



Kansas Register

Bill Graves, Secretary of State

Vol. 11, No. 16

April 16, 1992

Pages 539-586

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State of Kansas

Private Industry Council

Public Notice

The Kansas Private Industry Council of Service Delivery Area (SDA) III is submitting a two-year job training plan to the Governor of Kansas through the Kansas Department of Human Resources. Funding for this plan is through Title IIA of the Job Training Partnership Act (JTPA), which is designed to provide training to economically disadvantaged adults and youth.

The respective program years are July 1, 1992, to June 30, 1993 (PY 92), and July 1, 1993, to June 30, 1994 (PY 93). The funding level for PY 92 is \$1,624,149.

The SDA plans to serve an estimated 820 eligible adults and youth during PY 92. The plan will become effective July 1, 1992. The purpose of JTPA is to prepare unskilled adults and youth for entry into the labor force and to afford job training to economically disadvantaged individuals and other individuals having serious barriers to employment who are in special need of such training to obtain productive employment. Authorized activities include, but are not limited to: job research assistance, job counseling, remedial education and basic skills training, occupational skill training and on-the-job training.

The Kansas Private Industry Council of SDA III is also submitting to the Governor through the Kansas Department of Human Resources a Title IIB Summer Youth Employment and Training Plan. The respective program years are October 1, 1991, to September 30, 1992 (PY 91), and October 1, 1992, to September 30, 1993 (PY 92).

The funding level for PY 91 (the summer of 1992) is \$851,336. The SDA plans to serve an estimated 470 eligible youth during the summer of 1992. Funding for the Summer Youth Employment and Training program is through Title IIB of the Job Training Partnership Act (JTPA), which is designed to provide economically disadvantaged youth, ages 14-21, facing serious barriers to employment, with exposure to the world of work and the enhancement of basic educational skills.

The Kansas Private Industry Council of SDA III will also submit to the Governor through the Kansas Department of Human Resources a Title III Economic Dislocation and Worker Adjustment Act (EDWAA) Plan.

The respective program years are July 1, 1992, to June 30, 1993 (PY 92), and July 1, 1993, to June 30, 1994 (PY 93). The funding level for PY 92 is \$420,640. The SDA plans to serve approximately 235 eligible participants during PY 92. The purpose of EDWAA is to meet the needs of workers who have been terminated, laid off or have received a notice of termination or layoff due to a permanent closure or substantial layoff at a plant or facility by providing retraining, job search assistance and other aids for dislocated workers. There is a 30-day review and comment period for the proposed plan.

The full IIA plan, Title IIB plan and Title III plan are available at the following locations and may be reviewed upon request. Questions and comments may be directed to the Kansas Private Industry Council, Inc., Service Delivery Area III, 717 Gateway Center Tower II, 4th and State Ave., Kansas City, KS 66101, (913) 371-1607.

Ann Conway
Executive Director

Doc. No. 011833

The Kansas Register (ISSN No. 0744-2254) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One-year subscriptions are \$60 (Kansas residents must include \$3.15 state and local sales tax). Single copies may be purchased, if available, for \$2 each. Second class postage paid at Topeka, KS.

Postmaster. Send change of address form to Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612-1594.

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PUBLISHED BY
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State of Kansas

Kansas Commission for the Deaf and Hearing Impaired

Notice of Meeting

The Kansas Commission for the Deaf and Hearing Impaired will meet from 9 a.m. to noon Saturday, May 9, in the board room of the Topeka U.S.D. 501 Administration Building, 624 S.W. 24th, Topeka.

Brenda J. Eddy
Executive Director

Doc. No. 011832

State of Kansas

Social and Rehabilitation Services

Request for Proposals

The Department of Social and Rehabilitation Services is soliciting grant proposals from private not for profit or for profit organizations incorporated in the state of Kansas for a program designed to increase the availability of community and family based service programs to juvenile offenders and their families targeted to reduce the number of youth placed in the custody of the secretary or committed/placed in a state youth center. The program is intended as a community response interfacing the efforts of several organizations in providing nonresidential responses to addressing the needs of juvenile offenders and the community.

Details of the request for proposals are available from Jim Trast, Field Support Manager, (913) 296-4648, or David O'Brien, Manager of Community Resource Development, (913) 296-2017, SRS Youth/Adult Services. Responses are due no later than 5 p.m. May 22.

Donna Whiteman
Secretary of Social and Rehabilitation Services

Doc. No. 011859

State of Kansas

Social and Rehabilitation Services

Invitation to Comment at Regional Public Forums

Rehabilitation Services invites public comment and participation in planning and developing services for Kansans with disabilities. Six public forums have been scheduled around the state to make it easier for citizens to provide comments and input:

Pittsburg
May 4, 7 to 9 p.m.
Pittsburg SRS Area Office
20th Street and Highway 69 Bypass

Topeka
May 14, 4 to 6 p.m. and 7 to 9 p.m.
Kaw Area Technical School
5724 S.W. Huntoon

Wichita

May 19, 4 to 6 p.m. and 7 to 9 p.m.
HCA Wesley Rehabilitation Hospital
8338 W. 13th

Kansas City

May 21, 4 to 7 p.m.
West Wyandotte Branch Library
1737 N. 82nd

Garden City

May 27, 7 to 9 p.m.
Hilton Inn
1911 E. Kansas

Salina

May 28, 7 to 9 p.m.
Kansas Vocational Rehabilitation Center
3140 Centennial Road

Comments on the following areas will be especially helpful:

- * Quality and timeliness of services provided by Rehabilitation Services
- * Access to rehabilitation engineering and assistive technology services
- * Unmet service needs
- * Transition from special education to the adult world of work and community living
- * Methods for expanding services to people with severe disabilities and to underserved populations
- * Utilization of rehabilitation facilities and independent living centers
- * Supported employment and supported living services

Information received through the forums will be used to guide preparation of program and budget priorities for Rehabilitation Services and to contribute to development of state plans submitted to the Federal Rehabilitation Services Administration.

Interested persons are invited to attend one of these forums and offer their comments and suggestions. For purposes of scheduling, please notify Peg Spencer (913/296-3911 V or 913/296-7029 TDD) if you intend to make a statement. Also, please plan to provide a written copy of your comments at the forum.

Individuals who are not able to attend one of the forums may submit written comments to Glen Yancey, Acting Commissioner, Rehabilitation Services, 1st Floor, Biddle Building, 300 S.W. Oakley, Topeka 66606. Written comments should be received by Rehabilitation Services no later than 5 p.m. June 1.

Upon request, this announcement is available in Braille, large print or audiotape.

Donna Whiteman
Secretary of Social and Rehabilitation Services

Doc. No. 011850

State of Kansas

Legislature

Legislative Bills Introduced

The following numbers and titles of bills and resolutions have been recently introduced by the 1992 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, Topeka 66612, (913) 296-4096.

Bills Introduced April 2-8:

House Bills

HB 3203, An act concerning requirements based upon congressional districts; relating to membership on certain state boards and commissions; relating to certain petitions; relating to the distribution of certain money; amending K.S.A. 17-2232, 22-4519, 25-3504, 72-130, 74-2701, 74-4201, 74-6502, 75-2237, 75-2929a and 79-4804 and K.S.A. 1991 Supp. 65-2813, 66-1222, 73-1208a, 74-2433, 74-3004 and 74-8803 and repealing the existing sections.

HB 3204, An act enacting the agricultural chemical response and reimbursement law.

HB 3205, An act exempting certain computer database services from regulation as private employment agencies; amending K.S.A. 44-401 and repealing the existing section.

House Resolutions

HR 6100, A resolution in recognition of the Affordable Housing Program of the Federal Home Loan Bank of Topeka.

HR 6101, A resolution congratulating and commending Ken Pitts, a winner, and Linda Goss, a finalist, for the Golden Apple Award.

HR 6102, A resolution congratulating and commending Busarind "Boo" Rogers for winning the 1991 NCAA Division II National Women's Heptathlon Championship.

HR 6103, A resolution congratulating and commending Christie Allen for winning the 1991 NCAA Division II National Women's Cross-Country Championship on November 23, 1991.

HR 6104, A resolution congratulating and commending Austin Lee Floersch for winning the 1992 USA-Kansas State Wrestling Championship in the ten year old and under 100-pound class.

HR 6105, A resolution congratulating and commending the Atwood High School Academic Bowl team and Coach Diane Jones for winning the 1992 Class 2A State Academic Bowl Championship in Kansas.

HR 6106, A resolution congratulating and commending Beth Bergsten on being selected a Kansas Master Teacher for 1992.

HR 6107, A resolution supporting the Stop Apartheid Violence Campaign of the Africa Fund.

HR 6108, A resolution congratulating and commending the eleven teachers to be inducted into the Kansas Teachers' Hall of Fame in Dodge City on June 6, 1992.

HR 6109, A resolution congratulating and commending June Dirks, one of eleven teachers to be inducted into the Kansas Teachers' Hall of Fame in Dodge City on June 6, 1992.

HR 6110, A resolution relating to the rules of the House of Representatives for the 1991-1992 biennium, amending Rules 1101 and 1102 relating to standing committees of the house.

HR 6111, A resolution relating to the rules of the House of Representatives for the 1991-1992 biennium; amending Rule 2312.

HR 6112, A resolution congratulating and commending Dr. Bruce Passman on being selected the Kansas Special Education Administrator of the Year.

HR 6113, A resolution congratulating and commending the Blue Valley High School debate team and head coach Bill Davis on winning the 1992 Class 5A State Debate Championship.

HR 6114, A resolution congratulating and commending Morris Cartwright for winning a trophy for his original poem at the Dodge City Senior Talent Show.

HR 6115, A resolution congratulating and commending Jeffrey W. Jarman for winning the National Debate Championship.

HR 6116, A resolution commending Richard C. "Pete" Loux for his advocacy on behalf of persons with disabilities.

HR 6117, A resolution recognizing Kansas Eldercare Volunteers during Older Americans Month.

HR 6118, A resolution congratulating and commending the Southwestern Heights High School girls' basketball team and Head Coach Barry Mellen for winning the 1992 Class 2A State Basketball Championship in Kansas.

Senate Bills

SB 783, An act concerning state senatorial districts; providing for the reapportionment thereof; repealing K.S.A. 4-4,101 through 4-4,142.

SB 784, An act authorizing the governor to execute a tax compact on behalf of the state of Kansas, with the Sac and Fox Nation of Missouri in Nebraska and Kansas; and prescribing the form and terms thereof.

SB 785, An act authorizing the governor to execute a tax compact on behalf of the state of Kansas, with the Kickapoo Nation; and prescribing the form and terms thereof.

SB 786, An act authorizing the governor to execute a tax compact on behalf of the state of Kansas with the Prairie Band of Potawatomi Indians; and prescribing the form and terms thereof.

SB 787, An act authorizing the governor to execute a tax compact on behalf of the State of Kansas, with the Iowa Tribe of Kansas and Nebraska; and prescribing the form and terms thereof.

SB 788, An act concerning the citizens' utility ratepayer board; relating to certain contracts for professional services.

SB 789, An act relating to elections; concerning petitions for nomination and for elections; amending K.S.A. 1991 Supp. 25-205, 25-303, 25-2311, 25-3601 and 25-3602 and repealing the existing sections.

SB 790, An act relating to driver licenses; concerning duplicate licenses; proof of identity; amending K.S.A. 8-246 and repealing the existing section.

SB 791, An act concerning state officers and employees; relating to salaries and compensation; authorizing and providing for certain increases; making appropriations for the fiscal year ending June 30, 1993, and authorizing certain transfers and adjustments in expenditure limitations therefor; amending K.S.A. 40-102, 75-3101, 75-3103, 75-3104, 75-3108, 75-3110, 75-3120f, 75-3120g, 75-3120h and 75-3120k and K.S.A. 1991 Supp. 46-137a and 46-137b and repealing the existing sections.

SB 792, An act concerning the Kansas parole board; relating to members thereof; amending K.S.A. 22-3707 and repealing the existing section.

SB 793, An act requiring a biweekly payroll period for all state agencies; amending K.S.A. 75-5501a and repealing the existing section.

SB 794, An act concerning state senatorial districts; providing for the reapportionment thereof; repealing K.S.A. 4-4,101 through 4-4,142.

Senate Concurrent Resolutions

SCR 1646, A concurrent resolution calling for rescission of directives in effect at KCI Airport which deny Kansas ground transportation companies access to the traveling public.

Senate Resolutions

SR 1858, A resolution congratulating and commending the Topeka Goodyear Tire and Rubber Company plant for winning the General Motors Corporation Mark of Excellence Award.

SR 1859, A resolution congratulating and commending the Arkansas City High School wrestling team and Coach Wayne Jackson for winning the 1992 Kansas State High School Activities Association Class 5A State Wrestling Championship in Kansas.

SR 1860, A resolution commending Richard C. "Pete" Loux for his advocacy on behalf of persons with disabilities.

Doc. No. 011853

State of Kansas

Department of Administration**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 11 a.m. Monday, May 18, in Room 108 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed rules and regulations of the Division of Personnel Services.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Administration, Room 263-E, State Capitol, Topeka 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. 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.

Summaries of the proposed regulations and of their economic impact follow:

Division of Personnel Services

The following regulations are proposed for adoption on a permanent basis:

K.A.R. 1-2-34, Disability, is a new regulation which is adopted to define the term "disability" in a manner consistent with the federal Americans with Disabilities Act (ADA).

K.A.R. 1-6-31, Governor's trainee program; K.A.R. 1-8-7, Trainee program; and K.A.R. 1-9-18, Equal employment opportunity, affirmative action, discrimination prohibited, are proposed for amendment in order to update the term "handicapped" used in these regulations to the term "disability," as defined in proposed K.A.R. 1-2-34. These changes are made to ensure conformity with the ADA.

In addition, K.A.R. 1-9-18 is being revised in order to increase administrative and judicial efficiency by eliminating subsection (d), which creates a dual hearing system for discrimination appeals. Currently, the Civil Service Board is authorized to hear discrimination appeals which can also be heard by the federal Equal Economic Opportunity Commission or the Kansas Human Rights Commission. The EEOC and KHRC have extensive expertise in this field of law inasmuch as their primary purpose is to investigate discrimination claims. Moreover, the types of appeals and the type of judicial remedies available once the employee brings a complaint to the EEOC and KHRC forums is more extensive than those available through the Civil Service Board. Nonetheless, Civil Service Board hearings require extensive time and resources for the employee appealing, the affected state agency and the board; each of the four discrimination appeals heard by the board in the last year took a full week while most disciplinary appeals range from half a day to two days in length. Therefore, elimination of the Civil Service

Board's jurisdiction in these matters would avoid duplication of effort and additional expense for both the employee and the state of Kansas and should simplify the process of resolving discrimination complaints for the employee.

K.A.R. 1-9-5, Sick leave; and K.A.R. 1-9-13, Payment for accumulated vacation leave and compensatory time credits upon separation, are proposed for amendment in order to standardize the payout of vacation leave upon separation from the state service and sick leave upon retirement. Currently, lump sum payments for accumulated vacation and sick leave credits are calculated using a "mode rate." By changing the calculations to an annualized hourly rate, employee plans regarding resignation or retirement will not be affected by arbitrary factors such as the number of working days in the month of separation, and state agencies will be able to more accurately budget for the costs of such payouts.

Aside from some initial costs for relatively minor programming changes, there is no fiscal impact on the Department of Administration or other state agencies anticipated from these amendments. The effect of moving to a uniform pay rate for vacation and sick leave payouts would vary from employee to employee—currently payouts vary depending upon the number of workdays in that payroll period. Therefore, the pay rate under the existing calculations would in some months be lower and in other months be higher than the proposed annualized pay rate.

K.A.R. 1-9-4, Vacations, is being amended to clarify language relating to enforcement of maximum vacation leave accrual limits. The changes are editorial in nature only and there is no change intended in the procedures for notifying employees of excess leave credits or for enforcing the limits as of the last payroll period beginning in April. In addition, a reference establishing a proportional maximum accrual of vacation leave for part-time employees is eliminated to ensure consistent accrual limits for these employees regardless of the length of their payroll period.

No fiscal impact on the Department of Administration, other state agencies, state employees or the general public will result from these changes.

Copies of these regulations and of the associated economic impact statements can be obtained from the Division of Personnel Services, 9th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, (913) 296-4278.

Susan Seltsam
Secretary of Administration

Doc. No. 011856

State of Kansas

Board of Nursing**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 3:30 p.m. Wednesday, May 20, in Room 106 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 rules and 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. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing.

A summary of proposed regulations and their economic impact follows:

K.A.R. 60-4-103, Fees and travel expenses for school accreditation and approval of continuing education providers, is presented to revise two fees for continuing nursing education providers. A statute change in 1990 established a five-year renewal plan for the continuing nursing education providerships with an annual statistical report. The biennial renewal fee had not been changed in the rules and regulations to reflect the annual fee as set out in the statutes.

The continuing nursing education rules and regulations have been revised to include approval of continuing nursing education providerships if the providership has been initially approved by a body whose requirements for the providership approval are equivalent to the state of Kansas. An initial and annual fee are established in this revision for this type of review process.

In **K.A.R. 60-11-103, Qualifications of advanced registered nurse practitioners,** an update in language is proposed to change the term "graduated from" to "completed" as part of the qualifications for the advanced registered nurse practitioner. The other major change is that after January 1, 1994, a nurse to become certified as a clinician/practitioner must have a baccalaureate degree in nursing as well as the specialized education in the area of expertise. All individuals completing a clinician/practitioner program prior to that date will not be affected.

The change in these regulations should have only minimal effect of agency functioning. There should be no great change in the revenues or expenditures for the agency. Some continuing nursing education providers should benefit from the lower initial and annual fees that may be required. The baccalaureate degree in nursing to meet certification requirements for a nurse clinician/practitioner may affect some nurse practitioners if endorsing from out-of-state. All nurse cli-

nician/practitioner programs presently in Kansas require or lead to a baccalaureate degree in nursing.

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

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

Doc. No. 011836

State of Kansas

Attorney General**Opinion No. 92-44**

Schools—Teachers' Contracts; Due Process Procedure; Contract Termination—Testimony, Recording and Transcribing; Allocation of Costs; 1992 Senate Bill No. 109; Constitutionality. Representative Rick Bowden, 93rd District, Goddard, April 2, 1992.

The amendment proposed in 1992 Senate Bill No. 109, § 1 requires the tenured teacher to pay the costs of transcription if the tenured teacher requests a transcript, or one-half of the costs if both parties request a transcript. However, the state has established no compelling interest in recouping the costs of procedural due process, and cannot impose a significant and unjustified open-ended penalty on the exercise of the right of due process. The state therefore cannot penalize the tenured teacher for exercising the tenured teacher's due process rights by requiring the tenured teacher to pay the costs of transcription as set forth in 1992 Senate Bill No. 109, § 1. Cited herein: K.S.A. 1991 Supp. 60-2101; K.S.A. 72-5436; K.S.A. 1991 Supp. 72-5438; 72-5439; 72-5440; 72-5443; 1992 Senate Bill No. 109; U.S. Const., Amend. XIV. RDS

Opinion No. 92-45

Counties and County Officers—Water Supply and Distribution Districts—Rules and Regulations Relating to Use of Water; Cost of Extensions. Wilson E. Speer, General Counsel for Water District No. 1 of Johnson County, Olathe, April 3, 1992.

For contracts under \$25,000, a water district has the discretion to promulgate regulations that allow an applicant for a water main extension to negotiate costs directly with a contractor. K.S.A. 19-3514, however, requires that the resulting contract must be made by the water district board. A water district board cannot prequalify bidders for the purpose of letting out a public contract pursuant to K.S.A. 19-3516. Cited herein: K.S.A. 19-214; 19-215; 19-216; 19-3514; 19-3516. GE

Opinion No. 92-46

Constitution of the State of Kansas—Miscellaneous—Lotteries; Indian Gaming Regulatory Act; Video Gaming. Representative Kathleen Sebelius, 56th District, Topeka; Senator Edward F. Reilly, Jr., 3rd District, Leavenworth, April 6, 1992.

Video lottery games fall within the definition of class III gaming under the Indian gaming regulatory act and the national Indian Gaming Commission's proposed

rules. Cited herein: 25 U.S.C.S. § 2703; 56 Fed. Reg. 56,278 (1991) (to be codified at 25 C.F.R. § 502.1. JLM

Opinion No. 92-47

Cities and Municipalities—Libraries—Use of Tax Levy Proceeds. Fred J. Logan, Jr., Counsel, Johnson County Library Board of Directors, Prairie Village, April 6, 1992.

Under the circumstances stated herein, the Johnson County Board of Commissioners is prohibited from diverting funds raised pursuant to a library tax levy to the general fund for the purpose of having the library pay for administrative service charges. Cited herein: K.S.A. 12-1220; 12-1225a; 12-1225b; 12-1226; 12-1774; 19-506; 28-175; 79-2934; 79-5036(c). MJS

Opinion No. 92-48

Minors—Kansas Code for Care of Children; Matters Prior to Filing Petition—Reporting of Certain Abuse or Neglect of Child; Pregnancy. Bill McCormick, Director of Federal and State Affairs, Governor's Office, April 6, 1992.

Whether a particular minor in a particular case has been injured as a result of sexual intercourse and a resulting pregnancy must be determined on a case-by-case basis. While the pregnancy itself is not an injury, it certainly puts one on notice that sexual abuse (as statutorily defined) probably has occurred, and requires those persons listed in K.S.A. 1991 Supp. 38-1522(a) to investigate further whether the child has suffered injury, either physical or emotional. If there is reason to suspect that the child has been injured, that person is then required to report such suspicions and the reasons therefore. Cited herein: K.S.A. 1991 Supp. 21-3503; K.S.A. 38-1501; K.S.A. 1991 Supp. 38-1502; K.S.A. 38-1521; K.S.A. 1991 Supp. 38-1522; 38-1523; K.S.A. 38-1525; 38-1526; K.S.A. 1991 Supp. 38-1583; 40-3103; 44-508; K.S.A. 1980 Supp. 38-717; 38-718; 38-721; 38-721c; 38-721d; L. 1975, ch. 231, § 1. JLM

Opinion No. 92-49

Elections—Independent and Other Nomination Certificates; Terms of Office; Filling Vacancies—Independent Nominations; Requirements; Signators; Effect of Voting in Primary. Bill Graves, Secretary of State, Topeka, April 6, 1992.

