, TX 77251) MC ID No. 100207

TO:
Scurlock Permian Corporation,
(Kentucky Corporation)
333 Clay
Houston, TX 77210-4648

Applicant's Attorney: David Nickel, 700 Centre City Plaza, 151 N. Main, Wichita, KS 67202-1408

Crude oil,

Between all points and places in Kansas.

Crude oil, used in and for production, processing, treating, salvage, construction and for lease road purposes, in bulk, fresh water and salt water,

Between all points and places in the counties of Pawnee, Barton, Edwards, Stafford, Pratt, Barber, Ness, Reno, Rush, Russell, Ellis, Trego, Rooks, Harper,

Kiowa, Kingman, Graham, Phillips, Gove, Norton, Osborne, Finney, Ford, Comanche, Meade, Wallace, Greeley, Clark, Hodgeman, Seward, Kearny, Hamilton, Cheyenne, Stanton, Stevens, Decatur, Rice, McPherson, Marion, Harvey, Chase, Morris, Dickinson, Morton, Haskell and Gray.

Application for Certificate of Convenience and Necessity:

Allen L. Henry, dba) Docket No. 178,280 M
Allen Henry Trucking)
Route 3, Box 153)
Seneca, KS 66538) MC ID No. 141288

Applicant's Attorney: Michael Ireland, P.O. Box 308, 316 Pennsylvania, Holton, KS 66436

Livestock,

Between all points and places in Jackson, Nemaha, Brown, Doniphan, Atchison, Jefferson, Douglas, Shawnee, Riley, Marshall, Pottawatomie, Wabaunsee and Leavenworth counties.

Also,

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

Application for Certificate of Convenience and Necessity:

Gary Davis, Inc.) Docket No. 178,284 M
Route 3, Box 82)
Lawrence, KS 66044) MC ID No. 141274

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

General commodities (except household goods, classes A and B explosives, hazardous materials, commodities requiring temperature control and liquid commodities) and gasoline, diesel fuel, gasohol, jet fuel and kerosene,

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

Also,

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

Applications set for November 26, 1991

Application for Certificate of Convenience and Necessity:

Greg Bailey &) Docket No. 178,283 M

Stacey Bailey, dba)
Bailey Trucking)
421 S. 6th)
WaKeeney, KS 67672) MC ID No. 141290

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

Grain, hay, fertilizer (except anhydrous ammonia), salt, seeds, feed and feed ingredients, building and construction materials, fencing materials and machinery,

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

Also,

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

Application for Abandonment of Certificate of Convenience and Necessity:

Lyle W. Hoener) Docket No. 149,810 M
Route 3, Box 310)
Fort Scott, KS 66701) MC ID No. 124417

Applicant's Attorney: None

Application for Extension of Certificate of Convenience and Necessity:

Quicksilver Express Courier) Docket No. 165,910 M
of Missouri, Inc., dba)
Mercury Direct)
1715 Baltimore)
Kansas City, MO 64108) MC ID No. 133533

Applicant's Attorney: Alex Lewandowski, 4420 Madison Ave., Kansas City, MO 64111

General commodities (except classes A and B explosives, commodities in bulk and household goods),

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Terry Thrasher, dba) Docket No. 178,282 M
Thrasher Brothers Trucking)
Box 726)
Monument, KS 67747) MC ID No. 141289

Applicant's Attorney: William Barker, 3401 Harrison, Topeka, KS 66611

(continued)

Grain, feed, feed ingredients, fertilizer, fertilizer ingredients, salt, building and construction materials, machinery, metal products, seed, and animal health products (restricted against the transportation of hazardous materials),

Between all points and places in Kansas.

Application for Certificate of Convenience and Necessity:

Curtis D. Tyler, dba) Docket No. 178,281 M
 Tyler Farms)
 Route 1, Box 5B)
 Copeland, KS 67837) MC ID No. 142557

Applicant's Attorney: William Barker, 3401 Harrison, Topeka, KS 66611

Grain, feed, feed ingredients, fertilizer, fertilizer ingredients, livestock, salt, building and construction materials and machinery (restricted against the transportation of hazardous materials),

Between all points and places in Kansas.

Application for Transfer of Certificate of Convenience and Necessity:

Joann I. Williams,) Docket No. 117,277 M
 Executrix and Heir of)
 the Estate of)
 Dave R. Williams, dba)
 Dave's Mobile Home Service)
 and Transporting)
 5836 S. Jones)
 Wichita, KS 67217) MC ID No. 124095

TO:

Dave's Mobile Home Service and Transporting, Inc. 5836 S. Jones Wichita, KS 67217

Applicant's Attorney: William Barker, 3401 Harrison, Topeka, KS 66611

Manufactured housing units (mobile homes, house trailers, pre-fab homes), transportation equipment, materials & supplies,

Between all points and places in the state of Kansas.

Application for Partial Abandonment of Certificate of Convenience and Necessity:

Park Hetzel, Jr.) Docket No. 31,446 M
 406 E. 9th)
 Lawrence, KS 66044-2629) MC ID No. 100292

Applicant's Attorney: None

Application for Abandonment of Certificate of Convenience and Necessity:

H-30, Inc.) Docket No. 134,767 M
 251 N. Water, Suite 10)
 Wichita, KS 67202-1285) MC ID No. 105760

Applicant's Attorney: None

Application for Abandonment of Certificate of Convenience and Necessity:

Alan R. Clark, dba) Docket No. 145,621 M
 Alan Clark Body Shop, Inc.)
 2160 Pillsbury Drive)
 Manhattan, KS 66502-9551) MC ID No. 122082

Applicant's Attorney: None

Application for Stock Transfer of Certificate of Convenience and Necessity:

Leonard Brothers Transport) Docket No. 7,225 M
 Co. Inc.) Docket No. 9,867 M
 1528 W. 9th) Docket No. 26,725 M
 Kansas City, MO 64101) Docket No. 28,463 M
) Docket No. 34,447 M
) MC ID No. 100002

TO:

Joseph M. Lock 1528 W. 9th Kansas City, MO 64101

Applicant's Attorney: Frank W. Taylor, Jr., 4420 Madison Ave., Kansas City, MO 64111

Application for Certificate of Convenience and Necessity:

Salina & Wichita Express,) Docket No. 178,285 M
 Inc.)
 402 Forest)
 Salina, KS 67401) MC ID No. 142125

Applicant's Attorney: Ken Wasserman, 215 S. Santa Fe, Salina, KS 67401

General commodities (except household goods, commodities in bulk, classes A and B explosives and hazardous materials) and paints, wet and dry batteries, chlorine and halogenated hydrocarbons,

Between all points and places in Cloud, Mitchell, Ottawa, Lincoln, Russell, Ellsworth, Saline, Rice, Reno, Harvey, Sedgwick, McPherson, Dickinson, Geary, Riley, Clay, Jewell, Republic, Butler and Marion counties, Kansas.

Don Carlile
 Administrator
 Transportation Division

Doc. No. 011277

State of Kansas

Secretary of State

Executive Appointments

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

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

The following appointments were filed October 21-31:

Haskell County Register of Deeds

Dixie Sutherland, Box 643, Sublette 67877. Term expires when a successor is elected and qualifies according to law. Succeeds Ednamae Orth, deceased.

Abstracters' Board of Examiners

John M. Bell, 2 Aspen Court, Wichita 67206. Term expires June 30, 1994. Reappointment.

Kansas Commission on Children,
Youth and Families

Dr. Lee Droegemueller, Commissioner of Education, Department of Education, 120 E. 10th, Topeka 66612. Serves at the pleasure of the Governor.

John C. Frye, 1143 Patricia, Wichita 67208. Serves at the pleasure of the Governor.

Advisory Council of Community Colleges

Brenda C. Jones, 2738 N. 32nd, Kansas City 66104. Term expires May 30, 1995. Succeeds Larry Reilly.

State Corporation Commission

F. S. "Jack" Alexander, 2509 Fillmore, Topeka 66611. Subject to Senate confirmation. Effective November 17, 1991. Term expires March 20, 1992. Succeeds Keith R. Henley, resigned.

Credit Union Council

Carol Ann Malecki, Public Member, Educational Employees Credit Union, 2808 S.W. Arrowhead Road, Topeka 66614. Subject to Senate confirmation. Term expires June 11, 1993. Succeeds Duane C. Raine.

Kansas Film Services Commission

Sen. Marge Petty, 106 Woodlawn, Topeka 66606. Succeeds Barb Ballard. Appointed by the Senate Minority Leader.

Martha Slater, 1802 N. Plum, P.O. Box 2104, Hutchinson 67504. Term expires June 30, 1994. Reappointment.

State Examining Committee for Physical Therapy

Jane Mobley, 14119 E. Gilbert Circle, Wichita 67230. Term expires June 30, 1995. Succeeds Karen Henderson.

Pooled Money Investment Board

Mike Johnston, Secretary of Transportation, Department of Transportation, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka 66612. Subject to Senate confirmation. Serves at the pleasure of the Governor. Succeeds Laura Nicholl.

Kansas Public Broadcasting Commission

Tom Leathers, 2811 W. 90th, Leawood 66206. Term expires June 30, 1993. Succeeds Bob Murray.

Eva Pereira, 3709 W. 34th, Topeka 66614. Term expires June 30, 1993. Succeeds Scott Morgan.

Kansas Public Employee Retirement
Study Commission

Carmen Alldritt, Elected County Appointee, 531 W. 15th, Harper 67058. Term expires September 30, 1994.

Robert Bugg, Local Government Appointee, 3721 S.E. Evans Drive, Topeka 66609. Term expires September 30, 1993.

