



Kansas Register

Bill Graves, Secretary of State

Vol. 13, No. 41 October 13, 1994 Pages 1513-1560

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Kansas Register Office:
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State of Kansas

Board of Barbering

Notice of Meeting

The Kansas Board of Barbering will meet at 8:30 a.m. Monday, November 7, in the Sunflower Room, Holiday Inn, 7240 Shawnee Mission Parkway, Overland Park. For further information, call (913) 296-2211.

H. R. (Rocky) Vacek
Administrator

Doc. No. 015461

State of Kansas

Information Network of Kansas

Notice of Meeting

The Information Network of Kansas Board will meet at 10 a.m. Thursday, October 13, at The Top of the Tower, Bank IV Building, Starlight Room, Topeka. The meeting is open to the public.

Charles R. Warren
President, Kansas Inc.

Doc. No. 015471

State of Kansas

Board of Accountancy

Notice of Meeting

The Board of Accountancy will meet at 9 a.m. Friday, October 28, in Conference Room 108, Landon State Office Building, 900 S.W. Jackson, Topeka. Persons interested in agenda items or in attending should contact the board office in Suite 556 of the Landon Building.

Glenda Moore
Executive Director

Doc. No. 015459

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1993 Supp. 75-4210, as amended. These rates and their uses are defined in K.S.A. 75-4201(1), 12-1675(b)(c)(d) and 75-4209(a)(1)(B), as amended.

Effective 10-17-94 through 10-23-94

Term	Rate
0-90 days	4.78%
3 months	5.20%
6 months	5.56%
9 months	5.87%
12 months	6.08%
18 months	6.42%
24 months	6.66%
36 months	6.97%
48 months	7.22%

Sally Thompson
State Treasurer

Doc. No. 015473

State of Kansas

Board of Nursing

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 2 p.m. Friday, November 18, 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 receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments before 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. 60-4-101 and K.A.R. 60-8-101. Payment of fees. The renewal fees for registered professional nurses and licensed practical nurses is proposed to be raised by \$10 for the biennial renewal of license.

The fee for reinstatement with or without temporary permit has been raised by \$10 and \$20 respectively. Because there is multiple handling of the application with temporary permits and more clerical time is involved, the fee has been raised by \$20.

K.A.R. 60-11-119 and K.A.R. 60-13-101. Payment of fees. Renewal and reinstatement fees with and without temporary permits for registered nurse anesthetists and advanced registered nurse practitioners have also been increased by \$5 to \$15. The initial application for certification for advanced registered nurse practitioners has also been raised by \$10.

Economic Impact

An additional \$10 to \$20 for renewal or reinstatement fees should only minimally affect licensees. There has been no change in the renewal fees since 1988.

A fee increase is being proposed due to a decrease in the fee fund balance. With the addition of two staff positions in FY 1994 and a gradual increase in costs, there is more being spent than revenue being generated. No new programs are planned. There has only been a slight increase in numbers of licensees, so there is no growth in numbers to offset the expenditures of the agency.

Copies of the regulations and their economic impact statements may be obtained from the Board of Nursing at the address above, (913) 296-5752.

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

Doc. No. 015475

State of Kansas

University of Kansas

Notice to Bidders

Sealed bids for the item listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 864-3416 or FAX (913) 864-3454 for additional information.

Monday, October 24, 1994

RFQ 94 0249

Scannable testing answer forms

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

Doc. No. 015481

State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. The following appointments were filed October 1-7:

State Civil Service Board

Frank D. Gaines, Route 1, Hamilton 66853. Subject to Senate confirmation. Term expires January 31, 1998. Succeeds M. Lou Allen, resigned.

Kansas Credit Union Council

Gilbert E. Benton, 804 N. 1st, Cimarron 67835. Term expires June 11, 1997. Succeeds John Vulgamore.

Ravenna H. Owens, 226 N. Holyoke, Wichita 67208. Term expires June 11, 1995. Succeeds A. Lee Williams, resigned.

Sue Ann Shelby, 408 W. 27th, Topeka 66611. Term expires June 11, 1997. Reappointment.

Kansas Advisory Committee
on Hispanic Affairs

Dolores "Lola" Loreda, 1309 N. Market, #D, Wichita 67203. Term expires June 30, 1997. Succeeds Gene Garcia.

Norberto Perez, 4103 Quivira, Hutchinson 67502. Term expires June 30, 1997. Succeeds Raul Guevara.

Pete Zaragosa, 207 S. Plummer, Chanute 66720. Term expires June 30, 1997. Reappointment.

Kansas Inc.
Board of Directors

J. Michael Vess, 8919 Boxthorn, Wichita 67226. Subject to Senate confirmation. Succeeds C. Bill Wohlford.

Respiratory Therapist Council

Patricia Munzer, 351 Woodbury Lane, Topeka 66606. Term expires June 30, 1997. Reappointment.

Bill Graves
Secretary of State

State of Kansas

State Banking Board

Notice of Meeting

The State Banking Board will meet at 9 a.m. Monday, November 21, in the conference room of the Office of the State Bank Commissioner, Suite 300, Jayhawk Tower, 700 S.W. Jackson, Topeka. The board reviews matters relating to its supervisory authority set forth in K.S.A. 9-1801 et seq.

Frank D. Dunnick
State Bank Commissioner

Doc. No. 015458

State of Kansas

Kansas Water Office

Public Notice

Tulsa District, Corps of Engineers, is proposing to reallocate certain storage in John Redmond Reservoir and Council Grove, Marion, and Elk City lakes from water quality storage to water supply storage.

The state of Kansas is exploring the purchase of some of the reallocated storage. The state proposes to purchase 10,400 acre-feet of available storage in Council Grove; 12,500 in Marion; 15,100 in Elk City; and 15,600 in John Redmond.

The Corps of Engineers is preparing an Environmental Assessment to fully identify potential impacts from these actions on the quality of the human and natural environments. Public comments are requested at several meetings to be conducted as follows:

Thursday October 20, 7 p.m.

Emporia Public Library
110 E. 6th Ave., Emporia

Wednesday, October 26, 7 p.m.

Coffey County Courthouse
Basement Meeting Room, Burlington

Wednesday, November 9, 7 p.m.

Memorial Hall, Legion Room
Penn and Locust, Independence

These meetings, conducted by the Kansas Water Office, will gather information for the assessment and provide opportunities for the public to comment on the proposed actions.

If accommodations are needed for persons with disabilities to participate in meeting, please notify the Kansas Water Office at 109 S.W. 9th, Suite 300, Topeka 66612-1249, (TTY) (913) 296-6604, at least two days in advance of the meeting.

For further information or to submit comments, contact the Environmental Analysis and Support Branch, Attn: David Combs, Tulsa District, Corps of Engineers, P.O. Box 61, Tulsa, OK 74121-0061.

Stephen A. Hurst
Director

Doc. No. 015474

State of Kansas

Department of Administration

Public Notice

Under requirements of K.S.A. 65-34,117(b), records of the Division of Accounts and Reports show the unobligated balances are \$1,023,472.49 in the underground petroleum storage tank release trust fund and \$7,320,750.12 in the aboveground petroleum storage tank release trust fund at September 30, 1994.

Gloria M. Timmer
Secretary of Administration

Doc. No. 015463

State of Kansas

Department of Revenue
Division of Taxation

Public Notice

1994 Senate Bill 503 changes the application of penalty and 1994 Senate Bill 480 changes the application of interest. The legislation changes are as follows:

Penalty

These changes are for all tax periods with an original due date after April 6, 1994:

Original Returns—for individual income, corporate income, privilege, retailers' sales, consumers' compensating, retailers' compensating, liquor enforcement, retail liquor excise, transient guest, tire excise, vehicle rental taxes and the water protection fee.

10 percent penalty on the balance due if payment is received within six months of the original due date

25 percent penalty on the balance due if payment is received after six months of the original due date.

Amended Returns—for individual income, corporate income, and privilege taxes.

No penalty will be imposed upon any underpayment of income tax liability reported on any amended return if the taxpayer pays the tax and interest due with the amended return.

Extension of Time—for individual income, corporate income, and privilege taxes.

Whenever an extension of time to file is granted by the Director of Taxation, no penalty will be imposed for the period of the extension if 90 percent of the tax liability is paid on or before the original due date. Any remaining liabilities must be paid with your return.

Withholding Tax Returns—any delinquent or unpaid deposit report will be assessed a penalty of 15 percent. Any delinquent or underpaid liability will be assessed an additional 10 percent penalty if received on or after March 1 following the end of the tax year. If received on or after September 1, an additional 15 percent penalty is assessed on any delinquent or underpaid liability.

Interest

Underpayment of Tax—for individual income, corporate income, privilege, withholding, retailers' sales, consumers' compensating, retailers' compensating, liquor enforcement, retail liquor excise, transient guest,

mineral, inheritance, bingo, tire excise, vehicle rental, motor fuel, tobacco, drug taxes, and the water protection fee.

Interest on the underpayment of tax shall be computed at the rate of 1.5 percent per month prior to January 1, 1995, and 1 percent per month for periods commencing on January 1, 1995.

Overpayment of Tax—for individual income, corporate income, and privilege taxes.

Interest on the overpayment of tax will be computed at the rate of 12 percent per year prior to January 1, 1995, and 6 percent per year for periods commencing on January 1, 1995.

Estimated Tax Penalty

Underpayment of Tax—for individual income, corporate income, and privilege taxes. Penalty for the underpayment of estimated tax will be assessed at the rate of 18 percent per year prior to January 1, 1995, and 12 percent per year for the period commencing on January 1, 1995.

If you have questions regarding this notice, contact the Taxpayer Assistance Bureau, Kansas Department of Revenue, Docking State Office Building, 915 S.W. Harrison, Topeka 66625-0001, (913) 296-0222.

Dated May 1994.

Brett H. Robinson
Director of Taxation

Doc. No. 015486

State of Kansas

Kansas Arts Commission

Notice of Advisory Panel Meeting

The Kansas Arts Commission has scheduled a meeting of the advisory panel for the Professional Development Program from 2 to 4 p.m. Wednesday, October 19, to review grant applications from individual artists submitted for funding during fiscal year 1995 (July 1, 1994-June 30, 1995).

The meeting will take place in the conference room at the Kansas Arts Commission offices, Suite 1004 in Jayhawk Tower, 700 S.W. Jackson, Topeka.

Meetings of the Kansas Arts Commission, a state agency, and its advisory panels are open to public observation.

The panel is comprised of knowledgeable individuals from across the state and is chaired by a member of the commission. The recommendations of the panel will be acted upon by the commission during its next quarterly business meeting on December 9.

For more information or to request accommodation for a person with a disability at a meeting, contact the Kansas Arts Commission, 700 S.W. Jackson, Suite 1004, Topeka 66603-3758; (913) 296-3335; TTY via Kansas Relay Service, 1-800-766-3777.

Dorothy L. Ilgen
Executive Director

Doc. No. 015492

State of Kansas

Kansas Commission for the Deaf and Hard of Hearing

Notice of Meeting

The Kansas Commission for the Deaf and Hard of Hearing Board will meet from 1 to 4 p.m. Saturday, November 5, at the Johnson County Community College, 12345 College, Commons 319B, Overland Park. An agenda can be obtained by contacting the commission at 1-800-432-0698 or (913) 296-2874 (both are V/TTY).

Wayne Munich
Executive Director

Doc. No. 015462

State of Kansas

Wildlife and Parks Commission

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7 p.m. Thursday, November 17, at the Best Western Silver Spur, 1510 W. Wyatt Earp, Dodge City, to consider the approval and adoption of several department regulations. There will be a public comment period at the beginning of the evening meeting for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m. November 17 at the location listed above. The public also will be given the opportunity to comment on any nonagenda items at the beginning, and on agenda items during the afternoon meeting. The meeting will recess at 5 p.m., then resume at 7 p.m. at the same location for the regulatory hearing. Old and new business also may be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9 a.m. November 18 at the location listed above.

If notified in advance, the department will have an interpreter available for the hard of hearing. To contact the department for this or any other reason, members of the public with a hearing impairment may call the TDD service at 1-800-766-3777. All public meeting areas are accessible to those who are physically disabled.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Request for accommodation should be made at least five working days in advance of the hearing by contacting Brenda Dean at (316) 672-5911.

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 regulations to be heard during the regulatory hearing portion of the meeting are as follows:

K.A.R. 115-4-13. Deer permits; descriptions and restrictions. This is a new permanent regulation which is recommended for adoption. It describes the various deer permits and lists restrictions. All of the current types of deer permits are contained under three main headings of primary, secondary and special deer permits. No change in the types of deer permits occurs, as this regulation is intended to provide a more readily understood listing of the permits. Through reference, it will allow companion regulations regarding seasons and general hunting provisions to be less confusing when dealing with permit eligibility and limitations.

Economic Impact Summary: No economic impact will occur.

K.A.R. 115-8-19. Personal conduct on department lands and waters; provisions, restrictions and penalties. This is a new permanent regulation which is recommended for adoption. It addresses restrictions on solicitation and establishes quiet hours on department lands and waters. These restrictions are currently contained in K.A.R. 33-1-18 and 33-1-20, which are recommended for revocation. Restrictions on the possession and consumption of alcoholic liquor and cereal malt beverages are included and follow the provisions of state law.

Economic Impact Summary: No economic impact will occur, as the current solicitation and quiet hours are continued by this regulation as are the current provisions of law regarding the possession and consumption of alcoholic liquor and cereal malt beverages.

K.A.R. 115-18-8. Retrieval and possession of game animals and migratory game birds; requirements. This permanent regulation is recommended for amendment. The regulation deals with possession and wanton waste of game animals and migratory game birds. A definition of migratory game birds is provided, but does not include mergansers and sandhill cranes. The amendment would add those two migratory game birds to the definition.

Economic Impact Summary: No economic impact is anticipated.

K.A.R. 115-18-12. Trout permit; requirements, restrictions and permit duration. This permanent regulation is recommended for amendment. The regulation establishes the requirement for a trout permit to fish for and possess trout during a trout season. This has led to confusion, as the trout season is basically year round. The amendment eliminates the reference to a trout season and instead specifies that a trout permit is required during a set period of time on specific waters as set under K.A.R. 115-25-14.

Economic Impact Summary: No economic impact will occur as the provisions for a trout permit are already in

place and the amendments will better describe when and where a permit is required.

K.A.R. 115-20-1. Crows; legal equipment, taking methods, and possession. This permanent regulation is recommended for amendment. The regulation deals with the hunting of crows and specifies that possessed crows may be disposed of in any manner. This would allow commercialization which is not authorized under federal regulation. The amendment would create a provision that crows cannot be purchased, sold, bartered or offered for purchase, sale or barter.

Economic Impact Summary: No economic impact is anticipated, as the state regulation is being brought into conformity with federal regulation. The activity addressed is already illegal, and there is no information to indicate that any such market use has occurred in Kansas.

K.A.R. 115-25-6. Turkey; spring season, bag limit, permits and game tags. This exempt regulation would establish the 1995 spring turkey season, bag limits, hunting units, permit numbers, game tags and the application process.

Economic Impact Summary: It is estimated that 16,000 permits and 3,000 game tags would be issued resulting in department revenue of approximately \$345,250. Approximately 75,000 recreational days would occur, thus providing benefit to certain businesses.

K.A.R. 115-25-14. Fishing; creel limit, size limit, possession limit and open season. This exempt regulation would establish the 1995 fishing seasons and limits. Included is a listing of those bodies of water open to trout fishing and the period of time that a trout permit will be required.

Economic Impact Summary: No change in the economic impact of fishing is anticipated, as the regulation basically continues 1994 fishing regulations. Listing of the bodies of water for trout fishing places into regulatory form the same bodies of water which were initially established by secretary's order.

K.A.R. 33-1-18. Private operations and advertisements. This permanent regulation is recommended for revocation. The provisions of this regulation are contained in K.A.R. 115-8-19, which is recommended for adoption.

Economic Impact Summary: No economic impact will occur, as the provisions of this regulation would be continued under another regulation.

K.A.R. 33-1-20. Quiet hours. This permanent regulation is recommended for revocation. The provisions of this regulation are contained in K.A.R. 115-8-19, which is recommended for adoption.

Economic Impact Summary: No economic impact will occur, as the provisions of this regulation would be continued under another regulation.

Jim Holderman
Chairman

Doc. No. 015469

State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for items listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 532-6214 or FAX (913) 532-5632 for additional information.

Monday, October 24, 1994

#50058

Channelplate detectors

50061

Turbomolecular pumps and accessories

Tuesday, October 25, 1994

50064

Unix based computer system

Wednesday, October 26, 1994

50062

6-axis robotic welder

50063

CNC break press

William H. Sesler
Director of Purchasing

Doc. No. 015464

State of Kansas

Wichita State University

Notice to Bidders

The Wichita State University is accepting bids on the following items:

Closing October 25, 1994

Quotation 950145-1

Infrared spectrometer

Quotation 950146-1

Diode array spectromemter

Quotation 950147-1

Diode array spectrophotometry system

Quotation 950148-1

Dual channel gain amplifier

Quotation 950149-1

Refrigerated centrifuge

Quotation 950150-1

Spectrophotometer/ambient flow cell/pump

Bids must be submitted to the Wichita State University, Office of Purchasing, Morrison Hall, Room 021, 1845 N. Fairmount, Wichita 67260-0012, by 2 p.m. on the above specified closing date. Please refer to the above quotation numbers on all correspondence. For additional information contact the Office of Purchasing, (316) 689-3080.

Gary D. Link
Director of Purchasing

Doc. No. 015491

State of Kansas

University of Kansas Medical Center

Notice to Bidders

Sealed bids for the items listed below will be received by the University of Kansas Medical Center, Purchasing Department, 3901 Rainbow Blvd., Kansas City, KS 66160-7162, until 2 p.m. on the date indicated, and then will be publicly opened. Interested bidders may call Peggy Davis at (913) 588-1115 for additional information.

Friday, October 28, 1994

725080A

Large capacity beds (rebid)

725119

China entree plate

Barbara Lockhart
Purchasing Director

Doc. No. 015482

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

Sealed bids for items hereinafter listed will be received by the Director of Purchases, Room 102, Landon State Office Building, 900 S.W. Jackson, Topeka, until 2 p.m. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information:

Monday, October 24, 1994

30734

Statewide—Laboratory solvents

Tuesday, October 25, 1994

30738

Kansas State University—November (1994) meat products

00112

Department of Health and Environment—Blood collection forms

00114

Kansas Highway Patrol and Adjutant General's Department—Utility tractors and related equipment, Salina and Fort Riley

00115

Kansas State University—Postage accounting system

Wednesday, October 26, 1994

00119

University of Kansas—Repair of "Hi-Ranger" aerial truck

00120

Pittsburg State University and Department of Health and Environment—Appliances

00137

Department of Corrections—Dishmachine and accessories

Thursday, October 27, 1994

00123

Kansas State University—Office furniture

00124

Department of Human Resources—Mainframe regression and program testing/debugging tool

00128

Kansas Highway Patrol—Furnish and install video production system

Friday, October 28, 1994

A-6843(a)

Kansas State University—Life safety improvement, Seaton Court, Phase II

A-7256

Department of Transportation—Building modifications and reroof District IV Office Building

00130

Department of Administration, Division of Printing—Self-sealing cartons

00131

University of Kansas—Paper, printing and binding: Limits

00132

Kansas State University—Computer-based triaxial permeameter system

00133

University of Kansas—Interconnect communications controller

00134

Department of Revenue—Memorex telex color terminals and printers

00135

Department of Transportation—File folders

00138

University of Kansas Medical Center—Plain paper copier

00139

Department of Transportation—Radio cable, antenna, and equipment, various locations

00140

Department of Transportation—Radio towers, various locations

00146

University of Kansas—Paper, printing and binding: '95 Spring Catalog

Tuesday, November 1, 1994

A-7566

Winfield State Hospital and Training Center—Addition of backflow preventors on fire protection water services

Wednesday, November 2, 1994

30354

Statewide—Catheters (Class 07)

Thursday, November 10, 1994

A-7348

Department of Commerce and Housing—Kansas Travel Information Center, Olathe

Jack R. Shipman
Director of Purchases

Doc. No. 015484

State of Kansas

Grain Inspection Department

Notice of Meeting

The Kansas State Grain Inspection Department will conduct its quarterly Grain Advisory Commission meeting at 10 a.m. Friday, October 21, in the conference room at Wilson & Associates, located in the Salina Board of Trade Building, 1700 E. Iron, Salina. The meeting is open to the public.

Lee Hamm
Director

Doc. No. 015467

State of Kansas

Legislative Division of Post Audit

Invitations for Bids

Sealed bid proposals in response to Legislative Division of Post Audit invitations for bids on audit work will be received until 2 p.m. Friday, October 28. The invitation cover the following audit work:

Kansas Racing Commission
(financial-compliance audit)

Kansas Lottery (comprehensive audit of all aspects of security)

Copies of the invitation for bids may be obtained from the Legislative Division of Post Audit, 1200 Merchants Bank Tower, 8th and Jackson, Topeka 66612, (913) 296-3792.

Barbara J. Hinton
Legislative Post Auditor

Doc. No. 015465

State of Kansas

Social and Rehabilitation Services

Request for Proposals

The Department of Social and Rehabilitation will accept applications for grants under the State Child Care and Development Block Grant and Dependent Care Planning and Development Grant programs for child care related activities. Grant component areas include center based and school age establishment, expansion or quality enhancement; family resource center demonstration project; provider recruitment and retention, Head Start wrap-around; employer child care care campaign; child care resource and referral; and child care provider training/technical assistance.

Instructions for completing the application are described in the RFP, which is available upon request from area SRS offices or from Jane Erwin, Department of Social and Rehabilitation Services, Child Care Unit, 300 S.W. Oakley, Smith-Wilson Building, Topeka 66606, (913) 296-6977. Applications postmarked after January 13, 1995, will not be considered.