K.S.A. 1991 Supp. 25-303(g) precludes an elector who has signed a certificate of nomination for a candidate for a public office from signing certificates of nomination for additional candidates for the same public office. The provision does not prevent persons who have participated in nominating candidates at the primaries from signing an independent nomination petition for candidates for the same office. Cited herein: K.S.A. 25-301; K.S.A. 1991 Supp. 25-303; K.S.A. 25-601. RDS

Robert T. Stephan
Attorney General

Doc. No. 011848

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, KDOT, Topeka, until 10 a.m. C.D.T. May 21, 1992, and then publicly opened:

District One—Northeast

Leavenworth—52 U-1252-01—Shrine Park Road at Five Mile Creek, 0.1 mile, grading, surfacing and bridge. (Federal Funds)

Lyon—50-56 K-2853-01—U.S. 50, from the Chase-Lyon county line east to Graphic Arts Road in Emporia, 7.0 miles, grading, surfacing and bridge. (Federal Funds)

Marshall—77-58 K-4889-01—U.S. 77, from the Blue River bridge 13, 6.2 miles east of the west junction of K-9, bridge repair. (State Funds)

Marshall—58 C-2773-01—County road, 0.2 mile east and 2.0 miles north of Beattie, then north, 0.2 mile, grading and bridge. (Federal Funds)

Marshall—58 C-2774-01—County road, 6.0 miles south and 5.5 miles east of Frankfort, then east, 0.1 mile, grading and bridge. (Federal Funds)

Osage—75-70 K-3247-01—U.S. 75, from the north city limits of Lyndon north to the junction of K-31 and K-268, 1.7 miles, pavement reconstruction. (Federal Funds)

Osage—70 C-1559-01—County road, 5.5 miles west and 2.1 miles south of Olivet, 0.1 mile, bridge replacement. (Federal Funds)

Pottawatomie—75 K-1428-03—Tuttle Creek State Park, resurfacing. (State Funds)

Shawnee—70-89 K-2446-02—I-70, from 0.4 mile east of the west junction of U.S. 75 east to Danbury Lane, 1.3 miles, pavement reconstruction. (Federal Funds)

Shawnee—70-89 K-2446-04—I-70, McLennan Park at Cedar Crest, Governor's Mansion, 6th and Fairlawn, seeding and landscaping. (Federal Funds)

Shawnee—70-89 K-3343-02—I-70 and I-470 new ramps and I-70 and U.S. 75 interchange, 0.8 mile, grading, surfacing and bridge. (State Funds)

Shawnee—70-89 K-3344-01—I-70 and I-470, east to 2,000 feet east of the west junction of U.S. 75, 1.3 miles, pavement reconstruction. (Federal Funds)

Wabaunsee—99 C-2916-01—County road, 5.5 miles north of Harveyville, then north 2.5 miles then east, 3.5 miles, surfacing. (Federal Funds)

Wyandotte—73-105 K-4333-01—U.S. 73, from U.S. 24 in Wyandotte County to the south edge of Lansing in Leavenworth County, 8.2 miles, overlay. (State Funds)

District Two—Northcentral

Chase—50-9 K-3222-01—U.S. 50, 5.2 miles east of FAS 856 east to the Chase-Lyon county line, 1.7 miles, grading, surfacing and bridge. (Federal Funds)

(continued)

Dickinson—43-21 K-3966-01—K-43, Cary Creek bridge 71, 4.7 miles north of K-4, bridge replacement. (Federal Funds)

Dickinson—209-21 K-3153-01—K-209, Lyon Creek bridge 75, 1.1 miles west of U.S. 77, bridge replacement. (Federal Funds)

Lincoln—181-53 K-0519-01—K-181, south branch Spillman Creek 32 and north branch Spillman Creek 33 north of K-18, bridge replacements. (Federal Funds)

Mitchell—181-62 K-0603-01—K-181, Carr Creek bridge 34, 8.4 miles northwest of the Lincoln-Mitchell county line, bridge replacement. (Federal Funds)

Republic—81-79 K-3264-01—U.S. 81, south of Belleville, construction of new Motor Carrier Inspection Station, grading and surfacing. (State Funds)

District Three—Northwest

Ellis—70-26 K-4899-01—I-70, from the Ellis-Trego county line, east to the U.S. 183 interchange, 15.6 miles, recycling. (State Funds)

Graham—24-33 K-4490-01—U.S. 24, Spring Creek bridge 19, 2.9 miles east of the junction of K-18, bridge overlay. (State Funds)

Rawlins—77 C-2792-01—County road, 2.5 miles north and 4.5 miles east of Atwood, then north and west, 0.3 mile, grading and bridge. (Federal Funds)

District Four—Southeast

Anderson—59-2 K-4504-01—U.S. 59, Deer Creek bridge 1, 5.7 miles west of the south junction of K-31, bridge overlay. (State Funds)

Bourbon—54-6 K-4498-01—U.S. 54, Marmaton River bridge 5, 0.5 mile north of the east junction of U.S. 69, bridge repair. (State Funds)

Coffey—35-16 K-4494-01—I-35, bridges 12 and 13 over U.S. 75, 12.3 miles east of the Lyon County line, bridge overlay. (State Funds)

Crawford—146-19 K-0218-01—K-146, Big Walnut Creek 46 and Big Walnut drainage 47 and 48, bridge replacements. (Federal Funds)

Franklin—35-30 K-4495-01—I-35, bridges 22 and 21 over U.S. 59 south of Ottawa, bridge overlay. (State Funds)

Greenwood—57-37 K-4502-01—K-57, Verdigris River bridge 11, 1.6 miles south of the Greenwood-Lyon county line, bridge repair. (State Funds)

Neosho—59-67 K-4505-01—U.S. 59, Canville Creek bridge 6, 3.1 miles east of the west junction of K-39, bridge repair. (State Funds)

Wilson—39-103 K-4496-01—K-39, Elder Branch Buffalo Creek bridge 23, 5.0 miles west of U.S. 75, bridge overlay. (State Funds)

District Five—Southcentral

Cowley—77-18 K-4693-01—U.S. 77, southbound bridge 7, over the Atchison, Topeka and Santa Fe Railway, 10.4 miles north of U.S. 166, bridge deck. (State Funds)

Kiowa—49 C-2708-01—County road, 4.4 miles east and 6.0 miles north of Greensburg, then east, 0.1 miles, grading and bridge. (Federal Funds)

Sedgwick—87 U-1312-01—Hydraulic Avenue at the Arkansas River in Wichita, 0.2 mile, grading, surfacing and bridge. (Federal Funds)

District Six—Southwest

Clark—54-13 K-2322-01—U.S. 54, from the Meade-Clark county line northeast to the Clark-Ford county line, 10.1 miles, recycling. (Federal Funds)

Ford—54-29 K-4040-01—U.S. 54, from the junction of K-94 northeast to the curb and gutter in Bucklin, 6.7 miles, recycling. (Federal Funds)

Ford—54-29 M-1665-01—U.S. 54, stockpile bituminous mix at the Bucklin Sub Area. (State Funds)

Meade—54-60 K-3185-01—U.S. 54, from the Seward-Meade county line northeast to the south city limits of Plains, 2.9 miles, recycling. (Federal Funds)

Seward—54-88 K-3186-01—U.S. 54, 11.3 miles northeast of the four lane/two lane in Liberal northeast to the Seward-Meade county line, 9.2 miles, grading and surfacing. (Federal Funds)

Stevens—56-95 K-4684-01—U.S. 56, 5 miles northeast of the east junction of K-25 northeast to the curb and gutter in Moscow, 6.1 miles, recycling. (State Funds)

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

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

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

Michael L. Johnston
Secretary of Transportation

Doc. No. 011855

State of Kansas

Wildlife and Parks Commission

Notice of Meeting and Hearing on
Proposed Administrative Regulations

A public hearing will be conducted at 7 p.m. Thursday, May 21, at the Hays Convention Center (behind the Country Kitchen), 3203 N. Vine, Hays, to consider the adoption and revocation of several department regulations. If necessary, the public hearing will continue at 9 a.m. Friday, May 22, at the same location. A general business meeting will begin at 1:30 p.m. May 21 at the same location. If necessary, the business meeting will continue following the conclusion of the public hearing. The business meeting agenda will be announced at a later date and the public is also invited to attend the business meeting.

This 30-day notice period prior to the hearing constitutes 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 chairman of the commission, Kansas Department of Wildlife and Parks, Suite 502, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The department, if given three days advance notice, will have an interpreter available for persons with hearing impairments. To contact the department, call the TDD Service at 1-800-766-3777.

The following is a brief summary of the permanent and exempt regulations proposed for adoption and revocation:

K.A.R. 115-2-1. This permanent regulation is proposed for amendment. Fee increases are proposed for: resident and nonresident hunting and fishing licenses (including combination licenses); general resident and landowner/tenant elk permits; 5-day nonresident fishing licenses; resident fur dealer licenses; controlled shooting area hunting licenses; scientific, educational or exhibit permits; duplicate issues; and vendor bonds. A junior nonresident hunting license for those under 16 years of age is established with a fee of \$30.00 proposed (1/2 price). Fees would be effective on January 1, 1993.

Economic Impact Summary: The amount of revenue increase to the department is estimated to be \$1,568,757. This represents a cost to those members of the public choosing to participate in activities for which the several licenses and permits are required.

K.A.R. 115-11-2. This permanent regulation is proposed for amendment. The amendments address size of lettering on controlled shooting area signs and the spacing between signs along the boundary.

Economic Impact Summary: It is believed that controlled shooting areas already meet the minimum requirements which would be established under the proposed regulation. Thus, no impact on operators is expected. There would be no impact on the department.

K.A.R. 115-15-1. This permanent regulation which lists threatened and endangered species in Kansas is proposed for amendment. Seven species (5 mussels and 2 beetles) are added to the endangered species list and eight species (3 fish, 1 turtle, and 4 mussels) are added to the threatened list. Four species (1 frog, 2 snakes and 1 beetle) are deleted from the threatened list.

Economic Impact Summary: Publicly funded projects which would impact a threatened or endangered species must undergo

a review process. That process could result in a mitigation requirement and could increase project costs to sponsors. Adequate planning may also identify alternatives which would decrease costs. Addition of several species may therefore have an economic impact, but the amount, if any, is unknown at this time.

K.A.R. 115-15-2. This permanent regulation which lists species in need of conservation is proposed for amendment. Twenty-one species (4 birds, 1 fish, 1 frog, 3 snakes, 9 mussels and 3 insects) are added to the list. Ten species (1 bird, 1 fish, 7 mussels and 1 insect) are deleted from the list.

Economic Impact Summary: Species on this list are protected from taking. The new species added are not traditionally taken, so no impact on the public is anticipated. No significant impact on the department is anticipated.

K.A.R. 115-16-3. This permanent regulation which establishes a nuisance bird control permit, outlines application procedures and specifies restrictions is proposed for amendment. Feral pigeons, English sparrows and starlings are removed from the list of species requiring a permit, and the permit duration (and extensions) are lengthened.

Economic Impact Summary: The amendments will greatly simplify control activities for applicators using poison or chemical control and allow permittees longer periods of time to operate without having to renew permits. No impact on the department is anticipated.

K.A.R. 115-25-1. This proposed exempt regulation establishes pheasant, quail and prairie chicken seasons and bag and possession limits. It would replace K.A.R. 23-1-4, which is proposed for revocation. The seasons and limits remain basically the same with the following changes: all possession limits would be four times the daily bag; Pratt, Morton and Clark Counties would be open to prairie chicken hunting during the first (early) season in addition to the portion of the state east of federal highway U.S. 281; and the early prairie chicken season would start on September 15 each year and run through October 15 of each year.

Economic Impact Summary: An increase in the possession limits may encourage some hunters to spend more time in the field, thus providing benefits to local businesses. No impact on the department is anticipated.

K.A.R. 115-25-4. This proposed exempt regulation establishes the open season and the bag and possession limits for squirrel hunting. It would replace K.A.R. 23-2-2, which is proposed for revocation. The season and bag limit would remain unchanged and the possession limit is increased from 10 to 20.

Economic Impact Summary: No economic impact is anticipated.

K.A.R. 23-1-4. This exempt regulation exists under the discontinued agency 23 number. It provides for upland game bird seasons. Provisions of this regulation are incorporated into K.A.R. 115-25-1 and changes are discussed under that summary statement.

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

K.A.R. 23-2-2. This exempt regulation exists under the discontinued agency 23 number. It provides for the squirrel season. Provisions of this regulation are incorporated into K.A.R. 115-25-4 and changes are discussed under that summary statement.

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

James Holderman
Chairman

Doc. No. 011845

State of Kansas

Grain Inspection Department

Notice of Meeting

The Kansas State Grain Inspection Department will conduct its quarterly Grain Advisory Commission meeting at 9:30 a.m. Friday, April 24, at the conference room in the Best Western Vagabond Motel, 2524 Vine, Hays. The meeting is open to the public.

T.D. Wilson
Director

Doc. No. 011847

State of Kansas

Department of Health
and Environment

Notice Concerning Proposed Permit Action

The Secretary of Health and Environment is proposing to issue an air emission source construction permit in accordance with K.A.R. 28-19-14 (permits required) to Hall Brothers Construction Co., P.O. Box 166, Marysville, to install and operate an asphaltic concrete plant initially located two miles west of Blue Rapids on Highway 77.

Written materials, including the permit application and information relating to the application submitted by Hall Brothers Construction Co., 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 May 14 by contacting Pat Simpson at the KDHE office, 808 W. 24th, Lawrence 66046, (913) 842-4600. This material also can be reviewed at the KDHE office, Building 740, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to Ward A. Burns, KDHE, (913) 296-1581.

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, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before May 14.

Azzie Young
Secretary of Health
and Environment

Doc. No. 011851

State of Kansas

Department of Wildlife
and Parks

Notice of Public Auction

The Kansas Department of Wildlife and Parks will conduct a public auction of surplus motor vehicles, equipment, and confiscated hunting and fishing equipment at 10 a.m. April 18 at the Operations Office in Pratt. For further information, contact Allen Stoops at (316) 672-5911.

Jack Lacey
Secretary of Wildlife
and Parks

Doc. No. 011844

State of Kansas

Department of Health
and Environment

Notice Concerning Proposed Permit Action

The Secretary of Health and Environment is proposing to issue an air emission source construction permit in accordance with K.A.R. 28-19-14 (permits required) to Vintage Petroleum, Inc. (VP), Tulsa, Oklahoma, to install and operate a gas compressor station at Section 36, T32S, R34W, Seward County.

Written materials, including the permit application and information relating to the application submitted by VP, 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 May 14 by contacting Wayne Neese, KDHE, 302 W. McArtor Road, Dodge City, (316) 225-0596. This material can also be reviewed at the KDHE office, Building 740, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to L.C. Hinthner, KDHE, (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, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before May 14.

Azzie Young
Secretary of Health
and Environment

Doc. No. 011857

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, 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-92-33/35

Name and Address	Legal Description	Receiving Water
Wayne Wettstein Route 1, Box 133 Liberal, KS 67901	W/2 Section 10, Township 34, Range 34W, Seward County	Cimarron River Basin

Kansas Permit No. A-CISW-C003 Fed. Permit No. KS-0088811
The feedlot has capacity for approximately 2,500 cattle and a contributing drainage area of approximately 19 acres. This is an existing facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent disposal upon agricultural land. Storage capabilities are provided in excess of 10.5 acre-feet.

Compliance Schedule:

- 1) 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 for application of all wastes. The waste management plan shall be based on accepted principles, methodologies and data for waste characteristics and crop utilization. The plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.
- 2) Construction of the 4-foot dike across the natural depression is to be completed by July 1, 1992.

Name and Address	Legal Description	Receiving Water
Raymond Williams Route 2, Box 46 Galva, KS 67443	SW/4 Section 19, Township 18S, Range 1W, McPherson County	Smoky Hill River Basin

Kansas Permit No. A-SHMP-S007
The proposed facility will have a 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: None, existing control adequate.

Name and Address	Legal Description	Receiving Water
Howard C. Wilson Trust HC 1, Box 335 Sharon Springs, KS 67758	SW/4 Section 20, Township 15S, Range 39W, Wallace County	Smoky Hill River Basin

Kansas Permit No. A-SHWA-C002 Fed. Permit No. KS-0088820
The feedlot has capacity for approximately 2,000 cattle and a contributing drainage area of approximately 16 acres. This is an existing facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent disposal upon agricultural land. Storage capabilities are provided in excess of 4.6 acre-feet.

Compliance Schedule: Within 30 days of permit issuance, a copy of purchase agreement for dewatering equipment with a minimum pump capacity of 250 gallons per minute shall be submitted to the department.

Public Notice No. KS-AG-92-88/93

Name and Address of Applicant	Waterway	Type of Discharge
City of Coffeyville P.O. Box 498 Coffeyville, KS 67337 Montgomery County, Kansas	Verdigris River	Secondary wastewater treatment facility

Kansas Permit No. M-VE09-0001 Fed. Permit No. KS-0050733
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	Waterway	Type of Discharge
Franklin County Rest Area (I-35) % Kansas Department of Transportation Attn: Carroll Morgenson Docking State Office Building Topeka, KS 66612 Franklin County, Kansas	Marais des Cygnes River via Middle Creek via Payne Creek	Secondary wastewater treatment facility

Franklin County, Kansas

Kansas Permit No. M-MC31-0002 Fed. Permit No. KS-0081477
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	Waterway	Type of Discharge
McPherson County Rest Area (I-35) % Kansas Department of Transportation Attn: Carroll Morgenson Docking State Office Building Topeka, KS 66612 McPherson County, Kansas	Smoky Hill River via West Kentucky Creek	Secondary wastewater treatment facility

McPherson County, Kansas

Kansas Permit No. M-LA11-0002 Fed. Permit No. KS-0081469
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	Waterway	Type of Discharge
Martin Marietta Aggregates Little River Quarry- Little River P.O. Box 5904 Topeka, KS 66605 Rice County, Kansas	Little Arkansas River Basin	Quarry pit dewatering and uncontaminated stormwater discharge

(continued)

Kansas Permit No. I-LA10-P001 Fed. Permit No. KS-0115771

Description of Facility: This is a limestone quarry and crushing operation with no washing. This is an existing facility and the previous limitations are continued. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Waterway	Type of Discharge
Martin Marietta Aggregates Marion Quarry-Marion P.O. Box 5904 Topeka, KS 66605	Neosho River via Cottonwood River via Catlin Creek	Settling pond dewatering, quarry pit dewatering and uncontaminated stormwater runoff

Marion County, Kansas

Kansas Permit No. I-NE45-P001 Fed. Permit No. KS-0115762

Description of Facility: This is a limestone quarry and crushing operation with washing. Washwater is recycled through settling ponds and discharged if necessary. Pit drainage and washwater are discharged at the same outfall. This is an existing facility and the previous limitations are continued. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Waterway	Type of Discharge
Martin Marietta Aggregates Woodbine Quarry-Woodbine P.O. Box 5904 Topeka, KS 66605	Smoky Hill River via Carry Creek via Lyon Creek	Settling pond dewatering, quarry pit dewatering and uncontaminated stormwater runoff

Dickinson County, Kansas

Kansas Permit No. I-SH42-P001 Fed. Permit No. KS-0115797

Description of Facility: This is a limestone quarry and crushing operation with washing. Washwater is recycled through settling ponds and discharged if necessary. Quarry pit drainage/dewatering and washwater are discharged at the same outfall. This is an existing facility and the previous limitations are continued. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Written comments on the proposed determinations may be submitted to Bethel Spotts 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 May 15 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-92-33/35, KS-EG-92-88/93) and the name of applicant as listed when preparing comments.

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

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.

Azzie Young
Secretary of Health
and Environment

Doc. No. 011858

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

Monday, April 27, 1992

- 28861
Department of Transportation—Survey equipment
- 28865
Winfield State Hospital—Natural gas service
- 28866
Youth Center at Atchison—Natural gas service
- 28886
Wichita State University—Microcomputers 486/33MHZ
- 91888
Wichita State University—Computer systems
- 91889
Department of Transportation—Microcomputers 486/33MHZ
- 91890
Kansas State University—DNA sequencer

Tuesday, April 28, 1992

- A-6644
Pittsburg State University—Primary electrical services upgrade, Hartman Hall
- 28860
Wichita State University—Wax corrugated boxes for tite-wad compactors
- 28870
University of Kansas Medical Center—Detergents (animal care unit)
- 91834
Department of Corrections—Upgrade of AS/400 (B40 to E60)
- 91842
State Corporation Commission—Microcomputers 386SX/20MHZ
- 91868
Kansas State University—Milo and corn

Wednesday, April 29, 1992

A-6845(a)

Fort Hays State University—Partial ceiling replacement, Memorial Union Cafeteria remodeling

28868

Kansas Correctional Industries—Panel system furniture component kits

91841

University of Kansas—Backflow devices

91843

State Corporation Commission—Microcomputers 386/33MHZ

91844

Kansas State University—Microcomputers 80486/33MHZ

91850

Department of Social and Rehabilitation Services—7380AE and BE disk drives

91851

Emporia State University and Wichita State University—Trucks

91869

University of Kansas—Printer, plain paper

Thursday, April 30, 1992

A-6840

University of Kansas—Lightning protection system, Watson and Spencer Libraries

91856

Department of Health and Environment—Gamma counting system

91857

Department of Social and Rehabilitation Services—Main memory upgrade (IBM 3090, 400E process)

91858

Wichita State University—Multipurpose off-road utility vehicle

91859

Department of Transportation—Utility truck bodies, various locations

91860

Department of Transportation—Underground fuel tanks and monitors system, various locations

Friday, May 1, 1992

91866

Kansas Lottery—Furnish and install security equipment

91880

University of Kansas—Band uniforms

91881

Department of Human Resources—Maintenance on enclosure, conveyor, and burster/folder

91882

Department of Transportation—Truck, Norton

Wednesday, May 6, 1992

28778

Statewide—Plastic and rubber goods (Class 10)

91867

El Dorado Correctional Facility—Security system repair parts

91883

Department of Transportation—Microwave terminal, Norton

Friday, May 22, 1992

28859

University of Kansas Medical Center—Hospital professional liability insurance

Wednesday, June 3, 1992

28863

Various Board of Regents Institutions—Individual professional liability

Request for Proposals

Monday, May 11, 1992

28871

Housing needs assessment for the Department of Commerce

Jack R. Shipman
Director of Purchases

Doc. No. 011854

State of Kansas

Office of the
Securities Commissioner

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted from 9 to 9:30 a.m. Monday, May 18, at the Office of the Securities Commissioner of Kansas, 618 S. Kansas Ave., second floor, Topeka, to consider the amendment of K.A.R. 81-2-1.

The 30-day notice period constitutes a public comment period for the purpose of receiving written public comments on the proposed regulation. All interested parties may submit written comments prior to the hearing to the commissioner at the address above. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to adoption of the proposed amendments and regulation. Following the hearing, all written and oral comments submitted by interested parties will be considered by the commissioner as a basis for making any changes to the proposed amendment.

The amendment to K.A.R. 81-2-1 requires that a person requesting a list of agents registered and residing in Kansas pay in advance for the cost of producing the list. This amendment is not expected to have any determinable economic impact on this agency, businesses regulated by this agency, other governmental agencies or units, persons subject to the proposed amendment or the general public.

Copies of the full text of the proposed amendment and the economic impact statement may be obtained by writing to the Office of the Securities Commissioner at the address above.

James W. Parrish
Kansas Securities Commissioner

Doc. No. 011834

State of Kansas

Historic Sites Board of Review

Notice of Meeting

The Kansas Historic Sites Board of Review will meet at 10 a.m. Saturday, May 2, in the John Preston Hale Room at the Ward-Meade House, 124 N. Fillmore, Topeka. The agenda includes recommendations of the grants review committee for funding Heritage Trust Fund planning projects and evaluation of the following properties for the National Register of Historic Places and/or Register of Historic Kansas Places:

- (Old) Frisco Water Tower, 3rd and D Streets, Beaumont, Butler County
● Union Pacific Depot, N. 2nd and Broadway, Abilene, Dickinson County
● Lackman-Thompson Farm, 11180 Lackman Road, Lenexa, Johnson County (state register only)
● WPA Beach House, Gardner Lake, Johnson County
● Bixby House, 321 S. Maple, McPherson, McPherson County (state register only)
● Allis Hotel, 200 S. Broadway, Wichita, Sedgwick County (state register only)
● Oakwood Farm, 2449 and 2521 N.E. Sherman Road, Topeka vicinity, Shawnee County (state register only)

Ramon Powers
Executive Director

Doc. No. 011849

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 April 28, 1992

Application for Extension of Certificate of Convenience and Necessity:

- Charles Brooks, dba) Docket No. 171,832 M
Charles Brooks Trucking)
1514 Court)
Scott City, KS 67871) MC ID No. 137197

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

Livestock, grain, hay, feed, feed ingredients, fertilizer including ammonium nitrate, salt, seeds, building and construction materials, fencing materials, machinery, agricultural sprinkler systems and iron and steel articles (restricted to transport no hazardous materials except ammonium nitrate),

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

- Retta N. Slemph, dba) Docket No. 180,745 M
Discount Auto Body Repair)
Main Street)
Moscow, KS 67952) MC ID No. 142158

Applicant's Attorney: None

Wrecked, disabled, repossessed and replacement motor vehicles, trailers, recreational vehicles, golf carts, campers, pickup toppers, boats and motor cycles,

Between all points and places in Cheyenne, Sherman, Wallace, Greeley, Hamilton, Stanton, Morton, Rawlins, Thomas, Logan, Wichita, Kearny, Grant, Stevens, Scott, Finney, Haskell, 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 and Harper counties, Kansas.

Also,

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

Application for Certificate of Convenience and Necessity:

- T & J Transportation, Inc.) Docket No. 180,743 M
1125 S. Industrial Road)
Chandler, OK 74834) MC ID No. 136041

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 and hazardous materials),

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

- Melvin L. Wadlinger, Jr. and) Docket No. 180,744 M
Jean F. Wadlinger, dba)
Sterling Limousine)
2501 N. Estates Drive)
Arkansas City, KS 67005) MC ID No. 142517

Applicant's Attorney: None

Passengers and their baggage,

Between all points and places in Cowley, Sumner, Chautauqua, Elk, Sedgwick and Butler counties, Kansas.

Also,

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

Renoticed Application for Contract Carrier Permit:

Dillon Companies, Inc., dba) Docket No. 179,712 M
 Dillon Stores Division)
 2700 E. 4th)
 Hutchinson, KS 67504) MC ID No. 112880

Applicant's Attorney: Julieann Kimball Nespore,
 Mellon Financial Center, Suite 1500, 1775 Sherman St., Denver, CO 80203

General commodities (except classes A and B explosives and hazardous materials),

Between all points and places in the state of Kansas. Under contract with Pepsi-Cola Bottling Company of Wichita, Inc., Wichita, Kansas.

Application for Certificate of Convenience and Necessity:

Michael A. Schneider, dba) Docket No. 180,751 M
 American Wrecker Service)
 515 Park Ridge)
 Augusta, KS 67010) MC ID No. 128568

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

Wrecked, disabled, repossessed and replacement motor vehicles, trailers, recreational vehicles, recreational trailers, golf carts, campers, pick up toppers, boats and motorcycles,

Between all points and places in the state of Kansas.

Applications set for May 5, 1992

Application for Abandonment of Certificate of Convenience and Necessity:

Merrill E. Beightel, dba) Docket No. 161,661 M
 Gene's Quik Lube)
 301 W. 6th)
 Emporia, KS 66801-4003) MC ID No. 131783

Applicant's Attorney: None

Application for Certificate of Convenience and Necessity:

G & W Trucking, Inc.) Docket No. 180,748 M
 2512 Exchange Avenue)
 Oklahoma City, OK 73108) MC ID No. 103092

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

Livestock,

Between all points and places in the state of Kansas.

Application for Transfer of Certificate of Convenience and Necessity:

Garvey International, Inc.) Docket No. 38,834 M
 5755 S. Hoover Road)
 Wichita, KS 67215) MC ID No. 100415

TO:

Garvey Grain, Inc.
 5755 S. Hoover Road
 Wichita, KS 67215

Applicant's Attorney: Paul Dugan, 940 N. Tyler, The Professional Suite, #206, Wichita, KS 67212

Unprocessed grains and seeds,

Between all points and places in Finney County lying east of U.S. Hwy. 83 and north of Hwy. 50 and all points and places in Hodgeman County; all points and places in Pawnee County; all points and places in Ness County south of Kansas Hwy. 96; all points and places in Rush County south of Kansas Hwy. 96; all points and places in Barton County; all points and places in Rice County west of Kansas Hwy. 14; all points and places in Stafford County north of U.S. Hwy. 50; all points and places in Edwards County north of U.S. Hwy. 50; all points and places in Ford County north of U.S. Hwy. 50; all points and places in Gray County north of U.S. Hwy. 50; all points and places in Harper County; and all points and places in Sedgwick County, on one hand, and to Kalvesta; Bosse Siding (located on the A.T. and S.F. Railway, approximately four miles east of Jetmore, Kansas); Larned; Dartmouth; Ellinwood; Silica; Attica, Clonmel; and Wichita, all in Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Hi Mac Trucking, Inc.) Docket No. 180,747 M
 Route 1, Box 464)
 St. Francis, KS 67756) MC ID No. 142159

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

Livestock, grain, pipe, iron and steel articles, hay, dry feed, dry feed ingredients, dry fertilizer, building and construction materials, fencing materials, machinery, gasoline, diesel fuel and gasohol,

Between all points and places in the state of Kansas.