David Isabell, City Chief Administrative Officer Appointee, City Hall, One McDowell Plaza, 7th and Ann, Kansas City 66101. Term expires September 30, 1992.

Gloria Timmer, State Employee Appointee, 308 Settlers Ave., Lawrence 66049. Term expires September 30, 1994.

Marjorie Webb, Teacher/Member Appointee, 10217 Edelweiss Circle, Shawnee Mission 66203. Term expires September 30, 1993.

Public Employees Relations Board

Wallace L. Downs, 2560 Cissna, Kansas City 66104. Subject to Senate confirmation. Term expires July 1, 1995. Succeeds Michael C. Cavell.

Kansas Racing Commission

Oscar H. Peltzer, 2515 Coolidge, Wichita 67204. Subject to Senate confirmation. Term expires June 30, 1994. Succeeds Robert Melton, deceased.

Savings and Loan Board

Candace J. Murphy, Financial Institution Appointee, HCR Box 5, Protection 67127. Subject to Senate confirmation. Term expires June 30, 1995. Succeeds John Holthus.

Marsha J. Penrod, 3639 S.E. Tecumseh Road, Tecumseh 66542. Subject to Senate confirmation. Term expires June 30, 1995. Succeeds George Marstall.

Belva Jean Taylor, Public Member, 3815 S.E. 32nd, Topeka 66605. Subject to Senate confirmation. Term expires June 30, 1995. Succeeds Dr. Mark Spire.

Bill Graves
Secretary of State

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
District Courtroom, Barton County Courthouse, 1400 Main
Great Bend, Kansas**

**Before Briscoe, C.J.; Larson, J.; and David W. Kennedy,
District Judge, assigned.**

Tuesday, November 19, 1991

1:00 p.m.

Case No.	Case Name	Attorneys	County
65,127	State of Kansas, Appellee,	County Attorney Attorney General	Saline
	v.		
	Kevin Graham Petty, Appellant.	Hazel Haupt	
66,105	State of Kansas, Appellee,	County Attorney Attorney General	Saline
	v.		
	Steven Wayne Hill, Appellant.	Pat Lawless	
66,527	State of Kansas, Appellee,	County Attorney Attorney General	Saline
	v.		
	Richard Wayne Dillard, Appellant.	Richard M. Blackwell	
66,081	State of Kansas, Appellee,	County Attorney Attorney General	McPherson
	v.		
	Chad Everett Moore, Appellant.	Hazel Haupt	
		3:00 p.m.	
66,194	Kelli K. Ostmeyer, Appellee,	Michael S. Holland	Russell
	v.		
	Kansas Dept. of Revenue, Appellant.	Brian Cox	
66,368	Fairfield NEA, Appellant,	Marjorie A. Blaufuss William B. Swearer	Reno
	v.		
	Board of Education, U.S.D. 310, Appellee.	Frank S. Eschmann	

Wednesday, November 20, 1991

9:00 a.m.

Case No.	Case Name	Attorneys	County
66,709	In the Matter of the Estate of Fredrick Iwert, Deceased.	J.T. Garner Paul L. Monty	Washington
66,234	Kenneth L. Staley, Appellant,	M. Joseph Kuhn James R. McEntire	Saline
	v.		
	Kansas Employment Security Board, <i>et al.</i> , Appellees.	John Sherman	

10:00 a.m.

66,579	In the Matter of the Estate of Edith Hansen, Deceased.	Don W. Noah Daniel D. Metz	Lincoln
65,927	Clark's Jewelers, v. Howard D. and Patricia K. Humble, Appellees, and Credit Bureau of Greater Garden City, Inc., Appellant.	John E. Fierro Robert A. Levy	Ford
66,128	William R. and Nan Masch, v. Michael R. Lett, <i>et al.</i> , Appellees, and Van E. and Mary K. Lett, Appellants.	Ronald C. Mason John E. Fierro	Ford

Summary Calendar—No Oral Argument.

66,581	John A. Wahrman, Appellee, v. Joseph Wahrman, Appellee.	Elmo Lund Robert A. Creighton	Rawlins
66,363	State of Kansas, Appellee, v. Charlie R. White, Appellant.	Raymond Wahrman, <i>pro se</i> County Attorney Attorney General	Washington
66,312	State of Kansas, Appellee, v. Thomas L. Likins, Jr., Appellant.	Jessica R. Kunen County Attorney Attorney General	McPherson
66,313	State of Kansas, Appellee, v. Roy Crockett, Appellant.	Jessica R. Kunen County Attorney Attorney General	Ellis

Kansas Court of Appeals
Court of Appeals Courtroom, 3rd Floor, Old Sedgwick County Courthouse
541 N. Main, Wichita, Kansas

Before Rulon, P.J.; Davis J.; and James P. Buchele,
District Judge, assigned.

Tuesday, November 19, 1991

9:30 a.m.

Case No.	Case Name	Attorneys	County
65,963	In the Interest of J.M.C. <i>et al.</i>	Gerald J. Domitrovic Paul J. Mohr H. Stephen Mosley E. Jolene Rooney	Sedgwick
66,503	In the Interest of S.A.P. and S.R.P.	M. Jane Whiteman William R. Griffith Kathleen Reeves Donald H. Legg	Sedgwick

10:30 a.m.

66,536	In the Matter of the Estate of Esther Pauline Briley.	J. Michael Morris Kenneth H. Jack	Sedgwick
66,504	In the Interest of D.A.H.	Robert D. Wilson Timothy A. Showalter David Maslen Norman M. Iverson	Cowley

(continued)

		1:30 p.m.	
66,446	City of Elkhart, Appellee,	William J. Graybill William A. Larson	Morton
	v. Lee Construction, Inc., <i>et al.</i> , Appellants.	Ward E. Loyd	
66,517	Elkhart Coop. Equity Exchange, Appellee,	John Richardson	Morton
	v. Noel Hicks, Appellant.	Robert M. Miles	
		2:30 p.m.	
66,671	In the Interest of T.L.D., Jr., <i>et al.</i>	Philip J. Bernhart Randy M. Barker County Attorney Rawley J. Dent Larry Markle	Montgomery
66,198	John Kovacic, <i>et al.</i> , Appellants, v. Helio Aircraft, Inc., <i>et al.</i> , Appellees.	Barry K. Disney	Crawford
66,621	First National Bank, Appellee, v. Dan Ralicki, <i>et al.</i> , Appellants.	Mark A. Werner Dana L. Gorman Dan Ralicki, <i>pro se</i>	Montgomery

Wednesday, November 20, 1991

9:30 a.m.

Case No.	Case Name	Attorneys	County
64,814	State of Kansas, Appellee, v. William E. Knapp, Appellant.	Debra Byrd Wagner Attorney General	Sedgwick
65,996	State of Kansas, Appellee, v. Christopher J. Allison, Appellant.	Hazel Haupt County Attorney Attorney General	Cowley
66,147	State of Kansas, Appellee, v. Everett Tinsley, Appellant.	Pat Lawless County Attorney Attorney General Tom Jacquinet	Allen

Summary Calendar—No Oral Argument

66,301	In the Interest of T.A.B., <i>et al.</i>	M. Jane Whiteman Rebecca L. Pilshaw Richard L. Dickson E. Jolene Rooney Larry Linn	Sedgwick
66,143	State of Kansas, Appellee, v. Stacy D. Burnett, Appellant.	Debra Byrd Wagner Attorney General	Sedgwick
66,266	State of Kansas, Appellee, v. Rodney E. Waterhouse, Appellant.	Jessica R. Kunen Debra Byrd Wagner Attorney General Jessica R. Kunen	Sedgwick

Kansas Register

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

Before Lewis, P.J.; Brazil, J.; and Bill D. Robinson, Jr.,
District Judge, assigned.

Tuesday, November 19, 1991
10:00 a.m.

Case No.	Case Name	Attorneys	County
66,343	State <i>ex rel.</i> Social and Rehabilitation Services, Appellee, v. Stephen L. Friedl-Buckland, Appellant.	David N. Sutton Patricia Scalia Jones	Shawnee
66,552	State of Kansas, Appellee, v. Michael T. Bittle, Appellant.	Stephen Friedl-Buckland, <i>pro se</i> District Attorney Attorney General Richard A. Krogh	Douglas
11:00 a.m.			
65,911	State of Kansas, Appellee, v. Clayton Northrup, Appellant.	County Attorney Attorney General Kaye Messer	Dickinson
65,743	In the Matter of the Marriage of Margareta L. Goodin and Ronald L. Goodin.	Charles W. Harper Arvid V. Jacobson	Geary
1:30 p.m.			
66,336	State of Kansas, Appellant, v. Marilyn Marsh, Appellee.	Attorney General Benjamin C. Wood	Franklin
66,594	Church Mutual Insurance Co., Appellee, v. Robert Rison, Appellant.	Robert A. Mintz Kenneth M. Carpenter	Douglas
2:30 p.m.			
66,375	David Bull, Appellee, v. Kansas Employment Security Board and Lynn Vansteenbergen, Appellant.	David Bull, <i>pro se</i> James R. McEntire	Geary
65,923	In the Interest of A.J.C.	John L. Weingart William R. McQuillan Alan M. Boeh Melvin L. Schmidt	Doniphan

Wednesday, November 20, 1991

9:30 a.m.

Case No.	Case Name	Attorneys	County
66,486	City of Hesston, <i>et al.</i> , Appellees, v. A. Scott Anderson, <i>et al.</i> , Appellants.	Thomas E. Ruzicka Paul Hasty, Jr.	Harvey
66,408	In the Interest of E.T.	Michael J. Waite Marlini Johanning County Attorney	Atchison

(continued)

10:30 a.m.