Public informational meetings regarding the 1994 RFP will be scheduled during October and November in the following locations:

Thursday, October 20	National Teachers Hall of Fame 1320 C of E Drive Emporia	9:30 to 11:30 a.m.
Thursday, October 20	Bradford Memorial Library 611 S. Washington El Dorado	2 to 4 p.m.
Friday, October 21	Health Department Auditorium 1900 2nd Ave. Dodge City	9:30 to noon
Wednesday, October 26	Public Library 1001 2nd Ave. Dodge City	9 to 11 a.m.
Wednesday, October 26	Liberal SRS Office 615 N. Kansas Liberal	6:30 to 8:30 p.m.
Thursday, October 27	Public Library 1205 Main Hays	1 to 3 p.m.
Tuesday, November 1	Olathe SRS Office 401 West Frontier Lane Olathe	9 to 11:30 a.m.
Tuesday, November 1	Topeka SRS Office 235 Kansas Ave. 4th Floor Conference Room Topeka	1:30 to 3:30 p.m.
Thursday, November 3	Manhattan SRS Office 327 Colorado Manhattan	2 to 4 p.m.
Friday, November 4	Salina SRS Office 901 Westchester Salina	8:30 a.m.
Friday, November 4	Concordia SRS Office 1501 E. 6th Concordia	1 p.m.
Friday, November 4	Hutchinson SRS Office 501 N. Monroe Hutchinson	9 to 11 a.m.
Monday, November 7	Chanute SRS Office 1500 W. 7th Meadowlark Room Chanute	1 to 3 p.m.
Thursday, November 10	Lawrence Public Library, Auditorium 707 Vermont Lawrence	1 to 3 p.m.

Doc. No. 015468

Donna L. Whiteman
Secretary of Social and
Rehabilitation Services

State of Kansas

Department of Transportation

Notice of Public Auction

The Kansas Secretary of Transportation will offer at public auction November 15 the sale and removal of the following improvements located in Riley County, Kansas, described as follows:

- Tr. 12** 9 a.m., located at 131 Colorado, Manhattan, KS, Item A: 4900 sq. ft. concrete block building with dock and dock roof, 39 L.F. chain link fencing with two cantilever gates. Required performance bond is \$10,000. Item B: 818 sq. ft. 2 BR, 1 bath, frame residence w/163 sq. ft. basement and 100 sq. ft. covered porch. Required performance bond is \$1,500.
- Tr. 23** 9:30 a.m., located on east side of U.S. 177, 706 Rannels, Manhattan, KS, 1161 sq. ft. wood barn, 127 sq. ft. wood shed, 140 sq. ft. wood shed and 288 sq. ft. wood shed. Required performance bond is \$1,500.
- Tr. 29** 10 a.m., located on east side of U.S. 177, 1291 Pillsbury Dr., Manhattan, KS, Item A: 897 sq. ft. 2 BR, 1 bath, frame residence w/633 sq. ft. basement. Required performance bond is \$2,500. Item B: 480 sq. ft. detached garage. Required performance bond is \$1,000.
- Tr. 58** 10:30 a.m., located on east side of U.S. 177, 1361 Pillsbury Dr., Manhattan, KS, 1750 sq. ft. 3 Bd, 1 bath, mobile home. Required performance bond is \$1,500.

An inspection of properties will be November 8 from 1 to 3 p.m. and 30 minutes prior to sale.

The successful bidders will be required to remove the structures from the right of way on or before December 15. A performance bond equal to the amount specified above for each sale must be posted on the day of the sale as a guarantee of removal of the structures. Any item not removed from the right of way on or before the specified date shall revert to and become the property of the Kansas Department of Transportation. The purchasers shall have no right, title, interest or claim to or lien upon said remaining items or part thereof, nor any claim against the Department of Transportation for the sale price paid after said date.

Purchasers shall not permit use or occupancy of said structures pending removal from highway right of way. If applicable, the purchaser shall, during interim period of moving the improvement and filling in the basement, mark the area with tape, ribbon or fencing warning the public of the opening.

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

Terms of the Sale

Money order, certified or cashier's check for full price on day of sale. Make check payable to "Secretary of Transportation." Purchasers will receive a bill of sale.

The seller reserves the right to reject any and all bids and is not responsible for accidents. For additional information, contact Beverly Lee, Bureau of Right of Way, (913) 296-6933.

Michael L. Johnston
Secretary of Transportation

Doc. No. 015472

State of Kansas

Kansas Commission on Governmental Standards and Conduct

Advisory Opinion No. 94-26

Written September 22, 1994, to Carl M. Anderson, Assistant Attorney General, Kansas Lottery, Topeka.

This opinion is in response to your letter of July 7, 1994, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state conflict of interests laws (K.S.A. 46-215 *et seq.*).

Factual Statement

We understand you request this opinion in your capacity as an Assistant Attorney General assigned to the Kansas Lottery. You advise us that an employee of the Kansas Lottery has inquired about the possibility of providing his testimonial in one or more advertisements for the manufacturer of "publication software" which he has used and is using in his position at the Lottery.

The software is manufactured by a Colorado firm and is distributed entirely through an independent distribution network which distributes the product through a subordinate group of independent distributors. The Lottery employee using the software contacted the manufacturer with questions concerning the use of that product. The manufacturer provided excellent technical support and the Lottery employee wrote a letter of appreciation. Thereafter, the Lottery employee received a call from the software manufacturer inviting him to travel to Colorado, at the manufacturer's expense, and provide his testimonial regarding technical support in advertisements which were anticipated to appear in three or four publications. The Lottery employee would like to participate in such advertisements even if it is necessary to travel to Colorado at his own expense.

Questions

1. Are there restrictions on a state employee appearing in advertising to endorse a specific manufacturer's service on behalf of a state agency or as an employee of the agency?
2. Would the receipt of the airline ticket constitute "compensation" under K.S.A. 46-235?
3. Would the receipt of the airline ticket be from an entity with a "special interest" as defined by K.S.A. 46-228 and be impermissible under K.S.A. 46-237?

Opinion

Except as noted below in regard to receipt of benefits for appearing in an ad or endorsement, there are no restrictions in the conflict laws which preclude the appearance. Thus, whether it is appropriate for a state em-

ployee to endorse a vendor's product, invoking the name of the state, is a determination for each state agency to make.

Turning to the second question, K.S.A. 46-216 states:

"Compensation" means any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by such person or another.

K.S.A. 46-235 states:

No state officer or employee shall accept compensation for performance of their duties, other than that to which such person is entitled for such performance. No person shall pay or offer to pay any state officer or employee any compensation for performance of official duties, except a state officer or employee performing official duties in making payments to state officers and employees. The receipt of wages or salary from an individual's non-state employer during a period of service as a state officer or employee shall not be construed as compensation for performance of official duties.

Clearly, the provision of the ticket constitutes "compensation" under the above definition. However, K.S.A. 46-235 does not apply to this situation for two reasons. First, if the agency decides the endorsement is in the performance of state duties, it is the state that benefits from the payment for the ticket and the ticket is, therefore, not "accepted" by the employee. Second, if the agency decides it is not an appropriate activity to be considered a portion of the employee's duties, the acceptance of the ticket is not "for performance of official duties." In sum, K.S.A. 46-235 does not prohibit the situation you have described.

K.S.A. 46-237 applies to your question. That section states:

(a) No state officer or employee or candidate for state office shall accept, or agree to accept any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.

(b) No person with a special interest shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$40 or more in any calendar year to any state officer or employee or candidate for state office with a major purpose of influencing such officer or employee in the performance of official duties or prospective official duties.

In applying this language, we are satisfied that the manufacturer has a "special interest" as defined by K.S.A. 46-226 regardless of the layers of organization between the manufacturer and the state. The manufacturer still has an interest in having its product sold to the state. On these facts, the question turns to the motive of the manufacturer, that is, whether the ticket is being given to the employee with "a major purpose of influencing" later decisions by the employee in regard to the purchase of the manufacturer's product or, without such purpose, rather to enhance sales elsewhere. We do not have suf-

ficient information to answer this question for you. We can only caution you that if the manufacturer has such a purpose to influence you and/or the agency, the transaction would be impermissible.

Advisory Opinion No. 94-27

Written September 22, 1994, to JoAnn Stevens, Unit Supervisor in KanWork, Wichita.

This opinion is in response to your letter of August 23, 1994, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state conflict of interests laws (K.S.A. 46-215 *et seq.*).

Factual Statement

We understand you request this opinion in your capacity as supervisor in the KanWork program in Wichita, Kansas. You advise us that your job responsibilities include supervising persons whose responsibilities are training, education, and employment of clients who are welfare recipients and want self sufficiency. Recently, you accepted a paid placement at Methodist Youthville part-time to work on your clinical social work license and continue to work full-time in KanWork. At Methodist Youthville in Newton, Kansas, you will be working with youth and their parents doing in-home, individual and group therapy. Although SRS contracts with Youthville, you have no contact with Youthville other than in your part-time placement.

Question

May you work part-time at Methodist Youthville while a unit supervisor for the state in the KanWork program?

Opinion

We have reviewed K.S.A. 46-215 *et seq.* in its entirety. It is our opinion so long as you do not license, regulate or inspect Methodist Youthville in your job with the state and do not participate in the making of contracts between the state and Methodist Youthville, the situation you describe is permissible. We note that the prohibitions on contracting include referring state clients to the Youthville program (see K.S.A. 46-233 and K.S.A. 46-286).

Advisory Opinion No. 94-28

Written September 22, 1994, to Casey R. Law, Bremyer & Wise, P.A., McPherson.

This opinion is in response to your letter of August 16, 1994, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the local and state conflict of interests laws (K.S.A. 75-4301 *et seq.* and K.S.A. 46-215 *et seq.*).

Factual Statement

We understand you request this opinion on behalf of a supervisor of Drainage District #4. You advise us Drainage District #4 was organized in the 1940s by petition filed in the District Court of McPherson County, Kansas, and granted. The drainage district is a quasi-municipal corporation whose purpose is to maintain a drainage ditch to serve the land included in the district.

(continued)

The district has the authority to levy taxes on lands included in the district. For the upcoming budget year, the levy is 50 cents per acre, as it has been for some years.

We also understand the drainage district is governed by a Board of Supervisors who ordinarily meet once a year. The supervisors serve staggered three-year terms. They are elected at a yearly landowner's meeting, which is ordinarily held on the second Tuesday of August.

At this year's landowner's meeting, which was held August 9, it was necessary for the landowners to elect a supervisor to serve out the unexpired term of Peter J. P. Schrag, a long-time supervisor who died this year at an advanced age. It was suggested that, since the Kansas Department of Wildlife and Parks (KDWP) is now the largest landowner in the drainage district, it would be appropriate for a representative of KDWP to be elected supervisor. The logical nominee was Todd Pesch, the Public Lands Manager at McPherson Wetlands office. Mr. Pesch, at some inconvenience to himself, has attended the last three landowners' meetings. Mr. Pesch, as a representative of the KDWP, the district's largest landowner, was nominated and elected to serve out the remainder of the term of Peter J. P. Schrag, which expires in 1996.

Question

May an employee of the Kansas Department of Wildlife and Parks also serve as a supervisor for a drainage district?

Opinion

We have reviewed both the local and state conflicts laws and it is our opinion so long as the state employee does not license, regulate or inspect the drainage district and does not on behalf of the state participate in the making of contracts between the state and the district, the situation you describe is permissible (see K.S.A. 46-230, 46-229(d), 46-233 and 46-286).

Advisory Opinion No. 94-29

Written September 22, 1994, to Kenneth F. Kern, Executive Director, State Conservation Commission, Topeka.

This opinion is in response to your letter of August 25, 1994, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the conflict of interests laws.

Factual Statement

We understand you request this opinion in your capacity as executive director of the State Conservation Commission. You advise us that watershed districts are organized under the provisions of K.S.A. 24-1201 *et seq.* The purpose of the district is to construct, operate and maintain works of improvement needed to provide for water management. Water management includes problems resulting from erosion, floodwater or sediment damages, and instability of natural water supplies. There are 87 organized watershed districts in Kansas. A board of directors of three to fifteen members are responsible for administration of the watershed district.

Organized watershed districts have taxing authority (within limitations) and the power of eminent domain, in addition to other powers granted by K.S.A. 24-1209.

The districts can employ personnel to assist in the performance of their statutory powers and duties. However, due to the limitations of funds available, ranging from \$3,000 to \$50,000 per year, most districts do not employ full-time staff.

Since FY. 1977, the Kansas Legislature has appropriated funds for assistance in the construction of flood detention dams. These funds are appropriated to the State Conservation Commission and subsequently allocated to watershed districts for flood detention projects.

The commission has developed administrative regulations for the implementation of the state assistance in watershed dam construction. One of the requirements for state assistance is a single contact person in the watershed. This person is called the "contracting officer" as per K.A.R. 11-3-2(b). The contracting officer's primary duties are to handle the administrative procedures necessary in the construction of flood detention dams.

All watershed districts receiving state assistance have secured the services of a contracting officer. The following types of individuals are serving in this capacity:

1. Current watershed district board members
2. Former watershed district board members
3. Members of engineering firms
4. Independent consultants
5. Retired USDA Soil Conservation Service personnel
6. Attorneys
7. Individuals not on board but with interest in flood control and conservation
8. Employees of the watershed district

Question

May the individuals described above serve as contracting officers and, if so, are there any restrictions on their activities?

Opinion

The first issue raised by your request is whether the state level conflicts law (K.S.A. 46-215 *et seq.*) or the local level law (K.S.A. 75-4301 *et seq.*) applies to the position of a contracting officer for a watershed district. This in turn depends upon whether the watershed district is a "state agency" or a "governmental subdivision."

K.S.A. 46-224(a) defines "state agency" as follows:

"State agency" means the legislature, legislators, legislative committees and councils and all executive departments, institutions, offices, officers, commissions, boards and authorities of the state, but does not include municipalities and other political subdivisions.

K.S.A. 75-4301a(f) defines "governmental subdivision" as follows:

"Governmental subdivision" means any city, county, township, school district, drainage district or other governmental subdivision of the state having authority to receive or hold public moneys or funds.

It is our opinion that a watershed district is an "other political subdivision" for the purpose of K.S.A. 46-224(a) and, therefore, not a "state agency." It does meet the definition of "governmental subdivision" such that K.S.A. 75-4301 *et seq.* applies to it and its employees and officers (see K.S.A. 75-4301a(c)&(d)).

The prohibitions in K.S.A. 75-4301 *et seq.* are not as extensive as those in the state level conflict law. There is no prohibition in the local level law from dual office holding, nor is there a prohibition from serving as a local official while the agency one serves does business with a local official's private business interests. There is, however, a prohibition from participating as a local official in the making of contracts between the local agency and one's private business interests (K.S.A. 75-4304). Also, official actions other than contracts which affect one's own private business interests must be disclosed (K.S.A. 75-4305).

Thus, in response to your specific question, none of the eight situations you describe is precluded by the local level conflict law simply because of the status of the individuals. Each contracting officer must, however, be aware of the prohibitions in K.S.A. 75-4304 and the reporting requirements of K.S.A. 75-4305.

Advisory Opinion No. 94-30

Written September 22, 1994, to J. Michael Haskin, Mayor, City of Olathe.

This opinion is in response to your letter of September 8, 1994, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the Campaign Finance Act (K.S.A. 25-4142 *et seq.*).

Factual Statement

We understand you request this opinion in your capacity as mayor of the city of Olathe. You advise us that the city is being approached by the League of Women Voters to run debates between candidates for local and state offices that would be of particular interest to the citizens of Olathe on the city's governmental channel. The format of the debates would be:

1. The debate would be conducted and produced by a neutral third party, such as the League of Women Voters or the local Chamber of Commerce;
2. Each candidate for office would be asked identical questions by a neutral moderator or a panel and would be given time to respond; and
3. The debate would be televised live or on a video tape delayed basis on the city's governmental access channel.

Question

With the safeguards you have described, would the use of municipally owned video equipment and the city's government access channel for candidate debates violate K.S.A. 25-4169a?

Opinion

K.S.A. 25-4169a states:

(a) No officer or employee of the state of Kansas, any county, any unified school district having 35,000 or more pupils regularly enrolled, any city of the first class or the board of public utilities of the city of Kansas City, Kansas, shall use or authorize the use of public funds or public vehicles, machinery, equipment or supplies of any such governmental agency or the time of any officer or employee of any such governmental agency, for which the officer or employee is compensated by such govern-

mental agency, for the purpose of influencing the nomination or election of any candidate to state or local office. The provisions of this section prohibiting the use of time of any officer or employee for such purposes shall not apply to an incumbent officer campaigning for nomination or reelection to a succeeding term to such office or to members of the personal staff of any elected officer.

(b) Any person violating the provisions of this section shall be guilty of a class C misdemeanor.

As we view the situation you describe, it appears that the purpose of the debate is to provide voters with information not directed at influencing the nomination or election of any particular candidate. Thus, so long as all candidates for a particular office are invited to attend and the other safeguards you describe are followed, it is our opinion that the situation you describe would not violate K.S.A. 25-4169a.

Richard C. Loux
Chairman

Doc. No. 015427

State of Kansas

Historic Sites Board of Review

Notice of Meeting

The Kansas Historic Sites Board of Review will meet at 9 a.m. Saturday, November 5, in a classroom at the Kansas Museum of History, 6425 S.W. 6th, Topeka. The board will evaluate the following properties for nomination to the National Register of Historic Places and/or the Register of Historic Kansas Places:

- Schleichers Branch Stone Arch Bridge, Humboldt vicinity, Allen County
- Jensen-Dahl House, East Main Street, Denmark, Lincoln County
- Hillsdale State Bank, Church and Frisco Streets, Hillsdale, Miami County
- Elk River Marsh Arch Bridge, Independence vicinity, Montgomery County
- Engine House No. 6, 1300 S. Broadway, Wichita, Sedgwick County
- John Sargent House, 225 S.W. Clay, Topeka, Shawnee County
- Lake of the Forest Club House, Lake of the Forest, Bonner Springs, Wyandotte County

Also on the agenda will be the report of the committee that will evaluate the Historic Preservation Fund grant applications.

The Kansas State Historical Society welcomes individuals with disabilities to participate in its activities. If you have a visual, aural, or other physical or mental impairment that is a "disability" under the act, contact Sandy McDaniel at the Historic Preservation Office, Kansas State Historical Society, 120 W. 10th, Topeka 66612-1291, (913) 296-7080, by October 28, to discuss the nature of your disability and what the Kansas State Historical Society can do to ensure participation in the activity.

Ramon Powers
Executive Director

Doc. No. 015470

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of October 17 through October 30:

Date	Room	Time	Committee	Agenda
October 17	123-S	9:00 a.m.	Joint Committee on	<u>17th:</u> Presentations on federal and Kansas business finance assistance programs.
October 18	123-S	9:00 a.m.	Economic Development	<u>18th:</u> Presentations on business finance initiatives in other states and recommendations to the committee on initiatives for its consideration. Committee discussion and directions to staff.
October 17	514-S	10:00 a.m.	Joint Committee on Administrative	Review rules and regulations filed by the Dept. of Revenue; Sec. of Administration; Securities Commissioner; Sec. of Commerce and Housing; and the Sec. of Health and Environment. Discuss rules and regulations filing act.
October 18	514-S	9:00 a.m.	Rules and Regulations	<u>18th:</u> Regents library proposal, community college out-district tuition exemption, and Board of Regents-Board of Education joint planning activities.
October 18	519-S	10:00 a.m.	Legislative Educational	<u>19th:</u> Report from Midwest Higher Education Compact on cost-sharing proposals, other items, and instruction to staff.
October 19	519-S	9:00 a.m.	Planning Committee	
October 19	514-S	10:00 a.m.	Interim Study Group on	Agenda not available.
October 20	514-S	9:00 a.m.	Special Advisory Commissions	
October 19	123-S	1:30 p.m.	Legislative Coordinating Council	Legislative matters.
October 20	123-S	10:00 a.m.	Legislative Budget	<u>20th:</u> a.m. - Staff overview of selected agencies FY 1996 budget requests—Board of Regents; Dept of Corrections; Dept. of Education; Dept. of SRS; Real Estate Commission.
October 21	123-S	9:00 a.m.	Committee	p.m. - DARE/GREAT Program funding. <u>21st:</u> Hearing on shifting the Medicaid Program of the Dept. of SRS to a capitated managed care system.

Emil Lutz
Director of Legislative
Administrative Services

Doc. No. 015477

State of Kansas

Office of Judicial Administration
Supreme Court Docket

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

Monday, October 24, 1994

9:00 a.m.

Case No.	Case Name	Attorneys	County
69,897	State of Kansas, Appellee, v. Nasif S. Gadelkarim, Appellant.	Robert T. Stephan, Atty. Gen. Debra S. Byrd, Asst. Dist. Atty. Rick Kittel, Asst. Appellate Defender	Sedgwick
70,302	State of Kansas, Appellee, v. Paul Goseland, Appellant.	Robert T. Stephan, Atty. Gen. Debra S. Byrd, Asst. Dist. Atty. Steven R. Zinn, Deputy Appellate Defender	Sedgwick
70,647	State of Kansas, Appellee, v. Frederick C. Parrott, Appellant.	Robert T. Stephan, Atty. Gen. Debra S. Byrd, Asst. Dist. Atty. Rick Kittel, Asst. Appellate Defender	Sedgwick
70,115	State of Kansas, Appellee, v. Nathan Bell, Appellant.	Robert T. Stephan, Atty. Gen. Debra S. Byrd, Asst. Dist. Atty. Hazel Haupt, Asst. Appellate Defender	Sedgwick

1:30 p.m.

70,539	State of Kansas, Appellee, v. John L. Halloway, Appellant.	Robert T. Stephan, Atty. Gen. Debra S. Byrd, Asst. Dist. Atty. J. Patrick Lawless, Jr., Asst. App. Defender	Sedgwick
69,509	State of Kansas, Appellee, v. Michael W. Utterback, Appellant.	Robert T. Stephan, Atty. Gen. Debra S. Byrd, Asst. Dist. Atty. J. Joseph Weber On Petition for Review Debra J. Wilson, Asst. Appellate Defender	Sedgwick
69,878	State of Kansas, Appellee, v. Jim L. Heffelman, Appellant.	Robert T. Stephan, Atty. Gen. Debra S. Byrd, Asst. Dist. Atty. On Petition for Review Stephen C. Moss, Asst. Appellate Defender	Sedgwick

Tuesday, October 25, 1994

9:00 a.m.