Application for Contract Carrier Permit:

M & S Trucking Co., Inc.) Docket No. 180,746 M
 P.O. Box 175)
 Meadville, MO 64659) MC ID No. 112186

Applicant's Attorney: Donald Quinn, Commerce Bank Building, 8901 State Line, Suite 232, Kansas City, MO 64114

(continued)

Paper and paper products,

Between all points in the state of Kansas. Under contract with Deluxe Corporation, of Lenexa, Kansas.

Application for Certificate of Convenience and Necessity:

Alice I. McEndree and) Docket No. 180,749 M
 Roger W. Whitney, dba)
 Bob's Body Shop & Tow)
 13307 Walnut)
 Lenexa, KS 66215) MC ID No. 142160

Applicant's Attorney: None

Disabled or wrecked automobiles,

Between all points and places in Johnson, Wyandotte, Franklin, Miami, Douglas and Leavenworth counties, Kansas.

Application for Abandonment of Certificate of Convenience and Necessity:

Leo A. Petesch) Docket No. 117,293 M
 101 S.W. Hillside Drive)
 Topeka, KS 66611-1132) MC ID No. 100977

Applicant's Attorney: None

Application for Certificate of Convenience and Necessity:

Dave William and) Docket No. 180,750 M
 Alice William, dba)
 William Truck & Auto)
 200 Main)
 Maple Hill, KS 66507) MC ID No. 144082

Applicant's Attorney: None

Wrecked, disabled, repossessed and replacement vehicles and trailers,

Between all points and places in Riley, Geary, Pottawatomie, Wabaunsee and Shawnee counties, Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Shawnee Automotive) Docket No. 148,064 M
 Service, Inc.)
 1402 Silver Lake Road)
 Topeka, KS 66608) MC ID No. 122323

Applicant's Attorney: Cleo Murphy, 2887 MacVicar, Topeka, KS 66611

Passengers and their baggage in charter party limousine operations,

Between all points and places in Kansas.

Don Carlile
 Administrator
 Transportation Division

Doc. No. 011852

State of Kansas

State Historical Society

Permanent Administrative
 Regulations

Article 2.—REMOVAL OF HUMAN REMAINS AND ASSOCIATED BURIAL GOODS FROM THE KANSAS STATE HISTORICAL SOCIETY COLLECTIONS ACT

118-2-1. Removal of human skeletal remains from the collection holdings of the state historical society.

(a) As used in this rule and regulation:

(1) "Property," as defined in K.S.A. 1991 Supp. 75-2701, shall not include human skeletal remains and associated burial goods.

(2) Human skeletal remains and associated burial goods shall be disposed of according to the provisions of K.S.A. 75-2741 through 75-2754.

(3) Nothing in this regulation shall be read to exempt these human remains and associated burial goods from the provisions of or procedures set forth in K.S.A. 75-2748(b). (Authorized by and implementing K.S.A. 1991 Supp. 75-2701; effective June 1, 1992.)

Ramon Powers
 Executive Director

Doc. No. 011843

State of Kansas

Department of Revenue
 Division of Property Valuation

Permanent Administrative
 Regulations

Article 5.—PROPERTY VALUATION NOTICES

93-5-1. Valuation notices; physical inspection of property. (a) "Physical inspection" as used in K.S.A. 79-1460, as amended by L. 1991, Chapter 279, § 1 means viewing a parcel of real property, including any improvements thereto, for the purpose of verifying salient characteristics, information on the valuation documents and the comparable sales sheet in order to make a final correlation of value. "Physical inspection" does not require additional data collection or personal contact with the owner of such property.

(b) A record of the physical inspection shall be maintained by notation of the date, time and identification of the appraiser making the final valuation on the KSCAMA property record prior to printing the valuation notice required by K.S.A. 79-1460, as amended by L. 1991, Chapter 279, §1. (Authorized by and implementing K.S.A. 79-1460, as amended by L. 1991, Chapter 279, §1; effective June 1, 1992.)

Mark Beshears
 Secretary of Revenue

Doc. No. 011842

State of Kansas

Board of Agriculture

Permanent Administrative
Regulations

Article 7.—MILK AND DAIRY PRODUCTS

4-7-716. Adoption by reference. (a) Except for sections 1(X), 2, 9, 15, 16, 17, and 18, and the 1991 revision of section 7 reducing the somatic cell count to 750,000, the 1989 revision of the grade A pasteurized milk ordinance, as published in public health service/food and drug administration publication no. 299, effective October 1, 1989, as further amended by the 1991 national conference on interstate milk shipments and the food and drug administration on July 5, 1991 is hereby adopted by reference.

(b) Copies of the pertinent portions of the material adopted by reference shall be available from the inspections division of the Kansas state board of agriculture.

(c) This regulation shall take effect on and after July 1, 1992. (Authorized by and implementing K.S.A. 1991 Supp. 65-720n and 65-737a; effective May 1, 1980; amended May 1, 1983; amended May 1, 1986; amended Dec. 26, 1988; amended Jan. 14, 1991; amended Oct. 21, 1991; amended July 1, 1992.)

Article 8.—NOXIOUS WEEDS

4-8-27. Adoption by reference. (a) Control practices contained in the "official musk thistle control program" published by the Kansas state board of agriculture on November 1, 1991 are hereby adopted by reference and shall apply to the control and eradication of musk thistle in the state of Kansas. In addition, biological control plans approved pursuant to K.A.R. 4-8-41 may also be used for the control and eradication of musk thistle in the state of Kansas.

(b) Copies of this publication are available from the plant health division of the Kansas state board of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2-1315; effective May 1, 1988; amended Jan. 22, 1990; amended June 1, 1992.)

4-8-41. Biological control plan. (a) No person shall use any predator, parasite, disease causing organism or any other substance or method to provide biological control of musk thistle without prior written approval of the secretary. Each predator, parasite, disease causing organism or other substance or method used for biological control of musk thistle shall be used only in accordance with a plan for biological control of musk thistle submitted by the landowner with the recommendation of the County Noxious Weed Director. Each plan submitted shall specify the location of the proposed biological control area and be approved by the Secretary of the Kansas State Board of Agriculture prior to its implementation. The location of a biological control area may be limited to specific areas where the application of herbicides would be difficult or inappropriate.

(b) No organism shall be used for biological control of musk thistle except *Rhinocyllus conicus*, *Trichosirocalus*

horridus or any other organism approved by the Kansas state board of agriculture as being effective for this purpose.

(c) A continuous musk thistle free border shall be maintained around each site where biological control methods are used. This border zone shall be maintained free of musk thistle by either the application of approved chemicals or the use of approved cultural practices.

(d) Based upon the criteria set forth in section (e) below, the width of the border shall be recommended by the county noxious weed director of the county in which the proposed biological control site is located. The width of the border shall not be less than 150 feet.

(e) The width of the border shall take into consideration the following factors:

(1) the direction of the prevailing wind during the months of June and July;

(2) the presence of any shelter belts or hedge rows;

(3) the direction of the slope of the terrain;

(4) the density of the musk thistle population; and

(5) the density of the population of the organism to be used.

(f) Each approved biological control area plan shall contain the following conditions:

(1) herbicide treatments for the control of musk thistle, when necessary, shall be made only during the periods from October 1st through April 15th;

(2) hay shall not be moved from within the biological control area unless the biological control area has been inspected and certified as musk thistle free by the county noxious weed director within the seven days preceding the harvesting of the hay;

(3) the appropriate noxious weed control program shall be used to control any other noxious weed located within the biological control area; and

(4) failure to comply with any provision of an approved biological control plan or any provision of the Kansas noxious weed law or any rule and regulation promulgated thereunder shall constitute grounds for revocation of the biological control plan by the secretary. No approved biological control plan shall be revoked before the applicant has been given an opportunity to appear before the secretary or the secretary's designee regarding the proposed revocation. (Authorized by and implementing K.S.A. 2-1315; effective June 1, 1992.)

Article 15.—PLANTS AND
PLANT PRODUCTS

4-15-2. Fees for the inspection and certification of plant or plant products for other than plant nurseries. Whenever any person, other than a plant nursery, owns or possesses plants or plant products and wishes to have those plants or plant products inspected and certified for out of state shipment the fee shall be:

(a) \$30.00 per hour for the time actually required to make the inspection plus the mileage expenses incurred by the inspector in traveling to and from the inspection site, except that in the case of unharvested

(continued)

crops which are intended to be shipped outside the state, the fee shall be \$15.00 per hour for the time actually required to make the inspection plus the mileage expenses incurred by the inspector in traveling to and from the inspection site; or

(b) if a compliance agreement is involved, the sum of \$50.00 plus \$5.00 for each certificate issued to cover the shipment of plants or plant products which have been inspected. The applicable fee shall be determined by the quantity and type of plants or plant products being inspected and the point of destination. Mileage expenses shall be governed by the mileage allowance rate prescribed by the rules and regulations adopted pursuant to K.S.A. 75-3203a or amendments thereof. This regulation shall be effective on and after July 1, 1982. (Authorized by K.S.A. 2-2118, 2-2126; implementing K.S.A. 2-2118; effective, T-83-25, Sept. 1, 1982; effective May 1, 1983; amended July 1, 1992.)

Article 16.—MEAT AND MEAT PRODUCTS INSPECTION

4-16-300. Civil penalty; complaint. (a) Each complaint for the assessment of a civil penalty shall include:

(1) A statement reciting the section of the act authorizing the assessment of a civil penalty;

(2) a specific reference to each provision of the act or implementing regulation which respondent is alleged to have violated;

(3) a concise statement of the factual basis for each alleged violation;

(4) the amount of the civil penalty which is proposed to be assessed; and

(5) the notice of respondent's right to request a hearing on any material fact contained in the complaint or on the appropriateness of the amount of the proposed civil penalty. This notice may be incorporated within the complaint or set forth in a separate document.

(b) Each respondent shall be served a notice of a prehearing conference in accordance with the Kansas administrative procedures act (K.S.A. 77-501 et seq.).

(c) This regulation shall take effect on and after July 1, 1992. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 1991 Supp. 65-6a56; effective July 1, 1992.)

4-16-301. Answer to the complaint. (a) If a respondent contests any material fact upon which the complaint is based, or contends that the amount of the civil penalty proposed in the complaint is inappropriate or that the respondent is entitled to judgment as a matter of law, the respondent shall file a written answer to the complaint. This answer shall be filed with the designating hearing officer within 20 days after service of the complaint.

(b) Each respondent's answer shall be in writing. The answer shall clearly and directly admit, deny or explain each of the factual allegations contained in the complaint to which the respondent has any knowledge. Where the respondent has no knowledge of a particular factual allegation and so states, the allegation shall be deemed denied. The answer shall also state any circumstances or arguments which are alleged to constitute grounds of defense, any facts which the re-

spondent disputes and intends to place at issue and whether a hearing is requested.

(c) The respondent's failure to admit, deny or explain any material facts or allegations contained in the complaint shall constitute an admission of the allegation.

(d) The respondent's failure to answer a complaint shall be deemed to constitute default.

(e) This regulation shall take effect on and after July 1, 1992. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 1991 Supp. 65-6a56; effective July 1, 1992.)

4-16-302. Amount of proposed civil penalty. (a) A separate civil penalty shall be assessed for each violation of any provision of the Kansas meat and poultry inspection act or any rule and regulation promulgated thereunder which results from each independent act or failure to act by any person, agent or employee thereof. In determining whether a given violation is independent of and substantially distinguishable from any other violation for the purpose of assessing separate civil penalties, consideration shall be given to whether each violation requires an element of proof not required by another violation. Where several violations require the same elements of proof and are not distinguishable, assessment of separate civil penalties shall be within the discretion of the secretary or the secretary's authorized representative.

(b) For each violation, the amount of the proposed civil penalty shall be within the ranges listed below:

(1) For each violation of K.S.A. 65-6a34 or K.S.A. 65-6a41, or any rules and regulations implementing these statutes, the proposed civil penalty shall not be less than \$100 nor more than \$1,000.

(2) For each violation of K.S.A. 65-6a22, K.S.A. 65-6a24, K.S.A. 65-6a25, K.S.A. 65-6a27(a), K.S.A. 65-6a29, K.S.A. 65-6a31 or K.S.A. 65-6a32, or any rules and regulations implementing these statutes, the proposed civil penalty shall be not less than \$100 nor more than \$2,500.

(3) For each violation of K.S.A. 65-6a20, K.S.A. 65-6a21, K.S.A. 65-6a23, K.S.A. 65-6a27(b), 65-6a28 or K.S.A. 65-6a33, or any rules and regulations implementing these statutes, the proposed civil penalty shall be not less than \$100 nor more than \$5,000.

(c) For each second or subsequent occurrence of a violation within a three-year period for which a civil penalty has been assessed, the civil penalty assessed for the subsequent violation shall be the not less than double the amount of the civil penalty assessed for the original violation but not more than the maximum amount for the category listed.

(d) This regulation shall take effect on and after July 1, 1992. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 1991 Supp. 65-6a56; effective July 1, 1992.)

4-16-303. Criteria to determine dollar amount of proposed civil penalty. In determining the amount of any proposed civil penalty, the gravity of the violation shall be considered by the secretary or the secretary's designee. Factors to be considered shall include: (a) The potential of the act to injure or endanger the health of any consumer, or the general public;

(b) the severity of actual or potential injuries;

(c) the respondent's history of compliance with the Kansas meat and poultry inspection act and the rules and regulations promulgated thereunder;

(d) any action taken by respondent to remedy the specific violation or to mitigate any adverse effects which were the result of the violation; and

(e) whether or not the violation involved any adulterated article, misrepresentation or fraud.

(f) This regulation shall take effect on and after July 1, 1992. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 1991 Supp. 65-6a56; effective July 1, 1992.)

4-16-304. Informal settlement. (a) The respondent may request a settlement conference. The request may be contained either in respondent's answer to the complaint or presented at the prehearing conference. A request for a settlement conference shall not constitute an answer to a complaint. A settlement conference shall not affect the respondent's obligation to file a timely answer to a complaint.

(b) Once a settlement is reached, the parties shall reduce the settlement to writing and present the proposed written consent agreement to the secretary or the secretary's designee. The consent agreement shall state that, for the purpose of the proceeding, respondent:

(1) Admits the jurisdictional allegations of the complaint;

(2) admits the facts stipulated in the consent agreement;

(3) neither admits nor denies specific factual allegations contained in the complaint; and

(4) consents to the assessment of a stated civil penalty. The consent agreement shall include any and all terms of the agreement and shall be signed by all parties or their counsel or representatives of record.

(c) This regulation shall take effect on and after July 1, 1992. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 1991 Supp. 65-6a56; effective July 1, 1992.)

4-16-305. Adjusting the amount of the proposed civil penalty. (a) Each respondent shall present all evidence on the issue of adjustment of the proposed civil penalty at the settlement conference. Such evidence may include mitigating factors or new evidence not previously known at the time the complaint was issued.

(b) Upon presentation by the respondent of new evidence establishing facts and circumstances that were unknown to the secretary or to the secretary's duly authorized agent at the time the complaint was issued and which relate to the gravity of the violation, a new civil penalty may be proposed. When these additional facts establish that respondent did not commit the violations charged, the complaint shall be dismissed. When the new evidence reveals additional charges should have been filed, a new complaint proposing appropriate additional civil penalties may be filed.

(c) The burden shall be on the respondent to present evidence of any mitigating factors to support any requested reduction in the amount of the proposed civil penalty. The amount of the civil penalty may be reduced if the reduction serves the public interest.

(d) The amount of a civil penalty shall not be reduced to less than \$100 per offense. Whether or not a proposed civil penalty is reduced lies within the sole discretion of the secretary or the secretary's duly authorized representative. Reductions shall not occur unless evidence of mitigating factors has been presented by respondent.

(e) This regulation shall take effect on and after July 1, 1992. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 1991 Supp. 65-6a56; effective July 1, 1992.)

Article 17.—POULTRY AND POULTRY PRODUCTS INSPECTION

4-17-300. Civil penalty; complaint. (a) Each complaint for the assessment of a civil penalty shall include:

(1) A statement reciting the section of the act authorizing the assessment of a civil penalty;

(2) a specific reference to each provision of the act or implementing regulation which respondent is alleged to have violated;

(3) a concise statement of the factual basis for each alleged violation;

(4) the amount of the civil penalty which is proposed to be assessed; and

(5) the notice of respondent's right to request a hearing on any material fact contained in the complaint or on the appropriateness of the amount of the proposed civil penalty. This notice may be incorporated within the complaint or set forth in a separate document.

(b) Each respondent shall be served a notice of a prehearing conference in accordance with the Kansas administrative procedures act (K.S.A. 77-501 et seq.).

(c) This regulation shall take effect on and after July 1, 1992. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 1991 Supp. 65-6a56; effective July 1, 1992.)

4-17-301. Answer to the complaint. (a) If a respondent contests any material fact upon which the complaint is based, or contends that the amount of the civil penalty proposed in the complaint is inappropriate or that the respondent is entitled to judgment as a matter of law, the respondent shall file a written answer to the complaint. This answer shall be filed with the designated hearing officer within 20 days after service of the complaint.

(b) Each respondent's answer shall be in writing. The answer shall clearly and directly admit, deny or explain each of the factual allegations contained in the complaint to which the respondent has any knowledge. Where the respondent has no knowledge of a particular factual allegation and so states, the allegation shall be deemed denied. The answer shall also state any circumstances or arguments which are alleged to constitute grounds of defense, any facts which the respondent disputes and intends to place at issue and whether a hearing is requested.

(c) The respondent's failure to admit, deny or explain any material facts or allegations contained in the complaint shall constitute an admission of the allegation.

(continued)

(d) The respondent's failure to answer a complaint shall be deemed to constitute default.

(e) This regulation shall take effect on and after July 1, 1992. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 1991 Supp. 65-6a56; effective July 1, 1992.)

4-17-302. Amount of proposed civil penalty. (a) A separate civil penalty shall be assessed for each violation of any provision of the Kansas meat and poultry inspection act or any rule and regulation promulgated thereunder which results from each independent act or failure to act by any person, agent or employee thereof. In determining whether a given violation is independent of and substantially distinguishable from any other violation for the purpose of assessing separate civil penalties, consideration shall be given to whether each violation requires an element of proof not required by another violation. Where several violations require the same elements of proof and are not distinguishable, assessment of separate civil penalties shall be within the discretion of the secretary or the secretary's authorized representative.

(b) For each violation, the amount of the proposed civil penalty shall be within the ranges listed below:

(1) For each violation of K.S.A. 65-6a34 or K.S.A. 65-6a41, or any rules and regulations implementing these statutes, the proposed civil penalty shall be not less than \$100 nor more than \$1,000.

(2) For each violation of K.S.A. 65-6a22, K.S.A. 65-6a24, K.S.A. 65-6a25, K.S.A. 65-6a27(a), K.S.A. 65-6a29, K.S.A. 65-6a31 or K.S.A. 65-6a32, or any rules and regulations implementing these statutes, the proposed civil penalty shall be not less than \$100 nor more than \$2,500.

(3) For each violation of K.S.A. 65-6a20, K.S.A. 65-6a21, K.S.A. 65-6a23, K.S.A. 65-6a27(b), 65-6a28 or K.S.A. 65-6a33, or any rules and regulations implementing these statutes, the proposed civil penalty shall be not less than \$100 nor more than \$5,000.

(c) For each second or subsequent occurrence of a violation within a three-year period for which a civil penalty has been assessed, the civil penalty assessed for the subsequent violation shall be the not less than double the amount of the civil penalty assessed for the original violation but not more than the maximum amount for the category listed.

(d) This regulation shall take effect on and after July 1, 1992. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 1991 Supp. 65-6a56; effective July 1, 1992.)

4-17-303. Criteria to determine dollar amount of proposed civil penalty. In determining the amount of any proposed civil penalty, the gravity of the violation shall be considered by the secretary or the secretary's designee. Factors to be considered shall include: (a) The potential of the act to injure or endanger the health of any consumer, or the general public;

(b) the severity of actual or potential injuries;

(c) the respondent's history of compliance with the Kansas meat and poultry inspection act and the rules and regulations promulgated thereunder;

(d) any action taken by respondent to remedy the specific violation or to mitigate any adverse effects which were the result of the violation; and

(e) whether or not the violation involved any adulterated article, misrepresentation or fraud.

(f) This regulation shall take effect on and after July 1, 1992. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 1991 Supp. 65-6a56; effective July 1, 1992.)

4-17-304. Informal settlement. (a) The respondent may request a settlement conference. The request may be contained either in respondent's answer to the complaint or presented at the prehearing conference. A request for a settlement conference shall not constitute an answer to a complaint. A settlement conference shall not affect the respondent's obligation to file a timely answer to a complaint.

(b) Once a settlement is reached, the parties shall reduce the settlement to writing and present the proposed written consent agreement to the secretary or the secretary's designee. The consent agreement shall state that, for the purpose of the proceeding, respondent:

(1) Admits the jurisdictional allegations of the complaint;

(2) admits the facts stipulated in the consent agreement;

(3) neither admits nor denies specific factual allegations contained in the complaint; and

(4) consents to the assessment of a stated civil penalty. The consent agreement shall include any and all terms of the agreement and shall be signed by all parties or their counsel or representatives of record.

(c) This regulation shall take effect on and after July 1, 1992. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 1991 Supp. 65-6a56; effective July 1, 1992.)

4-17-305. Adjusting the amount of the proposed civil penalty. (a) Each respondent shall present all evidence on the issue of adjustment of the proposed civil penalty at the settlement conference. Such evidence may include mitigating factors or new evidence not previously known at the time the complaint was issued.

(b) Upon presentation by the respondent of new evidence establishing facts and circumstances that were unknown to the secretary or to the secretary's duly authorized agent at the time the complaint was issued and which relate to the gravity of the violation, a new civil penalty may be proposed. When these additional facts establish that respondent did not commit the violations charged, the complaint shall be dismissed. When the new evidence reveals additional charges should have been filed, a new complaint proposing appropriate additional civil penalties may be filed.

(c) The burden shall be on the respondent to present evidence of any mitigating factors to support any requested reduction in the amount of the proposed civil penalty. The amount of the civil penalty may be reduced if the reduction serves the public interest.

(d) The amount of a civil penalty shall not be reduced to less than \$100 per offense. Whether or not a proposed civil penalty is reduced lies within the sole discretion of the secretary or the secretary's duly authorized representative. Reductions shall not occur unless evidence of mitigating factors has been presented by respondent.

(e) This regulation shall take effect on and after July 1, 1992. (Authorized by K.S.A. 65-6a44; implementing K.S.A. 1991 Supp. 65-6a56; effective July 1, 1992.)

Sam Brownback
Secretary of Agriculture

Doc. No. 011840

State of Kansas

Department of Revenue

Permanent Administrative Regulations

Article 12.—INCOME TAX

92-12-112. Sales factor numerator; assignment of sales of a corporation which is a member of a unitary group of corporations. (a) The Kansas destination sales of tangible property of a corporation shall be assigned to the Kansas sales factor numerator if the Kansas activity of any unitary group member exceeds the solicitation of orders.

(b) Sales made by a corporation from a Kansas location into a state where the activity of any unitary group member exceeds the solicitation of orders shall be excluded from the Kansas sales factor numerator.

(c) The accounting method in this regulation shall be utilized prospectively for the taxable years beginning after December 31, 1990. (Authorized by K.S.A. 79-3236; implementing K.S.A. 79-3285, 79-3286; effective June 1, 1992.)

Article 51.—TITLES AND REGISTRATION

92-51-34. License plates; extension of time for new issuance. (a) The current issuance cycle for new license plates, as established under K.S.A. 8-132(b), and its amendments, and K.A.R. 92-51-34, shall be extended for an additional one-year period. During calendar years 1992 and 1993, one decal shall be furnished for the license plate issued for each registration of a vehicle, as provided in K.S.A. 8-134 and its amendments, and one decal shall be furnished for each renewal of registration of a vehicle. New license plates shall be issued during the calendar year of 1994 and during every fifth calendar year thereafter for registration or registration renewal for any type of vehicle.

(b) During each of the four years following 1994 and during each of the four years following a year in which new license plates are issued, new license plates shall not be issued by the division of vehicles, but one decal shall be issued for the license plate issued for each registration and one decal shall be issued for each renewal of registration. (Authorized by and implementing K.S.A. 1990 Supp. 8-132; effective, T-84-15, July 1, 1983; effective May 1, 1984; amended May 1, 1984; amended May 1, 1986; amended June 1, 1992.)

Article 52.—MOTOR VEHICLE DRIVERS' LICENSES

92-52-9. Definition of moving violation. (a) Pursuant to K.S.A. 8-249, and amendments thereto, "moving violation" means the commission or omission of

an act by a person operating a motor vehicle that could result in injury or property damage and is also a violation of a statute, ordinance, or regulation of this or any other state.

(b) "Operating a motor vehicle" means the process of moving a motor vehicle from one location to another or starting the engine or manipulating the mechanical or electrical equipment of a motor vehicle whether or not the vehicle is in motion.

(c) A conviction for violating any of the following Kansas statutes, any similar state statute, municipal ordinance, or regulation of another state shall constitute a moving violation and be recorded on individual driving records. The description of offenses contained in the following schedule is for reference only and is not a legal definition.