66,386	In the Matter of the Estate of Melvin D. Blomberg, Deceased.	Tim W. Ryan Bruce H. Winegard William M. Malcolm Dee W. James John F. Bosch	Clay
65,251	In the Matter of the Estate of Paul I. Hansen, Deceased.	James F. Vano William Cleaver R. Scott Beeler Allen Cinnamon	Johnson

Summary Calendar—No Oral Argument

66,624	State of Kansas, Appellee, v. Cheryl L. Guinn, Appellant.	District Attorney Attorney General Jessica R. Kunen	Johnson
66,390	State of Kansas, Appellee, v. Wilbur Leroy Entrikin, Appellant.	County Attorney Attorney General Jessica R. Kunen	Brown
66,089	State of Kansas, Appellee, v. Ronnie S. Davis, Appellant.	County Attorney Attorney General Jessica R. Kunen	Brown

Carol G. Green
Clerk of the Appellate Courts

Doc. No. 011282

State of Kansas

Animal Health Department

Temporary Administrative
Regulations

Article 13.—ANIMAL WELFARE

9-13-1 to 9-13-3. (Authorized by and implementing K.S.A. 47-1712; effective Jan. 1, 1974; revoked, T-9-7-1-91, 7-1-91; revoked, T-9-10-22-91, Oct. 22, 1991.)

Article 18.—ANIMAL FACILITY INSPECTION
PROGRAM—LICENSE AND
REGISTRATION FEES

9-18-1. Fees. (a) Each applicant for a license and each registrant under K.S.A. 47-1701 et seq., and any amendments thereto shall pay the application fee as set forth below:

- (1) License for animal dealer premises of a person licensed under 7 U.S.C. sec. 2131 et seq. ... \$150.00;
 - (2) License for animal dealer premises of a person not licensed under 7 U.S.C. sec. 2131 et seq. \$300.00;
 - (3) License for a pound or shelter \$200.00;
 - (4) License for an operator of a research facility or pet shop \$300.00;
 - (5) Registration of hobby kennel operators or boarding kennel operators \$75.00.
- (Authorized by and implementing K.S.A. 1990 Supp. 47-1721, as amended by L. 1991, Ch. 152, Sec. 23 (a)(b); effective, T-9-7-22-89, July 27, 1989; amended Sept. 11,

1989; amended, T-9-7-1-91, July 1, 1991; amended, T-9-10-22-91, Oct. 22, 1991.)

Article 19.—ANIMAL DEALERS—
FACILITY STANDARDS; ANIMAL HEALTH,
HUSBANDRY AND OPERATIONAL STANDARDS

9-19-1. Housing facilities, general. (a) Design and construction. Housing facilities for dogs and cats shall be designed and constructed so that they are structurally sound. They shall be kept in good repair, protect the animals from injury, contain the animals securely, and restrict other animals from entering.

(b) Condition and site. Housing facilities and areas used for storing animal food or bedding shall be free of any accumulation of trash, waste material, junk, weeds, and other discarded materials. Animal areas inside of housing facilities shall be kept neat and free of clutter. However, these areas may contain materials which are necessary for cleaning the area, as well as fixtures or equipment necessary for proper husbandry practices. Housing facilities shall be physically separated from any other businesses. If a housing facility is located on the same premises as another business, it shall be physically separated from the other business so that animals the size of dogs, skunks, and raccoons are prevented from entering the housing facility.

(c) Surfaces.

(1) General requirements. The surfaces of housing facilities, including houses, dens and other furniture-type fixtures and objects within the facility shall be constructed in a manner and made of materials that

allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come into contact with dogs or cats shall:

(A) Be free of excessive rust which prevents cleaning and sanitization, or affects the structural strength of the surface; and

(B) be free of jagged edges or sharp points which may injure the animals.

(2) Maintenance and replacement of surfaces. All surfaces shall be maintained on a regular basis. Surfaces of housing facilities, including houses, dens and furniture-type fixtures and objects within the facility that cannot be readily cleaned and sanitized, shall be replaced when worn or soiled.

(3) Cleaning. Hard surfaces with which the dogs or cats come into contact shall be spot-cleaned daily and sanitized in accordance with K.A.R. 9-19-10 (b) to prevent accumulation of excreta and reduce disease hazards. Floors made of dirt, absorbent bedding, sand, gravel, grass or other similar material shall be raked and spot-cleaned with sufficient frequency so that all animals may avoid contact with excreta. Contaminated material shall be replaced whenever raking and spot-cleaning is not sufficient to prevent or eliminate odors, insects, pests or vermin infestation. All other surfaces of housing facilities shall be cleaned and sanitized when necessary to satisfy generally-accepted husbandry standards and practices. Sanitization may be performed using any of the methods provided in K.A.R. 9-19-10(b)(3) for primary enclosures.

(d) Water and electric power. Every housing facility shall have reliable electric power adequate for heating, cooling, ventilation, lighting and for carrying out other husbandry requirements. Every housing facility must provide adequate, running potable water for the dogs' and cats' drinking needs, cleaning the facility, and for carrying out other husbandry requirements.

(e) Storage. Supplies of food and bedding shall be stored in a manner that protects the supplies from spoilage, contamination and vermin infestation. Supplies of food and bedding shall be stored above the floor and away from walls to allow cleaning underneath and around the supplies. Foods requiring refrigeration shall be stored accordingly, and all food shall be stored in a manner that prevents its contamination and deterioration. All open supplies of food and bedding shall be kept in leakproof containers with tightly fitting lids to prevent contamination and spoilage. Only food and bedding that is currently being used may be kept in the animal areas. Substances toxic to dogs or cats but which are required for normal husbandry practices shall not be stored in food storage and preparation areas, but may be stored in cabinets in the animal areas.

(f) Drainage and waste disposal. Housing facility operators shall provide for regular and frequent collection, removal and disposal of animal and food wastes, bedding, debris, garbage, water, other fluids and wastes, and dead animals in a manner that minimizes contamination and disease risks. Housing facilities shall be equipped with disposal facilities and drainage systems constructed and operated so that animal waste

and water are rapidly eliminated and animals stay dry. Disposal and drainage systems shall minimize odors, disease hazards and infestation by vermin, insects and other pests. All drains shall be properly constructed, installed and maintained. If closed drainage systems are used, they shall be equipped with traps to prevent the backflow of gases and the backup of sewage onto the floor. If the facility uses sump or settlement ponds or other similar systems for drainage and animal waste disposal, the system shall be located far enough away from the animal area of the housing facility to prevent odors, disease hazards and infestation by vermin, insects and other pests. Standing puddles of water in animal enclosures shall be drained or mopped up so that animals stay dry. Trash containers in housing facilities and in food storage and food preparation areas shall be leakproof and shall have tightly fitted lids on them at all times. Dead animals, animal parts and animal waste shall not be kept in food storage or food preparation areas, food freezers, food refrigerators, or animal areas.

(g) Washrooms and sinks. Washing facilities such as washrooms, basins, sinks, or showers shall be provided for animal caretakers and shall be readily accessible.

(h) This regulation shall take effect on and after October 28, 1991. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32(b); effective, T-9-7-1-91, July 1, 1991; effective, T-9-10-28-91, Oct. 28, 1991.)

9-19-2. Indoor housing facilities. (a) Heating, cooling and temperature. Indoor housing facilities for dogs and cats must be sufficiently heated and cooled to protect dogs and cats from temperature extremes and to provide for their health and well-being. The ambient temperature in the facility shall not fall below 50° F (10°C) when dogs and cats unacclimated to lower temperatures, unable to tolerate lower temperatures without stress or discomfort (such as short-haired breeds) or that are sick, aged, young, or infirm are present, except as approved by the attending veterinarian. Dry bedding, solid resting boards or other methods of conserving body heat shall be provided when temperatures are below 50° F (10°C). The ambient temperature shall not fall below 45° F (7.2°C) for more than four consecutive hours when dogs or cats are present, and shall not rise above 85° F (29.5°C) for more than four consecutive hours when dogs or cats are present.

(b) Ventilation. Indoor housing facilities for dogs and cats shall be sufficiently ventilated at all times when dogs or cats are present to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation shall be provided by windows, vents, fans or air conditioning. Auxiliary ventilation from fans, blowers, or air conditioning must be provided when the ambient temperature is 85° F (29.5°C) or higher. The relative humidity shall be maintained at a level that ensures the health and well-being of the dogs or cats housed therein, in accordance with the directions of the attending veterinarian and generally accepted professional and husbandry practices.

(continued)

(c) Lighting. Indoor housing facilities for dogs and cats shall be lighted well enough to permit routine inspection and cleaning of the facility and observation of the dogs and cats. Animal areas shall be provided a regular diurnal lighting cycle of either natural or artificial light. Lighting shall be uniformly diffused throughout animal facilities and shall provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning of the facilities, adequate inspection of animals, and for the well-being of the animals. Primary enclosures shall be placed so as to protect the dogs and cats from excessive light.

(d) Interior surfaces. The floors, walls and any other surfaces of indoor housing facilities in contact with the animals shall be impervious to moisture. The ceilings of indoor housing facilities shall be impervious to moisture or be replaceable (e.g., a suspended ceiling with replaceable panels). (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32 (b); effective, T-9-10-22-91, Oct. 22, 1991.)

9-19-3. Sheltered housing facilities. (a) Heating, cooling and temperatures. The sheltered part of sheltered housing facilities for dogs and cats shall be sufficiently heated and cooled when necessary to protect the dogs and cats from temperature extremes. The ambient temperature in the sheltered part of the facility shall not fall below 50° F (10°C) when dogs and cats unacclimated to lower temperatures, unable to tolerate lower temperatures without stress and discomfort (such as short-haired breeds) or that are sick, aged, young, or infirm are present, except as approved by the attending veterinarian. Dry bedding, solid resting boards or other methods of conserving body heat shall be provided when temperatures are below 50° F (10°C). The ambient temperature shall not fall below 45° F (7.2°C) for more than four consecutive hours when dogs or cats are present, and shall not rise above 85° F (29.5°C) for more than four consecutive hours when dogs or cats are present.