Case No.	Case Name	Attorneys	County
70,062	Americare Properties, Inc., et al., Appellees, v. Donna L. Whiteman, Secretary of SRS, et al., Appellants.	William E. Enright Patricia A. Bennett	Shawnee
70,905	Catholic Housing Services, Inc., d/b/a St. Joseph Care Center, Appellant, v. State of Kansas, Dept. of SRS, Appellee.	Jeffrey A. Chanay Bruce Roby	Shawnee
69,573	State of Kansas, Appellee, v. Billy Dean Rader, Appellant.	Robert T. Stephan, Atty. Gen. Paul J. Morrison, Dist Atty. On Petition for Review Jean R. Gilles-Phillips, Asst. App. Defender	Johnson

(continued)

70,125	State of Kansas, Appellee, v. Floyd A. Dotson, Appellant.	Robert T. Stephan, Atty. Gen. Paul J. Morrison, Dist. Atty. Debra J. Wilson, Asst. Appellate Defender	Johnson
1:30 p.m.			
71,406	Gary W. Jenkins, Appellant, v. Amchem Products, Inc., et al., Appellees.	Mark A. Furney Monte Vines Stephen W. Jacobson	Sedgwick
70,390	State of Kansas, Appellee, v. John W. Alston, et al., Appellants.	John W. Campbell, Deputy Atty Gen. Martin Asher, Co. Atty. Hon. Maurice P. O'Keefe, Jr. Gunnar A. Sundby Daniel S. Garrity	Atchison
70,850	Ronald G. Galindo, Appellant, v. The City of Coffeyville, Kansas, a Municipal Corporation, Appellee.	Randall J. Forbes Nancy L. Moore	Montgomery
Wednesday, October 26, 1994			
9:00 a.m.			
Case No.	Case Name	Attorneys	County
69,696	State of Kansas, Appellee, v. Arthur L. Walston, Appellant.	Robert T. Stephan, Atty. Gen. Nick A. Tomasic, Dist. Atty. On Petition for Review Carl E. Cornwell	Wyandotte
70,585	State of Kansas, Appellee, v. John E. Fierro, Appellant.	Robert T. Stephan, Atty. Gen. Jaylenn Copp, Asst. Atty. Gen. Brenton G. Lonker	Ford
(70,575) (71,090) Consolidated	State of Kansas, Appellee, v. Jon H. Mareska, Appellant.	Robert T. Stephan, Atty. Gen. Joan M. Hamilton, Dist. Atty. Rick Kittel, Asst. Appellate Defender	Shawnee
69,948	State of Kansas, Appellee, v. Alonzo L. Watson, Appellant.	Robert T. Stephan, Atty. Gen. Joan M. Hamilton, Dist. Atty. On Petition for Review Benjamin C. Wood, Special Appellate Defender	Shawnee
1:30 p.m.			
70,186	State of Kansas, Appellee, v. Eric D. Sims, Appellant.	Robert T. Stephan, Atty. Gen. Joan M. Hamilton, Dist. Atty. Benjamin C. Wood	Shawnee
69,929	State of Kansas, Appellee, v. Jesus V. Medina, Appellant.	Robert T. Stephan, Atty. Gen. Joan M. Hamilton, Dist. Atty. On Petition for Review J. Patrick Lawless, Jr., Asst. App. Defender	Shawnee
71,149	State of Kansas, Appellee, v. Robert Sherman Walton, Appellant.	Robert T. Stephan, Atty. Gen. Joan M. Hamilton, Dist. Atty. Stephen W. Kessler	Shawnee

Thursday, October 27, 1994

9:00 a.m.

Case No.	Case Name	Attorneys	County
71,258	In the Matter of the Application of Oyler, Jimmie D., for Exemption from Ad Valorem Taxation in Johnson County, Kansas.	Lisa Ross Wetzler Pamela S. Fahey	Shawnee
70,003	Unified School District No. 328, Ellsworth County, Kansas, Appellee, v. Richard Whitmer, Appellant.	Fred W. Rausch, Jr. Ron Svaty Jonathan Paretsky On Petition for Review	Ellsworth
70,154	State of Kansas, Appellant, v. Randolph Scott Gilbert, Appellee.	Robert T. Stephan, Atty. Gen. Joe Shepack, Co. Atty. On Petition for Review Jerry E. Driscoll	Ellsworth
70,255	State of Kansas, Appellee, v. Billy T. Reed, Appellant.	Robert T. Stephan, Atty. Gen. Kerwin L. Spencer, Co. Atty. Rick Kittell, Asst. Appellate Defender	Sumner

Friday, October 28, 1994

9:00 a.m.

Case No.	Case Name	Attorneys	County
71,816	John O. Mozier, Jr., and Nancy G. Mozier, Appellants, v. Charles Parsons and Brenda Parsons, Appellees.	Mark C. Owens Peter A. Martin Zackery E. Reynolds James L. Sanders John H. Mitchelson	Certified Question
72,196	In the Matter of Dorothy Gershater, Respondent.	Marty M. Snyder, Deputy Disc. Adm. Dorothy Gershater, pro se Donald G. Strole	Original
71,675	In the Matter of Annette M. Jackson, Respondent.	Stanton A. Hazlett, Deputy Disc. Adm. Annette M. Jackson, pro se Gregory M. Coggs	Original
72,259	In the Matter of Ross B. Griggs, Respondent.	Stanton A. Hazlett, Deputy Disc. Adm. Ross B. Griggs, pro se	Original
71,803	In the Matter of Ross B. Griggs, Respondent.	Stanton A. Hazlett, Deputy Disc. Adm. Ross B. Griggs, pro se	Original
72,113	In the Matter of Michael R. Norlen, Respondent.	Stanton A. Hazlett, Deputy Disc. Adm. Michael R. Norlen, pro se	Original
72,059	In the Matter of Walter (Pete) Robertson, Respondent.	Bruce E. Miller, Disc. Adm. Walter P. Robertson, pro se Stephen M. Joseph	Original
71,736	In the Matter of Michael R. McIntosh, Respondent.	Stanton A. Hazlett, Deputy Disc. Adm. Michael R. McIntosh, pro se	Original
71,980	In the Matter of Katherine Phelps-Griffin, Respondent.	Marty M. Snyder, Deputy Disc. Adm. Katherine R. Phelps-Griffin, pro se	Original

Carol G. Green
Clerk of the Appellate Courts

Doc. No. 015460

State of Kansas

Secretary of State

Notice of Corporations Forfeited

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited during the month of September 1994, for failure to timely file an annual report and pay the annual franchise tax as required by the Kansas general corporation code:

Domestic Corporations

- Abilene Bible College and Seminary, Abilene, KS.
 AC-JAC, Inc., Iola, KS.
 Agricultural Historical Foundation, Inc., Hill City, KS.
 Air Capital Radio Control Model Boat Club, Inc., Wichita, KS.
 Air Capitol Post 401-Fifth District Department of Kansas American Legion, Wichita, KS.
 Alliance of Lenexa Homeowners Associations, Inc., Overland Park, KS.
 Alpha Kappa Chapter Club, Arma, KS.
 Alternative Lifestyles Inc., Atchison, KS.
 American Association of Residential Mechanical Inspectors, Stilwell, KS.
 American Self Reliance, Inc., Overland Park, KS.
 Anderson County Youth Center, Inc., Garnett, KS.
 Aqua Hunters, Inc., Wichita, KS.
 Arlington Estates Homes Association, Inc., Shawnee, KS.
 Arrowmakers, Inc., Kansas City, KS.
 Assembly of God Church, Lyons, KS.
 Assembly of God Church of Kensington, Kansas, Kensington, KS.
 Association for the Betterment of community Life, Inc., Topeka, KS.
 Association of the Allen Williams Homeless Select Workers, Wichita, KS.
 At the Crossroads Inventors Education Foundation, Inc., Great Bend, KS.
 Aubert-Walls Post No. 7796 Veterans of Foreign Wars of the United States, St. Marys, KS.
 Austin Subdivision Homeowners Association, Brookville, KS.
 Avcon Conversions, Inc., Udall, KS.
 Aware, Inc., Mulvane, KS.
 B.E.A.R.S. Inc., Altamont, KS.
 Baileyville Cemetery Association, Seneca, KS.
 Baker Grange No. 1987, Inc., Pittsburg, KS.
 Barbers Auto and Pickup Dismantlers and Salvage Inc., Garden City, KS.
 Barton County Association for Retarded Citizens, Inc., Great Bend, KS.
 Bearie Patch Learning Center, Inc., Topeka, KS.
 Bennington Development Corporation No. 2, Inc., Bennington, KS.
 Biblical Counseling Ministries, Inc., Overland Park, KS.
 Big Brothers/Big Sisters of Ford County, Inc., Dodge City, KS.
 Birthright of Garden City, Inc., Garden City, KS.
 Blazing Paddles Canoe Club Ltd., Olathe, KS.
 Blue Rapids, Waterville Memorial Post No. 4175 Veterans of Foreign Wars, Waterville, KS.
 Blue Valley Institute of Alcoholism and Drug Addiction, Inc., Blue Rapids, KS.
 Bluestem Prairie Cowboy Poetry Gathering, Inc., Wichita, KS.
 Boot Hill Marines, Inc., Dodge City, KS.
 Born Again Full Faith Tabernacle Church, Elwood, KS.
 Bourbon County Board of Realtors, Assn., Fort Scott, KS.
 Break-through Inc., of Kansas City, Kansas, Kansas City, KS.
 Briarwood Pack 3348 Charter Organization, Inc., Overland Park, KS.
 Bridgepointe II Park Homes Owners' Association, Wichita, KS.
 Bridgepointe Park Homes Owners' Association, Inc., Wichita, KS.
 Brit Spaugh Zoological Society, Inc., Great Bend, KS.
 Brookhaven Homes Association, Inc., Shawnee Mission, KS.
 Brown County Housing Corporation, Hiawatha, KS.
 Buffalo Homecoming, Inc., Buffalo, KS.
 Building Employee Success Together B.E.S.T., Inc., Overland Park, KS.
 Burden Bible Baptist Church, Inc., Burden, KS.
 Calvary Missionary Baptist Church of Kansas City, Kansas, Kansas City, KS.
 Caney Community Christian Church, Caney, KS.
 Catcha Kool Kid Foundation, Lenexa, KS.
 Catholic Alumni Club of Wichita, Inc., Wichita, KS.
 CCWHP-CGWH, Inc., Brooklyn, NY.
 Cedar Bluff Irrigation District No. 6, Ellis, KS.
 Central Baptist Association, Great Bend, KS.
 Central Christian Church, Caldwell, KS.
 Cessna 21st Street Youth Club, Wichita, KS.
 Chanute Mexican Fiesta Committee, Chanute, KS.
 Charmark, Inc., Overland Park, KS.
 Chelsea Affordable Housing Inc., Overland Park, KS.
 Children's Center, Inc., Topeka, KS.
 Chisholm Trail Saddle Club, Clearwater, KS.
 Christ is King Center, Inc., Topeka, KS.
 Christian Action Corporation, Concordia, KS.
 Christian Faith Church, Pittsburg, KS.
 Christian Learning, Inc., Lenexa, KS.
 Christian Soup Ministry, Inc./Christian Coffee House Soup Ministry, Hutchinson, KS.
 Cinderella Modeling School & Agency Inc., Kansas City, KS.
 Circle Land and Cattle Corporation, Garden City, KS.
 City of Wichita Employees' Friendship Fund, Wichita, KS.
 Clearwater Foundation, Inc., Clearwater, KS.
 Clinton Office Park Owners Association, Inc., Lawrence, KS.
 Clockwinders Optimist Club of Olathe, Kansas, Olathe, KS.
 Coffeyville Garden Apartments, Inc., Coffeyville, KS.
 Colby Church of Christ Inc., Colby, KS.
 Colfax Rebekah Lodge #240, Wellington, KS.

- Columbia, Inc., Wichita, KS.
Columbian Acres, Inc., Derby, KS.
Columbus Square, Inc., Frontenac, KS.
Community Arts Council of Council Grove, Inc.,
Council Grove, KS.
Community Children Service, Inc., Overland Park, KS.
Community Christian Church, Scott City, KS.
Community Economic Development Corporation,
Junction City, KS.
Community Home Funding Corp., Leawood, KS.
Community Improvement Association, Inman, KS.
Community Outreach Center, Inc., Topeka, KS.
Concerned Citizens Coalition of Leavenworth Against
Crime & Violence, Leavenworth, KS.
Concerned Citizens of Armourdale Inc.,
Kansas City, KS.
Concerned Citizens of the Blind and Visually
Impaired (C.C.B.V.I.), Junction City, KS.
Concrete Placement of Miami, Inc., Kansas City, KS.
Consolidated Contracting, Inc., Lansing, KS.
Consumer Credit Counseling Service of Wichita, Inc.,
Derby, KS.
Cooperative Urban Teacher Education, Inc.,
Kansas City, KS.
Coronado Car Club, Ltd., Dodge City, KS.
Country Play School, Inc., Admire, KS.
Cowley County Association for Retarded Citizens,
Inc., Winfield, KS.
Creative Arts Therapies, Inc., Arma, KS.
Crescent Lodge #86, I.O.O.F., Valley Falls, KS.
Crestview Country Club Estates: Southcrest Addition
(Lots 1-14, Block 2) Home Owners Association,
Wichita, KS.
Crusaders Motor - Cycle Club Inc., Kansas City, KS.
Crystal Rebekah Lodge #72, Lyons, KS.
D.A.V. Economy Store, Inc., Hutchinson, KS.
Dale Apartments, Inc., Coffeyville, KS.
Danceworks The Company, Leawood, KS.
Dawn Community Church, Wichita, KS.
Dean Commodities, Inc., Garden City, KS.
Delta Sigma Theta Sorority, Inc. of Kansas City,
Kansas, Kansas City, KS.
Derby Rotary Club Foundation, Derby, KS.
Dizmag, Inc., Goodland, KS.
Douglas Kay Co., Inc., Overland Park, KS.
Durham Centennial Inc., Durham, KS.
East Kansas Athletics, Inc., Olathe, KS.
Eastborough Homeowners Association, Inc.,
Wichita, KS.
Economic Cultural Development Committee, Inc.,
Cottonwood Falls, KS.
Emmanuel Pentecostal Temple, Inc., Wichita, KS.
Englewood Auditorium Community Association, Inc.,
Englewood, KS.
Entertainment Services, Inc., Overland Park, KS.
Ethiopian Christian Fellowship Church, Inc.,
Overland Park, KS.
Faith Family Christian Center Incorporation,
Wellington, KS.
Familycare Consulting and Visitation Services, Inc.,
Topeka, KS.
Fellowship of Faith Church, Topeka, KS.
Fellowship Southern Baptist Church, Kansas City, KS.
Fidelity Lodge No. 194, Independent Order of Odd
Fellows of Kansas, Hays, KS.
Finney County Babe Ruth Baseball, Inc.,
Garden City, KS.
First Assembly of God, Inc., Kansas City, KS.
First Baptist Church Association of Abbyville,
Abbyville, KS.
First Baptist Church of Cherokee, Cherokee, KS.
First Baptist Church of Hoyt, Inc., Hoyt, KS.
First Baptist Church of Waverly, Inc., Waverly, KS.
First Christian Church of Oswego, Oswego, KS.
First Christian Church of Stafford, Kansas,
Stafford, KS.
First Presbyterian Church, Syracuse, KS.
First Presbyterian Church of Caldwell, Sumner
County, Kansas, Caldwell, KS.
Flint Hills Archery Club, Inc., Emporia, KS.
Forest Grove Community Affairs, Inc.,
Kansas City, KS.
Formal Wear Ltd., Wichita, KS.
Fort Scott and Bourbon County Historical Society,
Incorporated, Fort Scott, KS.
Fox Hollow Drop In Center, Inc., Overland Park, KS.
Franklin Children's Center, Inc., Kansas City, KS.
Fraternal Order of Police, Lawrence Lodge #2,
Lawrence, KS.
Fredonia Regional Health Care Foundation, Inc.,
Fredonia, KS.
Freedom Christian Center Inc., "Visions of Faith
Ministries," Kansas City, KS.
Friends of Odessa Trio Society, Inc.,
Overland Park, KS.
Friends of Private Universities, Inc., Wichita, KS.
Friends of the Ottawa Municipal Auditorium, Inc.,
Ottawa, KS.
Friends of the Parsons Public Library, Parsons, KS.
From the Heart, Inc., Wichita, KS.
Gamma Rho Chapter 3613 of ESA International, Inc.,
Coffeyville, KS.
Gaylord Commercial Club, Inc., Gaylord, KS.
Geary County Ministerial Association,
Junction City, KS.
Gene & Elroy Schenck Post No. 7584 Veterans of
Foreign Wars of the United States, Inc.,
Burlingame, KS.
Genesis Christian Academy, Inc., Wathena, KS.
Golden Eagles Athletic Program, Inc., Ellinwood, KS.
Good Grief of Wichita, Inc., Wichita, KS.
Goodland Area Crime Stoppers Program, Inc.,
Goodland, KS.
Grace Baptist Temple, Salina, KS.
Grace Center, Inc., Kansas City, KS.
Grace Covenant Community, Inc., Mission, KS.
Grace Fellowship of Wichita, Inc., Wichita, KS.
Granada Theatre Historical Society, Inc.,
Kansas City, KS.
Greater Efforts Auto Racing Association,
Pleasanton, KS.
Greater Kansas City Community Lenders Association,
Olathe, KS.

(continued)

- Greater Mizpah Baptist Church, Inc., Wichita, KS.
 GTB, Ltd, Abilene, KS.
 Harvest Time Ministries of Wichita, Inc.,
 Bald Knob, AR.
 Health Care Cost Containment Task Force, Inc.,
 Shawnee Mission, KS.
 Heartland Inter-Tribal Club, Overland Park, KS.
 Heartland Ministries International, Inc.,
 Overland Park, KS.
 Heartland Superbikes, Inc., Topeka, KS.
 Heartland Tourism/Development Agency, Inc.,
 Mission, KS.
 Heartland Youth Ministries, Inc., Lebanon, KS.
 High Noon Ambucs Club, Great Bend, KS.
 High Plains Christian Fellowship Incorporated,
 Garden City, KS.
 High Plains Pigeon Club, Inc., Russell, KS.
 High Point Baptist Church, Kansas City, KS.
 Higher Heights Temple Church, Olathe, KS.
 Highland Village Merchants Association, Topeka, KS.
 Hillsdale Elevator, Inc., Paola, KS.
 Hilltree Service Inc., Kansas City, KS.
 Historic Topeka, Inc., Topeka, KS.
 Hoisington Youth Home, Inc., Hoisington, KS.
 Holliday Baptist Church, Shawnee, KS.
 Holy Ghost and Fire Tabernacle Incorporated,
 Wichita, KS.
 Holyoke Street Church of Christ, Inc., Wichita, KS.
 Home Front Memorial Committee Inc., Wichita, KS.
 Hope for the Heartland, Inc., Derby, KS.
 Hopecrest Foundation, Salina, KS.
 Hospice of Scott County, Inc., Scott City, KS.
 Hutchinson Archives, Inc., Hutchinson, KS.
 Hutchinson Art Association, Inc., Hutchinson, KS.
 Independent Insurance Agents of Hays, Inc.,
 Hays, KS.
 Institute of Safety Development, Overland Park, KS.
 Integral Sisters in Society, Foundation, Lawrence, KS.
 International Association of Plastics Distributors,
 Shawnee, KS.
 International Handgun Metallic Silhouette Association,
 Inc., Burlington, IA.
 International Society for Individualized Instruction,
 Inc. Lawrence, KS.
 Israelite Missionary Baptist Church, Kansas City, KS.
 Jake Leg Golf Association, Wichita, KS.
 James Place Homeowners Association, Inc.,
 Wichita, KS.
 Jayhawk Internal Medicine Association,
 Hutchinson, KS.
 Jefferson County Domestic Violence Task Force, Inc.,
 Oskaloosa, KS.
 Jesus Christ's Corporation, Humboldt, KS.
 Johnson County Christian Church,
 Overland Park, KS.
 Johnson County Community Housing Resource Board,
 Inc., Overland Park, KS.
 Johnson County Fitness Council, Inc.,
 Overland Park, KS.
 Johnson County Humane Society, Olathe, KS.
 K Country Estates Homeowners Association,
 Dodge City, KS.
 Kansas Association for Native American Education,
 Lawrence, KS.
 Kansas Association of Ambulatory Surgery Centers,
 Dodge City, KS.
 Kansas Association of Inventors, Great Bend, KS.
 Kansas B.A.S.S. Chapter Federation, Inc., Topeka, KS.
 Kansas Business Association, Inc., Topeka, KS.
 Kansas Chapter of the National Association of
 Housing and Redevelopment Officials, Parsons, KS.
 Kansas City Guitar Society, Lenexa, KS.
 Kansas City Regional Purchasing Exposition, Inc.,
 Topeka, KS.
 Kansas Companion Animal Association, Shawnee, KS.
 Kansas Demolay Foundation, Inc., Leawood, KS.
 Kansas Educational Foundation, Olathe, KS.
 Kansas Equipment Corp., Garden City, KS.
 Kansas Family Values Coalition, Inc., Wichita, KS.
 Kansas Golf Course Superintendents Association,
 McPherson, KS.
 Kansas Grape Growers and Winemakers Association,
 Neodesha, KS.
 Kansas Hunter Safety Instructor's Association of
 Shawnee County, Topeka, KS.
 Kansas Mastitis Council Inc., Manhattan, KS.
 Kansas Multicultural Alcohol and Drug Treatment
 Center, Inc., Kansas City, KS.
 Kansas Nurses for Life, Inc., Wichita, KS.
 Kansas Organization of Mothers of Twins Clubs, Inc.,
 Wichita, KS.
 Kansas Prairie Packers Association, Topeka, KS.
 Kansas Purebred Swine Breeders' Assn., Inc.,
 Manhattan, KS.
 Kansas Section of the American Society of Agriculture,
 Manhattan, KS.
 Kansas Small Businesses Association,
 Council Grove, KS.
 Kansas State Penning Association, Topeka, KS.
 Kansas State Police Athletic Federation, Inc.,
 Topeka, KS.
 Kansas State Rodeo Association, Inc., Garden City, KS.
 Kansas Tarentaise Association, Edson, KS.
 Kansas Traditional Country & Western Dancer
 Association (KTCWDA), Olathe, KS.
 Kansas Vocational Association, Topeka, KS.
 Kaw Valley Baptist Church of Douglas County,
 Eudora, KS.
 Kaw Valley Rodeo Association, Inc., Manhattan, KS.
 Kentucky Township Firefighters Relief Association,
 Perry, KS.
 Kids N' Care, Inc., Ellinwood, KS.
 King and Feil Incorporated, Leon, KS.
 Kinsley Golf Club, Kinsley, KS.
 Kiwanis Club of Hi-Noon, Emporia, Inc., Emporia, KS.
 Kiwanis Club of Manhattan Saturday, KS,
 Manhattan, KS.
 Koffee Klub, Inc., Pratt, KS.
 Ladies Auxillary, Inc., Fredonia, KS.
 LaHarpe Cemetery Association, LaHarpe, KS.
 Lake Chapperal Property Owners Association,
 Mound City, KS.
 Lake Ridge Estates Owners' Association, Wichita, KS.
 Lambda Upsilon Benefit Corporation, Emporia, KS.