K.S.A. 1990 Supp. 8-262	Driving while suspended, revoked or cancelled
K.S.A. 8-1335	Speed greater than reasonable and prudent under the conditions
K.S.A. 1990 Supp. 8-1336	Speed in excess of maximum limit
K.S.A. 8-1337	Speed in excess of maximum limit
K.S.A. 8-1338	Speed in excess of maximum limit
K.S.A. 8-1507	Disobey traffic control device
K.S.A. 1990 Supp. 8-1508	Disobey traffic control signal
K.S.A. 8-1509	Disobey pedestrian control signal
K.S.A. 8-1510	Disobey traffic control signal
K.S.A. 8-1511	Disobey traffic control lane signal
K.S.A. 8-1514	Driving on wrong side of roadway
K.S.A. 8-1515	Improper passing
K.S.A. 8-1516	Improper passing
K.S.A. 8-1517	Improper passing
K.S.A. 8-1518	Improper passing
K.S.A. 1990 Supp. 8-1519	Driving on wrong side of roadway
K.S.A. 8-1520	Violate "no passing" zone
K.S.A. 8-1521	Driving in wrong direction
K.S.A. 8-1522	Driving in wrong lane
K.S.A. 8-1523	Following too close
K.S.A. 1990 Supp. 8-1524	Improper crossover in divided highway
K.S.A. 8-1526	Failure to yield
K.S.A. 8-1527	Failure to yield
K.S.A. 8-1528	Failure to yield
K.S.A. 8-1529	Failure to yield
K.S.A. 8-1530	Failure to yield to emergency vehicle
K.S.A. 8-1531	Failure to yield to a pedestrian
K.S.A. 8-1535	Failure to yield to a pedestrian
K.S.A. 8-1539	Driving through safety zone
K.S.A. 8-1540	Failure to yield to a pedestrian
K.S.A. 8-1545	Improper turn
K.S.A. 8-1546	Improper U turn
K.S.A. 8-1548	Failure to signal
K.S.A. 8-1549	Failure to signal
K.S.A. 8-1550	Failure to signal
K.S.A. 8-1551	Failure to obey railroad crossing signal
K.S.A. 8-1552	Failure to obey railroad stop sign
K.S.A. 1990 Supp. 8-1553	Failure to stop at railroad crossing
K.S.A. 8-1554	Failure to stop at railroad crossing
K.S.A. 8-1555	Failure to yield from alley or private road
K.S.A. 1990 Supp. 8-1558	Exceeding maximum speed limit
K.S.A. 8-1561	Violation of minimum speed limit
K.S.A. 8-1562	Exceeding speed limit for motorcycles
K.S.A. 8-1563	Exceeding special speed limits
K.S.A. 1990 Supp. 8-1566	Reckless driving
K.S.A. 1990 Supp. 8-1567	Driving under the influence of alcohol
K.S.A. 8-1568	Eluding a police officer
K.S.A. 8-1574	Improper backing
K.S.A. 8-1575	Driving on sidewalk
K.S.A. 8-1576	Driving while view obstructed
K.S.A. 8-1580	Coasting prohibited
K.S.A. 8-1581	Following fire apparatus

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K.S.A. 8-1584	Failure to clear railroad crossing
K.S.A. 1990 Supp. 8-1703	Driving without headlights
K.S.A. 1990 Supp. 8-1725	Driving without headlights
K.S.A. 21-3405	Vehicular homicide
K.S.A. 1990 Supp. 21-3405a	Aggravated vehicular homicide
K.S.A. 1990 Supp. 21-3405b	Vehicular battery

and any amendments thereto.

(d) Nothing in this provision shall be construed to prevent the division of vehicles from recording on individual driving records other administrative actions or convictions relating to motor vehicles. (Authorized by K.S.A. 8-249; implementing K.S.A. 1990 Supp. 8-255, as amended by L. 1991, Ch. 36 § 11, K.S.A. 8-249; effective E-82-26, Dec. 16, 1981; effective May 1, 1982; amended June 1, 1992).

92-52-9a. Moving violations; suspension or restriction of driving privileges. If a person accumulates three moving violations within a 12-month period exclusive of those violations enumerated in K.S.A. 1990 Supp. 8-254, K.S.A. 1990 Supp. 8-285 and K.S.A. 1990 Supp. 8-291, the division shall mail a warning notice to the person advising the person that additional violations will result in the suspension of the person's driving privileges. If a person accumulates more than three moving violations within a 12-month period exclusive of those violations enumerated above, the division shall issue an order suspending the person's driving privileges for a period of not less than ninety days, nor more than one year, except as otherwise statutorily provided.

(b) In lieu of suspending a person's driving privileges as specified in paragraph (a), the division may restrict the person's driving privileges to those conditions set forth in K.S.A. 1990 Supp. 8-292 for not less than thirty days if the person has no more than four violations within a twelve-month period or for not less than 60 days if the person has no more than five violations within a twelve-month period.

(c) In lieu of suspending a person's driving privileges for ninety days as specified in paragraph (a), the division may reduce the period of suspension to not less than thirty days if the person has no more than six moving violations within a twelve-month period or not less than sixty days if the person has no more than seven moving violations within a twelve-month period.

(d) This regulation shall be applicable to all suspensions imposed as a result of an administrative hearing conducted pursuant to K.S.A. 1990 Supp. 8-255(c) before the director of vehicles or the director's duly authorized representative. (Authorized by K.S.A. 1990 Supp. 8-2340; K.S.A. 8-249; implementing K.S.A. 1990 Supp. 8-255, as amended by L. 1991, Ch. 36 § 11; effective June 1, 1992.)

Mark Beshears
Secretary of Revenue

State of Kansas

Kansas Racing Commission

Permanent Administrative Regulations

Article 9.—PARIMUTUEL WAGERING

112-9-11a. General provisions. (a) Each parimutuel wagering pool shall be independently calculated and distributed. The takeout shall be deducted from each gross pool as authorized by law. The remaining monies in the pool shall constitute the net pool for distribution as payoff on winning wagers.

(b) For each wagering pool, the amount wagered on the winning betting interest or betting combinations shall be deducted from the net pool to determine the profit. The profit then shall be divided by the amount wagered on the winning betting interest or combinations, the quotient being the profit per dollar.

(c) The standard or the net price calculation procedure shall be used to calculate single commission pools, but only the net price calculation procedure shall be used to calculate multi-commission pools.

(d) If a profit split results in only one covered winning betting interest or combinations it shall be calculated the same as a single price pool.

(e) Minimum payoffs and the method used for calculating breakage shall be established by the commission. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8819, as amended by L. 1991, ch. 247, §5; effective June 1, 1992.)

112-9-12. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; revoked June 1, 1992.)

112-9-13. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended March 19, 1990; revoked June 1, 1992.)

112-9-14. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; revoked June 1, 1992.)

112-9-15. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; revoked June 1, 1992.)

112-9-16. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; revoked June 1, 1992.)

112-9-17. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; revoked June 1, 1992.)

112-9-18. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-3-31-89, March 31, 1989; effective June

26, 1989; amended March 19, 1990; revoked June 1, 1992.)

112-9-19. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; revoked June 1, 1992.)

112-9-20. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; revoked June 1, 1992.)

112-9-21. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended March 19, 1990; revoked June 1, 1992.)

112-9-12a. Win pools. (a) The amount wagered on the betting interest which finishes first shall be deducted from the net pool. The balance remaining shall be the profit. The profit shall be divided by the amount wagered on the betting interest finishing first, the quotient being the profit per dollar wagered to win on the betting interest.

(b) The net win pool shall be distributed as a single price pool to winning wagers in the following precedence, based upon the official order of finish:

(1) to those whose selection finishes first, but if there are no such wagers; then

(2) to those whose selection finishes second, but if there are no such wagers; then

(3) to those whose selection finishes third, but if there are no such wagers; then

(4) the entire pool shall be refunded on win wagers for that contest.

(c) If there is a dead heat for first involving contestants representing the same betting interest, the win pool shall be distributed as if no dead heat occurred.

(d) If there is a dead heat for first involving contestants representing two or more betting interests, the win pool shall be distributed as a profit split. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 74-8819, as amended by L. 1991, ch. 247, §5; effective June 1, 1992.)

112-9-13a. Place pools. (a) The amounts wagered to place on the first two betting interests to finish shall be deducted from the net pool. The balance remaining shall be the profit. The profit shall be divided into two equal portions, one being assigned to each winning betting interest and divided by the amount wagered to place on that betting interest, the quotient being the profit per dollar wagered to place on that betting interest.

(b) The net place pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) if contestants of a coupled entry or mutuel field finish in the first two places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise

(2) as a profit split to those whose selection is included within the first two finishers; but if there are no such wagers on one of those two finishers, then

(3) as a single price pool to those who selected the one covered betting interest included within the first two finishers; but if there are no such wagers, then

(4) as a single price pool to those who selected the third-place finisher; but if there are no such wagers, then

(5) the entire pool shall be refunded on place wagers for that contest.

(c) If there is a dead heat for first involving contestants representing the same betting interest, the place pool shall be distributed as a single price pool.

(d) If there is a dead heat for first involving contestants representing two or more betting interests, the place pool shall be distributed as a profit split.

(e) If there is a dead heat for second involving contestants representing the same betting interest, the place pool shall be distributed as if no dead heat occurred.

(f) If there is a dead heat for second involving contestants representing two or more betting interests, the place pool shall be divided, with one-half of the profit distributed to place wagers on the betting interest finishing first and the remainder distributed equally among place wagers on those betting interests involved in the dead heat for second. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 74-8819, as amended by L. 1991, ch. 247, §5; effective June 1, 1992.)

112-9-14a. Show pools. (a) The amounts wagered to show on the first three betting interests to finish shall be deducted from the net pool. The balance remaining shall be the profit. The profit shall be divided into three equal portions, one being assigned to each winning betting interest and divided by the amount wagered to show on that betting interest, the quotient being the profit per dollar wagered to show on that betting interest.

(b) The net show pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) if contestants of a coupled entry or mutuel field finish in the first three places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise

(2) if contestants of a coupled entry or mutuel field finish as two of the first three finishers, the profit shall be divided, with two-thirds distributed to those who selected the coupled entry or mutuel field and one-third distributed to those who selected the other betting interest included within the first three finishers; otherwise

(3) as a profit split to those whose selection is included within the first three finishers; but if there are no such wagers on one of those three finishers, then

(4) as a profit split to those who selected one of the two covered betting interests included within the first three finishers; but if there are no such wagers on two of those three finishers, then

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(5) as a single price pool to those who selected the one covered betting interest included within the first three finishers; but if there are no such wagers, then

(6) as a single price pool to those who selected the fourth-place finisher; but if there are no such wagers, then

(7) the entire pool shall be refunded on show wagers for that contest.

(c) If there is a dead heat for first involving two contestants representing the same betting interest, the profit shall be divided, with two-thirds distributed to those who selected the first-place finishers and one-third distributed to those who selected the betting interest finishing third.

(d) If there is a dead heat for first involving three contestants representing a single betting interest, the show pool shall be distributed as a single price pool.

(e) If there is a dead head for first involving contestants representing two or more betting interests, the show pool shall be distributed as a profit split.

(f) If there is a dead heat for second involving contestants representing the same betting interest, the profit shall be divided with one-third distributed to those who selected the betting interest finishing first and two-thirds distributed to those who selected the second-place finishers.

(g) If there is a dead heat for second involving contestants representing two betting interests, the show pool shall be distributed as a profit split.

(h) If there is a dead heat for second involving contestants representing three betting interests, the show pool shall be divided, with one-third of the profit distributed to show wagers on the betting interest finishing first and the remainder distributed equally among show wagers on those betting interests involved in the dead heat for second.

(i) If there is a dead heat for third involving contestants representing the same betting interest, the show pool shall be distributed as if no dead heat occurred.

(j) If there is a dead heat for third involving contestants representing two or more betting interests, the show pool shall be divided, with two-thirds of the profit distributed to show wagers on the betting interests finishing first and second and the remainder distributed equally among show wagers on those betting interests involved in the dead heat for third. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8819, as amended by L. 1991, ch. 247, § 5; effective June 1, 1992.)

112-9-15a. Daily double pools. (a) The daily double requires selection of the first-place finisher in each of two specified contests.

(b) The net daily double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) as a single price pool to those whose selection finishes first in each of the two contests; but if there are no such wagers, then

(2) as a profit split to those who selected the first-place finisher in either of the two contests; but if there are no such wagers, then

(3) as a single price pool to those who selected the one covered first-place finisher in either contest; but if there are no such wagers, then

(4) as a single price pool to those whose selection finishes second in each of the two contests; but if there are no such wagers, then

(5) the entire pool shall be refunded on daily double wagers for those contests.

(c) if there is a dead heat for first in either of the two contests involving contestants representing the same betting interest, the daily double pool shall be distributed as if no dead heat occurred.

(d) If there is a dead heat for first in either of the two contests involving contestants representing two or more betting interests and there is more than one covered winning combination, the daily double pool shall be distributed as a profit split.

(e) If a betting interest in the first-half of the daily double is scratched before the first daily double contest is declared official, all money wagered on combinations including the scratched betting interest shall be deducted from the daily double pool and refunded.

(f) If a betting interest in the second-half of the daily double is scratched before the close of wagering on the first daily double contest, all money wagered on combinations including the scratched betting interest shall be deducted from the daily double pool and refunded.

(g) If a betting interest in the second-half of the daily double is scratched after the close of wagering on the first daily double contest, all wagers combining the winner of the first contest with the scratched betting interest in the second contest shall be allocated a consolation payoff. In calculating the consolation payoff the net daily double pool shall be divided by the total amount wagered on the winner of the first contest and an unbroken consolation price obtained. The broken consolation price shall be multiplied by the dollar value of wagers on the winner of the first contest combined with the scratched betting interest to obtain the consolation payoff. Breakage shall not be included in this calculation. The consolation payoff shall be deducted from the net daily double pool before calculation and distribution of the winning daily double payoff. Dead heats including separate betting interests in the first contest shall result in a consolation payoff calculated as a profit split.

(h) If either of the daily double contests is canceled prior to the first daily double contest, or the first daily double contest is declared "no contest," the entire daily double pool shall be refunded on daily double wagers for those contests.

(i) If the second daily double contest is canceled or declared "no contest" after the conclusion of the first daily double contest, the net daily double pool shall be distributed as a single price pool to wagers selecting the winner of the first daily double contest. In the event of a dead heat involving separate betting interests, the net daily double pool shall be distributed as a profit split. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8819, as amended by L. 1991, ch. 247, § 5; effective June 1, 1992.)

112-9-16a. Quinella Pools. (a) The quinella requires selection of the first two finishers, regardless of order, for a single contest.

(b) Each net quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) if contestants of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise

(2) as a single price pool to those whose combination finishes as the first two betting interests; but if there are no such wagers, then

(3) as a profit split to those whose combination includes either the first- or second-place finisher; but if there are no such wagers on one of those two finishers, then

(4) as a single price pool to those whose combination includes the one covered betting interest included within the first two finishers; but if there are no such wagers, then

(5) the entire pool shall be refunded on quinella wagers for that contest.

(c) If there is a dead heat for first involving contestants representing the same betting interest, the quinella pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(d) If there is a dead heat for first involving contestants representing two betting interests, the quinella pool shall be distributed as if no dead heat occurred.

(e) If there is a dead heat for first involving contestants representing three or more betting interests, the quinella pool shall be distributed as a profit split.

(f) If there is a dead heat for second involving contestants representing the same betting interest, the quinella pool shall be distributed as if no dead heat occurred.

(g) If there is a dead heat for second involving contestants representing two or more betting interests, the quinella pool shall be distributed to wagers in the following precedence, based upon the official order of finish:

(1) as a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then

(2) as a single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then

(3) as a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, then

(4) as a profit split to those whose combination includes the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second; but if there are no such wagers, then

(5) the entire pool shall be refunded on quinella wagers for that contest. (Authorized by K.S.A. 1990 Supp.

74-8804; implementing K.S.A. 1990 Supp. 74-8819, as amended by L. 1991, ch. 247, § 5; effective June 1, 1992.)

112-9-16b. Quinella double pools. (a) The quinella double requires selection of the first two finishers, regardless of order, in each of two specified contests.

(b) The net quinella double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) if a coupled entry or mutuel field finishes as the first two contestants in either contest, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish for that contest, as well as the first two finishers in the alternate quinella double contest; otherwise

(2) as a single price pool to those selecting the first two finishers in each of the two quinella double contests; but if there are no such wagers, then

(3) as a profit split to those selecting the first two finishers in either of the two quinella double contests; but if there are no such wagers on one of those contests, then

(4) as a single price pool to those selecting the first two finishers in the one covered quinella double contest; but if there are no such wagers, then

(5) the entire pool shall be refunded on quinella double wagers for those contests.

(c) If there is a dead heat for first in either of the two quinella double contests involving contestants representing the same betting interest, the quinella double pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish for that contest.

(d) If there is a dead heat for first in either of the two quinella double contests involving contestants representing two betting interests, the quinella double pool shall be distributed as if no dead heat occurred.

(e) If there is a dead heat for first in either of the two quinella double contests involving contestants representing three or more betting interests, the quinella double pool shall be distributed as a profit split.

(f) If there is a dead heat for second in either of the quinella double contests involving contestants representing the same betting interest, the quinella double pool shall be distributed as if no dead heat occurred.

(g) If there is a dead heat for second in either of the quinella double contests involving contestants representing two or more betting interests, the quinella double pool shall be distributed as a profit split.

(h) If a betting interest in the first-half of the quinella double is scratched before the first quinella double contest is declared official, all money wagered on combinations including the scratched betting interest shall be deducted from the quinella double pool and refunded.

(i) If a betting interest in the second-half of the quinella double is scratched before the close of wagering on the first quinella double contest, all money wagered on combinations including the scratched betting inter-

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est shall be deducted from the quinella double pool and refunded.

(j) If a betting interest in the second half of the quinella double is scratched after the close of wagering on the first quinella double contest, all wagers combining the winning combination in the first contest with a combination including the scratched betting interest in the second contest shall be allocated a consolation payoff. In calculating the consolation payoff, the net quinella double pool shall be divided by the total amount wagered on the winning combination in the first contest and an unbroken consolation price obtained. The unbroken consolation price shall be multiplied by the dollar value of wagers on the winning combination in the first contest together with a combination including the scratched betting interest in the second contest to obtain the consolation payoff. Breakage shall not be included in this calculation. The consolation payoff shall be deducted from the net quinella double pool before calculation and distribution of the winning quinella double payoff. In the event of a dead heat involving separate betting interests, the net quinella double pool shall be distributed as a profit split.

(k) If either of the quinella double contests is canceled before the first quinella double contest, or the first quinella double contest is declared "no contest," the entire quinella double pool shall be refunded on quinella double wagers for those contests.

(l) If the second quinella double contest is canceled or declared "no contest" after the conclusion of the first quinella double contest, the net quinella double pool shall be distributed as a single price pool to wagers selecting the winning combination in the first quinella double contest. If there are no wagers selecting the winning combination in the first quinella double contest, the entire quinella double pool shall be refunded on quinella double wagers for those contests. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8819, as amended by L. 1991, ch. 247, § 5; effective June 1, 1992.)

112-9-17a. Exacta pools. (a) The exacta requires selection of the first two finishers, in their exact order, for a single contest.

(b) Each net exacta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) if contestants of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise

(2) as a single price pool to those whose combination finishes in correct sequence as the first two betting interests; but if there are no such wagers, then

(3) as a profit split to those whose combination includes either the first-place betting interest to finish first or the second-place betting interest to finish second; but if there are no such wagers on one of those two finishers, then

(4) as a single price pool to those whose combination includes the one covered betting interest to finish first

or second in the correct sequence; but if there are not such wagers, then

(5) the entire pool shall be refunded on exacta wagers for that contest.

(c) If there is a dead heat for first involving contestants representing the same betting interest, the exacta pool shall be distributed as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(d) If there is a dead heat for first involving contestants representing two or more betting interests, the exacta pool shall be distributed as a profit split.

(e) If there is a dead heat for second involving contestants representing the same betting interest, the exacta pool shall be distributed as if no dead heat occurred.

(f) If there is a dead heat for second involving contestants representing two or more betting interests, the exacta pool shall be distributed to ticket holders in the following precedence, based upon the official order of finish:

(1) as a profit split to those combining the first-place betting interest with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then

(2) as a single price pool to those combining the first-place betting interest with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then

(3) as a profit split to those wagers correctly selecting the winner for first-place and those wagers selecting any of the dead-heated betting interests for second-place; but if there are no such wagers, then

(4) the entire pool shall be refunded on exacta wagers for that contest. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8819, as amended by L. 1991, ch. 247, § 5; effective June 1, 1992.)

112-9-18a. Trifecta pools. (a) The trifecta requires selection of the first three finishers, in their exact order, for a single contest.

(b) Each net trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) as a single price pool to those whose combination finishes in correct sequence as the first three betting interests; but if there are no such wagers, then

(2) as a single price pool to those whose combination includes, in correct sequence, the first two betting interests; but if there are no such wagers, then

(3) as a single price pool to those whose combination correctly selects the first-place betting interest only; but if there are no such wagers, then

(4) the entire pool shall be refunded on trifecta wagers for that contest.

(c) If fewer than three betting interests finish and the contest is declared official, payoffs shall be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.

(d) If there is a dead heat for first involving contestants representing three or more betting interests, all of the wagering combinations selecting three betting

interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.

(e) If there is a dead heat for first involving contestants representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, regardless of order, shall share in a profit split along with the third-place betting interest.

(f) If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any of the betting interests involved in the dead heat for second shall share in a profit split.

(g) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, shall share in a profit split along with any of the betting interests involved in the dead heat for third.

(h) Except for live races, coupled entries and mutuel fields shall be prohibited in trifecta contests. (Authorized by K.S.A. 1991 Supp. 74-8804; implementing K.S.A. 1991 Supp. 74-8819; effective June 1, 1992.)

112-9-19a. Twin quinella pools. (a) The twin quinella requires selection of the first two finishers, regardless of order, in each of two designated contests. Each winning ticket for the first twin quinella contest must be exchanged for a free ticket on the second twin quinella contest in order to remain eligible for the second-half twin quinella pool. Such tickets may be exchanged only at attended ticket windows prior to the second twin quinella contest. There shall be no monetary reward for winning the first twin quinella contest. Both of the designated twin quinella contests shall be included in only one twin quinella pool.

(b) In the first twin quinella contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first twin quinella contest:

(1) if a coupled entry or mutuel field finishes as the first two finishers, those who select the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish shall be winners, otherwise

(2) those whose combination finishes as the first two betting interests shall be winners; but if there are no such wagers, then

(3) those whose combination includes either the first- or second-place finisher shall be winners; but if there are no such wagers on one of those two finishers, then

(4) those whose combination includes the one covered betting interest included within the first two finishers shall be winners; but if there are no such wagers, then

(5) the entire pool shall be refunded on the twin quinella wagers for that contest.

(c) In the first twin quinella contest only, if there is a dead heat for first involving contestants representing the same betting interest, those who select the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish shall be winners.

(d) In the first twin quinella contest only, if there is a dead heat for first involving contestants representing two betting interests, the winning twin quinella wagers shall be determined as if no dead heat occurred.

(e) In the first twin quinella contest only, if there is a dead heat for first involving contestants representing three or more betting interests, those whose combination includes any two of the betting interests finishing in the dead heat shall be winners.

(f) In the first twin quinella contest only, if there is a dead heat for second involving contestants representing the same betting interest, those who select the first-place finisher combined with the coupled entry or mutuel field in second-place shall be winners.

(g) In the first twin quinella contest only, if there is a dead heat for second involving contestants representing two or more betting interests, those who combine the first-place finisher with any of the betting interests involved in the dead for second shall be winners.

(h) In the second twin quinella contest only, the entire net twin quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second twin quinella contest:

(1) if a coupled entry or mutuel field finishes as the first two finishers, as a single price pool to those who select the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish, otherwise

(2) as a single price pool to those whose combination finishes as the first two betting interests; but if there are no such wagers, then

(3) as a profit split to those whose combination includes either the first- or second-place finisher; but if there are no such wagers on one of those two finishers, then

(4) as a single price pool to those whose combination includes the one covered betting interest included within the first two finishers; but if there are no such wagers, then

(5) as a single price pool to all the exchange ticket holders for that contest; but if there are no such tickets, then

(6) in accordance with subparagraph (b) of this racing regulation.

(i) In the second twin quinella contest only, if there is a dead heat for first involving contestants representing the same betting interest, the net twin quinella pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(j) In the second twin quinella contest only, if there is a dead heat for first involving contestants representing two betting interests, the net twin quinella pool shall be distributed as if no dead head occurred.

(k) In the second twin quinella contest only, if there is a dead heat for first involving contestants representing three or more betting interests, the net twin quinella pool shall be distributed as a profit split to

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those whose combination includes any two of the betting interests finishing in the dead heat.

(l) In the second twin quinella contest only, if there is a dead heat for second involving contestants representing the same betting interest, the net twin quinella pool shall be distributed as if no dead heat occurred.

(m) In the second twin quinella contest only, if there is a dead heat for second involving contestants representing two or more betting interests, the net twin quinella pool shall be distributed as a profit split to those whom combine the first-place finisher with any of the betting interests involved in the dead heat for second.

(n) If a winning ticket for the first-half of the twin quinella is not presented for exchange before the close of betting on the second-half twin quinella contest, the ticket holder forfeits all rights to any distribution of the twin quinella pool resulting from the outcome of the second contest.

(o) If a betting interest in the first half of the twin quinella is scratched, those twin quinella wagers including the scratched betting interest shall be refunded.

(p) If a betting interest in the second-half of the twin quinella is scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged before the close of betting for the second twin quinella contest, the ticket holder forfeits all rights to the twin quinella pool.

(q) If either of the twin quinella contests is canceled prior to the first twin quinella contest, or the first twin quinella contest is declared "no contest," the entire twin quinella pool shall be refunded on twin quinella wagers for that contest.