(b) Ventilation. The enclosed or sheltered part of sheltered housing facilities for dogs and cats shall be sufficiently ventilated when dogs or cats are present to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation shall be provided by windows, doors, vents, fans or air conditioning. Auxiliary ventilation from fans, blowers, or air conditioning, shall be provided when the ambient temperature is 85° F (29.5°C) or higher.

(c) Lighting. Sheltered housing facilities for dogs and cats shall be lighted well enough to permit routine inspection and cleaning of the facility and observation of the dogs and cats. Animal areas shall be provided a regular diurnal lighting cycle of either natural or artificial light. Lighting shall be uniformly diffused throughout animal facilities and shall provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning of facilities and adequate inspection of animals. Primary enclosures shall be placed so as to protect the dogs and cats from excessive light.

(d) Shelter from the elements. Dogs and cats shall

be provided with adequate shelter from the elements at all times. The shelter structures shall be large enough to allow each animal to sit, stand, and lie in a normal manner and to turn about freely.

(e) Surfaces.

(1) The following areas in sheltered housing facilities shall be impervious to moisture:

(A) Indoor floor areas in contact with the animals;

(B) outdoor floor areas in contact with the animals, when the floor areas are not exposed to the direct sun, or are made of a hard material such as wire, wood, metal or concrete; and

(C) all walls, boxes, houses, dens, and other surfaces in contact with the animals.

(2) Outside floor areas in contact with the animals and exposed to the direct sun may consist of compacted earth, absorbent bedding, sand, gravel, or grass. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32(b); effective, T-9-10-22-91, Oct. 22, 1991.)

9-19-4. Outdoor housing facilities. (a) Restrictions.

(1) The following categories of dogs or cats shall not be kept in outdoor facilities, unless that practice is specifically approved by the attending veterinarian:

(A) Dogs or cats unacclimated to the temperatures prevalent in the area or region where they are maintained;

(B) breeds of dogs or cats unable to tolerate the prevalent temperatures of the area without stress or discomfort.

(C) Sick, infirm, aged or young dogs or cats.

(2) When their acclimation status is unknown, dogs and cats shall not be kept in outdoor facilities when the ambient temperature is less than 50° F (10°C).

(b) Shelter from the elements. Outdoor facilities for dogs or cats shall include one or more shelter structures that are accessible to each animal in each outdoor facility, and that are large enough to allow each animal in the shelter structure to sit, stand, and lie in a normal manner, and to turn about freely. In addition to shelter structures, one or more separate outside areas of shade shall be provided, large enough to contain all the animals at one time and protect them from the direct rays of the sun. Shelters in outdoor facilities for dogs or cats shall contain a roof, four sides, a floor, and shall:

(1) Provide adequate protection and shelter from the cold and heat;

(2) provide protection from the direct rays of the sun and the direct effect of wind, rain, or snow;

(3) be provided with a wind break and rain break at the entrance; and

(4) contain clean, dry, bedding material if the ambient temperature is below 50° F (10°C). Additional clean, dry bedding material is required when the temperature is 35° F (1.7°C) or lower.

(c) Construction. Building surfaces in contact with animals in outdoor housing facilities shall be impervious to moisture. Metal barrels, cars, refrigerators, freezers and the like shall not be used as shelter structures. The floors of outdoor housing facilities may consist of compacted earth, absorbent bedding, sand,

gravel, or grass, and shall be replaced if there are any prevalent odors, diseases, insects, pests, or vermin. All surfaces shall be maintained on a regular basis. Surfaces of outdoor housing facilities that cannot be readily cleaned and sanitized, shall be replaced when worn or soiled. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32(b); effective, T-9-10-22-91, Oct. 22, 1991.)

9-19-5. Primary enclosures; minimum requirements for dogs and cats. (a) General requirements.

(1) Primary enclosures shall be designed and constructed of suitable materials so that they are structurally sound. Primary enclosures shall be kept in good repair.

(2) Primary enclosures shall be constructed and maintained so that:

(A) they have no sharp points or edges that could injure the dogs and cats;

(B) they protect the dogs and cats from injury;

(C) they contain the dogs and cats securely;

(D) they keep other animals from entering the enclosure;

(E) they enable the dogs and cats to remain dry and clean;

(F) they provide shelter and protection from extreme temperatures and weather conditions which may be uncomfortable or hazardous to dogs and cats;

(G) they provide sufficient shade to shelter all dogs and cats housed in the primary enclosure at one time;

(H) they provide all the dogs and cats with easy and convenient access to clean food and water;

(I) all surfaces in contact with dogs and cats can be readily cleaned and sanitized in accordance with K.A.R. 9-19-10(b), or replaced when worn or soiled;

(J) they have floors constructed in a manner that protects the dogs' and cats' feet and legs from injury and does not allow the dogs' and cats' feet to pass through any openings in the floor. If the floor of the primary enclosure is constructed of wire, a solid resting surface or surfaces that in the aggregate, are large enough to hold all the occupants of the primary enclosure at the same time comfortably shall be provided; and

(K) they provide sufficient space to allow each dog and cat to turn about freely, stand, sit and lie in a comfortable, normal position and to walk in a normal manner.

(b) Additional requirements for cats.

(1) Space. Each cat housed in any primary enclosure shall be provided minimum vertical space and floor space as follows:

(A) Prior to February 15, 1994, each cat housed in any primary enclosure shall be provided a minimum of 2½ square feet of floor space;

(B) on and after February 15, 1994, each primary enclosure housing cats shall be at least 24 in. high (60.96 cm). Cats up to and including 8.8 lbs. (4 kg) shall be provided with at least 3.0 square feet of space (0.28m²). Cats over 8.8 lbs. (4 kg) shall be provided with at least 4.0 square feet of space.

(C) Each queen with nursing kittens shall be pro-

vided with an additional amount of floor space based upon her breed and behavioral characteristics and in accordance with generally-accepted husbandry practices. The additional amount of floor space for each nursing kitten shall not be less than 5 percent of the minimum requirement for the queen.

(D) The minimum floor space required by this section is exclusive of any food or water pans. The litter pan may be considered part of the floor space if properly cleaned and sanitized.

(2) Compatibility. All cats housed in the same primary enclosure shall be compatible, as determined by observation. Not more than 12 adult nonconditioned cats may be housed in the same primary enclosure. Queens in heat may not be housed in the same primary enclosure with sexually mature males, except for breeding or when maintained in breeding colonies. Queens with litters may not be housed in the same primary enclosure with other adult cats. Kittens under four months of age may not be housed in the same primary enclosure with adult cats other than the dam or foster dam. Cats with a vicious or aggressive disposition shall be housed separately.

(3) Litter. In all primary enclosures, a receptacle containing sufficient clean litter shall be provided to contain excreta and body wastes.

(4) Resting surfaces. Each primary enclosure housing cats must contain a resting surface or surfaces that, in the aggregate, are large enough to hold all the occupants of the primary enclosure at the same time comfortably. The resting surfaces shall be elevated, impervious to moisture, easily cleaned and sanitized or easily replaced when soiled or worn. Low resting surfaces that do not allow the space under them to be comfortably occupied by the animal will be counted as part of the floor space.

(c) Additional requirements for dogs.

(1) Space.

(A) Each dog housed in a primary enclosure shall be provided a minimum amount of floor space, calculated as follows: Find the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; then divide the product by 144. The calculation is (length of dog in inches + 6) × (length of dog in inches + 6) = required floor space in square inches. Required floor space in inches/144 = required floor space in square feet.

(B) Each bitch with nursing puppies shall be provided with an additional amount of floor space, based upon her breed and behavioral characteristics and in accordance with generally accepted husbandry practices as determined by the attending veterinarian. The additional amount of floor space for each nursing puppy shall not be less than 5 percent of the minimum requirement for the bitch.

(C) On and after February 15, 1994 the interior height of a primary enclosure shall be at least 6 inches higher than the head of the tallest dog in the enclosure in a normal standing position.

(2) Dogs on tethers.

(A) Dogs may be only kept on tethers in outside

(continued)

housing facilities that meet the requirements of K.A.R. 9-19-4, provided that the tether meets the requirements of this paragraph. The tether shall be attached either to the front of the dog's shelter structure or to a post in front of the shelter structure and shall be at least three times the length of the dog as measured from the tip of its nose to the base of its tail. The tether shall allow the dog convenient access to the shelter structure and to food and water containers. The tether shall be of the type and strength commonly used for the size of dog involved and shall be attached to the dog by a well-fitted collar that will not cause trauma or injury to the dog. Collars made of materials such as wire, flat chains, chains with sharp edges, or chains with rusty or nonuniform links are prohibited. The tether shall be attached so that the dog cannot become entangled with other objects or come into physical contact with other dogs in the outside housing facility, and so the dog can roam to the full range of the tether.

(B) On and after February 15, 1994, dog housing areas where dogs are kept on tethers shall be enclosed by a perimeter fence that is of sufficient height to keep unwanted animals out. Fences less than 6 feet high shall be approved by the livestock commissioner. The fence shall be constructed so that it protects the dogs by preventing animals the size of dogs, skunks, and raccoons from going through it or under it and having contact with the dogs inside.