- Lane Chapel CME Church, Topeka, KS.
Latin American Ethnic Foundation, Merriam, KS.
Lawrence Chapter of the National Association of the Remodeling Industries, Lawrence, KS.
Lawrence Lions Alumni Association, Inc., Lawrence, KS.
Lawrence-Douglas County Coalition for the Homeless, Inc., Lawrence, KS.
Lawrence, Kansas Amateur Baseball Association, Inc., Lawrence, KS.
Learjet Employees Community Support Fund of Wichita, Inc., Wichita, KS.
Learjet Employees Flying Club, Wichita, KS.
Leavenworth Area Jaycees, Inc., Leavenworth, KS.
Leavenworth Minority Entrepreneurs Opportunity Council (LMEOC) Inc., Leavenworth, KS.
Lesbian and Gay Community Center of Greater Kansas City, Inc., Kansas City, KS.
Life Outreach Ministry, Inc., Kansas City, KS.
Lighthouse Fellowship, Inc., Hugoton, KS.
Linnettes Extension Homemakers Unit, Inc., Mound City, KS.
Living Word Church of Osborne, Inc., Osborne, KS.
Longton Daycare Corporation, Longton, KS.
Louisburg Babe Ruth Association, Louisburg, KS.
Love Chapel Church of God in Christ, Inc., Kansas City, KS.
Luwell Institute for the Creative Arts, Salina, KS.
Lupus Foundation of Kansas-Wichita Chapter, Inc., Wichita, KS.
Lyons Flying Club, Inc., Lyons, KS.
Lysle Rishel Post #68, American Legion, Hutchinson Kansas, Hutchinson, KS.
Maize Area Jaycees, Inc., Maize, KS.
Maize Community Building, Inc., Maize, KS.
Manhattan Alliance Church of the Christian and Missionary Alliance, Manhattan, KS.
Manhattan Alliance for Peace and Justice, Inc., Manhattan, KS.
Manhattan Association of Realtors, Inc., Manhattan, KS.
Marion County Crimestoppers, Inc., Marion, KS.
Martus Ministries, Inc., Lawrence, KS.
Marymount Alliance, Inc., Salina, KS.
Masonic Building Association of Pittsburg, Pittsburg, KS.
Media Grotto, Mystic Order Veiled Prophets of the Enchanted Realm, Topeka, KS.
Members in Christ Assembly of Wichita, Wichita, KS.
Mentors Foundation, Inc., Pittsburg, KS.
Messengers of the Cross, Inc., Osage City, KS.
Metabolic Natural Friends, Inc., Mapleton, KS.
Metropolitan Ballet of Topeka, Inc., Topeka, KS.
Micah Program, Inc., Wichita, KS.
Midori Yama Budokar, Inc., Leavenworth, KS.
Midwest Association for Genetic Research, Olathe, KS.
Midwest Society of Orthodontics for the General Practitioner, Washington, KS.
Minority Family & Male Development Council, Inc., Kansas City, KS.
Mo-Kan Coonhunters Club, Mulberry, KS.
Mo-Kan Rail Joiners, Incorporated, Lenexa, KS.
Mo/Kan Mid "A"Merica Model A Regional Association, Overland Park, KS.
Model Association of Central Kansas, Larned, KS.
Montara Neighborhood Association, Topeka, KS.
Moody Realty, Inc., Wichita, KS.
Museum of the Horse Soldier, Inc., Augusta, KS.
Narrow Road Performance Court, Inc., Wichita, KS.
National Association of Minority Contractors of Kansas Inc., Wichita, KS.
National Youth Academic and Athletic Academy, Inc., Wichita, KS.
Native American Education Fund, Lawrence, KS.
Neodesha Christian Church (Independent) Inc., Neodesha, KS.
Neodesha Community Foundation, Inc., Neodesha, KS.
New Hope Ministries of S.E. Kansas, Inc., Cherryvale, KS.
New Life in Kansas Association, Kansas City, KS.
New Tabor Lodge No. 19, of the Western Bohemian Fraternal Union, Cuba, KS.
Ninnescah Bowhunters Association, Clearwater, KS.
North American Indian Alcatraz Project, Inc., Wichita, KS.
Norton Theatre Association, Inc., Norton, KS.
Nottingham Homes Association, Inc., Overland Park, KS.
Oakland Optimist Club, Topeka, KS.
Oberlin Business Alliance, Inc., Oberlin, KS.
Ocheltree Baptist Church, Spring Hill, KS.
Okinawa Shorin Ryu Matsubayashi Karate Association, Topeka, KS.
Old Town Escola De Samba, Inc., Withita, KS.
Olive Branch Foundation, Inc., Overland Park, KS.
Olpe Senior Citizens, Inc., Olpe, KS.
Osage Community Senior Citizens, Incorporated, Osage City, KS.
Osage Legion Post #125 Department of Kansas, Inc., Lyndon, KS.
Osborne County Saddle Club, Inc., Osborne, KS.
Ott Bros. Machine Co., Inc., Wichita, KS.
Paola Free Library Foundation, Paola, KS.
Pap Thomas Circle No. 18 Ladies of the Grand Army of the Republic, Great Bend, KS.
Parents Without Partners Inc., Emporia Chapter 1284, Emporia, KS.
People Care, Incorporated, Wichita, KS.
Perry Lake Association, Valley Falls, KS.
Pittsburg Garden of Memories, Inc., Pittsburg, KS.
Plainville Area Chamber of Commerce, Inc., Plainville, KS.
Plaza Apartments of Coffeyville, Inc., Coffeyville, KS.
Plum Creek Childrens Learning Program, Inc., Eudora, KS.
Plymouth Publishing Society, Wichita, KS.
Power Realm, Inc., Lenexa, KS.
Prairie Band Potawatomi Child Care Association, Mayetta, KS.
Prairie Village Cooperative Pre-School, Inc., Prairie Village, KS.
Praise Assembly of God, Inc., Derby, KS.

(continued)

- Pratt Community College Friends of the Arts, Inc.,
Pratt, KS.
- Prepared Childbirth, Inc., of Lawrence, Kansas,
Lawrence, KS.
- Prudence Rebekah Lodge No. 246, Ness City, KS.
- Purple Porpaloon, Inc., Leawood, KS.
- Quindaro Development Corporation, Kansas City, KS.
- R.E. Pedrotti Company, Inc., Prairie Village, KS.
- Rangel Brothers Chapter American GI Forum, Inc.,
Tecumseh, KS.
- Refrigerating Engineers & Technicians Association,
Lenexa, KS.
- Regional Hispanic Council, Inc., Liberal, KS.
- Renaissance International Corporation,
Overland Park, KS.
- Restoration Outreach Inc., Kansas City, KS.
- Richard H. Kent Charitable Foundation, Topeka, KS.
- Riley United Methodist Church, Inc., Riley, KS.
- Room at the Inn, Inc., Kansas City, KS.
- S & S Feeders, Inc., Kiowa, KS.
- Salem United Methodist Church of Newton, Kansas,
Inc., Newton, KS.
- Salina Youthville Foundation, Salina, KS.
- Salt City Mopar Club Inc., Hutchinson, KS.
- Santa Fe Trail District Scout Booster Club, Inc.,
Prairie Village, KS.
- Scholarship Assistance for Empowerment, Inc.,
Overland Park, KS.
- Scott City Chamber of Commerce, Scott City, KS.
- Scott County Health Care Foundation, Scott City, KS.
- Second Chance Ministries, Inc., Wichita, KS.
- Self Help for Hard of Hearing, Inc., Wichita SHHH
Chapter, Wichita, KS.
- Seltzer Springs United Methodist Church, Inc.,
Wichita, KS.
- Shalom House, Inc., Kansas City, KS.
- Shawnee Bible Church, Inc., Shawnee, KS.
- Shawnee Boat & Ski Club, Inc., Topeka, KS.
- Shawnee County Medical Society, Inc., Topeka, KS.
- Shawnee County Vet Help, Inc., Topeka, KS.
- Shawnee Mission Rotary Club Foundation,
Prairie Village, KS.
- Shawnee Veterans Tribute-Hands of Freedom, Inc.,
Shawnee, KS.
- Shine, Inc., Kansas City, KS.
- Sigma Nu House Corporation, Overland Park, KS.
- Silver Springs Homeowners Association, Inc.,
Tulsa, OK.
- Societas Artis Illuminatorum International Department
of Art, Wichita, KS.
- South Johnson County Volunteer Fire-Rescue
Department, Inc., Stilwell, KS.
- Southlake, Inc., Kansas City, MO.
- Southwest Boys Club, Inc., Wichita, KS.
- Spare Parts Inc., Wichita, KS.
- Sroufe Oil Co., Inc., Colby, KS.
- St. Andrew's Missionary Baptist Church, Inc.,
Wichita, KS.
- St. Clare House of Hospitality, Inc., Junction City, KS.
- St. Elizabeth Square Homeowners Association, Inc.,
Hutchinson, KS.
- St. James Baptist Church, Emporia, KS.
- St. John Lutheran Cemetery Association,
White City, KS.
- St. Vincent DePaul, Inc., Wichita, KS.
- Stafford County Mental Health Association in Stafford
County, Kansas, St. John, KS.
- Stanton County Health Care Foundation, Johnson, KS.
- Stone Addition Homeowners Association, Inc.,
Garden City, KS.
- Strang Line Business Park Owners Association,
Olathe, KS.
- Stress Arrest Foundation, Wellington, KS.
- Swing Kansas City Style, Inc., Kansas City, KS.
- Syracuse Golf and Country Club, Inc., Syracuse, KS.
- T R I D E S, Inc., Wichita, KS.
- Tactical Response Association International,
Prairie Village, KS.
- Tactical Response Charitable Foundation,
Prairie Village, KS.
- Temple of Deliverance Church, Topeka, KS.
- Templo La Hermosa, Spanish Assembly of God, Inc.,
Dodge City, KS.
- Tenant Association, Inc., Leavenworth, KS.
- The Alliance Church of the Christian and Missionary
Alliance, Winfield, KS.
- The Ashland Gun Club, Inc., Ashland, KS.
- The Ashland Hospital District Endowment
Association, Inc., Ashland, KS.
- The Aztec Educational Foundation, Shawnee, KS.
- The Balloon Club of Kansas City, Overland Park, KS.
- The Bible Study Roadshow, Inc., Wichita, KS.
- The BMAC Employees' Motorcycle Club, Inc.,
Wichita, KS.
- The Breakfast Optimist Club of Leawood, Kansas, Inc.,
Leawood, KS.
- The Church of All Worlds, Heinleinian Order,
Topeka, KS.
- The Community Baptist Church, Olathe, KS.
- The Depot, Inc., Marion, KS.
- The Dole Foundation for Employment of Persons with
Disabilities, Washington, DC.
- The Edlund Foundation, Kansas City, KS.
- The El Dorado Community Foundation,
El Dorado, KS.
- The Evangelical Covenant Church of Oberlin, Kansas,
Oberlin, KS.
- The First Presbyterian Church of the City of Atchison,
Atchison, KS.
- The Fountains Homes Association, Inc., Lawrence, KS.
- The Fredonia Jaycees Incorporated, Fredonia, KS.
- The Full Gospel of Jesus Christ Evangelical
Association, Ottawa, KS.
- The Grace Evangelical Lutheran Church of Osage
City, Osage City, KS.
- The Grant A Wish Childrens Foundation,
Overland Park, KS.
- The Greater Kansas City Chinese Christian Church,
Shawnee Mission, KS.
- The International Institute for Applied Cyto Sciences,
Inc., Manchester, MA.
- The Jamestown Fellowship Church, Inc.,
Jamestown, KS.

The John Calvin United Presbyterian Church of
Kansas City, Kansas, Kansas City, KS.
The Kansas City International Hot Air Balloon
Championships, Inc., Overland Park, KS.
The Kansas Theatre Project, Inc., Topeka, KS.
The Kiwanis Club of West Topeka, Kansas,
Topeka, KS.
The Landing Homeowners Association, Inc.,
Wichita, KS.
The Larry G. and Teresa L. Green Foundation,
Independence, KS.
The Law Enforcement Foundation for Parks and
Resources, Shawnee, KS.
The Logan County Day Care Association, Oakley, KS.
The Manchester United Methodist Church, Inc.,
Manchester, KS.
The Medicare & Medicaid Society, Inc.,
Kansas City, KS.
The New Life Singers of Topeka, Inc., Burlingame, KS.
The New Light Bethel Missionary Baptist Church Inc.,
Olathe, KS.
The Norman A. Hodges Foundation, Inc.,
Kansas City, KS.
The Oread Review, Inc., Leawood, KS.
The Parents of Forgotten Children, Inc., Topeka, KS.
The People's Lobby, Inc., Kansas City, KS.
The Peyronie's Society of America Inc., Newton, KS.
The Pfister Foundation, Wichita, KS.
The Phylaxis Society, Leavenworth, KS.
The Russell City Hospital Foundation, Inc.,
Russell, KS.
The Simpson Church, Simpson, KS.
The Temple Missionary Baptist Church of Wichita,
Kansas, Wichita, KS.
The Thomas County Council on Alcohol and Drug
Abuse, Inc., Colby, KS.
The United Presbyterian Church of Garden City,
Kansas, Garden City, KS.
The 579 Club, Wichita, KS.
Topeka Amateur Boxing Association—Alcala's Boxing
Club Inc., Topeka, KS.
Topeka Corvette Club, Topeka, KS.
Topeka Rowing Association, Topeka, KS.
Topeka Tennis Association, Topeka, KS.
Turner Memorial Post 9523, Veterans of Foreign Wars,
Incorporated, Kansas City, KS.
Turner Schools: Greatness Now!, Inc.,
Prairie Village, KS.
Turning Point, Inc., Topeka, KS.
TWB Construction Corp., Leawood, KS.
Twilight Theatre, Inc., Greensburg, KS.
Udinese Soccer Club, Inc., Shawnee, KS.
United Methodist Church of Bunker Hill, Kansas,
Bunker Hill, KS.
United Methodist Church, Inc., Valley Falls, Kansas,
Valley Falls, KS.
University Health Care Services, Inc., Kansas City, KS.
Urban Restoration, Inc., Kansas City, KS.
V I P Club of Victoria, Victoria, KS.
Vess Inc., Topeka, KS.
Veterans Club, Leavenworth, KS.
Victory Baptist Church of Hiawatha, Hiawatha, KS.

Vietnam Veterans of America, Inc. Chapter #521
Hutchinson, Kansas, Hutchinson, KS.
Vineyard Christian Fellowship of Salina, Inc.,
Salina, KS.
Vision Artists' Fellowship, Inc., Prairie Village, KS.
Vision Ministry, Inc., Kansas City, KS.
Walter Johnson Memorial Award Association, Inc.,
Coffeyville, KS.
Wat Wichitaram Buddhist Temple, Inc., Wichita, KS.
Wellington Community Theater, Inc., Wellington, KS.
Wellington Saddle Club, Wellington, KS.
West Wichita Wholistic Health Network, Inc.,
Wichita, KS.
West, Ltd. II, Littleton, CO.
Western Kansas Association on the Concerns of the
Disabled, Hays, KS.
Western Veterinary Hospital, Inc., Oberlin, KS.
Westkan Educational Services, Inc., Garden City, KS.
White Fields, Inc., Wichita, KS.
Wichita Aeronautical Historical Association,
Incorporated, Wichita, KS.
Wichita Bears Youth Football and Cheerleading Club,
Inc., Wichita, KS.
Wichita Christian Center, Inc., Wichita, KS.
Wichita Collegiate Summer Baseball, Inc., Wichita, KS.
Wichita Council of Camp Fire, Inc., Wichita, KS.
Wildlife Habitat Unlimited Inc., Topeka, KS.
Willowbrook Community Association, Topeka, KS.
Wood Haven Schools, Inc., Kansas City, KS.
Word of Faith Fellowship, Inc., of Ellsworth, Kansas,
Ellsworth, KS.
World Harvest Word of Faith Church, Inc.,
Wichita, KS.
Writers, Inc., Lawrence, KS.
Wuellner Construction Corporation, Leawood, KS.
Wyncroft Homes Association, Olathe, KS.
X & O, Inc., Liberal, KS.
XI - Worth Riders Association, Leavenworth, KS.
Youth Unlimited of Leavenworth County, Inc.,
Leavenworth, KS.
20 Good Men, Inc., Kansas City, KS.

Foreign Corporations

American Renewal Foundation, Inc., Dallas, TX.
Association of Retired Americans, Grapevine, TX.
B.O.T. Investment Company, Inc., Lebanon, MO.
Beacon Community Housing I, St. Louis, MO.
Beef Products, Inc., Dakota Dunes, SD.
Central States Conference Corporation of Seventh-Day
Adventists, Kansas City, MO.
Century 21 Western Outer Area Broker Council, Inc.,
Leawood, KS.
Century 21 Wichita Metro Broker Council, Inc.,
Leawood, KS.
Cost Conscious Association, Jefferson City, MO.
Free Congress Research and Education Foundation,
Inc., Washington, DC.
Geappl Corp., Stamford, CT.
General Medical Corporation, Richmond, VA.
Huntan Energy, Inc., Coppell, TX.
Jimmie T. Fortner Oil Co., Inc., Jasper, WY.
K.C. Riverfront, Inc., Kansas City, MO.

(continued)

Latco, Inc., Lincoln, AR.
 Mid-America Physician Panel, Inc., Kansas City, MO.
 National Insurance Crime Bureau, Palos Hills, IL.
 Omni Construction Co., Inc., Grand Island, NE.
 Pool Water Products, Inc., Wilmington, DE.
 Project Home Alliance, Kansas City, MO.
 Sheltering Oak, Inc., Durango, CO.
 Tender Loving Care Home Care Services, Inc.,
 Lake Success, NY.
 The National Foundation for Teaching
 Entrepreneurship to Handicapped, New York, NY.
 The Radiarium Foundation, Overland Park, KS.
 The Rainbo Bread Company of St. Joseph,
 St. Louis, MO.
 The Tranzonic Companies, Wilmington, DE.
 Thrift Distributors, Inc., Ft. Worth, TX.
 Tree Holdings 2, Inc., Miami Beach, FL.
 Vision Merger Corporation, Fayetteville, AR.
 7900 College Boulevard, Inc., New York, NY.
 8585 College Boulevard, Inc., New York, NY.

Bill Graves
 Secretary of State

Doc. No. 015476

State of Kansas

Office of the Attorney General

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 10 a.m. Monday, November 21, in Room 106, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider adoption of proposed changes in existing rules and regulations of the Attorney General in relation to private detective licenses, firearm permits and firearm trainer certificates.

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 Attorney General Robert T. Stephan, c/o Assistant Attorney General Camille Nohe, Office of the Attorney General, 2nd Floor, Kansas Judicial Center, 301 S.W. 10th, Topeka 66612-1597. 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 limit any oral presentation to 10 minutes.

Copies of the regulations and their economic impact statements may be obtained from the Attorney General's Office, (913) 296-2215.

These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows:

K.A.R. 16-2-1. Definitions. This regulation provides definitions of terms used in the enabling statutes and in the regulation regarding the plan of operation required of firearm trainers. The definitions are intended to enable licensees in understanding the specific meaning of the terms. In addition, the definition of "hearing officer"

is deleted because that term is defined in the Kansas administrative procedure act (see K.S.A. 77-514).

No cost is involved in implementation of this regulation. Consequently, there is no economic impact on the Attorney General's office, any other governmental agency or unit, private citizen or consumer.

This regulation will affect persons who apply for a private detective license or a private detective agency license, licensed private detectives, licensed private detective agencies, licensed private detectives who apply for or hold a firearm permit, and persons who apply for or hold a firearm trainers certificate.

K.A.R. 16-3-1. Procedure. This regulation provides an applicant for a private detective license three opportunities to take the licensing examination. An applicant who fails the examination three times would be denied a license and be precluded from reapplying for a license for a year.

This regulation also requires current certificates of approval to be submitted with the application. The certificates of approval are relevant to the licensing requirement that an applicant be of good moral character.

In addition, this regulation requires an applicant to provide information regarding military discharge. Such information is relevant to the licensing requirement that an applicant be of good moral character.

The regulation is intended to protect the public by ensuring that licensed private detectives and licensed private detective agencies are qualified by successful completion of a licensing examination and by being persons of good moral character.

No cost is involved in implementation of this regulation. Consequently, there is no economic impact on the Attorney General's office, any other governmental agency or unit, private citizen or consumer.