(r) If the second-half twin quinella contest is canceled or declared "no contest" after the conclusion of the first twin quinella contest, the net twin quinella pool shall be distributed as a single price pool to wagers selecting the winning combination in the first twin quinella contest and all valid exchange tickets. If there are no such wagers, the net twin quinella pool shall be distributed as described in subparagraph (b) of this racing regulation. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8819, as amended by L. 1991, ch. 247, § 5; effective June 1, 1992.)

112-9-21a. Pick three pools. (a) The pick three requires selection of the first-place finisher in each of three specified contests.

(b) The net pick three pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) as a single price pool to those whose selection finishes first in each of the three contests; but if there are no such wagers, then

(2) as a single price pool to those who select the first-place finisher in any two of the three contests; but if there are no such wagers, then

(3) as a single price pool to those who select the first-place finisher in any one of the three contests; but if there are no such wagers, then

(4) the entire pool shall be refunded on pick three wagers for those contests.

(c) If there is a dead heat for first in any of the three contests involving contestants representing the same betting interest, the pick three pool shall be distributed as if no dead heat occurred.

(d) If there is a dead heat for first in any of the three contests involving contestants representing two or more betting interests, the pick three pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.

(e) If a betting interest in any of the three pick three contests is scratched, the actual favorite, as determined by total amounts wagered in the win pool at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. If the win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(f) If all three pick three contests are canceled or declared "no contest," the entire pool shall be refunded on pick three wagers for those contests.

(g) If one or two of the pick three contests are canceled or declared "no contest," the pick three pool shall remain valid and shall be distributed in accordance with subsection (b) of this regulation. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8819, as amended by L. 1991, ch. 247, § 5; effective June 1, 1992.)

112-9-22. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended March 19, 1990; revoked June 1, 1992.)

112-9-22a. Pick (N) pools. (a) The pick (N) requires selection of the first-place finisher in each of a designated number of contests. The number of contests so designated shall be more than three. The organization licensee shall obtain written approval from the commission for the schedule of pick (N) contests, the designation of one of the methods prescribed in subparagraph (b) of this regulation and the amount of any cap to be set on the carryover. The organization licensee shall not modify these pick (N) conditions without prior written approval from the commission.

(b) The pick (N) pool shall be apportioned under one of the following methods:

(1) The net pick (N) pool and carryover, if any, shall be distributed as a single price pool to those who select the first-place finisher in each of the pick (N) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who select the first-place finisher in the greatest number of pick (N) contests, and the remainder shall be added to the carryover.

(2) The major share of the net pick (N) pool and the carryover, if any, shall be distributed to those who select the first-place finisher in each of the pick (N) contests, based upon the official order of finish. The minor share of the net pick (N) pool shall be distributed to those who select the first-place finisher in the second greatest number of pick (N) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher of all pick (N) contests, the minor share of the net pick (N) pool shall be distributed as a single price pool to those who select the first-place finisher in the greatest number of pick (N) contests, and the major share shall be added to the carryover.

(3) The net pick (N) pool shall be distributed as a single price pool to those who select the first-place finisher in the greatest number of pick (N) contests, based upon the official order of finish. If there are no winning wagers, the pool shall be refunded.

(4) The major share of the net pick (N) pool shall be distributed to those who select the first place finisher in the greatest number of pick (N) contests, based upon the official order of finish. The minor share of the net pick (N) pool shall be distributed to those who select the first-place finisher in the second greatest number of pick (N) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in a second greatest number of pick (N) contests, the minor share of the net pick (N) pool shall be combined with the major share for distribution as a single price pool to those who select the first-place finisher in the greatest number of pick (N) contests. If the greatest number of first-place finishers selected is one, the major and minor shares shall be combined for distribution as a single price pool. If there are no winning wagers, the pool shall be refunded.

(5) The major share of the net pick (N) pool shall be distributed to those who select the first-place finisher in each of the pick (N) contests, based upon the official order of finish. The minor share of the net pick (N) pool shall be distributed to those who select the first-place finisher in the second greatest number of pick (N) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in all pick (N) contests, the entire net pick (N) pool shall be distributed as a single price pool to those who select the first-place finisher in the greatest number of pick (N) contests. If there are no wagers selecting the first-place finisher in a second greatest number of pick (N) contests, the minor share of the net pick (N) pool shall be combined with the major share for distribution as a single price pool to those who select the first-place finisher in each of the pick (N) contests. If there are no winning wagers, the pool shall be refunded.

(c) If there is a dead heat for first in any of the pick (N) contests involving contestants representing the same betting interest, the pick (N) pool shall be distributed as if no dead heat occurred.

(d) If there is a dead heat for first in any of the pick (N) contests involving contestants representing two or more betting interests, the pick (N) pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.

(e) If a betting interest in any of the pick (N) contests is scratched, the actual favorite, as demonstrated by total amounts wagered in the win pool at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. If the win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(f) The pick (N) pool shall be canceled and all pick (N) wagers for the individual performance shall be refunded if:

(1) at least two contests included as part of a pick 3 are canceled or declared "no contest"; or

(2) at least three contests included as part of a pick 4, pick 5 or pick 6 are canceled or declared "no contest"; or

(3) at least four contests included as part of a pick 7, pick 8 or pick 9 are canceled or declared "no contest"; or

(4) at least five contests included as part of a pick 10 are canceled or declared "no contest."

(g) If at least one contest included as part of a pick (N) is canceled or declared "no contest," but not more than the number specified in subsection (f) of this regulation, the net pool shall be distributed as a single price pool to those whose selection finishes first in the greatest number of pick (N) contests for that performance. Such distribution shall include the portion ordinarily retained for the pick (N) carryover but not the carryover from previous performances.

(h) The pick (N) carryover may be capped at a designated level approved by the commission in accordance with these racing regulations.

(i) An organization licensee may request permission to distribute the pick (N) carryover on a specific performance. The request shall be submitted to the commission in writing and shall include justification for the distribution, an explanation of the benefit to be derived and the intended date and performance when the distribution will be made.

(j) If the pick (N) carryover is designated for distribution on a specified date and performance in which there are no wagers selecting the first-place finisher in each of the pick (N) contests, the entire pool shall be distributed as a single price pool to those whose selection finishes first in the greatest number of pick (N) contests. The pick (N) carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

(1) upon written approval from the commission as provided in subsection (h) of this regulation; or

(2) upon written approval from the commission when there is a change in the carryover cap, a change from one type of pick (N) wagering to another or when the pick (N) is discontinued; or

(3) on the closing performance of the race meeting or split meeting.

(k) If for any reason the pick (N) carryover is carried over to the corresponding pick (N) pool of a later race

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meeting, the carryover shall be deposited in an interest-bearing account approved by the commission. The pick (N) carryover plus accrued interest then shall be added to the net pick (N) pool of the following race meeting on a date and performance designated by the commission.

(l) If it secures written commission approval, an organization licensee may contribute to the pick (N) carryover a sum of money up to the amount of any designated cap.

(m) Providing information to any person regarding covered combinations, amounts wagered on specific combinations or number of tickets sold is prohibited. This shall not prohibit any necessary communication for the processing of pool data between totalisator and parimutuel department employees.

(n) The organization licensee may suspend previously approved pick (N) wagering only with the prior written approval of the commission. Any carryover shall be held until the suspended pick (N) wagering is reinstated.

(o) An organization licensee may request approval of a pick (N) wager or separate wagering pool for specific performances. (Authorized by K.S.A. 1991 Supp. 74-8804; implementing K.S.A. 1991 Supp. 74-8819; effective June 1, 1992.)

112-9-39. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 74-8819(b); effective, T-112-8-22-89, Aug. 22, 1989; effective Oct. 2, 1989; effective Oct. 2, 1989; revoked June 1, 1992.)

112-9-40. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 74-8819(b); effective, T-112-8-22-89, Aug. 22, 1989; effective Oct. 2, 1989; revoked June 1, 1992.)

112-9-39a. Superfecta pools. (a) The superfecta requires selection of the first four finishers, in their exact order, for a single contest.

(b) The net superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) as a single price pool to those whose combination finishes in correct sequence as the first four betting interests; but if there are no such wagers, then

(2) as a single price pool to those whose combination includes, in correct sequence, the first three betting interests; but if there are no such wagers, then

(3) as a single price pool to those whose combination includes, in correct sequence, the first two betting interests; but if there are no such wagers, then

(4) as a single price pool to those whose combination correctly selects the first-place betting interest only; but if there are no such wagers, then

(5) the entire pool shall be refunded on superfecta wagers for that contest.

(c) If fewer than four betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.

(d) If there is a dead heat for first involving contestants representing four or more betting interests, all of the wagering combinations selecting four betting interests which correspond with any of the betting

interests involved in the dead heat shall share in a profit split.

(e) If there is a dead heat for first involving contestants representing three betting interests, all of the wagering combinations selecting the three dead-heated betting interests, regardless of order, along with the fourth-place betting interest shall share in a profit split.

(f) If there is a dead heat for first involving contestants representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, regardless of order, along with the third-place and fourth-place betting interests shall share in a profit split.

(g) If there is a dead heat for second involving contestants representing three or more betting interests, all of the wagering combinations correctly selecting the winner combined with any of the three betting interests involved in the dead heat for second shall share in a profit split.

(h) If there is a dead heat for second involving contestants representing two betting interests, all of the wagering combinations correctly selecting the winner, the two dead-heated betting interests, regardless of order, and the fourth-place betting interest shall share in a profit split.

(i) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers in correct sequence shall share in a profit split along with any two of the betting interests involved in the dead heat for third.

(j) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers in correct sequence shall share in a profit split along with any of the betting interests involved in the dead heat for fourth.

(k) Except in live races, coupled entries and mutuel fields shall be prohibited in superfecta contests. (Authorized by K.S.A. 1991 Supp. 74-8804; implementing K.S.A. 1991 Supp. 74-8819; effective June 1, 1992.)

112-9-40a. Tri-superfecta pools. (a) The tri-superfecta requires selection of the first three finishers, in their exact order, in the first of two designated contests and the first four finishers, in exact order, in the second of the two designated contests. Each winning ticket for the first tri-superfecta contest must be exchanged for a free ticket on the second tri-superfecta contest in order to remain eligible for the second-half tri-superfecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second tri-superfecta contest. Winning first-half tri-superfecta tickets shall receive both an exchange and a monetary payoff. Both of the designated tri-superfecta contests shall be included in only one tri-superfecta pool.

(b) After wagering closes for the first-half of the tri-superfecta and the takeout has been deducted from the pool, the net pool then shall be divided into two separate pools: the first-half tri-superfecta pool and the second-half tri-superfecta pool.

(c) In the first tri-superfecta contest only, winning tickets shall be determined using the following precedence, based upon the official order of finish for the first tri-superfecta contest:

(1) as a single price pool to those whose combination finishes in correct sequence as the first three betting interests; but if there are no such wagers, then

(2) as a single price pool to those whose combination includes, in correct sequence, the first two betting interests; but if there are no such wagers, then

(3) as a single price pool to those whose combination correctly selects the first-place betting interest only; but if there are no such wagers, then

(4) the entire tri-superfecta pool shall be refunded on tri-superfecta wagers for that contest, and the second-half shall be canceled.

(d) If no first-half tri-superfecta ticket selects the first three finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half tri-superfecta pool. In such case, the second-half tri-superfecta pool shall be retained and added to any existing tri-superfecta carryover pool.

(e) Winning tickets from the first-half of the tri-superfecta shall be exchanged for tickets selecting the first four finishers of the second-half of the tri-superfecta. The second-half tri-superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second tri-superfecta contest:

(1) as a single price pool, including any existing carryover monies, to those whose combination finishes in correct sequence as the first four betting interests; but if there are no such tickets, then

(2) the entire second-half tri-superfecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half tri-superfecta pool of the next performance.

(f) If a winning first-half tri-superfecta ticket is not presented for cashing and exchange prior to the second-half tri-superfecta contest, the ticket holder may still collect the monetary value associated with the first-half tri-superfecta pool, but forfeits all rights to any distribution of the second-half tri-superfecta pool.

(g) Except for live races, coupled entries and mutuel fields shall be prohibited in tri-superfecta contests.

(h) If a betting interest in the first-half of the tri-superfecta is scratched, those tri-superfecta tickets including the scratched betting interest shall be refunded.

(i) If a betting interest in the second-half of the tri-superfecta is scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second tri-superfecta contest, the ticket holder forfeits all rights to the second-half tri-superfecta pool.

(j) If, due to a late scratch, the number of betting interests in the second-half of the tri-superfecta is reduced to a fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half tri-superfecta pool for that contest as a single price pool, but not the tri-superfecta carryover.

(k) If there is a dead heat or multiple dead heats in either the first- or second-half of the tri-superfecta, all tri-superfecta tickets selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in the first-half of the tri-superfecta, the payoff shall be calculated as a profit split. In the case of a dead heat

occurring in the second-half of the tri-superfecta, the payoff shall be calculated as a single price pool.

(l) If either of the tri-superfecta contests is canceled prior to the first tri-superfecta contest, or the first tri-superfecta contest is declared "no contest," the entire tri-superfecta pool shall be refunded on tri-superfecta wagers for that contest, and the second-half shall be canceled.

(m) If the second-half tri-superfecta contest is canceled or declared "no contest," all exchange tickets and outstanding first-half winning tri-superfecta tickets shall be entitled to the net tri-superfecta pool for that contest as a single price pool, but not the tri-superfecta carryover. If there are no such tickets, the net tri-superfecta pool shall be distributed as described in subparagraph (c) of this regulation.

(n) The tri-superfecta carryover may be capped at a designated level as provided in these racing regulations.

(o) An organization licensee may request permission to distribute the tri-superfecta carryover on a specific performance. The request shall be submitted to the commission in writing and shall include justification for the distribution, an explanation of the benefit to be derived and the intended date and performance when the distribution will be made.

(p) If the tri-superfecta carryover is designated for distribution on a specified date and performance, the following precedence shall be followed in determining winning tickets for the second-half of the tri-superfecta after completion of the first-half of the tri-superfecta:

(1) as a single price pool to those whose combination finishes in correct sequence as the first four betting interests; but if there are no such wagers, then

(2) as a single price pool to those whose combination includes, in correct sequence, the first three betting interests; but if there are no such wagers, then

(3) as a single price pool to those whose combination includes, in correct sequence, the first two betting interests; but if there are no such wagers, then

(4) as a single price pool to those whose combination includes, in correct sequence, the first-place betting interest only; but if there are no such wagers, then

(5) as a single price pool to holders of valid exchange tickets; but if there are no valid exchange tickets, then

(6) as a single price pool to holders of outstanding first-half winning tickets.

(q) Notwithstanding the provisions of this regulation, during a performance designated to distribute the tri-superfecta carryover, exchange tickets, shall be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the tri-superfecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first-half of the tri-superfecta, all first-half tickets shall become winners and shall receive

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100 percent of that day's net tri-superfecta pool and any existing tri-superfecta carryover as a single price pool.

(r) The tri-superfecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

(1) upon written approval from the commission as provided in subparagraph (o) of this regulation; or

(2) upon written approval from the commission when there is a change in the carryover cap or when the tri-superfecta is discontinued; or

(3) on the closing performance of the meeting or split meeting.

(s) If, for any reason, the tri-superfecta carryover must be carried over to the corresponding tri-superfecta pool of a subsequent meeting, the carryover shall be deposited in an interest-bearing account approved by the commission. The tri-superfecta carryover plus accrued interest shall then be added to the second-half tri-superfecta pool of the following meeting on a date and performance designated by the commission.

(t) Providing information to any person regarding covered combinations, amounts wagered on specific combinations or number of tickets sold is prohibited. This shall not prohibit any necessary communication for the processing of pool data between totalisator and parimutuel department employees.

(u) At the beginning of each meeting each organization licensee shall obtain written approval from the commission concerning the scheduling of tri-superfecta contests, the percentages of the net pool added to the first-half pool and the second-half pool and the designated amount of any cap to be set on the carryover. Any modification of the approved tri-superfecta procedures requires prior approval from the commission. (Authorized by K.S.A. 1991 Supp. 74-8804; implementing K.S.A. 1991 Supp. 74-8819; effective June 1, 1992.)

112-9-41. (Authorized by K.S.A. 1988 Supp. 74-8804(p); implementing K.S.A. 1988 Supp. 74-8819(b); effective, T-112-8-22-89, Aug. 22, 1989; effective Oct. 2, 1989; revoked, T-112-9-26-91, Sept. 26, 1991; revoked June 1, 1992.)

112-9-41a. Twin trifecta. (a) The twin trifecta requires selection of the first three finishers, in their exact order, in each of two designated contests. Each winning ticket for the first twin trifecta contest must be exchanged for a free ticket for the second twin trifecta contest in order to remain eligible for the second-half twin trifecta pool. These tickets may be exchanged only at attended ticket windows prior to the second twin trifecta contest. Winning first-half twin trifecta wagers will receive both an exchange and a monetary payoff. Both of the designated twin trifecta contests shall be included in only one twin trifecta pool.

(b) After wagering closes for the first-half of the twin trifecta and the takeout has been deducted from the pool, the net pool then shall be divided into separate pools: the first-half twin trifecta pool and the second-half twin trifecta pool.

(c) In the first twin trifecta contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first twin trifecta contest:

(1) as a single price pool to those whose combination finished in the same sequence as the first three betting interests; but if there are no such wagers, then

(2) as a single price pool to those whose combination includes, in correct sequence, the first two betting interests; but if there are no such wagers, then

(3) as a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(4) the entire twin trifecta pool shall be refunded on twin trifecta wagers for that contest and the second-half shall be canceled.

(d) If no first-half twin trifecta ticket selects the first three finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half twin trifecta pool. In such case, the second-half twin trifecta pool shall be retained and added to any existing twin trifecta carryover pool.

(e) Winning tickets from the first-half of the twin trifecta shall be exchanged for tickets selecting the first three finishers of the second-half of the twin trifecta. The second-half twin trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second twin trifecta contest:

(1) as a single price pool, including any existing carryover monies, to those whose combination finishes in the same sequence as the first three betting interests; but if there are no such tickets, then

(2) the entire second-half twin trifecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half twin trifecta pool of the next consecutive performance.

(f) If a winning first-half twin trifecta ticket is not presented for cashing and exchange prior to the second-half twin trifecta contest, the ticket holder may collect the monetary value associated with the first-half twin trifecta pool, but forfeits all rights to any distribution of the second-half twin trifecta pool.

(g) Except for live races, coupled entries and mutuel fields shall be prohibited in twin trifecta contests.

(h) If a betting interest in the first-half of the twin trifecta is scratched, those twin trifecta wagers, including the scratched betting interest, shall be refunded.

(i) If a betting interest in the second-half of the twin trifecta is scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for the exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second twin trifecta contest, the ticket holder forfeits all rights to the second-half twin trifecta pool.

(j) If, due to a late scratch, the number of betting interests in the second-half of the twin trifecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half twin trifecta pool for that contest as a single price pool, but not the twin-trifecta carryover.

(k) If there is a dead heat or multiple dead heats in either the first- or second-half of the twin trifecta, all twin trifecta wagers selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a

winner. In the case of a dead heat occurring in the first-half of the twin trifecta, the payoff shall be calculated as a profit split. In the case of a dead heat occurring in the second-half of the twin trifecta, the payoff shall be calculated as a single price pool.

(l) If either of the twin trifecta contests is canceled prior to the first twin trifecta contest or if the first twin trifecta contest is declared a "no contest," the entire twin trifecta pool shall be refunded on twin trifecta wagers for that contest, and the second-half of the twin trifecta shall be canceled.

(m) If the second-half twin trifecta contest is canceled or declared "no contest," all exchange tickets and outstanding first-half winning twin trifecta tickets shall be entitled to the net twin trifecta pool for that contest as a single price pool, but not to the twin-trifecta carryover. If there are no such tickets, the net twin trifecta pool shall be distributed as described in subparagraph (c) of this regulation.

(n) The twin-trifecta carryover may be capped at a designated level as provided in these racing regulations.

(o) An organization licensee may request permission to distribute the twin trifecta jackpot on a specific performance. The request shall be submitted to the commission in writing and shall include justification for the distribution, an explanation of the benefit to be derived and the intended date and performance when the distribution will be made.

(p) If the twin trifecta carryover is designated for distribution on a specified date and performance, the following precedence shall be followed in determining winning tickets for the second-half of the twin trifecta after completion of the first-half of the twin trifecta:

(1) as a single price pool to those whose combination finishes in the same sequence as the first three betting interests; but if there are no such wagers, then

(2) as a single price pool to those whose combination includes, in correct sequence, the first two betting interests; but if there are no such wagers, then

(3) as a single price pool to those whose combination correctly selects the first-place betting interest only; but if there are no such wagers, then

(4) as a single price pool to holders of valid exchange tickets; but if there are no holders of valid exchange tickets, then

(5) as a single price pool to holders of outstanding first-half winning tickets.

(q) Notwithstanding the provisions of this regulation, during a performance designated to distribute the twin trifecta carryover, exchange tickets shall be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the twin trifecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first-half of the twin trifecta, all first-half tickets shall become winners and shall receive 100 percent of

that day's net twin trifecta pool and any existing twin trifecta carryover as a single price pool.

(r) The twin trifecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

(1) upon written approval from the commission as provided in subparagraph (o) of this regulation; or

(2) upon written approval from the commission when there is a change in the carryover cap or when the twin trifecta is discontinued; or

(3) on the closing performance of the meeting or split meeting.

(s) If, for any reason, the twin-trifecta carryover must be carried over to the corresponding twin trifecta pool of a subsequent meeting, the jackpot shall be deposited in an interest-bearing account approved by the commission. The twin trifecta carryover and accrued interest then shall be added to the second-half twin trifecta pool of the following meeting on a date and performance designated by the commission.

(t) Providing information to any person regarding covered combinations, amounts wagered on specific combinations or number of tickets sold is prohibited. This shall not prohibit any necessary communication for the processing of pool data between totalisator and parimutuel department employees.

(u) The organization licensee shall obtain written approval from the commission concerning the scheduling of twin trifecta contests, the percentages of the net pool added to the first-half pool and second-half pool and the designated amount of any cap to be set on the carryover. Any modification of the approved twin trifecta procedures requires prior approval from the commission. (Authorized by K.S.A. 1990 Supp. 74-8804(p); implementing K.S.A. 1990 Supp. 74-8819(b), as amended by L. 1991, ch. 247 § 5; effective, T-112-9-26-91, Sept. 26, 1991; effective June 1, 1992).

112-9-42. Twin superfecta pools. (a) The twin superfecta requires selection of the first four finishers, in their exact order, in each of two designated contests. Each winning ticket for the first twin superfecta contest must be exchanged for a free ticket on the second twin superfecta contest in order to remain eligible for the second-half twin superfecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second twin superfecta contest. Winning first-half twin superfecta tickets shall receive both an exchange and a monetary payoff. Both of the designated twin superfecta contests shall be included in only one twin superfecta pool.

(b) After wagering closes for the first-half of the twin superfecta and the takeout has been deducted from the pool, the net pool shall then be divided into two separate pools: the first-half twin superfecta pool and the second-half twin superfecta pool.

(c) In the first twin superfecta contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first twin superfecta contest:

(1) as a single price pool to those whose combination finishes in correct sequence as the first four betting interests; but if there are no such wagers, then

(continued)

(2) as a single price pool to those whose combination includes, in correct sequence, the first three betting interests; but if there are no such wagers, then

(3) as a single price pool to those whose combination includes, in correct sequence, the first two betting interests; but if there are no such wagers, then

(4) as a single price pool to those whose combination correctly selects the first-place betting interest only; but if there are no such wagers, then

(5) the entire twin superfecta pool shall be refunded on twin superfecta wagers for that contest, and the second-half shall be canceled.

(d) If no first-half twin superfecta ticket selects the first four finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half twin superfecta pool. In such case, the second-half twin superfecta pool shall be retained and added to any existing twin superfecta carryover pool.

(e) Winning tickets from the first-half of the twin superfecta shall be exchanged for tickets selecting the first four finishers of the second-half of the twin superfecta. The second-half twin superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second twin trifecta contest:

(1) as a single price pool, including any existing carryover monies, to those whose combination finishes in correct sequence as the first four betting interests; but if there are no such tickets, then

(2) the entire second-half twin superfecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half twin superfecta pool of the next performance.

(f) If a winning first-half twin superfecta ticket is not presented for cashing and exchange prior to the second-half twin superfecta contest, the ticket holder may still collect the monetary value associated with the first-half twin superfecta pool but forfeits all rights to any distribution of the second-half twin superfecta pool.

(g) Except for live races, coupled entries and mutual fields shall be prohibited in twin superfecta contests.

(h) If a betting interest in the first-half of the twin superfecta is scratched, those twin superfecta tickets including the scratched betting interest shall be refunded.

(i) If a betting interest in the second-half of the twin superfecta is scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second twin superfecta contest, the ticket holder forfeits all rights to the second-half twin superfecta pool.

(j) If, due to a late scratch, the number of betting interests in the second-half of the twin superfecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half twin superfecta pool for that contest as a single price pool, but not the twin superfecta carryover.

(k) If there is a dead heat or multiple dead heats in either the first- or second-half of the twin superfecta, all twin superfecta tickets selecting the correct order

of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in the first-half of the twin superfecta, the payoff shall be calculated as a profit split. In the case of a dead heat occurring in the second-half of the twin superfecta, the payoff shall be calculated as a single price pool.

(l) If either of the twin superfecta contests is canceled prior to the first twin superfecta contest, or the first twin superfecta contest is declared "no contest," the entire twin superfecta pool shall be refunded on twin superfecta wagers for that contest, and the second-half shall be canceled.

(m) If the second-half twin superfecta contest is canceled or declared "no contest," all exchange tickets and outstanding first-half winning twin superfecta tickets shall be entitled to the net twin superfecta pool for that contest as a single price pool, but not the twin superfecta carryover. If there are no such tickets, the net twin superfecta pool shall be distributed as described in subparagraph (c) of this regulation.