(3) Compatibility. All dogs housed in the same primary enclosure shall be compatible, as determined by observation. Not more than 12 adult nonconditioned dogs may be housed in the same primary enclosure. Bitches in heat may not be housed in the same primary enclosure with sexually mature males, except for breeding. Except when maintained in breeding colonies, bitches with litters may not be housed in the same primary enclosures with other adult dogs, and puppies under four months of age may not be housed in the same primary enclosure with adult dogs, other than the dam or foster dam. Dogs with a vicious or aggressive disposition shall be housed separately.

(d) Innovative primary enclosures not precisely meeting the floor area and height requirements provided in this regulation, but that provide the dogs or cats with a sufficient volume of space and the opportunity to express species-typical behavior, may be used when approved by the livestock commissioner. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32(b); effective, T-9-10-22-91, Oct. 22, 1991.)

9-19-6. Compatible grouping. Dogs and cats that are housed in the same primary enclosure shall be compatible, with the following restrictions: (a) Females in heat (estrus) may not be housed in the same primary enclosure with males, except for breeding purposes;

(b) any dog or cat exhibiting a vicious or overly aggressive disposition shall be housed separately;

(c) puppies or kittens four months of age or less may not be housed in the same primary enclosure with adult dogs or cats other than their dams or foster dams, except when permanently maintained in breeding colonies;

(d) dogs or cats may not be housed in the same primary enclosure with any other species of animals, unless they are compatible; and

(e) dogs and cats that have or are suspected of having a contagious disease shall be isolated from healthy animals in the colony, as directed by the attending veterinarian. When an entire group or room of dogs and cats is known to have or believed to be exposed to an infectious agent, the group may be kept intact during the process of diagnosis, treatment and control. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32(b); effective, T-9-10-22-91, Oct. 22, 1991.)

9-19-7. Exercise for dogs. (a) Animal dealers shall develop, document, and follow an appropriate plan to provide dogs with the opportunity for exercise. In addition, the plan shall be approved by the attending veterinarian. The plan shall include written standard procedures to be followed in providing the opportunity for exercise. The plan shall be made available to the livestock commissioner upon request. The plan, at a minimum, shall comply with each of the following:

(1) Dogs housed individually. Dogs over 12 weeks of age, except bitches with litters, housed, held, or maintained by any dealer, shall be provided the opportunity for exercise regularly if they are kept individually in cages, pens, or runs that provide less than two times the required floor space for that dog, as indicated in K.A.R. 9-19-5(c)(1).

(2) Dogs housed in groups. Dogs over 12 weeks of age housed, held, or maintained in groups by any dealer do not require additional opportunity for exercise regularly if they are maintained in cages, pens, or runs that provide in total at least 100 percent of the required space for each dog if maintained separately. Such animals may be maintained in compatible groups, unless:

(A) In the opinion of the attending veterinarian, such housing would adversely affect the health or well-being of the dog(s); or

(B) any dog exhibits aggressive or vicious behavior.

(3) Methods and period of providing exercise opportunity.

(A) The frequency, method and duration of the opportunity for exercise shall be determined by the attending veterinarian and the livestock commissioner.

(B) Animal dealers, in developing their plan, should consider providing positive physical contact with humans that encourages exercise through play or other similar activities. If a dog is housed, held, or maintained at a facility without sensory contact with another dog, it shall be provided with positive physical contact with humans at least daily.

(C) The opportunity for exercise may be provided in a number of ways, such as:

(i) Group housing in cages, pens or runs that provide at least 100 percent of the required space for each dog, if maintained separately under the minimum floor space requirements of K.A.R. 9-19-5(c)(1);

(ii) maintaining individually housed dogs in cages, pens, or runs that provide at least twice the minimum floor space required by K.A.R. 9-19-5(c)(1);

(iii) providing access to a run or open area at the frequency and duration prescribed by the attending veterinarian; or

(iv) other similar activities.

(4) Forced exercise methods or devices such as swimming, treadmills, or carousel-type devices are unacceptable for meeting the exercise requirements of this section.

(b) Exemptions. If, in the opinion of the attending veterinarian, it is inappropriate for certain dogs to exercise because of their health, condition, or well-being, the animal dealer may be exempted from meeting the requirements of this section for those dogs. Such an exemption must be documented by the attending veterinarian and, unless the basis for exemption is a permanent condition, shall be reviewed at least every 30 days by the attending veterinarian. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32(b); effective, T-9-10-22-91, Oct. 22, 1991.)

9-19-8. Feeding. (a) Dogs and cats shall be fed at least once each day, except as otherwise might be required to provide adequate veterinary care. The food shall be uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The diet shall be appropriate for the individual animal's age and condition.

(b) Food receptacles shall be used for dogs and cats, be readily accessible to all dogs and cats, and shall be located so as to minimize contamination by excreta and pests and be protected from rain and snow. Feeding pans must either be made of a durable material that can be easily cleaned and sanitized or be disposable. If the food receptacles are not disposable, they shall be kept clean and shall be sanitized in accordance with K.A.R. 9-19-10(b). Sanitization is achieved by using one of the methods described in K.A.R. 9-19-10(b). If the food receptacles are disposable, they shall be discarded after one use. Self-feeders may be used for the feeding of dry food. If self-feeders are used, they must be kept clean and shall be sanitized in accordance with K.A.R. 9-19-10(b). Measures shall be taken to ensure that there is no molding, deterioration, and caking of feed. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32(b); effective, T-9-10-22-91, Oct. 22, 1991.)

9-19-9. Watering. If potable water is not continually available to the dogs and cats, it shall be offered to the dogs and cats as often as necessary to ensure their health and well-being, but not less than twice daily for at least one hour each time, unless restricted by the attending veterinarian. Water receptacles shall be kept clean and sanitized in accordance with K.A.R. 9-19-10 (b), as well as before they are used to provide water to another dog or cat, or a social grouping of dogs or cats. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32(b); effective, T-9-10-22-91, Oct. 22, 1991.)

9-19-10. Cleaning, sanitization, housekeeping, and pest control. (a) Cleaning of primary enclosures.

Excreta and food waste shall be removed from the inside of primary enclosures daily and from under primary enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent the soiling of the dogs or cats contained in the primary enclosures, and to reduce disease hazards, insects, pests and odors. When steam or water is used to clean the primary enclosure, whether by hosing, flushing, or other methods, dogs and cats shall be removed, unless the enclosure is large enough to ensure the animals would not be harmed, gotten wet, or distressed in the process. Standing water shall be removed from the primary enclosure, and animals in other primary enclosures shall be protected from being contaminated with water and other waste during the cleaning. The pans under primary enclosures with grill-type floors and the ground areas under raised runs with wire or slatted floors shall be cleaned as often as necessary to prevent accumulation of feces and food waste and to reduce disease hazards, pests, insects and odors.

(b) Sanitization of primary enclosures and food and water receptacles.

(1) Used primary enclosures and food and water receptacles shall be cleaned and sanitized in accordance with this section before they can be used to house, feed, or water another dog or cat, or a social grouping of dogs or cats.

(2) Used primary enclosures and food and water receptacles for dogs and cats shall be sanitized at least once every two weeks using one of the methods prescribed in K.A.R. 9-19-10(b), and more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards.

(3) Hard surfaces of primary enclosures and food and water receptacles shall be sanitized using one of the following methods:

(A) Live steam under pressure;

(B) washing with hot water (at least 180 degrees) and soap or detergent, as with a mechanical cage washer; or

(C) washing all solid surfaces with appropriate detergent solutions and disinfectants, or by using a combination detergent/disinfectant product that accomplishes the same purpose, thoroughly cleaning the surfaces to remove all organic material and mineral buildup and to provide sanitization followed by a clean water rinse.

(4) Pens, runs, and outdoor housing areas using material that cannot be sanitized using the methods provided in K.A.R. 9-19-10(b), such as gravel, sand, grass, earth, or absorbent bedding, shall be sanitized by removing the contaminated material as necessary to prevent odors, diseases, pests, insects, and vermin infestation.

(c) Housekeeping for premises. Premises where housing facilities are located, including buildings and surrounding grounds, shall be kept clean and in good repair to protect the animals from injury, to facilitate the husbandry practices required in K.A.R. 9-19-10(b), and to reduce or eliminate breeding and living areas for rodents and other pests and vermin. Premises shall

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be kept free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes shall be controlled so as to facilitate cleaning of the premises and pest control and to protect the health and well-being of the animals.

(d) Pest control. An effective program for the control of insects, external parasites affecting dogs and cats, and bird and mammals that are pests shall be established and maintained so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32(b); effective, T-9-10-22-91, Oct. 22, 1991.)

9-19-11. Employees. Each person subject to K.A.R. 9-19-1 through 9-19-10 maintaining dogs and cats shall have enough employees to carry out the level of husbandry practices and care required in these regulations. The employees who provide for husbandry and care, or handle animals, shall be supervised by an individual who has the knowledge, background, and experience in proper husbandry and care of dogs and cats to supervise others. The licensee shall be certain that the supervisor and other employees can perform to these standards. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32(b); effective, T-9-10-22-91, Oct. 22, 1991.)

Article 20.—PET SHOPS

9-20-1. Facilities. (a) Structures.

(1) Each pet shop shall:

(A) Be constructed of material that will provide for the establishment of a sound structure;

(B) be maintained in good repair; and

(C) protect animals housed inside from injury.

(2) Water and electrical power shall be available in each pet shop facility.

(3) Space shall be supplied in each pet shop to store the provisions necessary to adequately operate the pet shop.

(b) Operational procedures.

(1) Removal and disposal of animal, and all other food wastes, bedding, dead animals, and debris shall be done on a regular basis and at reasonable intervals. The disposal of these waste materials shall comply with federal, state and local laws and regulations relating to pollution control.