This regulation will affect applicants for a private detective license and applicants for a private detective agency license.

K.A.R. 16-3-2. Renewal. As a condition of license renewal, this regulation requires licensees to provide verification of continuing financial surety as required by statute (see K.S.A. 75-7b11).

In addition, as a condition of renewal of a private detective license or a private detective agency license, this regulation requires licensees to provide information related to acts and conduct prohibited by statute.

The regulation is intended to protect the public by ensuring compliance with statutory requirements as conditions of license renewal.

No cost is involved in implementation of this regulation. Consequently, there is no economic impact on the Attorney General's office, any other governmental agency or unit, private citizen or consumer.

This regulation will affect licensed private detectives and licensed private detective agencies.

K.A.R. 16-3-3. Additional qualifications for private detectives. This regulation establishes additional license qualifications relating to education, absence of an impairing mental condition and absence of current drug or alcohol abuse.

This regulation is intended to protect the public by establishing a minimum education requirement (high

school or graduate equivalency degree) for licensed private detectives. It also seeks to protect the public by ensuring that persons who are impaired by mental condition or drug or alcohol abuse are not licensed as private detectives or private detective agencies.

No cost is involved in implementation of this regulation. Consequently, there is no economic impact on the Attorney General's office, any other governmental agency or unit, private citizen or consumer.

This regulation will affect applicants for a private detective license or a private detective agency license.

K.A.R. 16-5-1. Individuals deemed personally qualified and knowledgeable. This regulation establishes criteria by which the Attorney General may determine whether an applicant seeking to be certified as a firearm trainer is personally qualified and knowledgeable in the handling of firearms and lawful use of force. It also provides a method for determining whether such an applicant is of good moral character.

Concerning the handling of firearms, the regulation requires an applicant to complete an approved firearms course and establishes education and training standards for approval of such courses. The regulation specifies methods by which an applicant may verify successful completion of such course.

Concerning the lawful use of force, the regulation requires an applicant to either verify completion of a relevant education course or submit an original research paper on the lawful use of force.

Concerning good moral character, the regulation requires that an applicant either be a licensed private detective (whose good moral character has previously been established) or (1) submit affidavits from five persons attesting that the applicant is of good moral character and (2) provide a classifiable set of fingerprints from which a criminal history check may be obtained.

The regulation is intended to protect the public by ensuring that firearm trainers are personally qualified to train licensed private detectives in the handling of firearms and lawful use of force.

There is no economic impact on the Attorney General's office or any other governmental agency or unit.

An applicant for a firearm trainer's certificate who has not completed an approved firearms course would need to complete such a course to be eligible for the certificate. The cost of such course is estimated to be \$750.

This regulation will affect applicants for certification as a firearm trainer.

K.A.R. 16-5-4. Plan of operation. This regulation establishes the requirements for a firearm trainer's plan of operation for training private detectives in the handling of firearms and the lawful use of force. The requirements for approval of a plan are a 16-hour program which includes specified training and instruction, a written examination and three courses of fire (daylight, dim light and darkness) with an 80 percent shooting proficiency.

There is no economic impact on the Attorney General's office or any other governmental agency or unit. The cost to a licensed private detective seeking a firearm permit to complete an approved plan of operation is estimated to be \$200.

This regulation will affect applicants for a firearm trainer certificate and licensed private detectives who apply for a firearm permit.

K.A.R. 16-5-5. Notice of completion. This regulation establishes the information required to be provided to the Attorney General by a certified firearms trainer when a licensed private detective who applies for a firearm permit has completed a firearm training course.

This regulation is intended to protect the public by ensuring verification that a private detective applicant for a firearm permit has successfully completed an approved plan of operation.

No cost is involved in implementation of this regulation. Consequently, there is no economic impact on the Attorney General's office, any other governmental agency or unit, private citizen or consumer.

This regulation will affect certified firearm trainers.

K.A.R. 16-6-1. Training in the handling of firearms. This regulation requires a private detective who holds a firearm permit to notify the Attorney General within 72 hours of any change or additional firearm which the permit holder intends to carry. The permit holder then has 30 days to qualify with such firearm by successfully demonstrating shooting proficiency with that firearm.

This regulation is intended to protect the public by ensuring that firearm permit holders are skilled in shooting the firearm he or she carries.

There is no economic impact on the Attorney General's office or any other governmental agency or unit.

A firearm permit holder who changes or adds a firearm would need to successfully complete a course of fire for daylight, dim light and darkness shooting proficiency. The cost of such course of fire is estimated to be \$100.

This regulation will affect licensed private detectives holding a firearm permit who wish to change or add a firearm.

K.A.R. 16-6-2. Demonstrates a need. This regulation provides a method for the Attorney General to determine whether a licensed private detective who applies for a firearm permit has demonstrated a need to carry a concealed firearm. The applicant is required to submit a written statement which describes the types of private detective business in which the applicant engages or intends to engage and the specific reasons the applicant believes carrying a firearm is necessary for that type of detective business.

The regulation is intended to protect the public by ensuring that only those private detectives who demonstrate a need to carry a concealed firearm are granted a firearm permit.

No cost is involved in implementation of this regulation. Consequently, there is no economic impact on the Attorney General's office, any other governmental agency or unit, private citizen or consumer.

This regulation will affect licensed private detectives who apply for a firearm permit.

Robert T. Stephan
Attorney General

Doc. No. 015466

State of Kansas

Department of Health
and Environment

Notice of Proposed Permit Action

The Secretary of Health and Environment is proposing to issue an air emission source construction/conditional operating permit in accordance with K.A.R. 28-19-14 (permits required) to Metro Pavers, Inc. to install and operate a ready-mixed concrete plant at K-68 and I-35 east of Ottawa.

Written materials, including the permit application and information relating to the application submitted by Metro Pavers, 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 November 14 by contacting Pat Simpson, KDHE, 800 W. 24th, Lawrence 66046, (913) 842-4600. This material also can be reviewed at the KDHE Office, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to Eugene Sallee, KDHE, (913) 296-1575.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to the permit's 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 November 14.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 015489

State of Kansas

Department of Health
and EnvironmentNotice of Hearing on Proposed
Administrative Regulations

The Kansas Department of Health and Environment will conduct a public hearing at 9 a.m. Tuesday, November 15, in Conference Room A, Building 740, Forbes Field, Topeka, to consider adoption of a proposed new permanent regulation K.A.R. 28-29-23a and amendment of K.A.R. 28-29-98. The new permanent regulation addresses minimum criteria for design and operation of solid waste transfer stations.

K.A.R. 28-29-98 is being amended to adopt 40 CFR Part 258.70 through 258.74 - Subpart G Financial Assurance Criteria. Prior to amendment, K.A.R. 28-29-98 adopted all of 40 CFR Part 258 (commonly referred to as Subtitle D) which deals with design and operation of municipal solid waste landfills (MSWLFs). However,

with the adoption of K.A.R. 28-29-100 through 121, KDHE adopted regulations parallel to all parts of Subtitle D except the Subpart G - Financial Assurance Criteria, thus making it unnecessary to maintain adoption of the portions of Subtitle D dealing with anything other than financial assurance.

Development of K.A.R. 28-29-23a was initiated in response to statutory requirements to provide standards for solid waste processing facilities that are necessary to protect public health and the environment. As stated above, the amendment of K.A.R. 28-29-98 is to maintain compliance with federal EPA regulations referred to as Subtitle D.

Subtitle D requires states to develop an EPA-approved regulatory program addressing location restrictions, operating criteria, design criteria, groundwater monitoring, corrective action, closure and post-closure, and financial assurance for owners and operators of municipal solid waste landfills (MSWLFs), or EPA and third parties will enforce the regulations. State regulations have been adopted that address all criteria except financial assurance. Therefore, this regulation, as amended, addresses only financial assurance.

Adoption of K.A.R. 28-29-98 and 28-29-23a is estimated to have no economic impact.

It is anticipated that the additional costs to the agency associated with adoption of the regulations will be negligible. The costs incurred by the agency will be covered by funds already collected from a solid waste tipping fee provided for by K.S.A. 65-3415b and implemented by K.A.R. 28-29-85.

Copies of the regulations and the economic impact statement may be obtained from the Kansas Department of Health and Environment, Bureau of Waste Management, Forbes Field, Topeka 66620, (913) 296-1600. Questions pertaining to these proposed rules should be directed to Mike Tate at (913) 296-0724.

The time period between the publication of this notice and the scheduled hearing constitutes a public comment period for the purpose of receiving written comments prior to the hearing. All interested parties will be given reasonable opportunity during the hearing to present their views, orally or in writing, concerning the adoption of the regulations. Following the hearing, all comments will be considered in determining whether to make changes to the proposed new regulation.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and fiscal impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Mike Tate at (913) 296-0724.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 015479

State of Kansas

**Department of Health
and Environment**

**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at the KDHE open meeting at 9 a.m. Tuesday, November 22, in the auditorium of the Kansas Historical Society, 120 W. 10th, Topeka, to consider new proposed regulations regarding the Infant and Toddler Program.

These regulations are proposed for adoption on a permanent basis. A summary of proposed regulations and the economic impact follows:

- 28-4-550: Terms used in these regulations are defined.
- 28-4-551: Child find activities are delineated.
- 28-4-552: Screening activities are described.
- 28-4-553: Evaluation and assessment activities to determine eligibility are identified.
- 28-4-554: Eligibility for early intervention services is defined.
- 28-4-555: Family-directed assessment activities are described.
- 28-4-556: Family service coordination is described.
- 28-4-557: The individualized family service plan, which is required for each eligible child and family, is described.
- 28-4-558: Contents of the individualized family service plan (IFSP) are identified.
- 28-4-559: IFSP development meetings are described.
- 28-4-560: Interim IFSPs, provided under two circumstances, are described.
- 28-4-561: Provisions for transition between programs are described.
- 28-4-562: Early intervention services, which are the 16 minimum requirements of the federal law, are delineated.
- 28-4-563: Service providers qualified to deliver early intervention services are identified.
- 28-4-564: Personnel standards for service providers are described.
- 28-4-565: Community responsibilities for coordinating early intervention services are described.
- 28-4-566: Funding stipulations for implementing early intervention services are described.
- 28-4-567: Procedural safeguards to ensure parent rights are described.
- 28-4-568: The assignment of surrogate parents, who are appointed in certain circumstances, is described.
- 28-4-569: A system to resolve complaints is described, which includes mediation.
- 28-4-570: The status of a child during resolution of complaints proceedings is clarified.
- 28-4-571: Procedures to ensure confidentiality and access rights for parents are described.
- 28-4-572: Procedures to maintain records and amendments to records are described.

Pursuant to the requirements of K.S.A. 75-5649, the Kansas Department of Health and Environment submits the following description of the economic impact of the set of regulations, 28-4-550 through 28-4-572, which are

the state regulations to implement the Kansas Infant-Toddler Services program.

(1) The adoption of these regulations will formalize the requirements of the statewide system of early intervention services for children from birth through 2 years with disabilities and their families.

(2) This program is Part H of the Individuals with Disabilities Education Act (IDEA). Final federal regulations were published July 30, 1993. State regulations are based on federal law and these regulations, and are authorized by K.S.A. 1993 Supp. 75-5649. Although state regulations are not required by federal statute, the regulations do clarify how services will be implemented in Kansas.

(3) When the Governor appointed the Kansas Department of Health and Environment as lead agency for this interagency program in 1985, he committed Kansas to plan and develop a comprehensive system of early intervention services for eligible children. When the Secretary of KDHE signed the assurances with the grant application and the grant was approved, he agreed to abide by the federal law and regulations. Therefore, the state regulations should impose no additional costs on the agency proposing the regulation, other governmental agencies, private citizens, and consumers of services that are the subject of the regulations:

Copies of the regulations may be obtained from the Kansas Department of Health and Environment, Marnie Campbell, Office of Children, Youth and Families, 10th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. Questions pertaining to these proposed rules should be directed to Marnie Campbell at (913) 296-6136.

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 Marnie Campbell at the address above. 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 limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and fiscal impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Sandy McAdam at (913) 296-6917.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 015478

State of Kansas

**Department of Health
and Environment**

**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at the KDHE open meeting at 9 a.m. Tuesday, November 22, in the auditorium of the Kansas Historical Society, 120 W. 10th, Topeka, to consider proposed changes in the regulation relating to communicable tuberculosis in medical care facilities.

This regulation is proposed for adoption on a permanent basis. A summary of the proposed regulation and the economic impact follows:

K.A.R. 28-1-19. This regulation was first adopted in 1977 to carry out provisions of K.S.A. 65-116j. It addresses the duties of the Secretary of Health and Environment regarding standards for admission of persons with tuberculosis to medical care facilities. The regulation is amended only to bring it into agreement with current state-of-the-art tuberculosis treatment and control measures and the basic ability of all hospitals to care for T.B. patients in acid fast bacilli (AFB) isolation, all of which have changed in the past 17 years.

Currently under K.S.A. 65-116i, the Kansas Department of Social and Rehabilitation Services is responsible for the expenses of care, maintenance and treatment. The revision of this regulation makes no changes in that responsibility; therefore, there is no change in economic impact with this revision.

Copies of the regulation and the economic impact statement may be obtained from the Kansas Department of Health and Environment, Bureau of Disease Control, Tuberculosis Section, 109 S.W. 9th, Suite 605, Topeka 66612-1271. Questions pertaining to the proposed rule should be directed to Harold Geer at (913) 296-5589.

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 regulation. All interested parties may submit written comments prior to the hearing to Harold Geer at the address above. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and fiscal impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Sandy McAdam at (913) 296-6917.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 015480

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-ND-94-9

Name and Address of Applicant	Waterway	Type of Discharge
APCO Truck Stop Midway USA Truck Stop % Route 1, Box 182 Liberal, KS 67901	Non-overflowing	Non-overflowing
Seward County, Kansas Permit No. C-CI10-N001		
Description of Facility: This is a two-cell lagoon system designed for domestic waste only. This is a new facility.		

Public Notice No. KS-94-60/63

Name and Address of Applicant	Waterway	Type of Discharge
ALLCO Chemical Corporation P.O. Box 247 Galena, KS 66739	Neosho River via Spring River via stormwater Lake Oxbow via storm sewer	Boiler and cooling tower blowdowns, steam condensate, quality control lab discharge and stormwater runoff (Outfall 001). (Outfall 002 lab sink water.)
Cherokee County, Kansas Kansas Permit No. I-NE28-P004		
Description of Facility: This facility produces epoxy curing agents, high temperature polymers, and a high boiling hydrocarbon. Lab waste, boiler blowdown, cooling tower blowdown and stormwater runoff are directed to a storm sewer which discharges to the Spring River via a stormwater Lake Oxbow. Waste streams are monitored prior to discharge into Lake Oxbow. 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 federal surface water criteria.		

Name and Address of Applicant	Waterway	Type of Discharge
Coffey County S.D. No. 1 a/k/a Jacobs Creek Sewer District Room 5, 110 S. 6th Burlington, KS 66839	Neosho River via an unnamed tributary	Secondary wastewater treatment facility
Coffey County, Kansas Kansas Permit No. M-NE07-0003		
Description of Facility: This facility is designed for the treatment of domestic sewage. This is a new facility. Proposed effluent limita-		

Fed. Permit No. KS-0085499

Fed. Permit No. KS-00090743

tions are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Memorial Home for the Aged Rural Route, Box 29 Moundridge, KS 67107 McPherson County, Kansas	Little Arkansas River via Black Kettle Creek	Secondary wastewater treatment facility

Kansas Permit No. C-LA12-0002 Fed. Permit No. KS-0081493
 Description of Facility: This facility is designed for the treatment of domestic sewage. The current permit for this facility is being modified. KDHE is aware the permittee has been testing the wastewater on a monthly basis for the last six months. However, the results are reported only on a quarterly basis. The modification to this permit will require the permittee to continue monthly monitoring and submit the results monthly by the 28th of the following month. The modified permit also removes the schedule of compliance which has been completed.

Name and Address of Applicant	Waterway	Type of Discharge
Tamko Asphalt Products, Inc. P.O. Box 326 Phillipsburg, KS 67661	Solomon River via Deer Creek via drainage ditch	Boiler blowdown and process wastewater associated with the production of felt, asphalt, and fiberglass roofing shingles, etc. and stormwater runoff.

Phillips County, Kansas
 Kansas Permit No. I-S031-P001 Fed. Permit No. KS-0001392
 Description of Facility: This facility manufactures composition and fiberglass roofing materials. The wastewater treatment facility consists of three aerated cells and four settling cells. Two granule setting basins receiving wastewater from the fiberglass, asphalt processing, and organic roofing production lines discharge directly to drainage ditch. Finally, discharges from all outfalls merge into one flow on the property. 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 federal surface water criteria.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, or Dorothy Geisler (agricultural permits), Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments postmarked or received on or before November 11 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-94-60/63, KS-ND-94-9) and the name of applicant as listed when preparing comments.

If no objections are received during the public notice period, 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 283, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday.

These 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.

Robert C. Harder
 Secretary of Health and Environment

Doc. No. 015490

State of Kansas
 Department of Health and Environment

Notice of Meeting

The Department of Health and Environment will meet at 9 a.m. Tuesday, October 25, at the Kansas Historical Society Auditorium, 120 W. 10th, Topeka. The meeting is open to the public. Telephone hook-ups are provided at the KDHE district offices located in Chanute, Wichita, Dodge City, Hays, Salina, and Lawrence; and the Pittsburg Office of Surface Mining. Any individual with a disability may request accommodation in order to participate in the meeting. Requests for accommodation should be made at least five working days in advance of the meeting by contacting Mary Ann Cummings at (913) 296-0461. The agenda for the October meeting includes.

- Secretary's announcements.
- Report from Division of Health.
- Report from Division of Environment.
- Update on department budget
- Rules and regulations:

Adoption:

- Health Care Database
- New: K.A.R. 28-67-1 through 28-67-12
- Clean Air Regulations
- Reserved: 28-19-211; 28-19-213 through 274; 28-19-276 through 299; 28-19-305 through 399; 28-19-405 through 499; 28-19-503 through 509; 28-19-519 through 539; 28-19-547 through 559; 28-19-564 through 574; 28-19-579 through 719; 28-19-721 through 734; 28-19-736 through 749
- Amended: 28-19-7; 28-19-8; 28-19-14; 28-19-202
- Revoked: 28-19-14a
- New: 28-19-204; 28-19-212; 28-19-275; 28-19-300 through 304; 28-19-400 through 404; 28-19-500 through 502; 28-19-510 through 518; 28-19-540 through 546; 28-19-560 through 28-19-563; 28-19-575 through 578; 28-19-720; 28-19-735; 28-19-750 through 753
- Public hearing and adoption
- Public water supply systems (lead and copper, Phase 2 and 5)
- Amended: 28-15-11, 28-15-13, 28-15-14, 28-15-15a, 28-15-16, 28-15-20

Robert C. Harder
 Secretary of Health and Environment

Doc. No. 015488

State of Kansas

Criminal Justice Coordinating Council

Notice of Meeting

The Kansas Criminal Justice Coordinating Council will meet at 2 p.m. Friday, October 21, in the Governor's Office, second floor, State Capitol, 300 S.W. 10th, Topeka.

Lisa Moots
Executive Director

Doc. No. 015487

State of Kansas

Board of Regents

Permanent Administrative
Regulations

**Article 12.—GUIDELINES FOR PARTICIPATION
IN THE REGENTS VOLUNTARY
PHASED RETIREMENT PROGRAM**

88-12-1. Eligibility. Any person who is an unclassified employee at a regents university who has completed at least 10 years of full-time service shall be eligible for participation in the program upon reaching 55 years of age. (Authorized by and implementing K.S.A. 76-746, as amended by 1994 Substitute for HB 2597, Sec. 30; effective, T-86-22, July 1, 1985; effective May 1, 1986; amended Nov. 28, 1994.)

88-12-2. Voluntariness. Entry into a phased retirement agreement shall be voluntary on the part of each regents institution and the individual unclassified employee, except that the institution shall refuse to enter into a phased retirement agreement when entry into the agreement is not in the best interests of the institution. (Authorized by and implementing K.S.A. 76-746, as amended by 1994 Substitute for HB 2597, Sec. 30; effective, T-86-22, July 1, 1985; effective May 1, 1986; amended Nov. 28, 1994.)

88-12-3. Procedure for application and approval. (a) Each eligible unclassified employee requesting participation in the program shall submit a written request for participation to the appropriate officer of the institution.

(b) It shall be ascertained by the officer whether entry into the requested agreement is in the best interest of the institution. If so, the final decision on the terms of the agreement shall be made by the officer and approval of the agreement shall be recommended to the chief executive officer of the institution. (Authorized by and implementing K.S.A. 76-746, as amended by 1994 Substitute for HB 2597, Sec. 30; effective, T-86-22, July 1, 1985; effective May 1, 1986; amended Nov. 28, 1994.)

88-12-4. Revocability. Each phased retirement agreement shall be irrevocable, except that the agreement may be rescinded within 48 hours of signature at the option of the employee. (Authorized by and implementing K.S.A. 76-746, as amended by 1994 Substitute for HB 2597, Sec. 30; effective, T-86-22, July 1, 1985; effective May 1, 1986; amended Nov. 28, 1994.)

88-12-5. Provisions of agreement. (a) Each phased retirement agreement shall specify:

(1) the fractional time appointment to be served. Fractional time appointments shall be calculated on the total academic or fiscal year depending on the term of the appointment at the time of entry into the program, and shall carry with them a proportionate reduction in salary;

(2) the initial salary to be paid for the fractional time appointment;

(3) the full-time benefits to be enjoyed by the unclassified employee; and

(4) the duration of the agreement, which shall not exceed five years, and the date of full retirement.

(b) The final agreement shall contain the signatures of both parties. (Authorized by and implementing K.S.A. 76-746, as amended by 1994 Substitute for HB 2597, Sec. 30; effective, T-86-22, July 1, 1985; effective May 1, 1986; amended Nov. 28, 1994.)