(n) The twin superfecta carryover may be capped at a designated level as provided in these racing regulations.

(o) An organization licensee may request permission to distribute the twin superfecta carryover on a specific performance. The request shall be submitted to the commission in writing and shall include justification for the distribution, including how the distribution will serve the best interests of the wagering public, an explanation of the benefit to be derived and the intended data and performance when the distribution will be made. The benefit to both the public and the state shall be weighed in determining whether to approve such a request.

(p) If the twin superfecta carryover is designated for distribution on a specified date and performance, the following precedence shall be followed in determining winning tickets for the second-half of the twin superfecta after completion of the first-half of the twin superfecta:

(1) as a single price pool to those whose combination finishes in correct sequence as the first four betting interests; but if there are no such wagers, then

(2) as a single price pool to those whose combination includes, in correct sequence, the first three betting interests; but if there are no such wagers, then

(3) as a single price pool to those whose combination includes, in correct sequence, the first two betting interests; but if there are no such wagers, then

(4) as a single price pool to those whose combination correctly selects the first-place betting interest only; but if there are no such wagers, then

(5) as a single price pool to holders of valid exchange tickets; but if there are no valid exchange tickets, then

(6) as a single price pool to holders of outstanding first-half winning tickets.

(q) Notwithstanding the provisions of this regulation, during a performance designated to distribute the twin superfecta carryover, exchange tickets shall be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the twin superfecta. If there are no wagers correctly selecting the first-, second-, third-, and fourth-place finishers, in their exact order,

then exchange tickets shall be issued for combinations correctly selecting the first-, second-, and third-place betting interests. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first-half of the twin superfecta, all first-half tickets shall become winners and shall receive 100 percent of that day's net twin superfecta pool and any existing twin superfecta carryover as a single price pool.

(r) The twin superfecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

(1) upon written approval from the commission as provided in subparagraph (o) of this regulation; or

(2) upon written approval from the commission when there is a change in the carryover cap or when the twin superfecta is discontinued; or

(3) on the closing performance of the meeting or split meeting.

(s) If, for any reason, the twin superfecta carryover must be carried over to the corresponding twin superfecta pool of a subsequent meeting, the carryover shall be deposited in an interest-bearing account approved by the commission. The twin superfecta carryover plus accrued interest then shall be added to the second-half twin superfecta pool of the following meeting on a date and performance designated by the commission.

(t) Providing information to any person regarding covered combinations, amounts wagered on specific combinations or number of tickets sold is prohibited. This shall not prohibit any necessary communication for the processing of pool data between totalisator and parimutuel department employees.

(u) At the beginning of each race meeting each organization licensee shall obtain written approval from the commission concerning the scheduling of twin superfecta contests, the percentages of the net pool added to the first-half pool and second-half pool and the designated amount of any cap to be set on the carryover. Any modification of the approved twin superfecta procedures requires prior approval from the commission. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8819, as amended by L. 1991, ch. 247, § 5; effective June 1, 1992.)

112-9-43. Capping carryover pools. The Pick (N), the twin trifecta, the tri-superfecta, and the twin superfecta carryover pools may be capped at a designated level or on a designated performance as approved by the commission. When the commission authorizes the capping of a carryover it shall select one of the following methods to govern subsequent contributions to the carryover pool:

(a) When the amount in the wager's carryover pool equals or exceeds the designated cap at the close of any performance, the carryover pool shall be frozen, and 100 percent of the designated contributions to the carryover pool shall be paid out to the wager's regular pool until the carryover pool is paid out.

(b) Within three working days of the date when the designated cap is reached, each organization licensee shall notify the commission or its designee of the occurrence and specify the date it intends to force a payout of the carryover pool, provided the capped carryover pool is not paid out prior to the specified date. Each forced payout shall be made within ten race days after the date when the designated cap is reached. After the designated cap is reached the carryover pool shall continue to receive its regular contribution from all wagers.

(c) When the designated cap on the carryover pool is reached the organization licensee shall freeze the carryover pool at the designated cap amount and create a new seed pool. The seed pool shall receive and hold all contributions that would normally flow to the carryover pool until the capped carryover pool is paid out. The carryover pool shall be paid out under the regular procedures, or, if the organization licensee so elects, under the forced payout procedures stated in subparagraph (b) of this regulation. Once the capped carryover pool is paid out, the seed pool shall become the carryover pool. If the seed pool's balance ever equals or exceeds the designated cap the seed pool shall be frozen the same as the carryover pool, and another seed pool shall be created.

(d) When a carryover pool is capped on a designated performance and the designated performance date is reached, the organization licensee shall pay out 100 percent of the contributions to the carryover pool. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8819, as amended by L. 1991, ch. 247, § 5; effective June 1, 1992.)

Dana Nelson
Executive Director

Doc. No. 011841

State of Kansas

Department of Education

Notice of Available Federal Funding
for Adult Homeless Literacy Training

Pursuant to Section 701 of the Stewart B. McKinney Homeless Assistance Act, P.L. 100-77, as amended, notification of available federal funding for this program is announced.

The McKinney Act provides federal financial assistance to states to provide adult literacy training, basic skills and parenting programs for the adult homeless. Those entities eligible to apply include public or private agencies, institutions or community-based organizations. Applications will be accepted through May 11. Funds will be awarded as available.

For more information and an application, contact Norma Cregan, Community Colleges/Community Education, State Board of Education, 120 S.E. 10th, Topeka 66612-1182, (913) 296-4906.

Dr. Lee Droegemueller
Commissioner of Education

Doc. No. 011846

(Published in the Kansas Register, April 16, 1992.)

Notice of Redemption
City of Bonner Springs, Kansas
Temporary Note
Series 1991-A
Dated June 15, 1991

Notice is hereby given to the holder of a Temporary Note, Series 1991-A, dated June 15, 1991, of the city of Bonner Springs, Kansas, that the city hereby calls for redemption on May 1, 1992, the note maturing on June 15, 1992, as follows:

Note No.	Maturity Date	Principal Amount	Interest Rate
1	6/15/92	\$121,000	6.6%

On such date, the aforesaid note shall become due and payable at a redemption price equal to 100 percent of the principal amount thereof, plus accrued interest thereon to May 1, 1992, and from and after such redemption date interest shall cease to accrue and be payable on said note. The note called for redemption should be presented for payment and redemption at the office of the City Treasurer, 205 E. 2nd, P.O. Box 38, Bonner Springs, KS 66012, on or before May 1, 1992.

Dated March 26, 1992.

City of Bonner Springs, Kansas
By Carolyn S. Stinnett
Acting City Manager/City Clerk
Bonner Springs, Kansas
(913) 422-1020

Doc. No. 011837

(Published in the Kansas Register, April 16, 1992.)

Notice of Redemption
City of Bonner Springs, Kansas
Temporary Notes
Series 1991-B
Dated November 15, 1991

Notice is hereby given to the holders of certain Temporary Notes, Series 1991-B, dated November 15, 1991, of the city of Bonner Springs, Kansas, that the city hereby calls for redemption on May 1, 1992, the notes of said series maturing on November 15, 1992, as follows:

Note No.	Maturity Date	Principal Amount	Interest Rate
1	11/15/92	\$25,000	5%
2	11/15/92	25,000	5
3	11/15/92	25,000	5
4	11/15/92	25,000	5
5	11/15/92	25,000	5
6	11/15/92	25,000	5
7	11/15/92	25,000	5
8	11/15/92	25,000	5
9	11/15/92	25,000	5
10	11/15/92	25,000	5
11	11/15/92	25,000	5
12	11/15/92	25,000	5

On such date, each of the aforesaid notes shall become due and payable at a redemption price equal to 100 percent of the principal amount thereof, plus accrued interest thereon to May 1, 1992, and from and after such redemption date interest shall cease to accrue and be payable on said notes. The notes called for redemption should be presented for payment and redemption at the office of the City Treasurer, 205 E. 2nd, P.O. Box 38, Bonner Springs, KS 66012, on or before May 1, 1992.

Dated March 26, 1992.

City of Bonner Springs, Kansas
By Carolyn S. Stinnett
Acting City Manager/City Clerk
Bonner Springs, Kansas
(913) 422-1020

Doc. No. 011838

(Published in the Kansas Register, April 16, 1992.)

Notice of Call for Redemption
to the owners of
the City of Winfield, Kansas
Industrial Revenue Bonds
Binney & Smith, Inc.
\$3,750,000 Series July 1, 1975

Notice is hereby given that the above-mentioned bonds maturing July 1, 1993, and thereafter have been called for redemption and payment on July 1, 1992 (the redemption date), at the principal corporate trust office of The Southwest National Bank of Wichita, P.O. Box 1401, 400 E. Douglas, Wichita, KS 67201, the paying agent.

Maturity Date	Principal Amount	Interest Rate	Bond No.
7/1/93	\$250,000	8 ³ / ₄ %	601-650
7/1/94	\$250,000	8 ³ / ₄ %	651-700
7/1/95	\$250,000	8 ³ / ₄ %	701-750

On such redemption date there shall become due and payable, upon the presentation and surrender of each such bond, the redemption price thereof equal to 103.25 percent of the principal amount of each bond together with interest accrued to the redemption date. Interest shall cease to accrue on the bonds so called for redemption from and after July 1, 1992, provided such funds for redemption are on deposit with the paying agent.

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

The Southwest National Bank of Wichita
Trustee for the City of Winfield, Kansas
P.O. Box 1401
Wichita, KS 67201

Doc. No. 011835

State of Kansas

Secretary of State

I, Bill Graves, Secretary of State of the State of Kansas, do hereby certify that each of the following bills is a correct copy of the original enrolled bill now on file in my office.

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal.

Bill Graves
Secretary of State

(Published in the Kansas Register, April 16, 1992.)

HOUSE BILL No. 2802

AN ACT concerning permits for discharge of sewage; providing for general permits; amending K.S.A. 1991 Supp. 65-165 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1991 Supp. 65-165 is hereby amended to read as follows: 65-165. (a) Upon application made to the secretary of health and environment by the public authorities having by law the charge of the sewer system of any municipality, township, county, or legally constituted sewer district, or any person, company, corporation, institution, municipality or federal agency, the secretary of health and environment shall consider the case of such a sewage discharge or sewer system, otherwise prohibited by this act from discharging sewage into any of the waters of the state, or the extension of a sewer system and whenever it is the secretary's opinion that the general interests of the public health would be served

thereby, or that the discharge of such sewage would not detract from the quality of the waters of the state for their beneficial uses for domestic or public water supply, agricultural needs, industrial needs, recreational needs or other beneficial use and that such discharge meets or will meet all applicable state water quality standards and applicable federal water quality and effluent standards under the provisions of the federal water pollution control act and amendments thereto as in effect on January 1, 1989, the secretary of health and environment shall issue a permit for the extension of a sewer system or for the discharge of sewage, or both, and shall stipulate in the permit the conditions on which such discharge will be permitted and shall require such treatment of the sewage as determined necessary to protect beneficial uses of the waters of the state in accordance with the statutes and rules and regulations defining the quality of the water affected by such discharge and may require treatment of the sewage in accordance with rules and regulations predicated upon technologically based effluent limitations. Indirect dischargers shall comply with all applicable pretreatment regulations and water quality standards.

(b) If, in the opinion of the secretary of health and environment, issuance of general permits is more appropriate than issuance of individual permits, the secretary may establish, by rule and regulation, procedures for issuance of general permits to the following sources and facilities if such sources and facilities involve similar types of operations, discharge the same types of wastes or engage in the same types of sludge use or disposal practices, require similar monitoring requirements or require the same effluent limitations, operating conditions, or standards for sewage sludge use or disposal: (1) A category of point and nonpoint sources of sewage such as storm water; (2) other categories of point and nonpoint sources of sewage; or (3) categories of facilities treating domestic sewage. Availability of general permits shall be limited to areas defined by geographical or political boundaries such as, but not limited to, city, county or state boundaries, state or county roads and highways or natural boundaries such as drainage basins. The secretary may establish, by rule and regulation, procedures for the issuance, revocation, modification and change, reissuance or termination of general permits in the manner provided by law.

(c) Every such permit for the discharge of sewage shall be revocable, or subject to modification and change, by the secretary of health and environment, upon notice having been served on the public authorities having, by law, the charge of the sewer system any municipality, township, county or legally constituted sewer district or on the person, company, corporation, institution, municipality or federal agency owning, maintaining or using the sewage system. The length of time after receipt of the notice within which the discharge of sewage shall be discontinued may be stated in the permit, but in no case shall it be less than 30 days or exceed two years; and, if the length of time is not specified in the permit, it shall be 30 days. On the expiration of the period of time prescribed, after the service of notice of revocation, modification or change from the secretary of health and environment, the right to discharge sewage into any of the waters of the state shall cease and terminate, and the prohibition of this act against such discharge shall be in full force, as though no permit had been granted, but a new permit may thereafter again be granted, as hereinbefore provided.

Sec. 2. K.S.A. 1991 Supp. 65-165 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 16, 1992.)

HOUSE BILL No. 2976

AN ACT relating to irrigation districts; concerning election of members of boards of directors; amending K.S.A. 42-701 and 42-706 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 42-701 is hereby amended to read as follows: 42-701. (a) A majority of the qualified owners of irrigable lands within a proposed irrigation district who shall be three or more persons and who own, collectively, at least ~~sixty (60)~~ 60 acres of land which are susceptible of irrigation, and who own a majority of the irrigable acres in such proposed district, may petition and make application to the chief engineer of the division of water resources of the state board of agriculture, for the organization, establishment and authority to incorporate an irrigation district under the provisions of this act. Qualified owners of irrigable land shall be understood and construed to mean taxpayers of ~~said such~~ proposed district owning irrigable land or some interest therein, in ~~said such~~ proposed district. A qualified owner of irrigable land who is a tenant in common shall be understood and construed to own the number of acres of land to which such person would be entitled in the event that partition were made of ~~said such~~ real estate, in kind, upon an acreage basis and not a valuation basis. A qualified owner of irrigable land who is a joint tenant shall be understood and construed to own the number of acres such person would receive in the event that the tract of land involved were divided, in kind, equally among the joint tenants owning ~~said such~~ tract, upon an acreage basis and not upon a valuation basis. A corporation incorporated under the provisions of K.S.A. 17-5901, and amendments thereto, trust, association or partnership which legally holds title to such irrigable land shall be a qualified owner of irrigable land under the provisions of this act. Lands to be included in a district need not be contiguous. Irrigation districts may be formed in order to cooperate with the United States under the federal reclamation laws, heretofore or hereafter enacted, or under any act of congress which shall permit the performance by the United States of work in this state for the purpose of construction of irrigation works, including drainage works, or for purchase, extension, operation, or maintenance of constructed works, or for the assumption, as a principal or guarantor, of indebtedness to the United States on account of district works. When so organized ~~such~~, irrigation districts shall have the authority and power conferred, or that may hereafter be conferred, by law upon such irrigation districts.

(b) The certificate of the register of deeds of the county where the land is located shall be sufficient evidence of title for the purposes of this act. Before any such district shall be established, the requisite number of qualified owners of irrigable lands, shall file an application with the chief engineer of the division of water resources of the state board of agriculture, for the approval of the creation of the proposed district. Such application shall be accompanied by adequate maps, a general description of the lands proposed to be included in the district and a statement of the source of water supply for the district, and ~~said such~~ application shall set forth: (1) The proposed name of ~~said the~~ irrigation district designated as "_____ Irrigation District No. _____" (indicating in blank space number of district in consecutive order as incorporated and established); (2) a description of the territory proposed to be organized as a district, which description shall be deemed sufficient if generally accurate; (3) the names of the qualified owners of irrigable lands within the proposed district, together with addresses of ~~said such~~ persons, if known; (4) the source from which the lands in the proposed district are expected to be irrigated, the character of the works, water rights, canals, ditches, and other property, proposed to be acquired or constructed for irrigation or drainage purposes in ~~said such~~ district; (5) a statement of the need and purpose of organizing, incorporating and establishing such proposed district. (6) ~~Such application for authority to incorporate shall be accompanied by application for acquisition of permit for use of water.~~ (7); and (6) a request that the chief engineer define the boundaries of the lands to be benefited within the proposed district, and for approval of maps, plans and specifications submitted and for a permit approving organization of proposed irrigation district. ~~Such application for authority to incorporate shall be accompanied by application for acquisition of permit for use of water.~~

Sec. 2. K.S.A. 42-706 is hereby amended to read as follows: 42-706. (a) The officers of such district shall be a board of directors consisting of three (3) members who shall be persons entitled to vote as provided in subsection (h) and residents of a county in which the district or a portion thereof is located, or county adjoining a county in which ~~said such~~ irrigation district or a portion thereof is located, ~~and who~~. Such members shall hold ~~their offices~~ office for a period of three (3) years, and each shall serve until ~~his or her~~ a successor has been elected and qualified. The members of the board of directors first elected after the creation of an irrigation district shall hold their respective offices until the next regular election for the election of directors as provided in subsection (e) or (f) of this section except that the terms of the three (3) directors shall be as provided in subsection (e) of this section.

(b) The chief engineer of the division of water resources shall, after the incorporation of such irrigation district, shall establish and designate the polling place or places therein where the first election will be conducted and fix the time for such election within ~~sixty (60)~~ 60 days after the date of incorporation. In any irrigation district of more than ~~thirty thousand (30,000)~~ 35,000 acres, the chief engineer of the division of water resources shall, prior to designating polling places, establish three voting areas within such district as equal as possible in acreage and shall designate the same as the first, second or third voting area. Such polling place or places may thereafter be changed by the board of directors, and ~~said the~~ board may arrange for polling places outside the corporate boundaries of the district if such places are more convenient than locations within the district. Prior to the holding of the first election in newly created districts, the chief engineer of the division of water resources shall appoint from the qualified electors of the district three (3) persons for such election for each voting place who shall constitute boards of election for such district for such election. If the members appointed do not attend at the opening of the polls on the day of election, at the opening hour, the electors present at that hour shall elect from the electors present members of the election board necessary to fill the place of any absent member.

(c) The board of directors of every district of more than ~~thirty thousand (30,000)~~ 35,000 acres which was incorporated prior to the effective date of this act shall establish three voting areas within the district as equal as possible in acreage and designate the same as the first, second or third voting area. The board shall also establish and designate the polling place or places within each voting area. At the first election held after the effective date of this act, a director shall be elected from each voting area and the person receiving the highest number of votes shall serve for a term of three years, the person receiving the second highest number of votes shall serve for a term of two years, and the person receiving the third highest number of votes shall serve for a term of one year. At each subsequent election, only one director shall be elected each year for a term of three years. Any director elected under this provision must be a person entitled to vote as provided in subsection (h).

(d) All elections shall be conducted in accordance with the general election laws of the state except as otherwise provided in this act. Absentee voting as provided in article 11 of chapter 25 of the Kansas Statutes Annotated and amendments thereto shall be provided for by the county election officers and boards of directors for those persons entitled to vote under subsection (h). The forms for the ballot envelope declaration as provided in K.S.A. 25-1120 and amendments thereto and the applications for absentee ballots as provided in K.S.A. 25-1122d and amendments thereto shall be modified to establish that such person is a qualified owner of irrigable land within the district. After polls are closed the election boards shall proceed to canvass the votes cast thereat, shall certify to the county election officer of the county in which all or the greater part of the population of the irrigation district is located and the chief engineer the result of such election. The clerks shall then securely wrap the ballots cast at such elections and shall express or mail the same by registered mail to the county election officer of the county in which all or the greater part of the population of the irrigation district is located ~~who shall also~~. The county election officer shall canvass the ballots and, verify the results and declare the person receiving the highest number of votes duly elected as director except that at the first election after creation of a district the county election officer of the county in which all or the greater part of the population of

the irrigation district is located shall declare the three (3) persons receiving the highest number of votes duly elected as directors except that in districts divided into three voting areas, the person receiving the highest number of votes in each voting area shall be duly elected as director. Such county election officer shall immediately mail, to each person elected to the office of director a certificate of election signed by ~~him or her~~ such officer. The directors shall thereupon qualify and enter upon the duties of their office. Directors shall qualify by taking and subscribing to an oath of office of substantially the same tenor as oath of office prescribed for county officials ~~and~~. Each member of the board of directors shall execute an official bond in the sum of ~~one thousand dollars (\$1,000)~~ \$1,000 which oath and bond shall be filed with the county election officer of the county in which all or the greater part of the population of the irrigation district is located ~~except that~~. The treasurer of each irrigation district shall execute to the district a corporate surety bond in an amount at least equal to ~~one hundred twenty five percent (125%)~~ 125% of the amount, as near as can be ascertained, that shall be in ~~his or her~~ such person's hands as treasurer at any one time. The amount and sufficiency of the bond of the treasurer shall be determined by ~~said~~ the county election officer, ~~and upon his or her approval thereof~~. Upon approval of the bond, the county election officer shall endorse ~~his or her~~ such approval thereon and file the same in ~~his or her~~ office the office of the county election officer and ~~said county election officer~~ shall immediately notify the county treasurer of the county in which the registered office of ~~said~~ the irrigation district is located of such approval and filing. In the event of the breach of any condition of the treasurer's bond, the president and secretary of the board shall cause a suit to be commenced thereon in the name of the irrigation district, ~~in which suit~~. It shall not be necessary to include the treasurer as a party to the action and the money collected shall be applied to the use of the district, as the same should have been applied by the treasurer. Should the president and secretary neglect or refuse to prosecute such a suit, then any person entitled to vote as provided in subsection (h) may cause such suit to be instituted. Premiums on surety bonds for ~~said~~ such directors and treasurers of irrigation districts shall be paid by the district out of its general funds. In case the office of any director shall become vacant the remaining members of the board shall fill the vacancy by appointment. A director appointed to fill a vacancy shall serve the unexpired term of the director whose term ~~he or she~~ such person was appointed to fill.

(e) All regular elections of directors of irrigation districts shall be held the first Tuesday in March except as provided by subsection (g). Any districts organized after the regular March election shall hold its election at the next regular March election following incorporation of the district and, at this election three (3) directors shall be elected and the person receiving the highest number of votes shall serve for a term of three (3) years, the person receiving the second highest number of votes shall serve for a term of two (2) years, and the person receiving the third highest number of votes shall serve for a term of one (1) year. In case the first election after creation of a district is held between June 1 of any year and the day preceding the first Tuesday in March of the next succeeding year, the next regular March election shall be held in the second succeeding year. At each subsequent regular election, only one (1) director shall be elected each year for a term of three (3) years. All persons desiring to be voted upon as directors shall at least ~~thirty (30)~~ 30 days before the day of holding of ~~said~~ the elections, file ~~his or her~~ such person's name with the county election officer of the county in which all or the greater part of the population of the irrigation district is located, affixed to a statement that ~~he or she~~ such person desires ~~his or her~~ such person's name to be placed on the ticket as a candidate for member of board of directors of ~~said~~ the district in ~~said~~ such election. The ~~said~~ county election officer shall make up ~~said~~ the ticket, at expense of the irrigation district, and place the names thereon in alphabetical order and shall supply election officials with necessary ballots and polling books at the irrigation district's expense. At least five (5) days before any election held subsequent to first election of directors, the boards of directors shall name and appoint three (3) persons for each voting place, who shall be qualified electors in ~~said~~ the district. At least five (5) days before any election, the county clerks of the various counties within which a portion of ~~said~~ the district is located, shall cause to be

ascertained the names of all persons entitled to vote as provided in subsection (h) and shall furnish lists thereof to each election board within ~~his or her~~ such county and to the secretary of the board of directors of ~~said~~ the district. Notice of the time and places of holding of ~~said~~ the election, signed by the president and attested by the secretary of the district shall be given in some newspaper or newspapers of general circulation in the district for one issue at least five (5) days prior to date of the election. The return of all special or bond elections shall be made to the secretary of the district, and canvassed by the board of directors. All expenses of election, not otherwise provided for herein, shall be paid for out of the general funds of the irrigation district. Election officials shall receive the same compensation as provided under general election laws.

(f) In lieu of the election procedures provided in this section pertaining to regular elections of directors in accordance with the general election laws of the state, the board of directors of any irrigation district of less than ~~thirty thousand (30,000)~~ 35,000 acres in size may call an annual meeting of all persons entitled to vote as provided in subsection (h) for the purpose of electing directors. Such annual meeting shall be held on the first Tuesday in March, except as provided by subsection (g). Notice of the time and place of holding said annual meeting shall be given in some newspaper or newspapers of general circulation in the district for one issue at least ~~thirty (30)~~ 30 days prior to date of ~~said~~ such meeting. Elections at ~~said~~ the annual meeting shall be by ballot, with absentee voting as provided under subsection (d) of this section. All persons desiring to be voted upon as director shall at least ~~thirty (30)~~ 30 days before the day of holding the annual meeting file ~~his or her~~ such person's name with the secretary of the board of directors of the district, affixed to a statement that ~~he or she~~ such person desires ~~his or her~~ such person's name to be placed on the ballot as a candidate for member of board of directors of ~~said~~ the district. The board of directors shall appoint three (3) owners of irrigable land in the district to serve as an election board at the annual meeting. After the votes are cast at the annual meeting ~~said~~ the election board shall proceed to canvass the votes and shall certify to the county election officer of the county in which all or the greater part of the population of the irrigation district is located and the chief engineer the result of such election. All provisions of this section not inconsistent with the provisions of subsection (f) shall apply to the election of directors at the annual meeting.

(g) In any case where the time for any regular election of directors as described in subsection (e), or the election as described in subsection (f), is the same for any two districts having the same district manager, such election shall be held on the first Wednesday following the first Tuesday in March by the district organized latest in time.

(h) Until such time as assessments are made in the district pursuant to K.S.A. 42-715 and amendments thereto, those persons entitled to vote shall be "qualified owners of land" within the irrigation district, as such term is defined in K.S.A. 42-701, and amendments thereto, and who are otherwise qualified electors.