(2) The temperature for a pet shop shall be regulated by heating and cooling to sufficiently protect each animal housed inside from extremes of temperatures. Temperatures shall not be allowed to fall below or rise above ranges which would cause discomfort or health hazards to any animal.

(3) Ventilation for a pet shop shall be provided at all times by natural or mechanical means. Each pet shop facility shall be operated to provide fresh air by means of windows, vents, fans or air conditioning. Ventilation shall be established to minimize drafts, odors and moisture condensation.

(4) Each pet shop shall be provided with uniformly

distributed lighting. Lighting shall be in an amount sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination.

(5) Each pet shop shall be provided with a drainage system which will effectively eliminate excess water from the pet shop unit. If drains are used, they shall be constructed in such a manner to avoid all foul odors and any backup of sewage. Drainage systems shall comply with federal, state and local laws and regulations relating to pollution control.

(c) Pens.

(1) Each pet shop shall be constructed to prevent the overheating and discomfort of any animal. Shade shall be supplied either by natural or artificial means. Each pet shop shall be constructed of acceptable materials and maintained in strict sanitary condition.

(2) Each pet shop shall be constructed and maintained so as to provide sufficient space for each animal housed and to permit normal postural and social adjustments, with freedom of movement for each animal. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991.)

9-20-2. Animal health and husbandry standards.

(a) Animal food shall be wholesome, palatable, free from contamination and of nutritional value sufficient to maintain each animal in good health.

(b) Food receptacles shall be in sufficient number, of adequate size and so located as to enable each animal, in the enclosure to be supplied with an adequate amount of food. Food receptacles shall be kept clean and sanitary.

(c) Excreta shall be removed from each enclosure as often as necessary:

(1) to prevent contamination of the animals, contained therein;

(2) to prevent disease hazards; and

(3) to reduce odors. Cages, rooms and pens which contain any animal having any infectious or transmissible disease shall be washed each day, and after each occupancy, with hot water and detergent. Effective disinfectant shall be applied as an incident of each washing.

(d) An effective program for the control of insects, ectoparasites and other pests shall be provided and maintained.

(e) A program for disease prevention, parasite control, euthanasia and adequate veterinary care shall be provided and maintained under the supervision of a veterinarian. Each animal shall be observed each day by the person in charge of the pet shop or by someone working under their direct supervision.

(f) Each animal shall be handled in a manner which will not cause discomfort, stress or physical harm to that animal.

(g) Water and food shall be provided to each animal at least once during each 24 hour period. Any animal with the nutritional need or disease condition shall be fed more frequently. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991.)

9-20-3. Records. Each operator of a pet shop shall keep and maintain records for each animal purchased, acquired, held, transported, sold, or otherwise disposed of. The records shall include the following: (a) The name and address of the person from whom each animal was acquired, and the transportation motor vehicle license number if the animal was acquired from an animal operator.

(b) The date each animal was acquired.

(c) A description of each animal showing age, size, color marking, sex, breed and any vaccination information available. Records shall also include any other significant identification for each animal including any official tag number or tattoo.

(d) The name and address of the person to whom any animal is sold, given, bartered or to whom otherwise delivered. The record shall show the method of disposition. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991.)

Article 21.—ANIMAL RESEARCH FACILITY

9-21-1. Animal research facilities. (a) Structures.

(1) Each animal research facility shall:

(A) Be constructed of material that will provide for the establishment of a sound structure;

(B) be maintained in good repair; and

(C) protect animals housed inside from injury.

(2) Water and electrical power shall be available in each animal research facility.

(3) Space shall be supplied in each animal research facility to store the provisions necessary to adequately operate each such unit.

(b) Operational procedures.

(1) Removal and disposal of animal, and all other food wastes, bedding, dead animals, and debris shall be done on a regular basis and at reasonable intervals. The disposal of these waste materials shall comply with federal, state and local laws and regulations relating to pollution control.

(2) The temperature for an indoor animal research facility shall be regulated by heating and cooling to sufficiently protect each animal housed inside from extremes of temperatures. Temperatures shall not be allowed to fall below or rise above ranges which would cause discomfort or health hazards to any animal.

(3) Ventilation for an animal research facility shall be provided at all times by natural or mechanical means. Each animal research facility shall be operated to provide fresh air by means of windows, doors, vents, fans or air conditioning. Ventilation shall be established to minimize drafts, odors and moisture condensation.

(4) Each animal research facility shall be provided with uniformly distributed lighting. Lighting shall be in an amount sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination.

(5) Each animal research facility shall be provided with a drainage system which will effectively eliminate excess water from the animal research facility unit. If drains are used, they shall be constructed in such a

manner to avoid all foul odors and any backup of sewage. Drainage systems shall comply with federal, state and local laws and regulations relating to pollution control.

(c) Pens.

(1) Each animal research facility shall be constructed to prevent the overheating and discomfort of any animal. Shade shall be supplied either by natural or artificial means. Each animal research facility shall be constructed of acceptable materials and maintained in strict sanitary condition.

(2) Each animal research facility shall be constructed and maintained so as to provide sufficient space for each animal housed and to permit normal postural and social adjustments, with freedom of movement for each animal. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991.)

9-21-2. Animal health and husbandry standards.

(a) Animal food shall be wholesome, palatable, free from contamination and of nutritional value sufficient to maintain each animal in good health.

(b) Food receptacles shall be in sufficient number, of adequate size and so located as to enable each animal, in the enclosure to be supplied with an adequate amount of food. Food receptacles shall be kept clean and sanitary.

(c) Excreta shall be removed from each enclosure as often as necessary:

(1) to prevent contamination of the animals, contained therein;

(2) to prevent disease hazards; and

(3) to reduce odors. Cages, rooms and pens which contain any animal having any infectious or transmissible disease shall be washed each day, and after each occupancy, with hot water and detergent. Effective disinfectant shall be applied as an incident of each washing.

(d) An effective program for the control of insects, ectoparasites and other pests shall be provided and maintained.

(e) A program for disease prevention, parasite control, euthanasia and adequate veterinary care shall be provided and maintained under the supervision of a veterinarian. Each animal, shall be observed each day by the person in charge of the animal research facility or by someone working under their direct supervision.

(f) Each animal shall be handled in a manner which will not cause discomfort, stress or physical harm to that animal.

(g) Water and food shall be provided to each animal at least once during each 24 hours period. Any animal with the nutritional need or disease condition shall be fed more frequently. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991.)

9-21-3. Records. Each operator of an animal research facility shall keep and maintain records for each animal purchased, acquired, held, transported, sold, or otherwise disposed of. The records shall include the following: (a) The name and address of the person

(continued)

from whom each animal was acquired, and the transportation motor vehicle license number if the animal was acquired from an animal operator.

(b) The date each animal was acquired.

(c) A description of each animal showing age, size, color marking, sex, breed and any vaccination information available. Records shall also include any other significant identification for each animal including any official tag number or tattoo.

(d) The name and address of the person to whom any animal is sold, given, bartered or to whom otherwise delivered. The record shall show the method of disposition. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991.)

Article 22.—ANIMAL POUNDS AND SHELTERS

9-22-1. Animal pounds and shelters. (a) Structures.

(1) Each animal pound and shelter shall:

(A) Be constructed of material that will provide for the establishment of a sound structure;

(B) be maintained in good repair; and

(C) protect animals housed inside from injury.

(2) Water and electrical power shall be available in each animal pound and shelter.

(3) Space shall be supplied in each animal pound and shelter to store the provisions necessary to adequately operate each such unit.

(b) Operational procedures.

(1) Removal and disposal of animal, and all other food wastes, bedding, dead animals, and debris shall be done on a regular basis and at reasonable intervals. The disposal of these waste materials shall comply with federal, state and local laws and regulations relating to pollution control.

(2) The temperature for each pound and shelter shall be regulated by heating and cooling to sufficiently protect each animal housed inside from extremes of temperatures. Temperatures shall not be allowed to fall below or rise above ranges which would cause discomfort or health hazards to any animal.

(3) Ventilation for a pound and shelter shall be provided at all times by natural or mechanical means. Each animal pound and shelter facility shall be operated to provide fresh air by means of windows, doors, vents, fans or air conditioning. Ventilation shall be established to minimize drafts, odors and moisture condensation.

(4) Each animal pound and shelter shall be provided with uniformly distributed lighting. Lighting shall be in an amount sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination.

(5) Each animal pound and shelter shall be provided with a drainage system which will effectively eliminate excess water from the research animal pound and shelter unit. If drains are used, they shall be constructed in such a manner to avoid all foul odors and any backup of sewage. Drainage systems shall comply with federal, state and local laws and regulations relating to pollution control.

(c) Pens.

(1) Each animal pound and shelter shall be constructed to prevent the overheating and discomfort of any animal. Shade shall be supplied either by natural or artificial means. Each animal pound and shelter shall be constructed of acceptable materials and maintained in strict sanitary condition.

(2) Each animal pound and shelter shall be constructed and maintained so as to provide sufficient space for each animal housed and to permit normal postural and social adjustments, with freedom of movement for each animal. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991.)

9-22-2. Animal health and husbandry standards.

(a) Animal food shall be wholesome, palatable, free from contamination and of nutritional value sufficient to maintain each animal in good health.

(b) Food receptacles shall be in sufficient number, of adequate size and so located as to enable each animal, in the enclosure to be supplied with an adequate amount of food. Food receptacles shall be kept clean and sanitary.

(c) Excreta shall be removed from each enclosure as often as necessary:

(1) to prevent contamination of the animals, contained therein;

(2) to prevent disease hazards; and

(3) to reduce odors. Cages, rooms and pens which contain any animal having any infectious or transmissible disease shall be washed each day, and after each occupancy, with hot water and detergent. Effective disinfectant shall be applied as an incident of each washing.