88-12-6. Full-time benefits. (a) Participating unclassified employees shall receive the following benefits:

(1) retention of full-time health care benefits until the end of the agreement or full retirement, whichever occurs first;

(2) retention of death and disability coverage until the end of the agreement or full retirement, whichever occurs first;

(3) retention of full-time employer-paid retirement benefits until the end of the agreement or full retirement, whichever occurs first;

(4) for tenured faculty members, retention of tenure until the end of the agreement or full retirement, whichever occurs first;

(5) continued full use of university facilities; and

(6) continued eligibility for annual merit increases.

(b) The full-time equivalent salary shall be used for the calculation of all state-provided benefits. (Authorized by and implementing K.S.A. 76-746, as amended by 1994 Substitute for HB 2597, Sec. 30; effective, T-86-22, July 1, 1985; effective May 1, 1986; amended Nov. 28, 1994.)

88-12-7. Modification of agreement. Any participating unclassified employee and the institution may, by mutual consent, modify the agreement by further reducing the participant's fractional time appointment prior to the specified date of retirement or by permitting the employee to take full retirement at an earlier date. (Authorized by and implementing K.S.A. 76-746, as amended by 1994 Substitute for HB 2597, Sec. 30; effective, T-86-22, July 1, 1985; effective May 1, 1986; amended Nov. 28, 1994.)

88-12-8. Full retirement. Full retirement shall occur not later than the end of the agreement. Retirement from an institution under this program shall not preclude post-retirement term appointments. (Authorized by and implementing K.S.A. 76-746, as amended by 1994 Substitute for HB 2597, Sec. 30; effective, T-86-22, July 1, 1985; effective May 1, 1986; amended Nov. 28, 1994.)

Ted D. Ayers
General Counsel

Doc. No. 015485

State of Kansas

Secretary of State

Permanent Administrative Regulations

Article 23.—VOTER REGISTRATION

7-23-13. Central voter registration format. (a) The county election officer in each county shall transmit voter registration information through the use of a computer media compatible with the hardware and software of the secretary of state. The secretary of state shall determine whether the media, hardware and software are compatible.

(b) The data shall be transmitted four times per year and shall reflect the voter registration data base of the county as of January 1, April 1, July 1, and October 1. When that date falls on a weekend or holiday the data shall reflect the voter registration data base as of the next business day.

(c) The data shall be transmitted to the secretary of state's office not later than the 14th day following the dates specified in subsection (b).

(d) The data shall be transmitted to the secretary of state's office in fields, except that the subdirection, social security number or phone number fields shall not be required to be transmitted if the county election officer does not enter these fields into the officer's computer. The data shall be in the following format:

Field Name	Field Length
First Name	15
Middle Name	15
Last Name	20
Suffix	3
House Number	7
Direction	2
Street Name	20
Subdirection	1
Street type	4
Apartment/Suite Number	6
City	15
State	2
County	2
Zip code	5
Zip + Four	4
Mailing Address 1	20
Mailing Address 2	20
Mailing City	15
Mailing State	2
Mailing Zip code	5
Mailing Zip + Four	4
Social Security number	9
Date of Birth	8
Sex	1
Party Affiliation	1
Date of Registration	8
Phone number	10
Voter History	
—last two general	8
—last two primary	8
City/Township	30
Ward	3
Precinct	4
Senate District	3
Representative District	3
U.S. Representative District	1
Unified School District	3

State Board of Education 2
 District
 Judicial District number 3

(Authorized by and implementing K.S.A. 25-2304; effective April 18, 1994; amended Nov. 28, 1994.)

Bill Graves
 Secretary of State

Doc. No. 015483

State of Kansas

Board of Agriculture
 Division of Water Resources

Permanent Administrative Regulations

Article 3.—APPROPRIATION RIGHTS

5-3-9. Public interest. (a) In accordance with K.S.A. 82a-711(b)(5), as amended, in ascertaining whether a proposed use will prejudicially and unreasonably affect the public interest, the chief engineer shall also take into consideration the quantity, rate and availability of water necessary to:

- (1) satisfy senior domestic water rights from the stream;
- (2) protect senior water rights from being impaired by the unreasonable concentration of naturally occurring contaminants; and
- (3) over the long term reasonably recharge the alluvium or other aquifers hydraulically connected to the stream.

(b) Unless otherwise provided by regulation, it shall be considered to be in the public interest that only the safe yield of any source of water supply, including hydraulically connected sources of water supply, shall be appropriated. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 1993 Supp. 82a-711; effective Nov. 28, 1994.)

5-3-10. Availability of water for appropriation - safe yield. (a) Except as set forth in subsection (b) and K.A.R. 5-3-16 and K.A.R. 5-3-17, the approval of any new application to appropriate groundwater or surface water for beneficial use, except for domestic use, temporary use and term permits for five years or less, shall not cause the safe yield of the source of water supply to be exceeded, neither shall it otherwise prejudicially and unreasonably affect the public interest. The approval of term permits shall not allow impairment nor prejudicially and unreasonably affect the public interest.

(b) This regulation shall not apply to an application which proposes:

- (1) to divert water from a source of water supply subject to a different safe yield, allowable appropriation, depletion or other similar type of criteria adopted by rule and regulation of the chief engineer or intensive groundwater use control area order of the chief engineer issued pursuant to K.S.A. 82a-1036 et seq., or
- (2) to use water in a manner so that there is no significant net consumptive use of the local source of supply either in quantity or availability of water for use by other appropriators.

(continued)

(c) If a total quantity of water that is available for appropriation in any basin, subbasin, stream reach or other hydrologic unit has been determined by the chief engineer prior to the date that application is filed, the total quantity of water authorized by vested rights, prior appropriations, requests by prior unapproved applications and the proposed appropriation shall be determined by the chief engineer.

(1) If the total quantity of water authorized and requested by applications with earlier filing dates is less than or equal to the total annual quantity of water determined to be available for appropriation, or if no total quantity of water available was determined by the chief engineer prior to the date the application was filed, the following procedures shall be used by the chief engineer to further evaluate the applications:

(A) K.A.R. 5-3-11 shall be used to evaluate an application to appropriate groundwater from an unconfined aquifer;

(B) K.A.R. 5-3-14 shall be used to evaluate an application to appropriate groundwater from a confined aquifer; or

(C) K.A.R. 5-3-15 shall be used to evaluate an application to appropriate surface water.

(2) If the total quantity of water authorized and requested exceeds the limit determined by the chief engineer pursuant to this subsection, the application shall be denied or considered only for the quantity available. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 1993 Supp. 82a-711; effective Nov. 28, 1994.)

5-3-11. Availability of water for appropriation - safe yield; unconfined groundwater aquifers. (a) Each application to appropriate groundwater from an unconfined aquifer shall be processed in accordance with the guidelines set forth in this regulation.

(b) To determine the safe yield available for appropriation from an unconfined aquifer at a specific location, the following procedure shall be used by the chief engineer.

(1) The amount of calculated recharge occurring within the area of consideration shall be determined by the chief engineer.

(2) That amount shall be multiplied by the percent of calculated recharge determined by the chief engineer to be available for appropriation.

(3) The total quantity of water authorized and requested in the same area of consideration shall be subtracted from the number derived from paragraph (b)(2) above. If a water right or permit authorizes more than one point of diversion and not all of them are within the area of consideration, the authorized quantity shall be divided equally among all the points of diversion, unless information is available to more accurately distribute the authorized quantity between the multiple points of diversion.

(c) (1) If the quantity of water remaining is sufficient to satisfy the proposed application, then the safe yield criteria shall be deemed to have been met unless there

are other relevant factors which need to be taken into account in order to protect the public interest. The application shall then be processed according to other criteria in effect in that area.

(2) If there is sufficient water available to reasonably satisfy part of the request, then the application shall be approved for the quantity available if the remaining quantity is reasonable for the proposed use and the application meets the other applicable criteria in that area.

(3) If no water is available to satisfy the proposed application, then the application shall be denied by the chief engineer.

(d) In making a safe yield calculation, unless the context clearly requires otherwise, the following words and phrases shall have the meanings ascribed to them.

(1) "Circle" means a two-mile radius circle with the proposed point of diversion as the center.

(2) "Area of consideration" means the portion of the two-mile circle which is located within the limits of the unconfined aquifer expressed in acres.

(3) "Total quantity of water" means the total combined authorized annual quantities under all groundwater rights and permits and requested by pending applications with a senior priority in that unconfined aquifer except for domestic use, temporary permits and term permits for five years or less with priority dates senior to the proposed application with points of diversion located within the area of consideration.

(4) "Calculated recharge" means that portion of the average annual precipitation which becomes recharge to the unconfined aquifer, calculated using the data shown on water resources investigations report 87-4230, plate no. 4 prepared by the United States geological survey in 1991, hereby adopted by reference, interpolated to the nearest tenth of an inch, unless:

(A) a different value has been adopted in writing by the chief engineer for a specific basin; or

(B) better or more specific recharge data for the area of consideration, basin or aquifer is supplied by the applicant or is already available to the chief engineer.

(5) The following specific calculated recharge values have been adopted by the chief engineer for the listed basins:

(A) The calculated recharge in the Kansas river alluvium shall be determined by taking 25% of the average annual rainfall in the area of consideration as taken from figure 2, United States geological survey water resources investigation report 92-4137, hereby adopted by reference, interpolated to the nearest 0.1 of an inch.

(B) The calculated recharge value for the alluvium of Bluff Creek - Cimarron shall be 1.2 inches per year.

(6) Percent of calculated recharge available for appropriation. For each application to appropriate groundwater from an unconfined aquifer filed on or after the effective date of this regulation, the percentages of calculated recharge which shall be considered to be available for appropriation shall be determined using the following table.

Percent of Calculated Recharge Available for Appropriation

(A) 100% plus the recharge from the Missouri River available to the well as calculated by a Jenkins or similar stream depletion technique.

(B) 100%

(C) 75%

(D) 50%

River Basin

Missouri

Arkansas River below Hutchinson *

Big Blue River **

Black Vermillion River **

Delaware River **

Little Arkansas River below GMD #2 *

Little Blue River **

Little Osage River **

Marais des Cygnes River **

Mill Creek **

Marmaton River **

Nemaha River **

Ninnescah River *

North Fork Ninnescah River *

Pottawatomie Creek **

Smoky Hill River below its confluence with the Saline River **

Spring River *

Stranger Creek **

Sugar Creek **

Vermillion Creek **

Wakarusa River **

Walnut River *

Any hydrologic unit that does not contribute significant baseflow to a stream.

Any hydrologic units in the following river basins which contribute significant baseflow to a stream:

Arkansas River above Hutchinson *

Caney River *

Cimarron River *

Cottonwood River *

Elk River *

Fall River *

Kansas River **

Little Arkansas River above GMD No. 2 *

Neosho River *

Saline River **

Salt Creek **

Smoky Hill above its confluence with the Saline River **

Solomon River **

South Fork Ninnescah River *

Verdigris River *

Any other basin in state not specifically identified.

Any hydrologic units in the following river basins which contribute significant baseflow to a stream:

Bluff Creek-Chickaskia River *

Bluff Creek-Cimarron River *

Chickaskia River *

Medicine Lodge River *

Rattlesnake Creek *

Salt Fork Arkansas River *

Sandy Creek *

(7) Division of Water Resources Hydrologic Atlas 94-1, July 12, 1994, is hereby adopted by reference as showing the total quantity of water and the percent of calculated recharge available in all or part of the following basins, sub-basins, stream reaches and other hydrologic units:

- (A) Chikaskia River Basin;
- (B) Medicine Lodge River Basin;
- (C) Rattlesnake Creek Basin outside GMDs;
- (D) South Fork Ninnescah River Basin outside GMD No. 5;
- (E) Reno County between GMD No. 2 and GMD No. 5;
- (F) Bluff Creek (Cimarron) Alluvium;
- (G) Salt Fork Arkansas River Alluvium;
- (H) Sandy Creek Basin; and
- (I) Bluff Creek (Chikaskia) Basin.

(8) The following hydrologic units which have been determined by the chief engineer to be fully appropriated based on the safe yield criteria, shall be closed to further new surface water and groundwater appropriations except for domestic use, temporary permits, and term permits for five years or less:

- (A) Big Creek, its tributaries and their valley alluviums;
- (B) Beaver Creek and Little Beaver Creek, their tributaries and their alluviums;
- (C) North Fork Solomon River, its tributaries and their alluviums;
- (D) Prairie Dog Creek, its tributaries and their alluviums;
- (E) Sappa Creek, its tributaries and their alluviums;
- (F) South Fork of the Solomon River, its tributaries and their alluviums above Glen Elder Dam; and
- (G) Walnut Creek, its tributaries and their alluviums and other hydraulically connected aquifers outside the intensive groundwater use control area created by order of the chief engineer, dated January 29, 1992. The boundaries of the control area as set forth in this order are hereby adopted by reference.

(9) Administrative policy and procedure, number 90-6, as amended by the chief engineer on June 15, 1993, is hereby adopted by reference as determining the availability of groundwater for appropriation in the lower Republican River basin and Belleville formation and the availability of surface water for appropriation in the lower Republican River basin.

(10) Each application to appropriate water for beneficial use within the Mitchell County court decree area shall be processed in accordance with the provisions of the chief engineer's administrative policy number 89-3, as amended by the chief engineer, effective March 9, 1993, which is hereby adopted by reference. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 1993 Supp. 82a-711; effective Nov. 28, 1994.)

5-3-14. Availability of water for appropriation - safe yield; confined groundwater aquifers. (a) Each application to appropriate water from a confined aquifer shall be processed on a case by case basis so that the safe yield of the source of water supply is not exceeded.

(continued)

* Located in Arkansas River Basin
 ** Located in Kansas River Basin

(b) Until a specific regulation is adopted by the chief engineer for the confined source of water supply, the analysis shall be made using the best information reasonably available to the chief engineer. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 1993 Supp. 82a-711; effective Nov. 28, 1994.)

5-3-15. Availability of water for appropriation - safe yield; surface water. (a) Each application filed to directly divert the natural flow of the Kansas river, the Missouri river, the Big Blue river, the Spring river, or their tributaries, shall:

(1) be processed in accordance with K.A.R. 5-3-9; and
 (2) meet all other requirements for the approval of a new application.

(b) The water right owner shall be required by the chief engineer to meet minimum desirable streamflows (MDS), assurance district target flows (assurance target flows) and division of water resources (DWR) target flows where applicable.

(c) Each application filed to directly divert the natural flow from any stream or tributary in the state of Kansas, except those streams listed in paragraph (a) of this regulation, shall have the following conditions of approval.

(1) If MDS or assurance target flows or DWR target flows have been set for that stream, and MDS administration has been requested by the Kansas water office, diversion of natural flow shall only be permitted if MDS, assurance target flows or DWR target flows, if applicable, are being met at the gage or gages immediately below the proposed point of diversion.

(2) Diversion of natural flow shall not take place unless there is water available to satisfy all demands by senior water rights and permits.

(3) The streamflow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of that water right or permit.

(4) During the period October 1 through June 30, the verbal or written permission of the chief engineer, or an authorized representative of the chief engineer, shall be obtained in order to divert water each time the applicant desires to divert water.

(5) The applicant shall be required to demonstrate that the direct diversion of streamflow is not necessary during the period July 1 through September 30 each calendar year because of lack of need; the availability of adequate water storage or alternative water supplies; or other similar reasons.

(6) During the period July 1 through September 30 each calendar year, no direct diversions of water shall be permitted unless written permission is obtained from the chief engineer or the chief engineer's authorized representative.

(d) Each application filed by a member of an operational assurance district for that stream shall be processed taking into consideration the provisions of the assurance district contract.

(e) Each application filed for a point of diversion which might divert water released from storage pursuant to an agreement between the state of Kansas

and the federal government shall be processed taking into consideration the provisions of that agreement.

(f) Each application filed to divert the natural flow of any stream subject to a more specific regulation adopted by the chief engineer or an intensive groundwater use control area order issued by the chief engineer, for a basin or portion thereof, shall be processed in accordance with the provisions of that regulation or order. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 1993 Supp. 82a-711; effective Nov. 28, 1994.)

5-3-16. Safe yield; exemptions for up to 15 acre-feet of groundwater. (a) In any area of the state outside a groundwater management district, which is subject to safe yield criteria and is not closed by regulation or intensive groundwater use control area order by the chief engineer to new non-domestic, non-temporary permits and term permits for five years or less, applications to appropriate groundwater shall be exempt from meeting the safe yield criteria if it is found by the chief engineer that:

(1) the sum of the annual quantity requested by the proposed appropriation and the total annual quantities authorized by prior permits allowed because of an exemption pursuant to this regulation does not exceed 15 acre feet in a 1/2 mile radius circle surrounding the proposed point of diversion;

(2) well spacing criteria in the area have been met;

(3) the approval of the application does not authorize an additional quantity of water out of an existing authorized well with a non-domestic permit or water right, which would result in a total combined annual quantity of water authorized from that well in excess of 15 acre feet; and

(4) all other criteria for processing a new application to appropriate water at that location have been met.

(b) For one year from the effective date of this regulation, each groundwater pit in existence on May 1, 1993, shall be eligible for approval of one application to authorize up to 15 acre-feet of water per calendar year, in addition to the quantity of water currently authorized, to be used for evaporation from the exposed groundwater surface. The chief engineer shall grant a waiver of the requirements of paragraphs (a)(1) and (3) of this regulation and approve the application if:

(1) the owner of the pit has signed an agreement with the chief engineer requiring the owner of the pit to either:

(A) permanently cease expansion of the surface area of the groundwater exposed at the pit whenever the additional average annual evaporation at the pit equals the maximum annual quantity of water authorized for that purpose; or

(B) acquire existing water rights sufficient to compensate for additional evaporation caused by expansion of the groundwater surface area exposed at the pit in excess of the quantity of water previously authorized for that purpose; and

(2) the agreement required in paragraph (b)(1) is written to be binding on the successors, heirs and assigns of the owner of the pit. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 1993 Supp. 82a-711; effective Nov. 28, 1994.)

5-3-17. Safe yield; miscellaneous exemptions. In any area of the state which is subject to safe yield criteria, and outside a groundwater management district or an intensive groundwater use control area closed to new non-domestic, non-temporary uses, each application to appropriate groundwater for a beneficial use shall be exempt from meeting the safe yield criteria if the chief engineer finds that:

(a) the proposed use has occurred continuously since prior to the effective date of this regulation;

(b) the proposed use could have reasonably been classified by the division of water resources as a domestic use at the time the use began; and

(c) all other requirements in effect for the approval of a new application to appropriate water at that location have been met. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 1993 Supp. 82a-711; effective Nov. 28, 1994.)

5-3-18. Applicant's opportunity to submit additional information. (a) If at any stage of processing an application, it is determined by the chief engineer that an application does not meet the safe yield criteria, the applicant shall be notified by the chief engineer in writing prior to denial of the application that the safe yield requirements have not been met and the reason for the proposed denial. In this written notice, the chief engineer shall allow the applicant 15 days to request time in which to submit additional information to show why the application should be approved.

(b) Within 15 days the applicant shall either submit the additional information or file a written request for a reasonable amount of time to submit an engineering report or similar type of hydrologic analysis to show that approval of the application will not cause the safe yield of the source of water supply to be exceeded.

(c) If the applicant fails to timely show to the satisfaction of the chief engineer that the application can be approved, then the application shall be denied by the chief engineer. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 1993 Supp. 82a-711; effective Nov. 28, 1994.)

Article 5.—CHANGE IN THE PLACE OF USE, THE POINT OF DIVERSION OR THE USE MADE OF WATER UNDER AN EXISTING WATER RIGHT

5-5-8. Standards for approval of an application for a change in the place of use and a change in the use made of water. (a) Each application for a change in the place of use or the use made of water which will materially injure or adversely affect water rights or permits to appropriate water with priorities senior to the date the application for change is filed shall not be approved by the chief engineer.

(b) Each approval of a change application shall be conditioned by the chief engineer with the terms, conditions and limitations the chief engineer deems necessary to protect the public interest and enforce the terms of K.A.R. 5-5-3.

(c) As used in K.A.R. 5-5-3, "consumptive use" means gross diversions minus:

- (1) waste of water, as defined in K.A.R. 5-1-1(cc); and
- (2) return flows to the source of water supply;

(A) through surface water runoff which is not waste; and

(B) by deep percolation.

(d) The maximum annual quantity and maximum rate of diversion of water authorized by an approval of an application for a change in the use made of water shall not exceed the maximum annual quantity or maximum rate of diversion perfected at the time the application for change in the use made of water is filed with the chief engineer. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 1993 Supp. 82a-708b; effective Nov. 28 1994.)

5-5-9. Criteria for the approval of an application for a change in the use made of water from irrigation to any other type of beneficial use of water. (a) The approval of a change in the use made of water from irrigation to any other type of beneficial use shall not be approved if it will cause the net consumptive use from the local source of water supply to be greater than the net consumptive use from the same local source of water supply by the original irrigation use based on the following criteria:

(1) The maximum annual quantity of water to be allowed by the change approval shall be the net irrigation requirement (NIR) for the 50% chance rainfall for the county of origin, as set forth in K.A.R. 5-5-12, multiplied by the maximum acreage legally irrigated under the authority of the water right in any one calendar year during the perfection period. For vested rights, the acreage used shall be the maximum acreage irrigated prior to June 28, 1945; or

(2) if the applicant establishes to the satisfaction of the chief engineer the need for more flexibility in the authorized annual quantity, the application may be approved subject to the following limits.

(A) The maximum annual quantity of water to be allowed by the change approval shall be the NIR for the 80% chance rainfall for the county of origin, as set forth in K.A.R. 5-5-12, multiplied by the maximum acreage legally irrigated in any one calendar year during the perfection period. For vested rights the acreage used shall be the maximum acreage irrigated prior to June 28, 1945.

(B) The new type of beneficial use shall be further limited by a five year fixed allocation of water in which the NIR for a 50% chance rainfall for the county of origin, as set forth in K.A.R. 5-5-12, is multiplied by five times the maximum acreage lawfully irrigated in any one calendar year during the perfection period. For vested rights, the acreage used shall be the maximum acreage irrigated prior to June 28, 1945.