After lands have been assessed in the district pursuant to K.S.A. 42-715 and amendments thereto, those persons entitled to vote shall be "qualified owners of land" within the irrigation district as such term is defined in K.S.A. 42-701, and amendments thereto, which has been assessed pursuant to K.S.A. 42-715, and amendments thereto, and who are otherwise qualified electors. For voting purposes; any person entitled to vote under this subsection who owns land in more than one voting area shall vote in the voting area which includes the greatest portion of ~~his or her~~ such person's land. As used in this section, the term "qualified electors" shall include a person who is the legal qualified owner of irrigable land or a person, who is authorized, in writing, to vote for a trust, corporation, association or partnership which is the legal qualified owner of irrigable land. Such person is not required to be a resident of the district. Such trust, corporation, association or partnership shall be allowed only one vote. The person authorized by such entity to vote shall be someone who is not otherwise entitled to a vote under this section.

Sec. 3. K.S.A. 42-701 and 42-706 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 16, 1992.)

HOUSE BILL No. 3129

AN ACT concerning counties; relating to boards of county commissioners; amending K.S.A. 19-202 and 19-204 and K.S.A. 1991 Supp. 19-203 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) When the voters of a county approve a change in the number of county commissioner districts at an election held under K.S.A. 19-204, and amendments thereto, the board of county commissioners, on or before January 1 immediately following such election, shall adopt a resolution dividing the county into the number of districts approved by the voters. If the board of county commissioners fails to adopt such resolution within the time prescribed, the administrative judge of the district court of the county, on or before the following January 31, shall order the county divided into the appropriate number of districts.

Sec. 2. K.S.A. 19-202 is hereby amended to read as follows: 19-202. (a) The board of county commissioners of each county shall consist of three (3), five (5) or seven (7) qualified electors.

(b) One (1) county commissioner shall reside in and represent each commissioner district within the county.

(c) Except as provided by K.S.A. 19-203, and amendments thereto, terms of office for the board of county commissioners shall be staggered in such a way that, except when it is necessary to fill a vacancy as provided in K.S.A. 19-203 or to effectuate a change in the number of commissioner districts, no more than a simple majority of commissioners is elected at any general election.

(d) Except as provided by K.S.A. 19-203, and amendments thereto, all county commissioners not filling a vacancy on the commission as set forth in K.S.A. 19-203 and not holding office for a shorter term in compliance with subsection (e), shall hold office for a term of four (4) years from the second Monday of January next after their election and until their successors are qualified.

(e) The provisions of subsections (a), (c) and (d) of this section may be modified by the adoption of a charter for county government in any county which has established a charter commission pursuant to law.

Sec. 3. K.S.A. 1991 Supp. 19-203 is hereby amended to read as follows: 19-203. (a) When a vacancy occurs in the office of a member of the board of county commissioners, it shall be filled by appointment of a resident in the district to fill the office for the unexpired term and until a successor is elected and qualified. When a vacancy occurs before May 1 of the first even-numbered year following the commencement of a term of office, it shall be filled by the appointment of a resident of such district who shall serve until a successor is elected and qualified at the next general election.

(b) Except as provided by subsection (c), appointments under this section shall be made in the manner provided by K.S.A. 25-3902, and amendments thereto, for filling vacancies in district offices.

(c) Vacancies created by an increase in the number of county commissioner districts in a county pursuant to K.S.A. 19-204, and amendments thereto, shall be filled by appointment of the governor. The governor shall make such appointments within 30 days of the date of the adoption of the resolution dividing the county into commissioner districts or within 30 days of the date of the order of the district court dividing the county into commissioner districts as required by section 1. Such appointees shall serve until successors are elected and qualified at the next general election. If at the next general election following such appointments, more than a simple majority of commissioners are elected, persons elected to the positions created by an increase in the number of districts shall be elected for two year terms and until their successors are qualified. Thereafter such members shall be elected to four year terms and until their successors are qualified. The provisions of this subsection shall apply to positions created by an increase in the number of districts at the election held in November 1990 and all such elections thereafter.

Sec. 4. K.S.A. 19-204 is hereby amended to read as follows: 19-204. (a) Subject to the provisions of section 1, the board of county commissioners shall, on the day of the organization of the board or as soon thereafter as may be possible, shall meet and divide the county into three commissioner districts or such number of districts as is prescribed by resolution of the board, as compact and equal

in population as possible, and number them, subject to alteration at least once every three years.

(b) The board of county commissioners of any county may, by resolution, may divide the county into three, five or seven commissioner districts, as compact and equal in population as possible, but no such resolution which would effect a change in the number of commissioner districts shall take effect until it has been approved by a majority of the qualified electors of the county voting thereon at the next general election, except as provided in subsections (e) and (f); following not less than 60 days the adoption of such resolution, in which all the qualified electors of the county are entitled to vote. Upon the presentation of a petition to the board of county commissioners, signed by electors equal in number to 5% of the qualified electors of the county and verified by the county election officer, requesting that the number of commissioner districts be changed, the board of county commissioner's shall cause such proposition to be submitted to the voters of the county at the next general election, following not less than 60 days the presentation of such petition, in which all of the qualified electors of the county are entitled to vote. In the event that more than one such petition is presented to the board of county commissioners prior to a general election, and any of such petitions conflicts with any other such petition with respect to the number of commissioner districts requested, the board of county commissioners shall decide, by majority vote thereon, which of said the propositions shall be submitted to the voters at the next such general election. If a majority of the electors voting at such election shall be in favor of changing the number of commissioner districts, the board of county commissioners shall provide for the division of the county into commissioner districts as hereinabove provided, except as provided in subsections (e) and (f) provided in section 1.

(c) No change in the number of commissioner districts shall become effective in any county within four years of the effective date of any previous change in the number of commissioner districts in such county.

(d) The provisions of this section may be modified by the adoption of a charter for county government in any county which has established a charter commission pursuant to law.

(e) In any county having a population of more than 350,000, the board of county commissioners may submit the question authorized by subsection (b) at a special election held on the first Tuesday in April, 1981, by adoption of a resolution not less than 45 days before such Tuesday. If a majority of the electors voting at such election shall be in favor of changing the number of county commissioners, the board of county commissioners shall provide for the division of the county into commissioner districts as compact and equal in population as possible by resolution adopted not later than six months after such election. At the election in 1982, the commissioners from the two additional commissioner districts shall be elected for four-year terms, and such two additional commissioners so elected shall be the first commissioners to serve from such two additional districts.

(f) In any county which has been designated as an urban area as permitted by section 17 of article 2 of the constitution of the state of Kansas, in which the board of county commissioners has heretofore submitted the question authorized by subsection (b), and the majority of the electors voting at the election favored increasing the number of commissioner districts, all resolutions and actions so adopted and taken by the board of county commissioners and the election so held are hereby validated. Any resolution adopted by the board of county commissioners of such county dividing the counties into commissioner districts and providing for the time of election of the commissioners from each district is hereby validated. The commissioners elected from the additional commissioner districts shall be the first commissioners to serve from such additional districts.

Sec. 5. K.S.A. 19-202 and 19-204 and K.S.A. 1991 Supp. 19-203 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 16, 1992.)

Substitute for HOUSE BILL No. 2737

AN ACT concerning contracts to maintain stocks of lawn and garden maintenance equipment; providing for the regulation of business relations between independent retailers and suppliers thereof.

Be it enacted by the Legislature of the State of Kansas:

Section 1. The purpose of this act is to prevent arbitrary or abusive conduct and to preserve and enhance the reasonable expectations for success in the business of distributing lawn and garden equipment. The retail distribution of lawn and garden equipment, as defined in this act, utilizing independent retail businesses operating under agreements with suppliers, vitally affects the general economy of the state, public interest, and public welfare, and it is necessary to regulate the business relations between the independent retailers and the lawn and garden equipment suppliers.

Sec. 2. As used in this act:

(a) "Equipment" means and includes machinery, equipment, attachments or repair parts therefor, used for lawn, garden, golf course, landscaping or grounds maintenance purposes.

(b) "Retailer" means any person, partnership, firm, corporation, association, or other form of business enterprise engaged in the business of:

(1) Selling or leasing lawn and garden equipment to the ultimate consumer thereof; and

(2) repairing or servicing lawn and garden equipment.

(c) "Contract" means either a written or parol agreement or arrangement for a definite or indefinite period between a retailer and a supplier which provides for the rights and obligations of the parties with respect to the purchase or sale of lawn and garden equipment, and which agreement, regardless of the retailer's territorial scope, contemplates the establishment or maintenance by the retailer of a location within the state of Kansas at which lawn and garden equipment and services for the same are displayed, and offered or demonstrated for sale.

(d) "Net cost" means the amount of money actually paid by a retailer to the supplier.

(e) "Current net price" means the price listed in a supplier's price list or catalogue in effect on the date of termination of a contract, less any applicable trade and cash discounts.

(f) "Supplier" means any person, partnership, corporation, association, or any and all other forms of business enterprise engaged in the business of manufacturing, assembly or wholesale distribution of lawn and garden equipment. The term "supplier" and the provisions of this act shall be interpreted liberally, with regard to the equities of the retailer, and in a manner not limited to traditional doctrines of corporate successor liability, and the obligations of a supplier hereunder shall consequently apply to any actual successor in interest to a supplier, including but not limited to, a purchaser of substantial assets or substantial stock, any receiver, trustee or assignee, or any surviving corporation resulting from a merger, liquidation or reorganization of the original or any intermediate successor supplier.

Sec. 3. (a) Whenever any retailer enters into a contract with a supplier and such supplier terminates, cancels, fails to renew, or in fact substantially discontinues such contract, such supplier shall pay to such retailer, or credit to such retailer's account, if and only to the extent that the retailer has outstanding sums owing the supplier, unless the retailer should desire to keep all or part of such merchandise, a sum equal to 90% of the net cost of all new, unused, undamaged and complete lawn and garden equipment, including transportation charges which have been paid by such retailer, and 90% of the current net prices of new, unused and undamaged repair parts which had previously been purchased from such supplier preceding the date of notification of the termination, and held by such retailer on the date of the cancellation of such contract. Upon the payment of such sum, the title and right of possession of such lawn and garden equipment and repair parts and other equipment shall then pass to the supplier making such payment, and such supplier shall then be entitled to the possession of such lawn and garden equipment and repair parts. All payments required to be made under the provisions of this section must be made within 90 days after the return of the lawn and garden equipment, repair parts or other equipment. After 90 days, all payments or allowances shall include

interest calculated from the date of return at the rate prescribed in K.S.A. 16-204, and amendments thereto.

(b) The provisions of this section shall not be construed to affect in any way any security interest which the supplier may have in the inventory of the retailer, except that any repurchase hereunder shall not be subject to the provisions of the bulk sales law or to the claims of any secured or unsecured creditors of the supplier or any assignee or the supplier until such time the retailer has received payment in full, subject to any offset the retailer may owe to the supplier.

Sec. 4. The provisions of section 3 shall not require the repurchase from a retailer of any:

(a) Repair part which is in a broken or damaged package;

(b) single repair part which is priced as a set of two or more items;

(c) repair part which, because of its condition, is not resalable as a new part;

(d) inventory for which the retailer is unable to furnish evidence, satisfactory to the supplier, of title, free and clear of all claims, liens and encumbrances;

(e) inventory which the retailer desires to keep, and for which the retailer has a contractual right to do so;

(f) machines, equipment, and attachments which are not in new, unused, undamaged, or complete condition;

(g) repair parts which are not in new, unused, or undamaged condition;

(h) machines, equipment or attachments which were purchased 12 months or more prior to notice of termination of the contract;

(i) inventory which was ordered by the retailer on or after the date of notification of termination of the contract;

(j) inventory which was acquired by the retailer from any source other than the supplier or transferee of such supplier; or

(k) part that has been removed from an engine or short block or piece of equipment or any part purchased separately that has been mounted or installed by the retailer on an engine or on equipment.

Sec. 5. In the event that any supplier, after such supplier terminates, cancels, fails to renew, or in fact substantially discontinues such contract, fails or refuses to make payment to such retailer as required by the provisions of section 3, such supplier shall be liable in a civil action to the retailer for the actual costs of the action, including attorney, paralegal and expert witness fees; for interest as provided in section 3; and for 100% of the net cost of such machinery, plus transportation charges which have been paid by the retailer; and for 100% of the current net price of the repair parts. In any such action, it shall be the burden of the supplier to establish that the terms of section 4 may apply to except any particular item of lawn and garden equipment from the terms of section 3.

Sec. 6. No supplier, directly or through any officer, agent or employee, may terminate, cancel or fail to renew without good cause. Good cause means failure by a retailer to substantially comply with essential and reasonable requirements imposed upon the retailer by the contract if such requirements are not different from those requirements imposed on similarly situated dealers either by their terms or in the manner of their enforcement. In addition, good cause shall exist whenever:

(a) The retailer has transferred a controlling interest in the retailer business without the supplier's consent;

(b) the retailer has filed a voluntary petition in bankruptcy or has had an involuntary petition in bankruptcy filed against it which has not been discharged within 30 days after the date of filing, or there has been a closeout or sale of a substantial part of the retailer's assets related to the retailer's business or there has been a commencement or dissolution or liquidation of the retailer's business;

(c) there has been a change, without the prior written approval of the supplier, in the location of retailer's principal place of business if such approval is required under the retailer's agreement with the supplier;

(d) the retailer has defaulted under any reasonable and essential term of a chattel mortgage or other security agreement between the retailer and supplier, or there has been a revocation or discontinuance of any guarantee of the retailer's present or future obligations to the supplier;

(e) the retailer has failed to operate in the normal course of

(continued)

(Published in the Kansas Register, April 16, 1992.)

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business for seven consecutive days or has otherwise abandoned such retailer's business, except for reasonable and customary closures of business;

(f) the retailer has pleaded guilty to or has been convicted of a felony affecting the relationship between the retailer and supplier;

(g) the retailer has engaged in conduct which is injurious or detrimental to the retailer's customers or the public welfare; or

(h) following receipt of written notices of the supplier's requirements and of written notices of the supplier's determination of the retailer's initial and persisting failures to meet the supplier's requirements, the retailer has consistently failed to meet the supplier's requirements for reasonable market penetration based on the supplier's experience in other identified and comparable market areas.

Sec. 7. Except as otherwise provided in this section, a supplier shall provide a retailer at least 90 days' prior notice of termination, cancellation, or nonrenewal of the contract. The notice shall state all reasons constituting good cause for termination, cancellation or nonrenewal and shall provide that the dealer has 60 days in which to cure any claimed deficiency. If the deficiency is rectified within 60 days, the notice shall be void. The notice and right to cure provisions under this section shall not apply if the reason for termination, cancellation or nonrenewal is for any reason set forth in subsections (a) through (h) of section 6.

Sec. 8. If any supplier violates any provisions of section 6 or 7, a retailer may bring an action in any court of competent jurisdiction for damages sustained by the retailer as a consequence of the supplier's violation. The court may also award court costs and reasonable attorney fees to the prevailing party. The remedies set forth in this section shall not be deemed exclusive and shall be in addition to any other remedies permitted by law including proceedings under the Kansas consumer protection act.

Sec. 9. The provisions of this act shall apply to all continuing and nonrenewable contracts, and all other contracts entered into, renewed, amended, assigned or transferred by a supplier to a transferee on or after July 1, 1992, and shall apply only to lawn and garden equipment and repair parts purchased after the effective date of this act. Any contract in force and effect on July 1, 1992, which by its own terms will terminate on a date certain subsequent thereto shall be governed by the law as it existed prior to this act unless renewed, amended, assigned or transferred as described above.

Sec. 10. The provisions of this act shall be supplemental to any agreement between the retailer and the supplier. The retailer may elect to pursue either the contract remedy, the remedy provided herein, or any other remedies permitted by law, and an election by the retailer to pursue such retailer contract or other remedies shall not bar such retailer's right to any remedy provided herein as to the lawn and garden equipment and repair parts not affected by the contract or other remedies.

Sec. 11. If any section of this act, or any part of any section thereof, or the application of such provision to any person or circumstance shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the remaining portions thereof and the application of such provision to other persons or circumstances.

Sec. 12. This act may be cited as the Kansas lawn and garden equipment dealership act.

Sec. 13. This act shall take effect and be in force from and after its publication in the Kansas register.

AN ACT concerning public utilities; relating to the jurisdiction of the state corporation commission over compressed natural gas; amending K.S.A. 66-104 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 66-104 is hereby amended to read as follows: 66-104. The term "public utility," as used in this act, shall be construed to mean every corporation, company, individual, association of persons, their trustees, lessees or receivers, that now or hereafter may own, control, operate or manage, except for private use, any equipment, plant or generating machinery, or any part thereof, for the transmission of telephone messages or for the transmission of telegraph messages in or through any part of the state, or the conveyance of oil and gas through pipelines in or through any part of the state, except pipelines less than ~~fifteen~~ (15) 15 miles in length and not operated in connection with or for the general commercial supply of gas or oil, or for the operation of any trolley lines, street, electrical or motor railway doing business in any county in the state; also all dining car companies doing business within the state, and all companies for the production, transmission, delivery or furnishing of heat, light, water or power. No cooperative, cooperative society, nonprofit or mutual corporation or association which is engaged solely in furnishing telephone service to subscribers from one telephone line without owning or operating its own separate central office facilities, shall be subject to the jurisdiction and control of the commission as provided herein, except that it shall not construct or extend its facilities across or beyond the territorial boundaries of any telephone company or cooperative without first obtaining approval of the commission. As used herein, the term "transmission of telephone messages" shall include the transmission by wire or other means of any voice, data, signals or facsimile communications, including all such communications now in existence or as may be developed in the future.

The term "public utility" shall also include that portion of every municipally owned or operated electric or gas utility located outside of and more than three (3) miles from the corporate limits of such municipality, but nothing in this act shall apply to a municipally owned or operated utility, or portion thereof, located within the corporate limits of such municipality or located outside of such corporate limits but within three (3) miles thereof except as provided in K.S.A. 66-131a, and amendments thereto.

Except as herein provided, the power and authority to control and regulate all public utilities and common carriers situated and operated wholly or principally within any city or principally operated for the benefit of such city or its people, shall be vested exclusively in such city, subject only to the right to apply for relief to the corporation commission as hereinafter provided in K.S.A. 66-133, and amendments thereto, and to the provisions of K.S.A. 66-131a, and amendments thereto. A transit system principally engaged in rendering local transportation service in and between contiguous cities in this and another state by means of street railway, trolley bus and motor bus lines, or any combination thereof, shall be deemed to be a public utility as that term is used in this act and, as such, shall be subject to the jurisdiction of the commission.

The term "public utility" shall not include any activity of an otherwise jurisdictional corporation, company, individual, association of persons, their trustees, lessees or receivers as to the marketing or sale of compressed natural gas for end use as motor vehicle fuel.

Sec. 2. K.S.A. 66-104 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 16, 1992.)

HOUSE BILL No. 2753

AN ACT concerning insurance; group-funded workers compensation pools; amending K.S.A. 1991 Supp. 44-584 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1991 Supp. 44-584 is hereby amended to read as follows: 44-584. (a) The application for a new certificate or a renewal of an existing certificate shall be signed by the trustees of the trust fund created by the pool. Any application for a renewal of an existing certificate shall meet at least the standards established in subsections (f), (g), (h), (i), (j), (k), (l), (m) and (n) of K.S.A. 44-582 and amendments thereto. After evaluating the application the commissioner shall notify the applicant that the plan submitted is approved or conversely, if the plan submitted is inadequate, the commissioner shall then fully explain to the applicant what additional requirements must be met. If the application is denied, the applicant shall have 15 days to make an application for hearing by the commissioner after service of the denial notice. The hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(b) All certificates granted hereunder shall expire on April 30 of each year unless sooner suspended or revoked by the commissioner.

(c) Whenever the commissioner shall deem it necessary the commissioner may make, or direct to be made, an examination of the affairs and financial condition of any pool, except that once every five years the commissioner shall conduct an examination of the affairs and financial condition of each pool. Each pool shall submit a certified independent audited financial statement on or before March 31 of each no later than 90 days after the end of the pool's fiscal year.

The financial statement shall include outstanding reserves for claims and for claims incurred but not reported. Each pool shall file payroll records, accident experience and compensation reports and such other reports and statements at such times and in such manner as the commissioner shall require. Whenever it appears to the commissioner from such examination or other satisfactory evidence that the solvency of any such pool is impaired, or that it is doing business in violation of any of the laws of this state, or that its affairs are in an unsound condition so as to endanger its ability to pay or cause to be paid the compensation in the amount, manner and time due as provided for in the Kansas ~~workmen's~~ workers compensation act, the commissioner shall, before filing such report or making the same public, grant such pool upon reasonable notice a hearing in accordance with the provisions of the Kansas administrative procedure act, and, if on such hearing the report be confirmed, the commissioner shall suspend the certificate of authority for such pool until its solvency shall have been fully restored and the laws of the state fully complied with. The commissioner may, if there is an unreasonable delay in restoring the solvency of such pool and in complying with the law, revoke the certificate of authority of such pool to do business in this state. Upon revoking any such certificate the commissioner shall communicate the fact to the attorney general, whose duty it shall be to commence and prosecute an action in the proper court to dissolve such pool or to enjoin the same from doing or transacting business in this state. The commissioner of insurance may call a hearing under K.S.A. 40-222b, and amendments thereto, and the provisions shall apply to group workers' compensation pools.

Sec. 2. K.S.A. 1991 Supp. 44-584 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1991 Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-2-30	New	V. 11, p. 278
1-2-81	Revoked	V. 11, p. 278
1-5-15	Amended	V. 10, p. 1688
1-5-27	Revoked	V. 10, p. 1688
1-5-28	Amended	V. 10, p. 1688
1-5-30	Amended	V. 10, p. 1689
1-6-2	Amended	V. 11, p. 278
1-6-29	Amended	V. 10, p. 1689
1-6-32	Amended	V. 11, p. 278
1-9-4	Amended	V. 10, p. 1690
1-9-5	Amended	V. 10, p. 1691
1-9-7a	Amended	V. 10, p. 382, 760
1-9-19a	Amended	V. 11, p. 279
1-9-21	Amended	V. 10, p. 1692
1-16-18	Amended	V. 10, p. 1470, 1497
1-17-1	Amended	V. 10, p. 1471
1-17-2	Amended	V. 10, p. 1471
1-17-2a	Amended	V. 10, p. 1471
1-45-16	Amended	V. 10, p. 1692
1-49-1	Amended	V. 10, p. 1472

AGENCY 4: BOARD OF AGRICULTURE

Reg. No.	Action	Register
4-3-47	Amended	V. 10, p. 1319
4-3-49	Amended	V. 10, p. 1319
4-7-2	Amended	V. 10, p. 1319
4-7-510	Amended	V. 10, p. 1319
4-7-513	Amended	V. 10, p. 1319

4-7-530	New	V. 10, p. 1319
4-7-531	New	V. 10, p. 1319
4-7-532	New	V. 10, p. 1319
4-7-533	New	V. 10, p. 1320
4-7-716	Amended	V. 10, p. 1320
4-7-717	Amended	V. 10, p. 1320
4-7-719	Amended	V. 11, p. 63
4-7-722	Amended	V. 10, p. 1320
4-8-14	Revoked	V. 10, p. 1320
4-8-14a	New	V. 10, p. 1320
4-8-27	Amended	V. 11, p. 63
4-8-30	Amended	V. 10, p. 1321
4-8-39	Amended	V. 10, p. 1321
4-8-40	Amended	V. 10, p. 1321
4-13-28	New	V. 10, p. 1321
4-33-1	Amended	V. 10, p. 1315, 1321
4-33-2	New	V. 10, p. 1315, 1321

AGENCY 5: BOARD OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-23-3	Amended	V. 10, p. 1194
5-23-4a	New	V. 10, p. 1195
5-24-2	Amended	V. 10, p. 976
5-24-5	Amended	V. 10, p. 977
5-40-1	Amended	V. 11, p. 15, 40
5-42-1	Amended	V. 11, p. 40, 361
5-42-3	Amended	V. 11, p. 361
5-44-1	through	
5-44-6	New	V. 11, p. 15-17, 40-42
5-45-1	through	
5-45-4	Amended	V. 11, p. 42-44, 361-363
5-45-6	Amended	V. 11, p. 44, 363
5-45-7	Amended	V. 11, p. 44, 363
5-45-12	Amended	V. 11, p. 44, 363
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5-45-17	New	V. 11, p. 45, 364, 365

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7-30-1	Amended	V. 10, p. 728
7-32-1	Amended	V. 10, p. 728
7-32-2	New	V. 10, p. 728

AGENCY 9: ANIMAL HEALTH DEPARTMENT

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9-13-1	through	
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9-13-4	Revoked	V. 10, p. 257
9-18-1	Amended	V. 10, p. 1822
9-19-1	through	
9-19-11	New	V. 10, p. 1822-1827
9-20-1	New	V. 10, p. 1827
9-20-2	New	V. 10, p. 1828
9-20-3	New	V. 10, p. 1828
9-21-1	New	V. 10, p. 1828
9-21-2	New	V. 10, p. 1829
9-21-3	New	V. 10, p. 1829
9-22-1	New	V. 10, p. 1829
9-22-2	New	V. 10, p. 1830
9-22-3	New	V. 10, p. 1830
9-23-1	New	V. 10, p. 1830
9-23-2	New	V. 10, p. 1831
9-23-3	New	V. 10, p. 1831
9-24-1	New	V. 10, p. 1831
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9-24-3	New	V. 10, p. 1832

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

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14-20-26	Amended	V. 10, p. 690
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14-22-9	Amended	V. 10, p. 691
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17-16-3	Amended	V. 10, p. 1772
17-16-5	Amended	V. 10, p. 1773
17-16-6	Amended	V. 10, p. 1773
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17-16-9	Amended	V. 10, p. 1773
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17-20-1	New	V. 10, p. 1773