(d) An effective program for the control of insects, ectoparasites and other pests shall be provided and maintained.

(e) A program for disease prevention, parasite control, euthanasia and adequate veterinary care shall be provided and maintained under the supervision of a veterinarian. Each animal, shall be observed each day by the person in charge of the animal pound and shelter or by someone working under their direct supervision.

(f) Each animal shall be handled in a manner which will not cause discomfort, stress or physical harm to that animal.

(g) Water and food shall be provided to each animal at least once during each 24 hour period. Any animal with the nutritional need or disease condition shall be fed more frequently. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991.)

9-22-3. Records. Each operator of an animal pound and shelter shall keep and maintain records for each animal purchased, acquired, held, transported, sold, or otherwise disposed of. The records shall include the following: (a) The name and address of the person from whom each animal was acquired, and the transportation motor vehicle license number if the animal was acquired from an animal operator.

(b) The date each animal was acquired.

(c) A description of each animal showing age, size, color marking, sex, breed and any vaccinal information available. Records shall also include any other significant identification for each animal including any official tag number or tattoo.

(d) The name and address of the person to whom any animal is sold, given, bartered or to whom otherwise delivered. The record shall show the method of disposition. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991.)

Article 23.—HOBBY KENNEL OPERATORS

9-23-1. Hobby kennel operators. (a) Structures.

(1) Each hobby kennel shall:

(A) Be constructed of material that will provide for the establishment of a sound structure;

(B) be maintained in good repair; and

(C) protect animals housed inside from injury.

(2) Water and electrical power shall be available in each hobby kennel.

(3) Space shall be supplied in each hobby kennel to store the provisions necessary to adequately operate each such unit.

(b) Operational procedures.

(1) Removal and disposal of animal, and all other food wastes, bedding, dead animals, and debris shall be done on a regular basis and at reasonable intervals. The disposal of these waste materials shall comply with federal, state and local laws and regulations relating to pollution control.

(2) The temperature for an indoor hobby kennel shall be regulated by heating and cooling to sufficiently protect each animal housed inside from extremes of temperatures. Temperatures shall not be allowed to fall below or rise above ranges which would cause discomfort or health hazards to any animal.

(3) Ventilation for a hobby kennel shall be provided at all times by natural or mechanical means. Each hobby kennel facility shall be operated to provide fresh air by means of windows, doors, vents, fans or air conditioning. Ventilation shall be established to minimize drafts, odors and moisture condensation.

(4) Each hobby kennel shall be provided with uniformly distributed lighting. Lighting shall be in an amount sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination.

(5) Each hobby kennel shall be provided with a drainage system which will effectively eliminate excess water from the hobby kennel unit. If drains are used, they shall be constructed in such a manner to avoid all foul odors and any backup of sewage. Drainage systems shall comply with federal, state and local laws and regulations relating to pollution control.

(c) Pens.

(1) Each hobby kennel shall be constructed to prevent the overheating and discomfort of any animal. Shade shall be supplied either by natural or artificial means. Each hobby kennel shall be constructed of ac-

ceptable materials and maintained in strict sanitary condition.

(2) Each hobby kennel shall be constructed and maintained so as to provide sufficient space for each animal housed and to permit normal postural and social adjustments, with freedom of movement for each animal. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991.)

9-23-2. Animal health and husbandry standards.

(a) Animal food shall be wholesome, palatable, free from contamination and of nutritional value sufficient to maintain each animal in good health.

(b) Food receptacles shall be in sufficient number, of adequate size and so located as to enable each animal, in the enclosure to be supplied with an adequate amount of food. Food receptacles shall be kept clean and sanitary.

(c) Excreta shall be removed from each enclosure as often as necessary:

(1) to prevent contamination of the animals, contained therein;

(2) to prevent disease hazards; and

(3) to reduce odors. Cages, rooms and pens which contain any animal having any infectious or transmissible disease shall be washed each day, and after each occupancy, with hot water and detergent. Effective disinfectant shall be applied as an incident of each washing.

(d) An effective program for the control of insects, ectoparasites and other pests shall be provided and maintained.

(e) A program for disease prevention, parasite control, euthanasia and adequate veterinary care shall be provided and maintained under the supervision of a veterinarian. Each animal, shall be observed each day by the person in charge of the hobby kennel or by someone working under their direct supervision.

(f) Each animal shall be handled in a manner which will not cause discomfort, stress or physical harm to that animal.

(g) Water and food shall be provided to each animal at least once during each 24 hour period. Any animal with the nutritional need or disease condition shall be fed more frequently. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991.)

9-23-3. Records. Each operator of a hobby kennel shall keep and maintain records for each animal purchased, acquired, held, transported, sold, or otherwise disposed of. The records shall include the following:

(a) The name and address of the person from whom each animal was acquired, and the transportation motor vehicle license number if the animal was acquired from an animal operator.

(b) The date each animal was acquired.

(c) A description of each animal showing age, size, color marking, sex, breed and any vaccinal information available. Records shall also include any other significant identification for each animal including any official tag number or tattoo.

(continued)

(d) The name and address of the person to whom any animal is sold, given, bartered or to whom otherwise delivered. The record shall show the method of disposition. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991.)

Article 24.—KENNEL OPERATORS

9-24-1. Kennel operators. (a) Structures.

(1) Each kennel shall:

(A) Be constructed of material that will provide for the establishment of a sound structure;

(B) be maintained in good repair; and

(C) protect animals housed inside from injury.

(2) Water and electrical power shall be available in each kennel.

(3) Space shall be supplied in each kennel to store the provisions necessary to adequately operate each such unit.

(b) Operational procedures.

(1) Removal and disposal of animal, and all other food wastes, bedding, dead animals, and debris shall be done on a regular basis and at reasonable intervals. The disposal of these waste materials shall comply with federal, state and local laws and regulations relating to pollution control.

(2) The temperature for an indoor kennel shall be regulated by heating and cooling to sufficiently protect each animal housed inside from extremes of temperatures. Temperatures shall not be allowed to fall below or rise above ranges which would cause discomfort or health hazards to any animal.

(3) Ventilation for a kennel shall be provided at all times by natural or mechanical means. Each kennel facility shall be operated to provide fresh air by means of windows, doors, vents, fans or air conditioning. Ventilation shall be established to minimize drafts, odors and moisture condensation.

(4) Each kennel shall be provided with uniformly distributed lighting. Lighting shall be in an amount sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination.

(5) Each kennel shall be provided with a drainage system which will effectively eliminate excess water from the kennel unit. If drains are used, they shall be constructed in such a manner to avoid all foul odors and any backup of sewage. Drainage systems shall comply with federal, state and local laws and regulations relating to pollution control.

(c) Pens.

(1) Each kennel shall be constructed to prevent the overheating and discomfort of any animal. Shade shall be supplied either by natural or artificial means. Each kennel shall be constructed of acceptable materials and maintained in strict sanitary condition.

(2) Each kennel shall be constructed and maintained so as to provide sufficient space for each animal housed and to permit normal postural and social adjustments, with freedom of movement for each animal. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991.)

9-24-2. Animal health and husbandry standards.

(a) Animal food shall be wholesome, palatable, free from contamination and of nutritional value sufficient to maintain each animal in good health.

(b) Food receptacles shall be in sufficient number, of adequate size and so located as to enable each animal, in the enclosure to be supplied with an adequate amount of food. Food receptacles shall be kept clean and sanitary.

(c) Excreta shall be removed from each enclosure as often as necessary:

(1) to prevent contamination of the animals, contained therein;

(2) to prevent disease hazards; and

(3) to reduce odors. Cages, rooms and pens which contain any animal having any infectious or transmissible disease shall be washed each day, and after each occupancy, with hot water and detergent. Effective disinfectant shall be applied as an incident of each washing.

(d) An effective program for the control of insects, ectoparasites and other pests shall be provided and maintained.

(e) A program for disease prevention, parasite control, euthanasia and adequate veterinary care shall be provided and maintained under the supervision of a veterinarian. Each animal, shall be observed each day by the person in charge of the kennel or by someone working under their direct supervision.

(f) Each animal shall be handled in a manner which will not cause discomfort, stress or physical harm to that animal.

(g) Water and food shall be provided to each animal at least once during each 24 hour period. Any animal with the nutritional need or disease condition shall be fed more frequently. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991.)

9-24-3. Records. Each operator of a kennel shall keep and maintain records for each animal purchased, acquired, held, transported, sold, or otherwise disposed of. The records shall include the following: (a) The name and address of the person from whom each animal was acquired, and the transportation motor vehicle license number if the animal was acquired from an animal operator.

(b) The date each animal was acquired.

(c) A description of each animal showing age, size, color marking, sex, breed and any vaccination information available. Records shall also include any other significant identification for each animal including any official tag number or tattoo.

(d) The name and address of the person to whom any animal is sold, given, bartered or to whom otherwise delivered. The record shall show the method of disposition. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991.)