(C) An application for a term permit which will circumvent the five year allocation of water limit shall not be approved by the chief engineer.

(3) In determining whether the net consumptive use of water will be increased by the proposed change in the use made of water, the applicant shall be given credit by the chief engineer for any return flows from the proposed type of beneficial use which will return to the same local source of supply as the return flows from the originally authorized type of beneficial use as substantiated by the applicant to the satisfaction of the chief engineer by an engineering report or similar type of hydrologic analysis.

(continued)

(4) The authorized quantity to be changed to the new type of beneficial use shall never exceed the maximum annual quantity authorized by the water right.

(5) If a water right which overlaps the authorized place of use of one or more other water rights, either in whole or in part, is being changed to a different type of beneficial use, the total net consumptive use of all water rights after the change is approved shall not exceed the total net consumptive use of all of the rights before the change is approved.

(6) The approval for a change in the use made of water shall also be limited by that quantity reasonable for the use proposed by the change in the use made of water.

(b) Upon request of the applicant, the historic net consumptive use actually made during the perfection period, or prior to June 28, 1945 in the case of vested rights, under the water right proposed to be changed shall be considered by the chief engineer, but the burden shall be on the owner to document that historic net consumptive use with an engineering study, or an equivalent documentation and analysis, and demonstrate to the satisfaction of the chief engineer that the analysis submitted by the applicant is a more accurate estimate of the historic net consumptive use than the net consumptive use calculated using the methodology set forth in paragraph (a)(1).

(c) If the methods set forth in subsection (a) produce an authorized annual quantity of water which appears to be unrealistic and could result in impairment of other water rights, the chief engineer shall make a site-specific net consumptive use analysis to determine the quantity of water which was actually beneficially consumed under the water right. The quantity approved shall be limited to the quantity determined to be reasonable by the chief engineer's analysis. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 1993 Supp. 82a-708b; effective Nov. 28, 1994.)

5-5-10. Partial changes in the use made of water from irrigation to another type of beneficial use. (a) In a case where an irrigation right is to be divided and only a portion of the rate and quantity will be changed to a different use made of water, only that portion of the annual quantity of the water right being changed to a different type of beneficial use shall be reduced as necessary to prevent the net consumptive use from increasing substantially.

(b) The authorized place of use for the irrigation right shall generally be reduced in proportion to the reduction in annual quantity caused by the change. If the irrigator desires to retain more than his or her proportional allotment of acres after the change, the procedures outlined in K.A.R. 5-5-11(b)(2)(B)(ii) shall be followed to determine whether the irrigator shall be allowed to retain more acreage.

(c) The authorized rate of diversion shall be divided between the irrigation and the non-irrigation use. Any reasonable division of the rate by the parties shall be approved. The division of the maximum rate of diversion need not be proportional to the division of the quantity as long as the division of the rate of diversion is reasonable to divert each portion of the annual quantity of water after the division of the water right is made.

(d) The division of the annual quantity shall be made as follows:

(1) Step one.

(A) Multiply the net irrigation requirement (NIR) for the 50% chance rainfall for the county of origin, as set forth in K.A.R. 5-5-12, times the maximum number or acres irrigated in any one calendar year during the perfection period. For vested rights, the acreage used shall be the maximum acreage irrigated prior to June 28, 1945.

(B) This will result in the maximum quantity that could be changed to another type of beneficial use if the entire right were changed pursuant to K.A.R. 5-5-9(a)(1).

(2) Step two.

(A) Divide the annual quantity desired to be changed to the new use by the maximum quantity that could be changed if the entire right were changed.

(B) This will result in the percentage of the entire reduced right that will be changed to the new use. The remaining percentage of the current right can be retained by the irrigation water right owner.

(3) Step three.

(A) Multiply the remaining percentage times the total currently authorized quantity. This shall be the annual quantity of water which may be retained by the irrigation water right owner. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 1993 Supp. 82a-708b; effective Nov. 28, 1994.)

5-5-11. Applications for change in place of use for irrigation purposes. (a) For the purpose of this regulation, "base acreage" means:

(1) the maximum number of acres actually legally irrigated in any one calendar year on or before December 31, 1994 if the perfection period expired on or before December 31, 1994 or the water right is a vested right; or

(2) if the perfection period expires after December 31, 1994, and the perfection period has not expired at the time the change application has been filed, the base acreage shall be the number of acres authorized by the permit; or

(3) if the perfection period expires after December 31, 1994, and the perfection period has expired at the time the change application was filed, the base acreage shall be the maximum acreage legally irrigated in any one calendar year during the perfection period.

(4) Any year in which any of the terms, conditions and limitations of the water right or permit were violated shall not be used to determine base acreage.

(b) An application to change the authorized place of use for irrigation purposes which would permit the applicant to exceed the base acreage by 10 acres or 10 percent, whichever is less, shall not be approved by the chief engineer because it would result in a substantial increase in net consumptive use in violation of K.A.R. 5-5-3 except when one of the six following criteria are met.

(1) Identical places of use.

(A) The change application shall be filed only for the purpose of creating an identical place of use with another water right or rights;

(B) there shall not be a net increase in authorized acres;

(C) each water right involved in the proposed identical overlap in place of use shall be certified by the chief engineer prior to processing the change application if approval of the change application would authorize an increase in base acreage; and

(D) the total quantity authorized by all existing water rights and all permits involved shall be reasonable to irrigate the land authorized after the change in place of use is approved.

(2) Necessity to install more efficient irrigation system; limited acres and quantity.

(A) The change applicant shall submit information demonstrating to the satisfaction of the chief engineer that it is necessary to increase the base acreage so that a significantly more efficient irrigation delivery system may be installed. Types of crops to be grown or tillage practices used shall not be considered in deciding whether the proposed system is more efficient.

(B) If the chief engineer approves the application for a change in place of use pursuant to this subsection, the following limitations shall apply.

(i) The authorized quantity of water under the water right shall be limited to a 5 year fixed allocation, computed by dividing the net irrigation requirement (NIR), as set forth in K.A.R. 5-5-12, for the 50% chance rainfall for the county where the place of use is located, by an efficiency factor of 0.85, multiplying by the base acreage as determined in subsection (a) of this regulation, and then multiplying by 5. In any given year, the water right owner shall still be authorized to divert the maximum annual quantity authorized, provided that the 5 year allocation is not exceeded.

(ii) The maximum number of irrigated acres that shall be allowed under the proposed change in place of use shall be computed by multiplying the currently authorized annual quantity by 0.85 and dividing by the NIR, as set forth in K.A.R. 5-5-12, for the 80% chance rainfall for the county where the place of use is located.

(iii) The approval of the change shall be conditioned so that the use of water in excess of the five year allocation shall result in a two year suspension of all water use under that water right and a subsequent restriction of the authorized place of use to the base acreage at a location specifically set forth in the change approval.

(3) Necessity to install a more efficient irrigation system; limited quantity.

(A) The groundwater management district in which the point of diversion is located shall agree to assume monitoring responsibility to ensure compliance with the conditions of the change approval;

(B) the applicant shall submit information demonstrating to the satisfaction of the chief engineer that it is necessary to increase the base acreage so that a significantly more efficient irrigation delivery system may be installed;

(C) the applicant shall submit a feasible operation plan demonstrating to the satisfaction of the chief engineer that the amount of water available for appropriation under that water right is reasonable to irrigate the number of acres requested to be irrigated; and

(D) the water right owner shall have no recent pattern of water use significantly in excess of the maximum annual quantity of water authorized.

(E) If the chief engineer approves the application for a change in place of use pursuant to this subsection, the following limitations shall apply.

(i) The authorized quantity of water under the water right shall be limited to a 5-year fixed allocation, computed by dividing the net irrigation requirement (NIR), as set forth in K.A.R. 5-5-12, for the 50% chance rainfall for the county where the place of use is located by an efficiency factor of 0.85, multiplying by the base acreage irrigated as determined in subsection (a) of this regulation, and then multiplying by 5. In any given year, the water right owner shall still be authorized to divert the maximum annual quantity authorized, provided that the 5-year allocation is not exceeded.

(ii) The approval of the change shall be conditioned so that the use of water in excess of the five-year allocation shall result in a two-year suspension of all water use under that water right and a subsequent restriction of the authorized place of use to the base acreage at a location specifically set forth in the change approval.

(4) Rotation of the irrigated land within the authorized place of use.

(A) The point of diversion is located outside a groundwater management district or the groundwater management district in which the point of diversion is located shall agree to assume monitoring responsibility to ensure compliance with the conditions of the change approval;

(B) the water right owner shall have no recent pattern of water use significantly in excess of the maximum annual quantity of water authorized; and

(C) approval of the change application shall result in a net increase in the number of acres authorized for irrigation purposes solely for the purpose of rotation of the irrigated land within the authorized place of use.

(D) If the chief engineer approves the application for a change in place of use pursuant to this subsection, the following limitations shall apply.

(i) Approval of the change application shall be limited by the chief engineer so that the net acres physically irrigated in any one calendar year after the change approval shall not exceed the base acreage; and

(ii) the approval shall be conditioned so that the use of water on more than the maximum number of acres authorized to be irrigated in any one calendar year shall result in a two-year suspension of all water use under that water right and a subsequent restriction of the authorized place of use to the base acreage at a location specifically set forth in the change approval.

(5) Specific groundwater management district regulation.

The application shall meet the criteria in a regulation adopted by the chief engineer pursuant to K.S.A. 82a-1028(o) and K.S.A. 82a-706a specifically for changes in place of use for irrigation purposes for the groundwater management district in which the point of diversion is located.

(6) No increase in historic net consumptive use.

The applicant shall demonstrate to the satisfaction of the chief engineer, with an engineering report or similar type of hydrologic analysis, that the historic net con-

(continued)

sumptive use will not be increased substantially if the proposed change in place of use is approved.

(c) If the chief engineer determines that the application cannot be approved as filed, the applicant shall be notified in writing by the chief engineer prior to denial that the change application requirements have not been met and the reason for the proposed denial.

(1) In this written notice the chief engineer shall allow the applicant 15 days to request time in which to submit additional information to show why the application should be approved.

(2) Upon written request, the applicant shall be given a reasonable time specified by the chief engineer to submit an engineering report or similar type of hydrologic analysis to show that approval of the change application will not substantially increase the historic net consumptive use.

(3) The applicant shall have the burden of demonstrating to the satisfaction of the chief engineer that approval of the change application will not cause the historic net consumptive use to be increased substantially.

(d) Whether or not the time to perfect the water right has expired, including any authorized extensions of time, the application for a change in place of use to change the size of the authorized place of use for irrigation purposes may be approved without the certificate of appropriation being issued except as provided in subsection (b)(1)(C) of this regulation.

(1) If a certificate of appropriation has not been issued, the increase in base acreage shall be determined based on reliable information.

(2) The types of acceptable information shall include, but not be limited to, field inspection reports or U.S. department of agriculture records.

(e) A flow meter meeting the specifications adopted by the chief engineer, and installed and maintained in a manner satisfactory to the chief engineer, shall be required by the chief engineer in all cases where there is an increase in the base acreage authorized to be irrigated by the approval of the change in the place of use, except when:

(1) the application for change in place of use is filed solely to create an identical place of use with other water rights; and

(2) the total quantity authorized by all existing water rights and all permits to appropriate water that are involved equals or exceeds the NIR, as set forth in K.A.R. 5-5-12, in that county for a 50% chance rainfall divided by an irrigation efficiency of 0.85. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 1993 Supp. 82a-708b; effective Nov. 28, 1994.)

5-5-12. Net irrigation requirements (NIR). The following amounts shall be used as the net irrigation requirements (NIR).

County	50% Chance Rainfall	80% Chance Rainfall
Allen	7.1" = 0.59'	9.9" = 0.83'
Anderson	6.1" = 0.51'	9.4" = 0.78'
Atchison	7.2" = 0.60'	10.3" = 0.86'
Barber	12.6" = 1.05'	14.6" = 1.22'
Barton	12.0" = 1.00'	14.4" = 1.20'
Bourbon	6.8" = 0.57'	9.6" = 0.80'
Brown	7.1" = 0.59'	10.6" = 0.88'
Butler	9.2" = 0.77'	12.0" = 1.00'

Chase	8.7" = 0.73'	11.4" = 0.95'
Chautauqua	8.6" = 0.72'	11.4" = 0.95'
Cherokee	7.0" = 0.58'	9.9" = 0.83'
Cheyenne	13.7" = 1.14'	15.4" = 1.28'
Clark	13.7" = 1.14'	15.7" = 1.31'
Clay	9.2" = 0.77'	12.2" = 1.02'
Cloud	10.3" = 0.86'	12.7" = 1.06'
Coffey	6.8" = 0.57'	9.9" = 0.83'
Comanche	13.0" = 1.08'	15.1" = 1.26'
Cowley	9.7" = 0.81'	12.3" = 1.03'
Crawford	7.0" = 0.58'	9.8" = 0.82'
Decatur	12.7" = 1.06'	14.8" = 1.23'
Dickinson	9.4" = 0.78'	12.3" = 1.03'
Doniphan	7.3" = 0.61'	10.3" = 0.86'
Douglas	6.8" = 0.57'	9.8" = 0.82'
Edwards	13.0" = 1.08'	15.1" = 1.26'
Elk	8.7" = 0.73'	11.3" = 0.94'
Ellis	12.2" = 1.02'	14.6" = 1.22'
Ellsworth	11.5" = 0.96'	13.7" = 1.14'
Finney	14.5" = 1.21'	16.3" = 1.36'
Ford	13.7" = 1.14'	15.7" = 1.31'
Franklin	5.8" = 0.48'	9.1" = 0.76'
Geary	8.4" = 0.70'	11.5" = 0.96'
Gove	13.1" = 1.09'	15.3" = 1.28'
Graham	12.4" = 1.03'	14.7" = 1.23'
Grant	14.9" = 1.24'	16.7" = 1.39'
Gray	13.8" = 1.15'	16.1" = 1.34'
Greeley	14.7" = 1.23'	16.5" = 1.38'
Greenwood	8.1" = 0.68'	11.1" = 0.93'
Hamilton	15.2" = 1.27'	16.9" = 1.41'
Harper	11.7" = 0.98'	14.0" = 1.17'
Harvey	10.2" = 0.85'	12.9" = 1.08'
Haskell	14.5" = 1.21'	16.4" = 1.37'
Hodgeman	13.4" = 1.12'	15.5" = 1.29'
Jackson	7.4" = 0.62'	10.5" = 0.88'
Jefferson	7.0" = 0.58'	10.1" = 0.84'
Jewell	10.6" = 0.88'	13.1" = 1.09'
Johnson	6.6" = 0.55'	9.5" = 0.79'
Kearny	14.9" = 1.24'	16.6" = 1.38'
Kingman	11.7" = 0.98'	14.0" = 1.17'
Kiowa	13.2" = 1.10'	15.1" = 1.26'
Labette	7.3" = 0.61'	10.3" = 0.86'
Lane	13.7" = 1.14'	15.7" = 1.31'
Leavenworth	7.0" = 0.58'	9.9" = 0.83'
Lincoln	11.3" = 0.94'	13.6" = 1.13'
Linn	5.6" = 0.47'	9.0" = 0.75'
Logan	13.9" = 1.16'	15.8" = 1.32'
Lyon	7.5" = 0.63'	10.5" = 0.88'
Marion	9.6" = 0.80'	12.2" = 1.02'
Marshall	8.7" = 0.73'	11.4" = 0.95'
McPherson	10.8" = 0.90'	13.1" = 1.09'
Meade	14.3" = 1.19'	16.1" = 1.34'
Miami	5.0" = 0.42'	9.0" = 0.75'
Mitchell	10.8" = 0.90'	13.3" = 1.11'
Montgomery	8.1" = 0.68'	10.9" = 0.91'
Morris	8.5" = 0.71'	11.4" = 0.95'
Morton	15.4" = 1.28'	17.1" = 1.43'
Nemaha	7.8" = 0.65'	10.9" = 0.91'
Neosho	7.1" = 0.59'	10.2" = 0.85'
Ness	13.3" = 1.11'	15.3" = 1.28'
Norton	12.3" = 1.03'	14.4" = 1.20'
Osage	7.0" = 0.58'	9.9" = 0.83'
Osborne	11.7" = 0.98'	13.8" = 1.15'
Ottawa	10.5" = 0.88'	12.9" = 1.08'
Pawnee	12.7" = 1.06'	14.9" = 1.24'
Phillips	11.7" = 0.98'	14.0" = 1.17'
Pottawatomie	8.1" = 0.68'	11.1" = 0.93'
Pratt	12.6" = 1.05'	14.6" = 1.22'
Rawlins	13.2" = 1.10'	15.1" = 1.26'
Reno	11.4" = 0.95'	13.8" = 1.15'

Republic	10.0" = 0.83'	12.6" = 1.05'
Rice	11.5" = 0.96'	13.8" = 1.15'
Riley	8.5" = 0.71'	11.4" = 0.95'
Rooks	12.0" = 1.00'	14.3" = 1.19'
Rush	12.6" = 1.05'	14.8" = 1.23'
Russell	11.3" = 0.94'	14.1" = 1.18'
Saline	10.8" = 0.90'	13.1" = 1.09'
Scott	14.0" = 1.17'	15.9" = 1.33'
Sedgwick	10.7" = 0.89'	13.1" = 1.09'
Seward	14.5" = 1.21'	16.4" = 1.37'
Shawnee	7.4" = 0.62'	10.2" = 0.85'
Sheridan	12.9" = 1.08'	15.0" = 1.25'
Sherman	14.1" = 1.18'	15.7" = 1.31'
Smith	11.4" = 0.95'	13.6" = 1.13'
Stafford	12.3" = 1.03'	14.5" = 1.21'
Stanton	15.6" = 1.30'	17.2" = 1.43'
Stevens	14.8" = 1.23'	16.8" = 1.40'
Sumner	10.3" = 0.86'	13.2" = 1.10'
Thomas	13.5" = 1.13'	15.4" = 1.28'
Trego	12.9" = 1.08'	15.0" = 1.25'
Wabaunsee	7.8" = 0.65'	10.7" = 0.89'
Wallace	14.3" = 1.19'	16.1" = 1.34'
Washington	9.2" = 0.77'	12.0" = 1.00'
Wichita	14.4" = 1.20'	16.3" = 1.36'
Wilson	8.0" = 0.67'	10.7" = 0.89'
Woodson	7.4" = 0.62'	10.4" = 0.87'
Wyandotte	7.0" = 0.58'	9.8" = 0.82'

(Authorized by K.S.A. 82a-706a; implementing K.S.A. 1993 Supp. 82a-708b; effective Nov. 28, 1994.)

Article 10.—WATER APPROPRIATION

5-10-6. Procedure for determination of an active vested domestic water right. The existence of an active domestic vested water right shall be determined by the chief engineer as follows:

(a) Information shall be filed with the chief engineer on a form prescribed by the chief engineer concerning the dates beneficial use of water was made, and the nature and extent of the active domestic vested right.

(b) Affidavits from at least three competent disinterested persons shall be filed by the claimant on a form prescribed by the chief engineer or other reliable substantiating evidence shall be submitted to the chief engineer by the claimant documenting the dates beneficial use of water was made, and the nature and extent of the active domestic vested right.

(c) Within a reasonable time, the staff of the division of water resources shall investigate the information submitted.

(d) Notice.

(1) Written notice of the claim shall be sent by the chief engineer to all water right owners of record in the office of the chief engineer with an authorized point of diversion within one-half mile of the claimed point of diversion.

(2) In addition, one notice in a newspaper with general circulation in the county in which the point of diversion is located shall be published by the chief engineer. Such published notice shall contain:

(A) the name of the claimant;

(B) the location of the claimed point of diversion; and

(C) a declaration that it is a claim for a domestic vested right.

(3) All notices shall be given at least 14 days prior to the close of the record.

(e) A copy of the chief engineer's draft order determining the active domestic vested water right and any comments received in response to the notices shall be furnished to the claimant by the chief engineer or the chief engineer's authorized representative.

(f) The claimant shall be given thirty days from the date the chief engineer mails the draft to the claimant in which to submit additional information, request a hearing concerning the determination, or both.

(g) If a hearing is requested by the claimant in a timely manner, or the chief engineer deems it to be in the public interest to do so, a hearing shall be held by the chief engineer, or the chief engineer's authorized representative, within a reasonable time.

(h) The chief engineer shall issue the order determining whether the claimed active vested domestic right exists and, if so, determining the nature and extent of that right.

(i) The order determining the active vested domestic right shall be made a matter of record in the office of the chief engineer. In addition, a copy of the order shall be furnished to the claimant by the chief engineer, with instructions that it shall be filed with the register of deeds in the county in which the point of diversion is located.

(j) All vested domestic water rights shall be assumed to have a priority of June 28, 1945 until they have been adjudicated by a court of competent jurisdiction. Vested domestic rights shall be administered in accordance with K.A.R. 5-10-5. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-705a; effective Nov. 28, 1994.)

Phillip A. Fishburn
Acting Secretary of Agriculture

Doc. No. 015456

State of Kansas

Department of Health and Environment

Permanent Administrative Regulations

Article 65.—EMERGENCY PLANNING AND RIGHT-TO-KNOW

28-65-2. Definitions. (a) "Commission" means the Kansas state emergency response commission established under K.S.A. 65-5703.

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

(c) "Extremely hazardous substance" means a substance listed in the appendices to 40 CFR part 355, emergency planning and notification, as in effect July 1, 1993 or on the list of Kansas reportable chemicals authorized by K.S.A. 65-5704.

(d) "Facility" means all buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person, or by any person which controls, is controlled by, or under common control with, such person. For purposes of emer-

(continued)

gency release notification, the term includes motor vehicles, rolling stock, and aircraft.

(e) "Federal act" means Title III of the superfund amendments and reauthorization act of 1986, P.L. 99-499, and the emergency planning and community right-to-know act of 1987.