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21-34-1 through 21-34-21	New	V. 11, p. 357-360
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23-3-16	Revoked	V. 10, p. 916
23-8-24	Revoked	V. 10, p. 916
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23-12-8	Revoked	V. 10, p. 916
23-12-11	Revoked	V. 10, p. 917
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28-4-531	New	V. 10, p. 1246
28-17-6	Amended	V. 10, p. 1246
28-17-12	Amended	V. 10, p. 1246
28-19-61	Amended	V. 10, p. 1246
28-19-62	Amended	V. 10, p. 1250
28-19-76	New	V. 10, p. 1251
28-19-77	New	V. 10, p. 1252
28-19-78	New	V. 10, p. 1254
28-31-8a	Revoked	V. 11, p. 232
28-31-10a	New	V. 11, p. 232
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30-4-64	Amended	V. 10, p. 1355
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30-5-58	Amended	V. 11, p. 365
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30-5-77	Amended	V. 10, p. 1291
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30-5-79	New	V. 10, p. 1364
30-5-81	Amended	V. 10, p. 699
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30-5-88	Amended	V. 10, p. 700
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30-5-94	Amended	V. 10, p. 345
30-5-95	Amended	V. 11, p. 205
30-5-101	Amended	V. 10, p. 1365
30-5-103	Amended	V. 10, p. 1365
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30-5-170	Amended	V. 10, p. 965
30-5-171	Amended	V. 10, p. 965
30-6-53	Amended	V. 10, p. 1366
30-6-55	Amended	V. 11, p. 374
30-6-56	Amended	V. 11, p. 374
30-6-65	Amended	V. 10, p. 1650
30-6-74	Revoked	V. 10, p. 1366
30-6-77	Amended	V. 10, p. 701
30-6-82	New	V. 10, p. 702
30-6-86	Amended	V. 10, p. 348
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30-10-17	Amended	V. 10, p. 1373
30-10-18	Amended	V. 11, p. 378
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30-10-24	Amended	V. 10, p. 1377
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30-10-30	Revoked	V. 10, p. 355
30-10-200	Amended	V. 11, p. 207
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30-10-220	Amended	V. 10, p. 1208
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30-41-20	New	V. 10, p. 711
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30-60-7	New	V. 10, p. 1383
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AGENCY 36: DEPARTMENT OF TRANSPORTATION

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36-1-1	Amended	V. 10, p. 88
36-1-28 through 36-1-34	New	V. 10, p. 88-91

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-28	Amended	V. 10, p. 1582
40-1-38	New	V. 10, p. 1693
40-2-15	Amended	V. 10, p. 1693
40-2-20	New	V. 10, p. 259, 383
40-2-21	New	V. 10, p. 1583
40-3-22	Amended	V. 10, p. 1693
40-3-46	New	V. 10, p. 381
40-3-47	New	V. 10, p. 381
40-3-48	New	V. 10, p. 1584
40-4-35	Amended	V. 11, p. 82
40-4-37	Amended	V. 10, p. 1695

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-6-106	Amended	V. 10, p. 1195
44-6-108	Amended	V. 10, p. 1195
44-6-114c	Amended	V. 10, p. 1196
44-6-120	Amended	V. 11, p. 230
44-6-124	Amended	V. 11, p. 230
44-6-125	Amended	V. 11, p. 231
44-6-126	Amended	V. 10, p. 1197
44-6-133	Amended	V. 10, p. 1197
44-6-134	Amended	V. 10, p. 1197
44-6-135	Amended	V. 11, p. 231
44-6-142	Amended	V. 10, p. 1198
44-7-113	Amended	V. 11, p. 316
44-7-115	New	V. 11, p. 316
44-12-101	Amended	V. 11, p. 316
44-12-102	Amended	V. 11, p. 316
44-12-104	Amended	V. 11, p. 316
44-12-105	Amended	V. 11, p. 317
44-12-201	Amended	V. 11, p. 317
44-12-202	Amended	V. 11, p. 317
44-12-204	Amended	V. 11, p. 317
44-12-205	Amended	V. 11, p. 317
44-12-208	Amended	V. 11, p. 317
44-12-209	Amended	V. 11, p. 317
44-12-209	Amended	V. 11, p. 317
44-12-301	Amended	V. 11, p. 317
44-12-307	Amended	V. 11, p. 317
44-12-308	Amended	V. 11, p. 317
44-12-309	Amended	V. 11, p. 317
44-12-312	Amended	V. 11, p. 317
44-12-313	Amended	V. 11, p. 318
44-12-314	Amended	V. 11, p. 318
44-12-315	Amended	V. 11, p. 318
44-12-316	Revoked	V. 11, p. 318
44-12-317	Amended	V. 11, p. 318
44-12-319	Amended	V. 11, p. 318
44-12-321	Amended	V. 11, p. 318
44-12-323	Amended	V. 11, p. 318
44-12-324	Amended	V. 11, p. 319
44-12-325	Amended	V. 11, p. 319
44-12-326	Amended	V. 11, p. 319
44-12-328	New	V. 11, p. 319
44-12-401	Amended	V. 11, p. 319
44-12-501	Amended	V. 11, p. 319
44-12-502	Amended	V. 11, p. 319
44-12-503	Amended	V. 11, p. 319
44-12-505b	New	V. 11, p. 320
44-12-601	Amended	V. 11, p. 320
44-12-602	Amended	V. 11, p. 321
44-12-701	Revoked	V. 11, p. 321
44-12-901	Amended	V. 11, p. 321
44-12-902	Amended	V. 11, p. 322
44-12-1001	Amended	V. 11, p. 322
44-12-1002	Amended	V. 11, p. 322
44-12-1101	Amended	V. 11, p. 322
44-12-1201	Amended	V. 11, p. 322
44-12-1202	Amended	V. 11, p. 322
44-12-1301	Amended	V. 11, p. 323
44-12-1302	Amended	V. 11, p. 323
44-12-1303	Amended	V. 11, p. 323
44-12-1304	Revoked	V. 11, p. 323
44-12-1306	Amended	V. 11, p. 323
44-12-1307	Amended	V. 11, p. 324
44-13-101	Amended	V. 11, p. 324
44-13-101a	Amended	V. 11, p. 325
44-13-103	Amended	V. 11, p. 325
44-13-104	Amended	V. 11, p. 325
44-13-106	Amended	V. 11, p. 325
44-13-115	Revoked	V. 11, p. 325
44-13-201	Amended	V. 11, p. 325
44-13-201b	New	V. 11, p. 326
44-13-202	Amended	V. 11, p. 327
44-13-203	Amended	V. 11, p. 327
44-13-301	Revoked	V. 11, p. 327
44-13-302	Revoked	V. 11, p. 327
44-13-302a	New	V. 11, p. 327
44-13-303	Revoked	V. 11, p. 328
44-13-304	Amended	V. 11, p. 328
44-13-401	Amended	V. 11, p. 328
44-13-402	Amended	V. 11, p. 328
44-13-403	Amended	V. 11, p. 328
44-13-404	Amended	V. 11, p. 330
44-13-405	Revoked	V. 11, p. 331
44-13-405a	Amended	V. 11, p. 331

44-13-406	Amended	V. 11, p. 331
44-13-407	Revoked	V. 11, p. 332
44-13-408	Amended	V. 11, p. 332
44-13-501	Amended	V. 11, p. 332
44-13-502	Revoked	V. 11, p. 332
44-13-502a	New	V. 11, p. 332
44-13-503	Revoked	V. 11, p. 332
44-13-504	Revoked	V. 11, p. 333
44-13-506	Amended	V. 11, p. 333
44-13-507	Amended	V. 11, p. 333
44-13-601	Amended	V. 11, p. 333
44-13-603	Amended	V. 11, p. 333
44-13-610	Amended	V. 11, p. 333
44-13-701	Amended	V. 11, p. 333
44-13-702	Amended	V. 11, p. 334
44-13-703	Amended	V. 11, p. 334
44-13-704	Amended	V. 11, p. 334
44-13-705	Amended	V. 11, p. 334
44-13-706	Amended	V. 11, p. 334
44-13-707	Amended	V. 11, p. 335
44-15-101	Amended	V. 11, p. 335
44-15-102	Amended	V. 11, p. 335
44-15-105a	New	V. 11, p. 336
44-16-104	Amended	V. 11, p. 337

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—

DIVISION OF WORKERS' COMPENSATION

Reg. No.	Action	Register
51-24-1	Amended	V. 11, p. 212
51-24-4	Amended	V. 11, p. 212
51-24-8	New	V. 11, p. 213
51-24-9	New	V. 11, p. 213
51-24-10	New	V. 11, p. 214

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-3-105	Amended	V. 10, p. 1040
60-3-106	Amended	V. 10, p. 1040
60-4-101	Amended	V. 11, p. 83
60-8-101	Amended	V. 10, p. 496
60-9-101	Revoked	V. 10, p. 1040
60-9-102	Revoked	V. 10, p. 1040
60-9-103	Revoked	V. 10, p. 1041
60-9-104	Revoked	V. 11, p. 83
60-9-105	Amended	V. 11, p. 83
60-9-106	New	V. 10, p. 1041
60-9-107	New	V. 11, p. 83
60-9-109	New	V. 10, p. 1041
60-11-103	Amended	V. 11, p. 84
60-11-110	Revoked	V. 10, p. 1042
60-11-111	Revoked	V. 10, p. 1042
60-11-112	New	V. 10, p. 1042
60-11-113	New	V. 10, p. 1042, 1497
60-11-114	New	V. 11, p. 85
60-11-116	New	V. 10, p. 1042
60-11-117	New	V. 10, p. 1042
60-11-118	New	V. 10, p. 1042
60-11-119	New	V. 10, p. 1043
60-12-101	Revoked	V. 10, p. 1043
60-12-102	Revoked	V. 10, p. 1043
60-12-103	Revoked	V. 10, p. 1043
60-12-105	New	V. 11, p. 85
60-12-106	New	V. 10, p. 1043
60-12-109	New	V. 10, p. 1043
60-13-101	Amended	V. 10, p. 496
60-13-105	Revoked	V. 10, p. 1044
60-13-106	Revoked	V. 10, p. 1044
60-13-107	Revoked	V. 10, p. 1044
60-13-108	Revoked	V. 10, p. 1044
60-13-110	New	V. 10, p. 1044
60-13-111	New	V. 10, p. 1044
60-13-112	New	V. 10, p. 1044
60-13-113	New	V. 11, p. 85
60-13-115	New	V. 10, p. 1044
60-15-101	Amended	V. 10, p. 1045
60-15-102	Amended	V. 10, p. 1045
60-15-103	Amended	V. 10, p. 1046
60-15-104	Amended	V. 10, p. 1046

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-1	Amended	V. 10, p. 1698
63-1-3	Amended	V. 10, p. 1698
63-1-12	Amended	V. 10, p. 1699
63-3-11	Amended	V. 10, p. 1700
63-3-17	Amended	V. 10, p. 1700

63-3-19	Amended	V. 10, p. 1700
63-3-20	Amended	V. 11, p. 133
63-3-21	New	V. 11, p. 133
63-4-1	Amended	V. 10, p. 1701
63-6-1	Amended	V. 10, p. 1701

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-4-1		
through		
65-4-5	New	V. 11, p. 470, 471
65-5-1		
through		
65-5-8	New	V. 11, p. 472, 473
65-6-8	Revoked	V. 11, p. 473
65-6-11	Revoked	V. 11, p. 474
65-6-12	Revoked	V. 11, p. 474
65-6-16	Revoked	V. 11, p. 474
65-6-25	Revoked	V. 11, p. 474
65-6-30	Revoked	V. 11, p. 474
65-6-33	Revoked	V. 11, p. 474
65-6-36	Revoked	V. 11, p. 474
65-6-37	Revoked	V. 11, p. 474
65-7-1	Revoked	V. 11, p. 474
65-7-2	Revoked	V. 11, p. 474
65-7-4	Revoked	V. 11, p. 474
65-7-8	Revoked	V. 11, p. 474
65-7-9	Revoked	V. 11, p. 474
65-7-11	Revoked	V. 11, p. 474
65-7-12	Revoked	V. 11, p. 474
65-7-13	Revoked	V. 11, p. 474
65-7-14	Revoked	V. 11, p. 474
65-8-1		
through		
65-8-4	New	V. 11, p. 474, 475
65-9-1		
through		
65-9-5	New	V. 11, p. 475, 476
65-10-1	New	V. 11, p. 476
65-10-2	New	V. 11, p. 477
65-10-3	New	V. 11, p. 477
65-11-1	New	V. 11, p. 477
65-11-2	New	V. 11, p. 477
65-11-3	New	V. 11, p. 477

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 11, p. 406
66-6-3	Amended	V. 11, p. 407
66-6-4	Amended	V. 11, p. 407
66-6-6		
through		
66-6-9	Amended	V. 11, p. 408
66-7-1	Amended	V. 11, p. 408
66-7-2	Amended	V. 11, p. 408
66-8-1		
through		
66-8-6	Amended	V. 11, p. 409
66-9-1		
through		
66-9-4	Amended	V. 11, p. 409, 410
66-10-1		
through		
66-10-12	Amended	V. 11, p. 410, 411
66-11-1	Amended	V. 11, p. 411
66-11-2	Amended	V. 11, p. 412
66-11-3	Amended	V. 11, p. 412
66-12-1	New	V. 11, p. 412
66-13-1	New	V. 11, p. 412

AGENCY 67: BOARD OF HEARING AID EXAMINERS

Reg. No.	Action	Register
67-3-4	New	V. 10, p. 887

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-7-10	Amended	V. 10, p. 1082
68-9-1	Amended	V. 10, p. 1083
68-11-1	Amended	V. 10, p. 216
68-20-15a	Amended	V. 10, p. 1084
68-20-18	Amended	V. 10, p. 1084
68-20-19	Amended	V. 10, p. 1085

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AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-2-7	Amended	V. 10, p. 840
74-4-6	Amended	V. 10, p. 841
74-5-2	Amended	V. 10, p. 841
74-5-403	Amended	V. 10, p. 842

AGENCY 75: CONSUMER CREDIT COMMISSIONER

Reg. No.	Action	Register
75-6-26	Amended	V. 10, p. 1353

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-2-1	Amended	V. 10, p. 1242
81-3-1	Amended	V. 10, p. 1242
81-3-2	Amended	V. 10, p. 1244
81-4-1	Amended	V. 10, p. 1245, 1316
81-4-2	New	V. 10, p. 172
81-4-3	New	V. 10, p. 1440
81-5-8	Amended	V. 10, p. 1245
81-5-9	New	V. 10, p. 1440
81-6-1	Amended	V. 10, p. 173

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-101	Amended	V. 10, p. 887
82-3-103	Amended	V. 11, p. 38
82-3-106	Amended	V. 11, p. 38
82-3-307	Amended	V. 10, p. 976
82-3-600	Amended	V. 10, p. 890
82-3-600b	New	V. 10, p. 890
82-3-601	Revoked	V. 10, p. 891
82-3-601a	New	V. 10, p. 891
82-3-601b	New	V. 10, p. 891
82-3-602	Amended	V. 10, p. 891
82-3-605	New	V. 10, p. 892
82-4-1	Amended	V. 10, p. 1121
82-4-2	Amended	V. 10, p. 1121
82-4-3	Amended	V. 10, p. 1122
82-4-6a	Amended	V. 10, p. 1122
82-4-6b	Revoked	V. 10, p. 1122
82-4-6d	Amended	V. 10, p. 1122
82-4-19a	Revoked	V. 10, p. 1123
82-4-20	Amended	V. 10, p. 1123
82-4-27	Amended	V. 10, p. 1123
82-4-27a	Amended	V. 10, p. 1124
82-4-27c	Amended	V. 10, p. 1124

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-4	Amended	V. 10, p. 1466
86-1-5	Amended	V. 10, p. 531
86-1-11	Amended	V. 10, p. 1466
86-3-10	Amended	V. 10, p. 1467
86-3-21	Amended	V. 10, p. 1467

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-2-1	Amended	V. 10, p. 1467
88-2-2	Amended	V. 10, p. 1467
88-2-3	Amended	V. 10, p. 1467
88-2-4	Amended	V. 10, p. 1468
88-3-1	Amended	V. 10, p. 1468
88-3-2	Amended	V. 10, p. 1508
88-3-3	Amended	V. 10, p. 1469
88-3-5	Amended	V. 10, p. 1469
88-3-8	Amended	V. 10, p. 1469
88-3-9	Amended	V. 10, p. 1469
88-3-10	Amended	V. 10, p. 1469
88-3-11	Amended	V. 10, p. 1469
88-3-12	Amended	V. 10, p. 1470

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-68	Revoked	V. 10, p. 1046
91-1-68a	New	V. 10, p. 1046
91-1-68b	New	V. 10, p. 1047
91-1-68c	New	V. 10, p. 1048
91-1-68d	New	V. 10, p. 1049
91-1-69	Revoked	V. 10, p. 1050
91-1-101b	Amended	V. 10, p. 1050
91-1-112a	Amended	V. 10, p. 1051
91-1-150	Amended	V. 10, p. 1051

91-10-1	Revoked	V. 10, p. 1051
91-10-1a	New	V. 10, p. 1052
91-12-22	Amended	V. 10, p. 1052
91-12-25	Amended	V. 10, p. 1055
91-12-51	Amended	V. 10, p. 1056
91-12-73	Amended	V. 10, p. 1056
91-31-7	Amended	V. 10, p. 686
91-35-1		
through		
91-35-4	New	V. 10, p. 909, 910
91-37-1		
through		
91-37-4	New	V. 10, p. 910, 911

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-55-2a	New	V. 10, p. 531, 587

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

Reg. No.	Action	Register
99-8-8	Amended	V. 10, p. 1322
99-8-9	Amended	V. 10, p. 1322
99-25-1	Amended	V. 10, p. 1322
99-25-2	Amended	V. 10, p. 1322
99-25-3	Amended	V. 10, p. 1322
99-30-2	Amended	V. 10, p. 1322
99-30-3	Amended	V. 10, p. 1323
99-30-4	Amended	V. 10, p. 1323
99-30-5	Amended	V. 10, p. 1323
99-30-6	Amended	V. 10, p. 1323
99-31-3	Amended	V. 10, p. 1323
99-31-4	Amended	V. 10, p. 1323
99-32-1		
through		
99-32-6	Revoked	V. 10, p. 1323

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-10a-4	Amended	V. 10, p. 653
100-11-1	Amended	V. 10, p. 653

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-1-1	Amended	V. 11, p. 131
109-2-7	Amended	V. 10, p. 1789
109-5-1	Amended	V. 10, p. 1789
109-5-4	New	V. 10, p. 1790
109-7-1	Amended	V. 10, p. 1790
109-8-1	Amended	V. 10, p. 1791
109-9-1	Amended	V. 10, p. 1791
109-9-4	Amended	V. 10, p. 1791
109-9-5	New	V. 11, p. 133
109-11-2	Amended	V. 10, p. 1792
109-11-6	Amended	V. 10, p. 1792
109-11-9	New	V. 10, p. 1792

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-4-1		
through		
110-4-4	New	V. 11, p. 502-504

AGENCY 111: THE KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 8, p. 586
111-2-1	Amended	V. 7, p. 1995
111-2-2	Amended	V. 9, p. 1675
111-2-2a	Revoked	V. 9, p. 1675
111-2-6	Amended	V. 11, p. 136
111-2-7	Revoked	V. 10, p. 1210
111-2-13	Revoked	V. 10, p. 881
111-2-14	New	V. 9, p. 30
111-2-15	Revoked	V. 10, p. 881
111-2-16	Revoked	V. 10, p. 1210
111-2-17	Revoked	V. 10, p. 1210
111-2-18	Revoked	V. 11, p. 413
111-2-19	Revoked	V. 11, p. 413
111-2-20	New	V. 11, p. 199
111-3-1	Amended	V. 10, p. 1210
111-3-9	Amended	V. 8, p. 1085
111-3-10		
through		
111-3-31	New	V. 7, p. 201-206
111-3-11	Amended	V. 8, p. 299

111-3-12	Amended	V. 10, p. 12
111-3-13	Amended	V. 10, p. 1014
111-3-14	Amended	V. 10, p. 12
111-3-16	Amended	V. 9, p. 1566
111-3-19		
through		
111-3-22	Amended	V. 9, p. 30
111-3-20	Amended	V. 10, p. 1211
111-3-21	Amended	V. 10, p. 882
111-3-22	Amended	V. 10, p. 882
111-3-23	Revoked	V. 10, p. 883
111-3-25	Amended	V. 10, p. 883
111-3-27	Amended	V. 10, p. 883
111-3-29	Amended	V. 10, p. 883
111-3-31	Amended	V. 8, p. 209
111-3-32	Amended	V. 10, p. 883
111-3-33	New	V. 7, p. 1434
111-4-1	Amended	V. 8, p. 134
111-4-2	Amended	V. 7, p. 1063
111-4-4	Amended	V. 7, p. 1063
111-4-6	Amended	V. 7, p. 1434
111-4-7	Amended	V. 7, p. 1945
111-4-8	Amended	V. 7, p. 1064
111-4-12	Amended	V. 7, p. 1190
111-4-66		
through		
111-4-77	New	V. 7, p. 207-209
111-4-96		
through		
111-4-114	New	V. 7, p. 1606-1610
111-4-100	Amended	V. 10, p. 1211
111-4-101	Amended	V. 10, p. 1211
111-4-102	Amended	V. 10, p. 1211
111-4-103	Amended	V. 10, p. 1211
111-4-104	Amended	V. 10, p. 1212
111-4-105	Amended	V. 10, p. 1410
111-4-106	Amended	V. 10, p. 1212
111-4-106a	Amended	V. 10, p. 1213
111-4-107	Amended	V. 9, p. 1366
111-4-108	Amended	V. 10, p. 1213
111-4-111	Amended	V. 9, p. 1366
111-4-113	Amended	V. 9, p. 1366
111-4-114	Amended	V. 9, p. 1366
111-4-153		
through		
111-4-160	Revoked	V. 9, p. 1676, 1677
111-4-177		
through		
111-4-212	Revoked	V. 9, p. 1677, 1678
111-4-213		
through		
111-4-220	Revoked	V. 10, p. 1213
111-4-217	Amended	V. 9, p. 986
111-4-221		
through		
111-4-224	Revoked	V. 10, p. 1585
111-4-225		
through		
111-4-228	Revoked	V. 10, p. 1585
111-4-229		
through		
111-4-236	Revoked	V. 10, p. 1585, 1586
111-4-237		
through		
111-4-240	Revoked	V. 11, p. 413
111-4-241		
through		
111-4-244	New	V. 9, p. 1812
111-4-245		
through		
111-4-248	New	V. 10, p. 200
111-4-249		
through		
111-4-252	New	V. 9, p. 1813
111-4-253		
through		
111-4-256	New	V. 10, p. 530
111-4-257		
through		
111-4-286	Revoked	V. 11, p. 413, 414
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111-4-300	New	V. 10, p. 883-886
111-4-301		
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111-4-307	New	V. 10, p. 1015, 1016

111-4-308		
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111-4-320	New	V. 10, p. 1214, 1215
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111-4-311	Amended	V. 10, p. 1472
111-4-312	Amended	V. 10, p. 1472
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111-4-331	New	V. 10, p. 1411-1413
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111-4-335	New	V. 10, p. 1473
111-4-336		
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111-4-345	New	V. 10, p. 1526-1528
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111-4-361	New	V. 10, p. 1586-1589
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111-4-365	New	V. 10, p. 1723
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111-4-379	New	V. 11, p. 136-139
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111-4-387	New	V. 11, p. 414
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111-4-400	New	V. 11, p. 478-481
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111-5-23	New	V. 7, p. 209-213
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111-5-15	Amended	V. 8, p. 210, 211
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111-5-17	Amended	V. 8, p. 211
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111-5-19	Amended	V. 8, p. 212
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111-5-33	New	V. 11, p. 415-418
111-5-22	Amended	V. 11, p. 481
111-5-23	Amended	V. 11, p. 481
111-5-24	Amended	V. 11, p. 482
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111-6-1		
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111-6-15	New	V. 7, p. 213-217
111-6-1	Amended	V. 10, p. 1474
111-6-3	Amended	V. 9, p. 200
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111-7-1	Amended	V. 8, p. 212

111-7-3	Amended	V. 10, p. 1475
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111-7-32	New	V. 7, p. 1194-1196
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111-7-54	New	V. 9, p. 1367-1370
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111-7-63	Revoked	V. 10, p. 1217
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111-7-75	New	V. 11, p. 13, 14
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111-9-6	Revoked	V. 9, p. 1680
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AGENCY 112: KANSAS RACING COMMISSION

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112-6-5	Amended	V. 10, p. 163-165
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112-7-6	Amended	V. 10, p. 165
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112-10-34	Amended	V. 10, p. 169
112-10-35	Amended	V. 10, p. 170
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112-10-36a	New	V. 11, p. 37, 135
112-11-21	Amended	V. 10, p. 263, 531
112-12-12	Amended	V. 10, p. 170
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115-4-3	Amended	V. 10, p. 458
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115-4-7	Amended	V. 10, p. 460
115-4-11	Amended	V. 10, p. 461
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115-7-1	Amended	V. 10, p. 1820
115-8-9	Amended	V. 10, p. 1820
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115-13-5	New	V. 10, p. 917-919
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115-14-10	New	V. 10, p. 1441-1443
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117-2-3	New	V. 10, p. 912, 952
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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
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117-6-3	Amended	V. 10, p. 915, 955
117-7-1	Amended	V. 10, p. 916, 956
117-8-1	New	V. 10, p. 916, 956
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AGENCY 119: KANSAS DEVELOPMENT FINANCE AUTHORITY

Reg. No.	Action	Register
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119-1-2	New	V. 10, p. 264
119-1-3	New	V. 10, p. 264

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