Daniel Walker, D.V.M.
Kansas Livestock Commissioner

Doc. No. 011236

111-3-11	Amended	V. 8, p. 299	111-4-282			111-9-1		
111-3-12	Amended	V. 10, p. 12	through			through		
111-3-13	Amended	V. 10, p. 1014	111-4-286	New	V. 10, p. 759	111-9-12	New	V. 7, p. 1714-1716
111-3-14	Amended	V. 10, p. 12	111-4-287			111-9-1		
111-3-16	Amended	V. 9, p. 1566	through			through		
111-3-19			111-4-300	New	V. 10, p. 883-886	111-9-6	Revoked	V. 9, p. 1680
through			111-4-301			111-9-13		
111-3-22	Amended	V. 9, p. 30	through			through		
111-3-20	Amended	V. 10, p. 1211	111-4-307	New	V. 10, p. 1015, 1016	111-9-18	Revoked	V. 9, p. 1680
111-3-21	Amended	V. 10, p. 882	111-4-308			111-9-25		
111-3-22	Amended	V. 10, p. 882	through			through		
111-3-23	Revoked	V. 10, p. 883	111-4-320	New	V. 10, p. 1214, 1215	111-9-30	New	V. 9, p. 699, 700
111-3-25	Amended	V. 10, p. 883	111-4-308	Amended	V. 10, p. 1472	111-9-31		
111-3-27	Amended	V. 10, p. 883	111-4-311	Amended	V. 10, p. 1472	through		
111-3-29	Amended	V. 10, p. 883	111-4-312	Amended	V. 10, p. 1472	111-9-36	New	V. 10, p. 262
111-3-31	Amended	V. 8, p. 209	111-4-322			111-9-37		
111-3-32	Amended	V. 10, p. 883	through			through		
111-3-33	New	V. 7, p. 1434	111-4-331	New	V. 10, p. 1411-1413	111-9-48	New	V. 10, p. 1439, 1440
111-4-1	Amended	V. 8, p. 134	111-4-332			111-10-1		
111-4-2	Amended	V. 7, p. 1063	through			through		
111-4-4	Amended	V. 7, p. 1063	111-4-335	New	V. 10, p. 1473	111-10-9	New	V. 8, p. 136-138
111-4-6	Amended	V. 7, p. 1434	111-4-336			111-10-7	Amended	V. 8, p. 301
111-4-7	Amended	V. 7, p. 1945	through					
111-4-8	Amended	V. 7, p. 1064	111-4-345	New	V. 10, p. 1526-1528			
111-4-12	Amended	V. 7, p. 1190	111-4-346					
111-4-66			through					
111-4-77	New	V. 7, p. 207-209	111-4-361	New	V. 10, p. 1586-1589			
111-4-96			111-5-1					
through			through					
111-4-114	New	V. 7, p. 1606-1610	111-5-23	New	V. 7, p. 209-213			
111-4-100	Amended	V. 10, p. 1211	111-5-9					
111-4-101	Amended	V. 10, p. 1211	through					
111-4-102	Amended	V. 10, p. 1211	111-5-15	Amended	V. 8, p. 210, 211			
111-4-103	Amended	V. 10, p. 1211	111-5-11	Amended	V. 9, p. 505			
111-4-104	Amended	V. 10, p. 1212	111-5-17	Amended	V. 8, p. 211			
111-4-105	Amended	V. 10, p. 1410	111-5-18	Amended	V. 10, p. 13			
111-4-106	Amended	V. 10, p. 1212	111-5-19	Amended	V. 8, p. 212			
111-4-106a	Amended	V. 10, p. 1213	111-6-1					
111-4-107	Amended	V. 9, p. 1366	through					
111-4-108	Amended	V. 10, p. 1213	111-6-15	New	V. 7, p. 213-217			
111-4-111	Amended	V. 9, p. 1366	111-6-1	Amended	V. 10, p. 1474			
111-4-113	Amended	V. 9, p. 1366	111-6-3	Amended	V. 9, p. 200			
111-4-114	Amended	V. 9, p. 1366	111-6-4	Amended	V. 10, p. 1413			
111-4-153			111-6-5	Amended	V. 10, p. 14			
through			111-6-6	Amended	V. 10, p. 1474			
111-4-160	Revoked	V. 9, p. 1676, 1677	111-6-9	Amended	V. 10, p. 1217			
111-4-177			111-6-12	Amended	V. 8, p. 212			
through			111-6-13	Amended	V. 8, p. 299			
111-4-212	Revoked	V. 9, p. 1677, 1678	111-6-17	Revoked	V. 10, p. 1475			
111-4-213			111-7-1					
through			through					
111-4-220	Revoked	V. 10, p. 1213	111-7-10	New	V. 7, p. 1192, 1193			
111-4-217	Amended	V. 9, p. 986	111-7-1	Amended	V. 8, p. 212			
111-4-221			111-7-3	Amended	V. 10, p. 1475			
through			111-7-4	Amended	V. 9, p. 1367			
111-4-224	Revoked	V. 10, p. 1585	111-7-5	Amended	V. 9, p. 986			
111-4-225			111-7-6	Amended	V. 9, p. 987			
through			111-7-9	Amended	V. 9, p. 1569			
111-4-228	Revoked	V. 10, p. 1585	111-7-11	Amended	V. 10, p. 1475			
111-4-229			111-7-12					
through			through					
111-4-236	Revoked	V. 10, p. 1585, 1586	111-7-32	New	V. 7, p. 1194-1196			
111-4-237			111-7-33					
through			through					
111-4-240	New	V. 9, p. 1678, 1679	111-7-43	New	V. 7, p. 1197, 1198			
111-4-241			111-7-33a	New	V. 8, p. 300			
through			111-7-44					
111-4-244	New	V. 9, p. 1812	through					
111-4-245			111-7-54	New	V. 9, p. 1367-1370			
through			111-7-46	Amended	V. 10, p. 1476			
111-4-248	New	V. 10, p. 200	111-7-54	Amended	V. 10, p. 1476			
111-4-249			111-7-55					
through			through					
111-4-252	New	V. 9, p. 1813	111-7-63	Revoked	V. 10, p. 1217			
111-4-253			111-7-58	Amended	V. 10, p. 261			
through			111-7-60	Amended	V. 10, p. 262			
111-4-256	New	V. 10, p. 530	111-8-1	New	V. 7, p. 1633			
111-4-257			111-8-2	New	V. 7, p. 1633			
through			111-8-3	Amended	V. 10, p. 886			
111-4-280	New	V. 10, p. 755-759	111-8-4	New	V. 7, p. 1714			
111-4-257	Amended	V. 10, p. 1014	111-8-4a	New	V. 7, p. 1995			
111-4-261	Amended	V. 10, p. 1014	111-8-5					
111-4-262	Amended	V. 10, p. 1014	through					
			111-8-13	New	V. 7, p. 1634			

AGENCY 112: KANSAS RACING COMMISSION

Reg. No.	Action	Register
112-4-14b	New	V. 10, p. 162
112-4-21	New	V. 10, p. 162
112-6-1		
through		
112-6-5	Amended	V. 10, p. 163-165
112-6-8	Amended	V. 10, p. 165
112-7-6	Amended	V. 10, p. 165
112-8-3	Amended	V. 10, p. 166
112-8-4	Amended	V. 10, p. 167
112-8-5	Amended	V. 10, p. 167
112-8-8	Amended	V. 10, p. 168
112-8-10	Amended	V. 10, p. 168
112-9-41	Revoked	V. 10, p. 1494
112-9-41a	New	V. 10, p. 1494
112-10-34	Amended	V. 10, p. 169
112-10-35	Amended	V. 10, p. 170
112-11-21	Amended	V. 10, p. 263, 531
112-12-12	Amended	V. 10, p. 170
112-13-2	Amended	V. 10, p. 170
112-13-4	New	V. 10, p. 171
112-13-5	New	V. 10, p. 171
112-16-1		
through		
112-16-14	New	V. 10, p. 1316-1318

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-4-1	Amended	V. 10, p. 458
115-4-3	Amended	V. 10, p. 458
115-4-5	Amended	V. 10, p. 782
115-4-7	Amended	V. 10, p. 460
115-4-11	Amended	V. 10, p. 461
115-4-12	New	V. 10, p. 461
115-13-1		
through		
115-13-5	New	V. 10, p. 917-919
115-14-1		
through		
115-14-10	New	V. 10, p. 1441-1443
115-17-10		
through		
115-17-13	New	V. 10, p. 461, 462

AGENCY 117: REAL ESTATE APPRAISAL BOARD

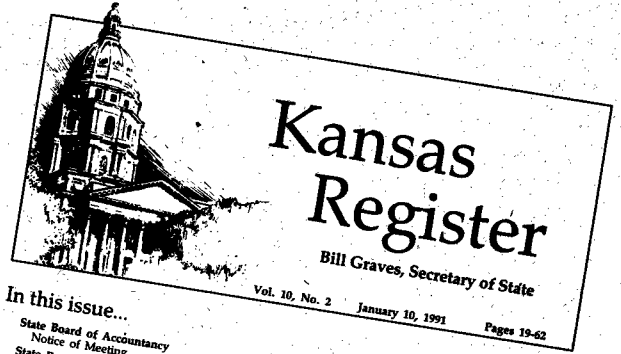
Reg. No.	Action	Register
117-1-1	Amended	V. 10, p. 911, 951
117-2-1	Amended	V. 10, p. 911, 952
117-2-2	Amended	V. 10, p. 912, 952
117-2-3	New	V. 10, p. 912, 952
117-2-4	New	V. 10, p. 912, 952
117-3-1	Amended	V. 10, p. 912, 953
117-3-2	Amended	V. 10, p. 913, 953
117-3-3	New	V. 10, p. 913, 953

(continued)

117-3-4	New	V. 10, p. 913, 953	117-6-2	Amended	V. 10, p. 915, 955	AGENCY 119: KANSAS DEVELOPMENT	
117-4-1			117-6-3	Amended	V. 10, p. 915, 955	FINANCE AUTHORITY	
through			117-7-1	Amended	V. 10, p. 916, 956	Reg. No.	Register
117-4-4	New	V. 10, p. 913, 914, 954	117-8-1	New	V. 10, p. 916, 956	119-1-1	New
117-6-1	Amended	V. 10, p. 914, 954	117-9-1	New	V. 10, p. 916, 956	119-1-2	New
						119-1-3	New

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