(f) "Hazardous chemical" has the meaning given to that term by 40 CFR part 370, hazardous chemical reporting: community right-to-know, as in effect July 1, 1993.

(g) "Kansas tier II form" or "tier II form" means the hazardous chemical inventory form developed by the Kansas department of health and environment.

(h) "Material safety data sheets (MSDS)" means reporting sheets required under the occupational safety and health act at 15 USC 651 et seq., hazard communication program 29 CFR parts 1910.1200, as in effect on July 1, 1993.

(i) "Operator" means the owner or owner's designee who is director of a business, service, or industrial concern and conducts the affairs or manages an activity.

(j) "Owner" means the person in whom is vested ownership, dominion, possession or title of property; proprietor.

(k) "Petroleum fuels" means the following refined petroleum products:

- (1) gasoline;
- (2) gasohol;
- (3) aviation fuels; and

(4) diesel #1 and #2. (Authorized by and implementing K.S.A. 65-5704; effective, T-88-62, Dec. 30, 1987; effective May 1, 1988; amended Nov. 22, 1993; amended Nov. 28, 1994.)

28-65-3. Submitting notifications and reports. (a)

Except as provided in K.A.R. 28-65-4(e)(3), each notification and report required to be submitted to the commission under sections 302, 311 and 312 of the federal act and these regulations shall be completed using the Kansas tier II form. The Kansas tier II form shall be submitted to the right-to-know program, bureau of air and radiation of the department.

(b) The toxic chemical release inventory report required under section 313 of the federal emergency planning and community right-to-know act and these regulations shall be completed using the federal form R. Each federal form R required to be submitted to state officials under section 313 of the federal act shall be submitted to the right-to-know program, bureau of air and radiation of the department prior to July 1 of each year for the previous calendar year.

(c) Each emergency release notification submitted pursuant to the requirements of section 304 of the federal act shall be submitted to the division of emergency preparedness of the adjutant general's department.

(d) Hazardous chemical and extremely hazardous substance information submitted under the provisions of section 302, 311 and 312 of the federal act and subsection (a) of this regulation may be submitted in an alternative aggregate format that includes more than one facility if the following conditions are met.

(1) The facilities reported shall be under common ownership or a common operator.

(2) A separate listing including the names and locations of the facilities to which the Kansas tier II form is to apply shall be submitted with the report.

(3) The chemical types and quantities reported on the Kansas tier II form shall be similar and representative of those present at all facilities listed.

(4) The proposed alternative aggregate format shall have been previously reviewed and approved by the department for compliance with the requirements of these regulations.

(e) Each owner or operator of a facility required to report under this regulation shall notify the department within 60 days following:

(1) a change in the name, address, or both, of the owner or operator responsible for filing the facility report; or

(2) facility closure. (Authorized by and implementing K.S.A. 65-5704; effective, T-88-62, Dec. 30, 1987; effective May 1, 1988; amended, T-89-19, May 27, 1988; amended Sept. 26, 1988; amended Nov. 22, 1993; amended Nov. 28, 1994.)

28-65-4. Fees. (a) Except as provided in subsections (d) and (e) of this regulation, each owner or operator of a facility required to report under section 312 of the federal act and K.A.R. 28-65-3 shall pay an annual report fee based upon the sum of the maximum daily reportable quantities of extremely hazardous substances or hazardous chemicals, or both, present at the facility as reported on the Kansas tier II form. These fees shall be calculated on forms provided by the department using the tables in paragraphs (c)(1) and (c)(2) of this regulation as appropriate. The fees required under this subsection shall be submitted to the department prior to March 1 of each year at the time of submission of the Kansas tier II form.

(b) Each owner or operator of a facility required to file the toxic chemical release form required under section 313 of the federal act and K.A.R. 28-65-3 shall pay an annual report fee based upon the total quantity of chemicals released as reported on the federal form R. These fees shall be calculated on forms provided by the department using table 3 in paragraph (c)(4) of this regulation. The fees required under this section shall be submitted to the department prior to July 1 of each year at the time of submission of the federal form R.

(c) Fees payable under subsection (a) of this regulation shall be determined using tables 1 and 2 below as applicable.

(1) Fees on the total maximum daily reportable quantity of extremely hazardous substances listed on the Kansas tier II form required under subsection (a) shall be determined using table 1 as follows:

Table 1

Sum of the maximum daily Amounts of all extremely Hazardous substances reported (pounds)	Annual fee
1-9,999	\$25
10,000 - 999,999	\$50
1,000,000 or greater	\$150

(2) Fees on the total maximum daily reportable quan-

tity of hazardous chemicals listed on the Kansas tier II form required under subsection (a) shall be determined using table 2 as follows:

Table 2

Sum of the maximum daily Amounts of all hazardous Chemicals reported (pounds)	Annual fee
10,000 - 99,999	\$25
100,000 - 999,999	\$50
1,000,000 - 9,999,999	\$150
10,000,000 or greater	\$300

(3) For the purposes of this subsection the term "hazardous chemical" shall not include any extremely hazardous substances or sand, gravel, clay, salt or brine or other comparable substances as approved by the department in the calculation of fees.

(4) Fees payable under subsection (b) of this regulation on the total quantity of chemicals released reported on the federal form R shall be determined as follows:

Table 3

Sum of the total chemical Releases reported (pounds)	Annual fee
100 - 19,999	\$250
20,000 - 99,999	\$700
100,000 - 999,999	\$1,700
1,000,000 or greater	\$3,000

(d) Each owner or operator of an oil or gas well that is required to report under section 312 of the federal act and K.A.R. 28-65-3 shall pay an annual fee of \$25. For the purposes of this subsection, the term "well" shall have the meaning given such term by K.S.A. 55-150. The fee required under this section shall be submitted to the department prior to March 1 of each year at the time of submission of the information required on the Kansas tier II form.

(e) Each owner or operator of a facility that contains a petroleum fuels as defined in K.A.R. 28-65-2 that is required to report under section 312 of the federal act and K.A.R. 28-65-3 shall be exempt from the fee requirements of subsection (a) of this regulation as applicable to petroleum fuels in storage tanks provided:

(1) The storage tank is registered under the provisions of K.A.R. 28-44-16 or K.A.R. 28-44-29; and

(2) the owner or operator has paid an annual registration fee in compliance with K.A.R. 28-44-17 or 28-44-28; and

(3) the owner or operator has submitted the necessary information to the department on the special storage tank program forms provided by the department to comply with the reporting requirements of section 312 of the federal act, K.A.R. 28-65-3, K.A.R. 28-44-16 and K.A.R. 28-44-29.

(f) Each owner or operator of a facility that qualifies for a fee exemption under subsection (e) of this regulation that has chemicals present other than petroleum fuels that are reportable under section 312 of the federal act and K.A.R. 28-65-3 shall pay annual report fees in compliance with subsection (a) of this regulation as applicable to the remaining chemicals.

(g) Each owner or operator of a facility that qualifies for a fee exemption under subsection (e) may elect to comply with the provisions of these regulations by submitting the Kansas tier II form in lieu of submitting the required information on the special storage tank program form. Such owners or operators that elect to submit the Kansas tier II form shall calculate and pay annual report fees in compliance with subsection (a) of this regulation as applicable.

(h) Each owner or operator subject to these regulations shall not be assessed an annual report fee in total greater than \$3000 during any single report year excluding late fees.

(i) All fees shall be remitted by check, draft, or money order payable to the department and shall be non-refundable. Any owner or operator may make an aggregate payment covering more than one facility by a single check, draft, or money order provided a statement accompanies each aggregate payment which indicates the individual facility names, addresses, and fees for each facility for which payment is made.

(j) Each owner or operator of a facility subject to these regulations shall not be charged a fee for chemical information submitted on a voluntary basis beyond that required under K.A.R. 28-65-3 provided that the optional nature of the information is clearly marked in the appropriate box on the Kansas tier II form. (Authorized by and implementing K.S.A. 65-5704; effective Nov. 22, 1993; amended Nov. 28, 1994.)

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 015457

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91-1-113b Amended V. 13, p. 311
91-12-22 Amended V. 12, p. 1929
91-12-23 Amended V. 12, p. 1933
91-12-24a Amended V. 12, p. 590
91-12-27 Amended V. 12, p. 590
91-12-28 Amended V. 12, p. 590
91-12-30 Amended V. 12, p. 591
91-12-33 Amended V. 12, p. 591

Table with 3 columns: Reg. No., Action, Register. Rows include 91-12-37, 91-12-40, 91-12-41, etc., up to 91-12-71.

AGENCY 98: KANSAS WATER OFFICE. Table with 3 columns: Reg. No., Action, Register. Rows include 98-5-2, 98-5-3, 98-5-5.

AGENCY 99: BOARD OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES. Table with 3 columns: Reg. No., Action, Register. Rows include 99-40-21 through 99-40-46.

AGENCY 100: BOARD OF HEALING ARTS. Table with 3 columns: Reg. No., Action, Register. Rows include 100-10a-1, 100-11-1, 100-24-1, etc., up to 100-60-13.

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD. Table with 3 columns: Reg. No., Action, Register. Rows include 102-1-13, 102-5-1 through 102-5-12, 102-5-2.

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES. Table with 3 columns: Reg. No., Action, Register. Rows include 105-2-1, 105-3-2, 105-3-11, etc., up to 105-10-5.

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES. Table with 3 columns: Reg. No., Action, Register. Rows include 109-1-1, 109-2-5, 109-2-8, etc., up to 109-13-3.

AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING. Table with 3 columns: Reg. No., Action, Register. Rows include 110-6-1 through 110-6-6, 110-7-1 through 110-7-4, 110-6-7, 110-40-5.

AGENCY 111: THE KANSAS LOTTERY. Table with 3 columns: Reg. No., Action, Register. Rows include 111-1-2, 111-1-5, 111-2-1, etc., up to 111-2-19.

Continuation of AGENCY 111: THE KANSAS LOTTERY. Table with 3 columns: Reg. No., Action, Register. Rows include 111-2-20 through 111-4-113.

Continuation of AGENCY 111: THE KANSAS LOTTERY. Table with 3 columns: Reg. No., Action, Register. Rows include 111-4-114 through 111-4-379.

111-4-366 through			111-4-543 through			111-7-46 Amended	V. 11, p. 1152
111-4-369	Revoked	V. 12, p. 1373	111-4-546	New	V. 13, p. 150	111-7-54 Amended	V. 11, p. 1511
111-4-380 through			111-4-547 through			111-7-55 through	
111-4-383	Revoked	V. 12, p. 1664	111-4-554	New	V. 13, p. 337-339	111-7-63	V. 10, p. 1217
111-4-384 through			111-4-555 through			111-7-60 Amended	V. 10, p. 262
111-4-387	Revoked	V. 12, p. 1373	111-4-563	New	V. 13, p. 396-398	111-7-64 through	
111-4-388 through			111-4-564 through			111-7-75	New V. 11, p. 13, 14
111-4-400	New	V. 11, p. 478-481	111-4-571	New	V. 13, p. 635-637	111-7-66 Amended	V. 13, p. 1049
111-4-388 through			111-4-572 through			111-7-66a Revoked	V. 13, p. 340
111-4-391	Revoked	V. 12, p. 1373	111-4-585	New	V. 13, p. 878-880	111-7-78	New V. 11, p. 1478-1480
111-4-392	Amended	V. 12, p. 520	111-4-586 through			111-7-79	Revoked V. 13, p. 340
111-4-394 through			111-4-593	New	V. 13, p. 1047-1049	111-7-80 through	
111-4-400	Amended	V. 12, p. 521, 522	111-4-594 through			111-7-83	New V. 11, p. 1478-1480
111-4-401 through			111-4-606	New	V. 13, p. 1402-1405	111-7-81 Amended	V. 13, p. 1406
111-4-404	Revoked	V. 12, p. 1373	111-4-607 through			111-7-84 through	
111-4-405 through			111-4-619	New	V. 13, p. 1436-1438	111-7-90	New V. 12, p. 677, 678
111-4-413	New	V. 11, p. 756, 757	111-5-1 through			111-7-91	through
111-4-405	Amended	V. 13, p. 877	111-5-23	New	V. 7, p. 209-213	111-7-94	Revoked V. 13, p. 340
111-4-407	Amended	V. 13, p. 877	111-5-9			111-7-98	New V. 12, p. 914
111-4-408	Amended	V. 13, p. 877	111-5-15	Amended	V. 8, p. 210, 211	111-7-99	
111-4-409	Amended	V. 13, p. 877	111-5-11	Amended	V. 9, p. 505	111-7-105	New V. 12, p. 1376, 1377
111-4-411	Amended	V. 11, p. 1474	111-5-12	Amended	V. 11, p. 415	111-8-1	New V. 7, p. 1633
111-4-412	Amended	V. 11, p. 1475	111-5-17	Amended	V. 8, p. 211	111-8-2	New V. 7, p. 1633
111-4-413	Amended	V. 11, p. 1475	111-5-18	Amended	V. 10, p. 13	111-8-3	Amended V. 10, p. 886
111-4-414 through			111-5-19	Amended	V. 8, p. 212	111-8-4	New V. 7, p. 1714
111-4-428	New	V. 11, p. 981-983	111-5-21 through			111-8-4a	Revoked V. 13, p. 1406
111-4-414	Amended	V. 11, p. 1150	111-5-33	New	V. 11, p. 415-418	111-8-5 through	
111-4-429 through			111-5-22	Amended	V. 13, p. 1438	111-8-13	New V. 7, p. 1634
111-4-432	Revoked	V. 12, p. 1373	111-5-23	Amended	V. 11, p. 481	111-8-14	New V. 13, p. 881
111-4-433 through			111-5-24	Amended	V. 11, p. 983	111-8-15	New V. 13, p. 881
111-4-436	Revoked	V. 12, p. 1374	111-5-25	Amended	V. 11, p. 482	111-9-1	
111-4-437 through			111-5-27	Amended	V. 11, p. 482	111-9-12	New V. 7, p. 1714-1716
111-4-444	New	V. 11, p. 1475-1477	111-5-28	Amended	V. 12, p. 317	111-9-1 through	
111-4-437 through			111-5-34	New	V. 12, p. 318	111-9-6	Revoked V. 9, p. 1680
111-4-440	Revoked	V. 12, p. 1374	111-5-34a	New	V. 13, p. 1438	111-9-13 through	
111-4-445 through			111-5-35 through			111-9-18	Revoked V. 9, p. 1680
111-4-453	New	V. 11, p. 1794-1796	111-5-38	Revoked	V. 13, p. 1439	111-9-25 through	
111-4-445 through			111-6-1			111-9-30	New V. 9, p. 699, 700
111-4-448	Revoked	V. 12, p. 1374	111-6-15	New	V. 7, p. 213-217	111-9-31 through	
111-4-454 through			111-6-1	Amended	V. 13, p. 339	111-9-36	New V. 10, p. 262
111-4-465	Revoked	V. 12, p. 1664, 1665	111-6-3	Amended	V. 12, p. 527	111-9-37 through	
111-4-466 through			111-6-4	Amended	V. 10, p. 1413	111-9-48	New V. 10, p. 1439, 1440
111-4-473	New	V. 12, p. 316, 317	111-6-5	Amended	V. 13, p. 1405	111-9-49	
111-4-466 through			111-6-6	Amended	V. 11, p. 1973	111-9-54 through	
111-4-473	New	V. 12, p. 316, 317	111-6-7	Amended	V. 11, p. 1477	111-9-55	New V. 12, p. 318, 319
111-4-466 through			111-6-7a	New	V. 12, p. 1118	111-9-60	New V. 12, p. 1263, 1264
111-4-469	Revoked	V. 12, p. 1665	111-6-8	Revoked	V. 12, p. 1263	111-10-1	
111-4-470	Amended	V. 12, p. 522	111-6-9	Amended	V. 10, p. 1217	111-10-1 through	
111-4-474 through			111-6-11	Revoked	V. 12, p. 1376	111-10-9	New V. 8, p. 136-138
111-4-488	New	V. 12, p. 522-524	111-6-12	Amended	V. 8, p. 212	111-10-7	Amended V. 8, p. 301
111-4-489 through			111-6-13	Amended	V. 8, p. 299		
111-4-492	New	V. 12, p. 861	111-6-15	Amended	V. 12, p. 677		
111-4-493 through			111-6-17	Revoked	V. 10, p. 1475		
111-4-496	New	V. 12, p. 525	111-6-18	New	V. 13, p. 150		
111-4-497 through			111-6-19	New	V. 13, p. 340		
111-4-500	New	V. 12, p. 913, 914	111-6-20	New	V. 13, p. 340		
111-4-501 through			111-6-21	New	V. 13, p. 881		
111-4-512		V. 12, p. 1115-1118	111-6-22	New	V. 13, p. 881		
111-4-513 through			111-6-23	New	V. 13, p. 881		
111-4-521		V. 12, p. 1374, 1375	111-7-1 through				
111-4-522 through			111-7-10	New	V. 7, p. 1192, 1193		
111-4-530	New	V. 12, p. 1569, 1570	111-7-1	Amended	V. 8, p. 212		
111-4-531 through			111-7-3	Amended	V. 11, p. 1796		
111-4-534	New	V. 12, p. 1665, 1666	111-7-3a	Revoked	V. 13, p. 340		
111-4-535 through			111-7-4	Amended	V. 9, p. 1367		
111-4-542	New	V. 12, p. 1844-1846	111-7-5	Amended	V. 9, p. 986		
			111-7-6	Amended	V. 9, p. 987		
			111-7-9	Amended	V. 12, p. 1263		
			111-7-11	Amended	V. 10, p. 1475		
			111-7-12 through				
			111-7-32	New	V. 7, p. 1194-1196		
			111-7-33 through				
			111-7-43	New	V. 7, p. 1197, 1198		
			111-7-33a	New	V. 8, p. 300		
			111-7-44 through				
			111-7-54	Revoked	V. 13, p. 340		

AGENCY 112: KANSAS RACING COMMISSION

Reg. No.	Action	Register
112-4-1	Amended	V. 12, p. 1152, 1369
112-4-24	New	V. 12, p. 1153, 1370
112-4-25	New	V. 13, p. 1088
112-5-10	New	V. 13, p. 1088
112-6-1	Amended	V. 13, p. 1088
112-6-2	Amended	V. 13, p. 1088
112-6-9	New	V. 13, p. 1089
112-6-10	New	V. 13, p. 1089
112-7-24	New	V. 13, p. 843, 1090
112-8-13	New	V. 13, p. 1090
112-9-1	New	V. 13, p. 1090
112-9-2	Amended	V. 12, p. 975, 1211
112-9-18a	Amended	V. 12, p. 355, 378
112-9-30	Amended	V. 12, p. 975, 1211
112-9-39a	Amended	V. 12, p. 356, 378
112-9-40a	Amended	V. 12, p. 356, 379
112-9-41a	Amended	V. 12, p. 358, 380
112-9-42	Amended	V. 12, p. 359, 382
112-9-43	Amended	V. 12, p. 361, 383
112-9-44	New	V. 12, p. 361, 384
112-11-21	Amended	V. 13, p. 1090
112-12-1	New	V. 12, p. 50

112-12-2 through 112-12-11	Amended	V. 12, p. 50-53
112-12-10	Amended	V. 12, p. 1816
112-12-14	New	V. 13, p. 962, 1091
112-15-2	Amended	V. 13, p. 1091
112-15-3	Amended	V. 13, p. 1091
112-15-5	Amended	V. 13, p. 1091
112-15-6	Amended	V. 13, p. 1091
112-17-15	New	V. 12, p. 1034, 1211
112-18-9	Amended	V. 13, p. 1092
112-18-11	Amended	V. 13, p. 1092
112-18-17	Amended	V. 13, p. 1092
112-18-18	Amended	V. 13, p. 1092
112-18-20	New	V. 13, p. 1093

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 13, p. 1062
115-4-1	Amended	V. 12, p. 570
115-4-3	Amended	V. 12, p. 570
115-4-5	Amended	V. 12, p. 571
115-4-6	Amended	V. 13, p. 592

115-4-7	Amended	V. 13, p. 594
115-4-12	Amended	V. 13, p. 1286
115-5-1	Amended	V. 12, p. 1490
115-5-2	Amended	V. 13, p. 1286
115-5-3	New	V. 13, p. 1287
115-8-22	New	V. 13, p. 233
115-9-1	Revoked	V. 12, p. 1702
115-9-5	Amended	V. 13, p. 980
115-9-7	New	V. 13, p. 1287
115-14-1	Amended	V. 13, p. 980
115-14-2	Amended	V. 13, p. 980
115-14-8	Amended	V. 13, p. 980
115-14-9	Amended	V. 13, p. 980
115-14-10	Amended	V. 13, p. 981
115-17-15	New	V. 12, p. 1702
115-17-16 through 115-17-20	New	V. 13, p. 234-236
115-18-4	Amended	V. 12, p. 1491
115-18-9	New	V. 12, p. 1702
115-18-10	New	V. 12, p. 1702
115-18-12	New	V. 12, p. 1491
115-18-13	New	V. 13, p. 981
115-21-3	New	V. 12, p. 1703

115-30-8	Amended	V. 12, p. 1703
115-30-10	New	V. 13, p. 595

AGENCY 116: STATE FAIR BOARD

Reg. No.	Action	Register
116-3-1	New	V. 12, p. 1175
116-3-2	New	V. 12, p. 1175
116-4-1	New	V. 13, p. 934
116-4-2	New	V. 13, p. 934

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-1-1	Amended	V. 13, p. 974
117-2-1	Amended	V. 12, p. 528
117-2-2	Amended	V. 13, p. 913
117-2-4	Amended	V. 12, p. 529
117-3-1	Amended	V. 12, p. 529
117-3-2	Amended	V. 13, p. 913
117-4-1	Amended	V. 12, p. 1699
117-4-2	Amended	V. 13, p. 913
117-4-4	Amended	V. 12, p. 530
117-5-1	New	V. 13, p. 975
117-6-1	Amended	V. 13, p. 914
117-6-2	Amended	V. 12, p. 531
117-8-1	Amended	V. 12, p. 531

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